

Application Reference	DC/077824
Location:	Seashell Trust, Royal School Manchester 160 Stanley Road Heald Green Cheadle SK8 6RQ
PROPOSAL:	Construction of temporary construction access road and three temporary car parks to facilitate the construction of the new school building at the Seashell Trust campus. Temporary for a period of 3 years.
Type Of Application:	Full Application
Registration Date:	21.08.2020
Expiry Date:	20201016
Case Officer:	Daniel Hewitt
Applicant:	Seashell Trust
Agent:	NJL Consulting

DELEGATION/COMMITTEE STATUS

This application is a departure from the development plan and as such can only be approved by the Planning and Highways Regulation Committee.

DESCRIPTION OF DEVELOPMENT

The application proposes a construction access road and three car parks to facilitate the construction of the new school building at the Seashell Trust campus for a temporary for a period of 3 years.

Members will be aware that the Secretary of State recently granted planning permission for the redevelopment of the Seashell Trust campus and up to 325 new homes on the Trust's former land immediately to the north of their campus.

That planning permission does not include what is proposed in this application but it is proposed as a necessary addition to enable the phased redevelopment of the Trust's campus. Critically, the proposed temporary construction access road and car parks would facilitate the delivery of the new school building that already benefits from full planning permission.

The temporary access road would involve the creation of a new separate entrance to the Trust's site from Stanley Road to the west of the existing entrance. The road would then run along the southern and western boundary around the site of the new school building.

Three temporary car parks are also proposed to compensate for the loss of the existing car parking spaces during the construction of the new school. Three temporary car parks are proposed including:

- a 98 space car park on the northern boundary of the campus adjacent to the new all-weather pitch – utilising an existing area of temporary hardstanding

created to enable the construction of the all-weather pitch. This temporary car park appears on outline plans approved by the existing hybrid planning permission (see Phase H North Car Park plan).

- a 45 space car park on land to the south of the Orchard building on an area of existing greenspace. This temporary car park appears is proposed to be a permanent car park on outline plans approved by the existing hybrid planning permission (see Phase G South Car Park Plan).
- an additional 14 bay car park to the south of the Millennium Garden. The approved hybrid planning permission plans show this reverting to amenity greenspace (see Phase G South Car Park Plan).

The application is accompanied by:

- Application forms
- Plans and drawings
- Planning Statement
- Tree Survey
- Ecological Assessment and Reasonable Avoidance Measures Method Statements (RAMMS)

SITE AND SURROUNDINGS

The application site and wider Seashell Trust campus is located entirely within Heald Green ward (Cheadle Area Committee).

The site is bound by Stanley Road (B5094) to the south that currently provides the sole access to the Seashell Trust campus.

The entire site is located within the Greater Manchester Green Belt as defined by UDP Policy GBA1.1. The existing Seashell Trust campus is also identified as a Major Existing Developed Site in the Green Belt site (MEDS) under UDP Policy GBA1.7, however this allocation only covers part of the application site and is considered to be of limited relevance in this case.

The application is also located within the Heald Green Fringe Landscape Character Area under UDP Policies LCR1.1 and LCR1.1a; described in Appendix 12 as:

B. Heald Green Fringe

This LCA is similar to Woodford in terms of its generally flat landform, field patterns and vegetation cover, but is more affected by “urban fringe” uses. The area is split into three compartments by urban development. The western part, together with adjoining land in Manchester, forms a narrow green finger between the two districts. The larger central area contains a number of institutional uses and is bisected by the new A34 road. The smaller eastern area, south of Grove Lane, includes sports grounds, a mobile home park and a number of residential properties, many with large gardens.

In this LCA the pressure for urban and semi-urban development is likely to be considerable and care will be needed to protect the remaining open and agricultural character of the area. Tree planting should be encouraged, particularly in and around the institutional grounds and along the major road lines.

Mature boundary trees partially enclose the campus area and an area of mixed leaf woodland provide further enclosure on land adjacent to the site's south western corner. Remaining buildings on the campus comprise a mixture of single and two storey buildings together with associated access roads, paths, parking areas and landscaping.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

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
GBA1.2 Control of Development in Green Belt
GBA1.7 Major Existing Developed Sites in the Green Belt
CTF1.1 Development of Community Services and Facilities

LDF Core Strategy/Development Management policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE
SD-1: Creating Sustainable Communities
SD-6: Adapting to the Impacts of Climate Change
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-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

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications. The following are considered relevant to this application:

- Transport and Highways in Residential Areas SPD

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.

Para.8 “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 “Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this 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 would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.133 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.134 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.*

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to

retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.143 *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

Para.144 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

Para.145 states that subject to specified exceptions, *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”.*

Para.146 *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Para.213 *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

Planning Application No: DC/060928

Address: Seashell Trust, 160 Stanley Road, Heald Green, Stockport, SK8 6RF

App Type: Hybrid Planning Permission (full and outline)

Proposal: Hybrid application proposing the following:

Detailed Application for the erection of a new school (Use Class D1) with associated kitchen and dining facilities, swimming and hydrotherapy facilities (Use Class D2), 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.

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.

Final decision: Recovered appeal - planning permission granted by the Secretary of State following public inquiry in May/June 2019

Decision date: 22/04/2020

Relevant conditions include:

1. Approved plans
2. Construction Method Statements (for each phase of development)
- 4&5. Tree protection
7. Ecological mitigation
8. Construction Environmental Management Plans (CEMP)
16. Contamination
- 23&34. Surface water drainage
30. Outline campus proposals to be in accordance with landscape mitigation measures set out in the ES
33. Parking details

Planning Application No: DC/069858

Address: Seashell Trust, 160 Stanley Road, Heald Green, Cheadle, SK8 6RF

App Type: Variation of condition

Proposal: Variation of condition 3 of DC059242 to extend the opening hours of the sports pitch to 10pm

Final Decision: Grant

Decision Date: 28/07/2018

Planning Application No: DC/059242**Address:** Seashell Trust, 160 Stanley Road, Heald Green, Cheadle, SK8 6RF**App Type:** Full Planning Permission**Proposal:** Construction of a synthetic sports pitch with associated floodlighting, fencing, viewing area and footpath**Final Decision:** Grant**Decision Date:** 28/09/2015**NEIGHBOUR'S VIEWS**

As single representation has been received from a neighbouring resident raising the following issues:

1. Questioning why they didn't receive a neighbour notification letter?
2. Highlighting the fact that establishing whether or not very special circumstances exist to justify inappropriate development in the Green Belt is a matter for the decision maker not the applicant or their planning consultant.
3. Questioning why the access road was not included in the original application?
4. Question why the access road and car parks are required for three years when the Planning Justification Statement states that "*commenced on-site in February/March 2021.....to be completed by August/September 2022*" particularly given the evidence put forward by the Trust at the public inquiry about the impact of change and disturbance to the cohort of children and young people in the Trust's care.
5. Finally, they ask whether the access road is strictly necessary at all given the new student accommodation on the campus was built without it.

CONSULTEE RESPONSES**SMBC Arboriculture**

No objection, subject to conditions, following revisions to the proposals to retain and protect a Category A1 English Oak tree (T49) that was initially proposed to be felled.

SMBC Nature Development Officer**Nature Conservation Designations**

The site has no nature conservation designations, legal or otherwise. It does however contain habitats which are of local ecological importance for biodiversity such as hedgerows (Habitat of Principle Importance, LBAP, Hedgerow Regulations, 1997) and orchard (LBAP).

Legally Protected Species

A suite of ecology surveys have been previously carried out at the site (in 2015 and 2016, together with updated site assessment in 2017 and 2018) and submitted with the hybrid application DC/060928. The current application is supported by an ecological walkover survey undertaken in June 2020. The survey identified the habitats present on site and assessed the potential for protected species and habitats to be impacted.

Part of the hedgerow that borders Stanley Road will require removal to create access to the site. The access point has been located so as to avoid tree loss with the hedgerow. The ecology letter has been revised to state that hedgerow H17 (bordering Stanley Road) qualifies as an Important Hedgerow under the Hedgerow Regulations (1997). A Hedgerow Removal Notice will need to be submitted to the LPA in advance of proposed works. The retained hedgerow will need to be adequately protected during works and also a landscaping strategy will be required to compensate for the proposed loss and also enhance hedgerows (and other habitats) within the site.

All species of bats, and their roosts, are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal.

The trees to be removed as part of the current application were inspected for bat roost potential during the June 2020 walkover survey. It has been confirmed that none of the trees scheduled for removal as part of the current scheme offer roosting potential for bats and so no further survey work/bespoke mitigation is required in relation to bats as part of the current application.

Other trees in the vicinity of the proposed works were identified as offering bat roosting potential in 2018 (T45 (low potential) and T51 (moderate potential)). These trees will be retained as part of the current scheme but it is understood that these trees will need to be felled as part of the wider development of the site and the applicant's attention should therefore be drawn to the possible requirement for further bat survey work as part of the wider scheme.

The nests of all breeding birds are protected under the Wildlife and Countryside Act (1981) as amended. The trees, hedges, scrub and grassland habitats could support nesting and foraging birds.

The proposed development area is approx. 100m from the nearest pond (Pond 12) which has been found as part of previous surveys to support great crested newts (GCN). GCN and their habitats (terrestrial and aquatic) receive the same level of protection as bats (see above). The revised ecology letter states that a GCN Natural England District Level Licence is currently being sought for the site. For the current application however a Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted for GCN and other amphibians such as toad which are a species of Principal Importance under the NERC Act 2006). The GCN RAMMS states that the terrestrial habitat within the development area is of low quality for GCN in terms of ranging, foraging and hibernation potential. Furthermore, habitat connectivity between the proposed works area and

breeding habitat (ponds) is considered to be limited. The detailed RAMMS have been submitted as part of the application are appropriate and following implementation of these sensitive working measures, it is considered that the risk of GCN being impacted by the proposed works is low.

Invasive Species

Montbretia and Virginia creeper have been recorded on site in the vicinity of the current application area (south of West Lodge building). These species are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) (WCA) which makes it an offence to plant or otherwise cause the spread of these species in the wild.

Recommendations

The submitted RAMMS for GCN and other amphibians is considered appropriate to minimise the potential risk of impacts to GCN (and other amphibians) during proposed works. The risk of GCN being impacted is assessed as low given the habitats present on site and limited connectivity to breeding habitat. Details of sensitive working measures are provided within the RAMMS and this should be secured by condition and be implemented in full.

An informative should be attached to any planning consent granted to state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If evidence of GCN, roosting bats or any other protected species is discovered on site during works, works must stop and a suitably experienced ecologist be contacted for advice.

Tree and hedgerow removal should be kept to a minimum. All retained trees and hedgerows should be adequately protected from potential adverse impacts associated with the proposals in accordance with British Standards and following advice from the Council's Arboriculture Officer

A detailed landscaping strategy will be required to mitigate for proposed tree, orchard habitat and hedgerow loss. This should include planting to be carried out to enhance the site and also to reinstate habitats (such as the hedgerow) following completion of the works required for the access track. Proposed landscaping should comprise a mix of locally native species and details regarding the future management of these habitat areas will also need to be provided. The applicant should be aware that biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF).

An informative should be used so that the applicant is aware of the presence of *Montbretia* and Virginia creeper in the vicinity of the proposed works and to ensure that spread of these invasive species will be avoided.

No vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

SMBC Highways Engineer

No objection subject to conditions.

Adequate visibility is to be provided at 2.4 m back from edge of carriageway where the proposed haul road meets Stanley Rd.

I have no concerns regarding the principle of the temporary development.

It is recommended that the submission and subsequent approval of details of the construction and drainage of the haul road and temporary car parks be secured by condition.

Works to form new access will require Highways Authority permissions in addition to any planning approval. Details of proposed reinstatement following completion of works should be submitted for approval. I am happy that this requirement may be conditioned.

Suggested conditions:

- Construction related highways damage remedial measures
- Mud on highway prevention/mitigation measures
- Access road and car park drainage/detailed design
- Verge reconstruction
- Access gate setback to prevent obstruction/congestion on Stanley Road

SMBC Environmental Health

No objection.

SMBC Drainage Engineer

- The site is located in flood zone 1
- The site has a medium surface water risk
- The closest watercourse is located circa 200m away from the site
- The site to be probably compatible with infiltration SuDS
- A water table level of > 5m below ground level
- There are no recorded historical flood events relevant to the development within the vicinity.

The application should be supported by a drainage strategy/plan showing the applicants intentions. All applications should drain surface water in-line with the drainage hierarchy, as outlined in Paragraph 80, (Reference ID: 7-080-20150323), of the National Planning Practice Guidance: "Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable: into the ground (infiltration); to a surface water body(watercourse); to a surface water sewer; to a combined sewer." We recommend applicants refer to and adopt the principles set out within C753 SuDS Manual 'The SuDS approach to managing surface water runoff'. We also recommend the applicants provide a comprehensive assessment of Sustainable Drainage Systems (SuDS) to support the application.

United Utilities

No objection subject to a sustainable surface water drainage condition.

ANALYSIS

Rationale and Background

Members will be aware of the planning history relating to the application site and the planning permission granted by the Secretary of State for the redevelopment of the Seashell Trust's campus earlier this year (see above).

This application seeks permission for a series of supplementary, temporary changes to the Seashell Trust's campus redevelopment to ensure that traffic associated with the construction of the new school is separated from and can operate independently of the school to minimise disruption during the build. This is considered necessary given the particular sensitivity of the cohort to change and disturbance.

The temporary car parking proposed will also enable the Trust to offset the loss of existing car parking provision within the construction area of the new school.

Environmental Impact Assessment (EIA)

The proposed development is considered a 'change or extension' to the consented EIA development as it would not be brought forward in isolation. The development has therefore be screened by officers to determine whether or not the proposed changes in themselves generate new significant environmental effects requiring the submission of a revised Environmental Statement.

Officers concluded that the proposed changes are minor in nature that do not generate new significant environmental effects.

Policy principle

Other than the access from Stanley Road (B5094), it is important to note from the outset that the construction of the temporary access road effectively already has the benefit of planning permission. The granting of planning permission for the new school implicitly authorises necessary associated construction activities (e.g. the creation of a construction compound, site welfare cabins, storage of plant etc.) on land either within the application site or on land adjoining it. This is set out in Class A of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. However, that Order also makes clear that the express consent of the local planning authority is required for development involving the creation of a new means of access to a highway that is a classified road such as Stanley Road. Planning permission is therefore required for the proposed new means of access to Stanley Road.

Despite new permanent car parks being approved in outline in similar locations by the hybrid planning permission, the proposed temporary car parks are not considered to benefit from permitted development rights and therefore require planning permission.

The starting point for decision-making is, of course, the statutory development plan. The site lies within the Greater Manchester Green Belt as designated by SUDP Policy GBA1.1 and the accompanying Proposals Map. The Greater Manchester Green Belt was originally designated in 1984 by the Greater Manchester Council.

The NPPF makes clear that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"* (NPPF Paragraph 79).

NPPF Paragraph 146 and SUDP Policy GBA1.2 state that forms of development other than new buildings should be regarded as inappropriate unless the

development is one of a number of specified exceptions to this general rule and they preserve openness and do not conflict with the purposes of including land within the Green Belt. SUDP Policy GBA1.7 is of limited relevance as much of the application lies outside the Major Existing Developed Sites in the Green Belt (MEDS) designation. Overall, it is considered that the proposed development would clearly have an urbanising effect and therefore fail to preserve the openness of the Green Belt. The proposed development is therefore considered inappropriate development in the Green Belt.

NPPF Paragraph 143 is clear that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” This strong presumption against inappropriate development is echoed in SUDP Policies GBA1.2 and GBA1.7, however, these policies make no allowance for ‘very special circumstances’ exceptions to be made and therefore are considered to conflict with the NPPF (note that SUDP policies pre-date the NPPF and are based on former government policy that left ‘very special circumstances’ exceptions to be considered outside the development plan). In such circumstances, greater weight should be given to the NPPF in accordance with Paragraph 213. The assessment of whether ‘very special circumstances’ exist and clearly outweigh the harm caused by the proposal is therefore the key to whether planning permission should be granted. Nonetheless, the fact that the proposal constitutes inappropriate development in itself means that the development is, by definition, harmful to the Green Belt. NPPF Paragraph 144 makes clear that substantial weight should be given to any harm to the Green Belt.

In addition to the harm caused by inappropriateness, it is then necessary to consider the magnitude of the development’s impact on the openness and permanence of the Green Belt. Overall, the impact on the openness and permanence of the Green Belt is considered extremely limited given its temporary nature and when viewed in the context of the Trust’s existing planning permission.

Despite the very strong policy presumption against inappropriate and harmful development in the Green Belt, the NPPF does not prevent such development being approved if ‘very special circumstances’ exist that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

The proposals are intrinsically linked to the delivery of the Trust’s existing planning permission where, following a three-week public inquiry, the Secretary of State concluded that:

“The Secretary of State considers that the...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.”

The Secretary of State’s conclusion on ‘very special circumstances’ is considered to be directly transferable to this application subject to a full assessment of cumulative harm arising from the development. None Green Belt impacts and policies are considered in turn below.

Traffic Impact and Highway Safety

The Council's Highway Engineers raise no objection to the proposals subject to the conditions detailed above. Subject to appropriately worded conditions no significant traffic impact and highway safety effects would arise. Conditions are recommended accordingly.

It should also be noted that the proposed additional temporary construction access road should help prevent obstruction/congestion on Stanley Road, particularly at peak times.

Ecology

The Council's Nature Development Officer has reviewed the proposals in the context of the Environmental Statement submitted in support of the hybrid planning permission and has concluded that, subject to the implementation of the proposed precautionary working practices and mitigation measures, ecological impacts are low and can be adequately addressed through the imposition of appropriately worded conditions and informatives (see above). Conditions and informatives, including in respect of tree and hedgerow protection and compensatory planting, are recommended accordingly.

Landscape and Visual Impacts

Given its temporary nature and when viewed in the context of the hybrid planning permission, the proposed development is considered to have a negligible landscape and visual impact.

Following revisions requested by officers, a Category A1 English Oak tree on the western boundary of the site has been retained and safeguarded as a valuable landscape feature (as recognised in the Environmental Statement and secured by condition 24 of the hybrid planning permission). The siting of the access on Stanley Road has also been carefully chosen to minimise tree loss. Nonetheless, additional lower quality trees and hedgerows would still be lost to development, as follows:

Moderate quality trees

- T40 – Ash (B1)
- T35 – Whitebeam (B1)
- T27 – English Oak (B1)
- G33 – Ash, Oak (B2)

Low quality trees

- T24 – English Oak (C1)
- G25 (partial loss) – Crab Apple, Cherry (C2)

Following the proposed retention of T49, the Council's Arboriculture Officer, raises no objection to the development subject to conditions securing appropriate tree protection measures and landscaping/compensatory planting.

Subject to the imposition of appropriately worded conditions to secure mitigation, the short-term landscape and visual impacts of the development are considered extremely limited/negligible when viewed in the context of the hybrid planning permission.

Flood risk and sustainable drainage

The application site lies in Flood Zone 1 and therefore is at low risk of flooding.

Local and national planning policies require all development to utilise sustainable drainage systems. Given the absence of a detailed drainage solution in the submission, it is considered necessary to impose a planning condition requiring details of surfacing and surface water drainage prior to the commencement of development. It should be noted that such conditions are imposed on the hybrid planning permission.

Subject to the imposition of such a condition no adverse effects would arise noting that the Environment Statement found that with such mitigation hydrological impacts would be negligible.

Other matters

The single public representation received raises a number of matters. Responses are provided in turn below:

Why they didn't receive a neighbour notification letter?

Planning law and the Council's Statement of Community Involvement requires adjoining owner/occupiers to be notified of planning applications and the objector's property does not adjoin the application site. 23 neighbour notification letters were sent and a site notice was posted on Stanley Road.

Establishing whether or not very special circumstances exist to justify inappropriate development in the Green Belt is a matter for the decision maker not the applicant or their planning consultant.

Agreed.

Questioning why the access road was not included in the original application?

Officers can only speculate but given the original application was submitted in February 2016, detailed construction related design matters may not have been fully thought through at that time. Importantly, this is not a material planning consideration. Each application must be considered on its own merits and the proposals are not considered to generate significant environmental effects warranting the submission of a revised Environmental Statement (see above).

Why are the access road and car parks are required for three years when the Planning Justification Statement states that "commencement on-site in February/March 2021.....to be completed by August/September 2022" particularly given the evidence put forward by the Trust at the public inquiry about the impact of change and disturbance to the cohort of children and young people in the Trust's care.

Three years is considered to be a reasonable request given the need for construction timescale contingencies etc.

Is the access road strictly necessary at all given the new student accommodation on the campus was built without it?

Officers are satisfied that the benefits of the proposed development clearly outweigh the very limited cumulative harm (Green Belt and other harm) that would arise when considered in the context of the hybrid planning permission and the Secretary of State's conclusions on that application.

Overall conclusion

Despite being inappropriate development in the Green Belt, officers are satisfied that 'very special circumstances' exist that clearly outweigh the very limited Green Belt harm and other harm that would arise. Following revisions to the scheme and subject to conditional controls, the short-term impacts of the proposed temporary development when viewed in the context of the hybrid planning permission are considered negligible. Approval is recommended accordingly.

RECOMMENDATION

Grant planning permission subject to conditions