

## REPORT SUMMARY

REFERENCE NO.	3/18/2612/FUL		
APPLICATION PROPOSAL	Provision of car park to provide 56 designated spaces in place of existing informal parking area. Removal of trees and associated replacement tree planting and landscaping. As amended by plans rec'd 25/10/19 (which reduced the original parking provision from 68 spaces with the formalisation of 12 spaces to the south of the car park and formation of 7 new spaces to the south of Sheiling House)		
ADDRESS	The Sheiling Community, Horton Road, Ashley Heath, Ringwood, BH24 2EB		
RECOMMENDATION - Grant, subject to conditions: (see Section 9 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE The nominated officer has requested that the application be determined by committee in light of the impact on protected trees and the planning history of the site.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"><li>The benefits to the wellbeing of the pupils of the facility from reducing the number of vehicles moving within the main campus; the national significance of the Sheiling Community's Special Educational Needs work, together with the planting of additional trees on the application site and campus represent the very special circumstances that would outweigh the harm to the Green Belt arising from the inappropriateness of the development, loss of Green Belt openness in the vicinity of the current car park and the loss of trees protected by a Tree Preservation Order.</li></ul>			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL Not applicable			
APPLICANT	The Sheiling Special Educational Trust	AGENT	Bell Cornwell LLP
WARD	St Leonards	PARISH/TOWN COUNCIL	St. Leonards and St. Ives
PUBLICITY EXPIRY DATE	7 December 2018	OFFICER SITE VISIT DATE	14 November 2018
DECISION DUE DATE	24 December 2018	EXT. OF TIME	31 December 2019
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/11/0942/FUL	Car park	Refused	8/11/11

Reasons for refusal;			
<ol style="list-style-type: none"> <li>1. The site lies in the Green Belt and no very special circumstances have been set out to justify a use of land which would result in inappropriate development causing detriment to the openness of the Green Belt in conflict with the advice set out by the Government in Planning Policy Guidance Note 2 "Green Belts".</li> <li>2. The proposed car park would damage the generally rural character of this countryside area in conflict with policy CSIDE1 of the East Dorset Local Plan and policy DES8 of the local plan which refers to the need for developments in the countryside to be easily assimilated into the landscape.</li> </ol>			
Appeal decision details: No appeal submitted			
App No	Proposal	Decision	Date
3/11/0520/FUL	Car park	Refused	27/6/11
Reasons for refusal:			
<ol style="list-style-type: none"> <li>1. The site lies in the Green Belt and no very special circumstances have been set out to justify a use of land which would result in inappropriate development causing detriment to the openness of the Green Belt in conflict with the advice set out by the Government in Planning Policy Guidance Note 2 "Green Belts".</li> <li>2. On this site are many protected trees which make a positive contribution to the sylvan characteristics of the locality. These trees are the subject of The East Dorset District Council, The Sheiling, St. Leonards and St. Ives, Tree Preservation Order 2011. The applicant has failed to take into account the constraints placed on this site by these trees. If the car park were to be constructed as proposed it would result in an unacceptable level of damage occurring to the rooting environments of the adjacent protected trees, thereby jeopardising both their health and safe future retention. The loss of, or damage to, these trees would be to the detriment of the locality and as such is contrary to policy DES8 of the East Dorset Local Plan.</li> <li>3. The proposed car park would damage the generally rural character of this countryside area in conflict with policy CSIDE1 of the East Dorset Local Plan and policy DES8 of the local plan which refers to the need for developments in the countryside to be easily assimilated into the landscape.</li> </ol>			
Appeal decision details: No appeal submitted.			

## 1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.1 The application site is in the Green Belt and outside any of the settlements set out in Core Strategy Policy KS2 which defines the settlement hierarchy.

- 1.2 The site is in the south west of the Sheiling Community campus and comprises an informal car parking area (with space for 18 cars as stated in 4.1 of the Planning Statement) which is surfaced with stone chippings. The car park is within a small clearing amongst numerous trees that are protected by a Tree Preservation Order (TPO) and is served by an unsurfaced track that joins another internal track that leads to the visitor car park to the south of the Community's school reception and the Horton Road to the south.
- 1.3 The access track to the car park also runs to the south and north west of the car park leading to the Community's cottage garden and houses. This track passes a private dwelling at 'The Studio' to the west.
- 1.4 The site is relatively level and the parked cars are not readily seen from the Horton road to the south on account of the trees and vegetation on the campus's south boundary with this road.
- 1.5 The Sheiling Community campus extends to some 16 hectares and the application site is 0.35 hectares. The area for the car park is near the campus's southern boundary with the Horton Rd.
- 1.6 Throughout the campus there are numerous buildings used primarily for teaching, care and residential accommodation which are within a grassed woodland setting.
- 1.7 To the north east of the campus is the Ringwood Wardorf School and The Lantern Shop and café. There are residential properties to the north, east and south of the site, and to the west is Ringwood Forest (Ashley Heath).
- 1.8 Information submitted with the application in respect of current car parking provision on the campus reveals that a survey taken on a typical day (Drawing No. 170349 SK03 C) reported a total of 188 spaces of which 95 were in unmarked bays, on verges, grass or under trees, and 93 were in marked parking bays or areas of suitable hard standing. This figure excludes the 7 on-street parking spaces outside the campus along the Horton Rd.
- 1.9 The Sheiling Community provides specialist care for children and adults with care needs including autism, communication difficulties and complex learning disabilities. 265 staff and 74 pupils are currently situated at the site.

## **2.0 PROPOSAL**

### *Amended Plans*

- 2.1 The proposal has been amended since originally submitted and it is now for the provision of a formal parking area for the Sheiling Community with 56 designated spaces on the site of the current informal car park. These spaces would be sited within the trees to the south west of Sheiling House, and the car park entrance would be from the south and its exit from the east.

- 2.2 The new car park would replace the existing informal parking area that provides 18 spaces (net increase of 38 spaces), and its construction would require the loss of 39 trees, of which 3 would be Category U trees (poor condition that have less than 10 years useful value in the current landscape).

*Original plans*

- 2.3 Within the red edged application site, the originally submitted plans proposed 68 spaces in the current car park area, in addition to the formalisation of 12 spaces to the south of the car park (immediately adj. to the site boundary with Horton Rd), and formation of 7 new spaces to the south of Sheiling House (and east of the proposed new car park). This resulted in a total of 87 spaces on the application site.
- 2.4 The blocks of 12 and 7 spaces were described in the originally submitted details as '19 designated parking bays' and have now been omitted from the proposal. The application is therefore for 56 spaces only within the application site.
- 2.5 As part of the amended scheme, the Community is also proposing to remove 39 parking spaces on the campus and reseed them to put them out of parking use (27 of which exist outside the red edged application site but within the campus). These are shown on Cambian Drawing No. 1309-03 Sept 2019: Site Wide Tree Planting proposals.
- 2.6 The amended proposal seeks to retain 121 spaces on the campus, giving a total of 177 spaces (56 + 121) for the Sheiling Community.
- 2.7 It is also proposed to plant 62 new trees throughout the campus to compensate for the 36 trees to be removed in forming the new car park. 24 new trees would be planted within the new car park area. This would be a significant net gain of tree planting across the campus, and can be required by planning condition, being on land within the applicant's ownership.
- 2.8 The supporting Planning Statement (PS) advises there is a significant car parking issue across the site, and cars are being parked by members of staff throughout the campus primarily on grassed areas, verges and under tree canopies.
- 2.9 The PS states that the Sheiling Community would like to move as many staff cars as possible away from the informal parking areas and out of the student accessible areas to prevent conflicts between car users and students. This would return the landscape of the school site to the rural and tranquil environment it was always meant to be, thereby ensuring that the positive ambience of the location and the protection of the rural landscape.
- 2.10 A Parking Management Plan has been submitted to investigate the need for additional parking and uses parking surveys and photographic evidence.

- 2.11 The Planning Statement advises that all the trees between Horton Road and the existing internal drive are to be retained, and the parking areas to be constructed will be grasscrete and/or surface details to be confirmed with council and constructed using 'no dig' permeable paved construction methods to ensure that tree root protection areas are safeguarded.
- 2.12 Low level lighting posts are proposed within the car park, which will ensure appropriate lighting for staff when arriving and departing outside of daylight hours.

### **3.0 SUMMARY OF INFORMATION**

- 56 designated parking spaces are proposed for the new car park
- 39 existing parking spaces throughout the campus are to be removed and reseeded with no future parking on them
- Existing parking area can accommodate 18 cars
- Submitted parking survey shows 188 cars were parked on the campus (to include existing car park that is on the application site) with an additional 7 spaces along the Horton Rd (outside the Sheiling Community campus)
- 36 trees to be removed to provide new car park
- 24 new trees to be planted in the new car park within the red edged application site
- 62 new trees to be planted outside the red edged application site and throughout the campus (in addition to the 24 new trees on the new car park)
- Total of 86 new trees to be planted on the whole campus

### **4.0 RELEVANT PLANNING CONSTRAINTS**

SSSI Impact Risk Zone  
Green Belt  
Tree Preservation Order

### **5.0 POLICY AND OTHER CONSIDERATIONS**

KS1 Presumption in favour of sustainable development  
KS11 Transport and Development  
KS3 Green Belt  
KS12 Parking Provision  
HE2 Design of new development  
ME1 Safeguarding biodiversity & geodiversity  
LN7 Community facilities & services  
DES7 Criteria controlling loss of trees  
DES1 Criteria for ensuring developments respect or enhance their settings

### **6.0 LOCAL REPRESENTATIONS**

- 6.1 1 representation of support has been received following neighbour notification and site notice and the comments raised are that the Sheiling Community provides jobs for the local community and needs more professional parking arrangements. The design is well thought through, and the planting of

additional trees and bushes along the boundary will provide improved screening.

## **7.0 CONSULTATIONS**

### **7.1 County Highways**

NO OBJECTION, subject to a condition to require the parking and turning area shown on the submitted plan to be permanently maintained, kept free from obstruction and available for parking.

### **7.2 St Leonards & St Ives Parish Council**

It is clear that currently the onsite parking is insufficient and in disarray a more formalised arrangement would, if in line with the agreed Statement of Development Intent and satisfactory with the Tree Officer be an advantage to nearby residents. We would raise no objection if this is the case.

### **7.3 Trees and Landscape**

#### Comments re: Amended Plans rec'd 25/10/19

The tree section is still opposed to the tree loss are reasons previously stated however should it be that a consent is given, conditions should be applied to require confirmation of tree protection methods on site; samples of the cellular confinement system to be submitted and the planting shown on the submitted planting plan to be completed before the end of the planting season following completion of the development.

#### Comments re: originally rec'd plans

The application seeks consent to provide 68 car parking spaces and 19 allocated parking bays. Removal of tree, tree planting and landscaping.

It is understood the need for addition/formalised parking on the site. However, the submitted information falls short of what is expected to progress the application in tree terms.

## **8.0 APPRAISAL**

### Background to the application

#### **8.1 The planning Statement advises the following;**

- The Sheiling Special Education Trust (SSET) is the legal name for what was previously referred to as 'Sheiling School'. SSET is a registered charity (No.1149264) and a non-profit making limited company (No.8116370) encompassing Sheiling School and Sheiling College. Both school and college offer education (including recognised accredited qualifications) via a

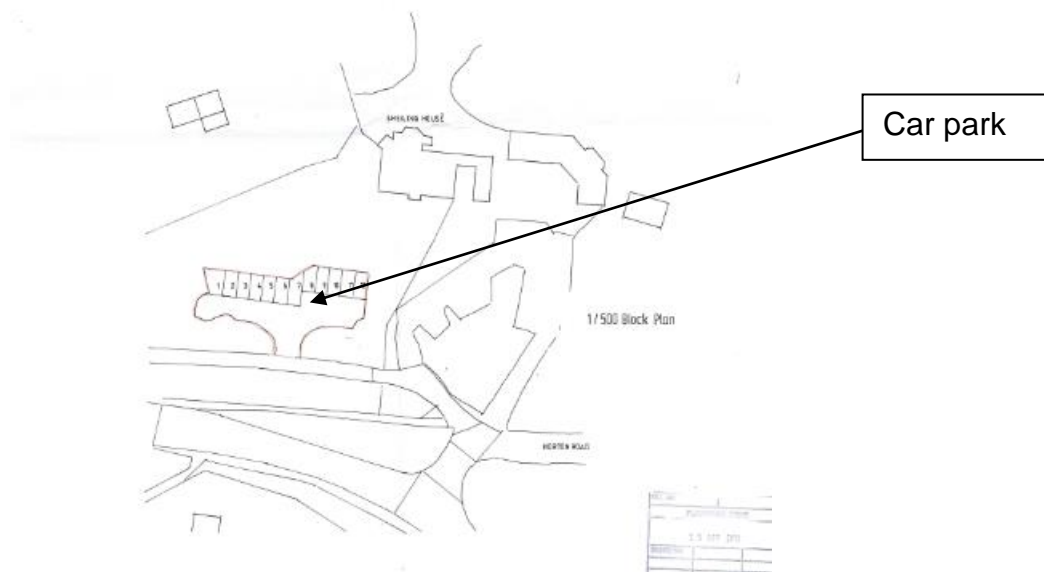
combination of day and residential placements to children and young adults who have special educational needs, including severe and complex learning disabilities, complex needs, ASD, challenging behaviour and communication difficulties.

- SSET is a professionally run business with between 70 and 80 students on roll each year ranging in age from 6 to 25 and employing in the region of 265 staff. All students are placed and funded via local authorities including Dorset. Its annual turnover is around £8m. It is a very different entity from that created at its inception back in 1951 and yet manages to combine modern SEN teaching practices and qualifications with its original ethos and values.
- SSET is a Camphill Community being part of the original Camphill Movement, formed in Scotland in 1939, with a commitment to create a new form of social life, namely a therapeutic community in which to care for and share life with children, young people and adults with complex needs. Education within the Camphill Movement is based on the works of Rudolf Steiner who promoted a therapeutic and creative approach to learning as well as developing physical, social and mental well-being. These new 'communities' were created and built by volunteers and the original Sheiling School was opened on 20 September 1951 after Sheiling House was made available to the Camphill Movement by a parent whose son was studying at another Camphill school in the country.
- Sheiling House started with just 7 children. Gradually, surrounding land and properties were purchase all becoming part of 'Sheiling School'. This development of the school was therefore done on a 'patchwork' basis within a community setting. There was little need for car parking and this was not taken into consideration during the evolving development of the site.
- Originally most people working at Sheiling School were volunteers living on site and were not employed – it was more a way of life than a place of work. It wasn't until 1992 that the school 'employed' its first teacher and 1993 for its first house coordinator. In 2012 the last 'live-in' house coordinator moved out of the school premises.
- In September 2012 Sheiling College was opened and this provision has led to a significant growth in overall staff and student numbers. Development and expansion of the college provision was encouraged and endorsed by Dorset Special Educational Needs (SEN) (along with other Local Authorities) in order to provide local provision for Dorset (and other) children aged 19 – 25.
- In 2017/18 SSET had on roll 73 students with 36 in School and 37 in College. Due to the individual needs of each student 1:1 and in some cases 2:1 support/care is common. All of these placements were funded by the 26 Local Authorities we currently work alongside, with Dorset placing 9 students with us in 2017/18 equating to 12% of our total student numbers.

- 8.2 The supporting documents advise that parking issues at the school are a longstanding concern, with ad-hoc parking occurring outside of allocated bays where there is not sufficient allocated parking within the site. Due to the school's specific needs, the parking issues have a detrimental effect on both pupil and staff experience, which is exacerbated during peak times and events.
- 8.3 The car parking will be managed and monitored by the school's facilities manager, whose responsibility it is to find alternative or additional parking at times when demand is high. The facilities manager will also be responsible for keeping up-to-date with staff views via regular surveys.
- 8.4 The application aims to improve the rural feel within the site by moving 'ad-hoc' parking which is damaging both staff and pupil experience and the existing landscaping, including grassed areas and ecologically valuable trees.
- 8.5 The former East Dorset District Council and the Sheiling Community have agreed to a 'Statement of Development Intentions' (SoDI) in 2008 and this was amended in 2012. The need for a SoDI stemmed from the location of the Sheiling Estate within the Green Belt and the nature of the work carried out by The Sheiling Trust within the Sheiling School and the Lantern Community which is of national significance and, thus was considered by officers to justify an exception to national and local Green Belt considerations.
- 8.6 In respect of car parking at the Sheiling Community, the SoDI put forward by the Sheiling Community in 2012 proposed to create a new car park capable of accommodating 25 to 27 cars to enable cars to be removed from within the Community site. However, this element of the proposals was not accepted by officers and the council's committee agreed the SoDI without it.
- 8.7 The reason for officers not accepting the new car park was that a 12 space car park was the subject of a refusal of planning permission (3/11/0942) on 8 November 2011, where no proven need for the car park was demonstrated which would overcome the impact on the openness of the Green Belt. This parking area was proposed in the same place as the 56 space car park now proposed under the current application. This decision was not appealed.



Refused plan for 3/11/0942



Principle of the development

- 8.8 The application site is in the Green Belt (GB) and outside any settlement identified in Core Strategy (CS) Policy KS2 (Settlement Hierarchy). The Sheiling Community has operated on the site for numerous years and is well-established, with staff and visitor parking occurring as an ancillary activity associated with the operation of the Community. Therefore, the principle of the proposal is acceptable in relation to this policy.

Accessibility in respect of the site's location

- 8.9 Public transport serving the site is limited due to the rural location, but there is a bus service from Horton Road running between Ringwood and Ferndown and there are links to the cycle network. Car sharing and cycle to work schemes are promoted by the Community, but the PS advises that single occupancy car travel is the only option for the majority of staff. As the proposal does not seek to expand staffing levels at the site or increase pupil numbers, the issue of accessibility is not afforded weight in the assessment of the proposal.

Impact on the Green Belt (GB)

- 8.10 Core Strategy (CS) Policy KS3 addresses proposals in the GB. The proposal does not conflict with this policy as it would not conflict with the 2 most important purposes of the GB, namely to protect the separate identity of individual settlements in the area by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation.

- 8.11 As the CS has no specific detailed policy to consider new car parking areas in the GB, it is necessary to assess the proposal in respect of the GB policy contained in the National Planning Policy Framework (NPPF).
- 8.12 The relevant sections of the NPPF to assess the proposal against in respect of its impact on the GB are paragraphs 143, 144 and 146. The proposal is considered to be an 'engineering operation' for the purposes of paragraph 146 b) and is viewed as inappropriate development in the GB as it would result in some loss of GB openness in the area of the existing informal car park.
- 8.13 The loss of openness would arise from the additional 38 parked cars proposed on the site of the existing car park. Some compensation for this loss of openness in the immediate vicinity of the application site would be achieved by the removal of the 12 parking spaces to the south of the new parking area.
- 8.14 Further compensation for the loss of openness that would occur would be provided by the removal of 39 informal parking spaces over the extent of the whole campus. This would enhance openness in the remaining campus and improve the semi-rural character of the site.
- 8.15 In terms of the whole campus, the proposal would result in a net loss of 11 parking spaces (188 spaces at present and 177 spaces proposed), and this benefit is to be considered in the assessment of the proposal's impact on GB openness and is afforded weight.
- 8.16 The need for the car park arises as the Sheiling Community now employs significantly more staff than it did when the Community was first established, and this has arisen from an increase in student numbers and changing special educational needs requirements.
- 8.17 The work carried out by the Sheiling Community is of national significance and considerable weight is afforded to it. The proposal would benefit the safety and wellbeing of students on the campus and provide a formalised parking arrangement at the campus which would benefit all users of the campus.
- 8.18 The planting of additional trees on the application site and across the campus is a benefit of the proposal that is afforded weight. However, the loss of a significant number of trees to make way for the new car parking spaces is also afforded weight especially as the trees are protected by a Tree Preservation Order.
- 8.19 The NPPF advises that inappropriate development is by definition harmful to the GB and should not be approved except in very special circumstances. It is considered that the benefits to the pupils of the proposal from reducing the number of vehicles moving within main campus, the national significance of the Sheiling Community's Special Educational Needs work together with the planting of additional trees on the campus represent the very special circumstances that would outweigh the harm to the GB arising from the

inappropriateness of the development and the loss of openness in the vicinity of the current car park.

Impact on trees

- 8.20 The application site is covered by a group Tree Preservation Order (TPO) ref: SL/241.
- 8.21 When the application was first submitted to provide 68 car parking spaces and 19 allocated parking bays, with removal of trees and some new tree planting and landscaping, the Tree Officer (TO) was opposed to the proposal given the number of trees to be lost to provide the extended car park. However, the TO advised on the proposal should planning permission be granted.
- 8.22 The Tree Officer understood the need for addition/formalised parking on the site but considered if it was minded to approved the application, the submitted information was inadequate to progress the application in tree terms, as the Arboricultural Impact Assessment (AIA) fails to understand the implications of the proposal.
- 8.23 The TO advised that too much emphasis has been made of the trees along the frontage with Horton Road providing screening and considers there are more suitable areas at the site to provide the parking which will not impact on the protected trees to the level currently proposed.
- 8.24 In this respect, the Cottage Garden was suggested to the applicants with the garden being relocated elsewhere inside the site. However, the applicant's agent advised that this was not a suitable proposal for the following reasons;

*The Cottage Garden has been an integral part of The Sheiling community for over 50 years having been created from sandy heathland into a working garden which provides an invaluable teaching resource to all its students.*

*Due to the nature of its students outdoor learning areas which provide skills for life in a practical environment are essential to the development of the student. Gardening is known to have significant health benefits both physical and mental. Students of the School use this area to learn about the growing of plants and vegetables whilst also gaining the physical and mental benefits of gardening. This links back to the ethos of the School. The produce grown is taken back to the classrooms or sold/given to staff and visitors. Loss of this important area within the School would have educational, physical and mental implications, none of which would benefit the students. Change to this area would be disruptive to the students who struggle to cope with change. Furthermore, siting the car park in this location would mean significant links back to the Schools main entrance would have to be made to ensure the safeguarding controls are not compromised; the operational area of the School would need to be significantly altered.*

- 8.25 For the above reasoning, the use of the Cottage Garden was not pursued by the applicant and they wished for the existing site to be considered.
- 8.26 The plans were then amended (rec'd 25/10/19) to respond to the TO's concerns and minimise the impact on the trees.
- 8.27 The TO remains opposed to the tree loss. However, he advises that if planning permission is granted conditions should be applied to require a pre-commencement site meeting to agree the tree protection; require samples of the cellular confinement system to be used; and require completion of the planting set out in the submitted plan.
- 8.28 Given the tree loss proposed, the proposal conflicts with Core Strategy Policy HE2 as it would be incompatible with mature trees. This conflict is given weight in the planning balancing exercise undertaken later in this report.

Impact on the landscape

- 8.29 The Sheiling is not in any protected landscape and the proposed car park would be screened by the existing trees along the site's southern boundary and also the existing campus buildings to the NE and NW of the proposed car park.
- 8.30 Although the loss of trees would have some initial impact on the landscape at the site, this would be mitigated in the long term when the proposed trees on the application site and throughout the campus establish themselves and the impact would not be significant accordingly.
- 8.31 Given the significant proposed new tree planting at the application site and throughout the campus, the proposal would protect and in time enhance the landscape character of the area and CS Policy HE3 would be complied with.

Impact on road safety

- 8.32 The proposal is to rationalise the parking at the site to reduce the potential for collision between vehicles and students and enhance the environment of the campus in the interests of the wellbeing of the pupils. There are no additional staff to be employed or students to attend the site and therefore there would be no additional impact on road safety for the adjacent public roads as no alterations to the site access with the Horton Road are proposed.
- 8.33 Dorset Highways has raised no objection to the proposal and the application is considered to be compliant with Policy KS11 of the CS.

Impact on biodiversity

- 8.34 The proposal involves the loss of a significant number of trees and clearing of undergrowth to make way for the additional parking spaces, and there would be an inevitable impact on biodiversity as habitat would be lost.

8.35 The submitted Preliminary Ecological Appraisal (PEA) has been prepared by a qualified ecologist and advises;

- The biodiversity of the site is low, with habitats predominantly consisting of bare ground currently used as a car parking, surrounded by stands of scots pine with an understory of *Rhododendron ponticum*.
- There are some native species, including many birch and holly, but overall the diversity is poor and typical of secondary woodland communities that develop on former heathland sites. Given the poor quality of habitat present, no significant conservation impacts are considered likely from habitat loss as a result of the proposals.
- The potential for protected notable species is limited and, subject to careful vegetation clearance, including avoidance of tree felling during the nesting season (unless unavoidable and subject to checks by a suitably experienced wildlife advisor), no significant effects on species conservation are considered likely.

*Mitigation & enhancement*

- There is the potential to offset the loss of nesting sites for birds as a result of tree loss by installing bird boxes on remaining trees.
- The installation of bat boxes would offer an enhancement, with potential use by relatively common species such as pipistrelle bats.
- The use of appropriate native species within a landscaping scheme would improve habitat value generally, providing resources for invertebrates and, as a consequence, improving the food source for other species. Removal / control of non-native species is also recommended to improve habitat value of the remaining areas around the car park.

8.36 The application also includes a Biodiversity Mitigation & Enhancement Plan (BMEP) and the mitigation and enhancement set out in this document and the PEA would ensure that the initial impact on biodiversity was mitigated and the application site's biodiversity enhanced. There is no conflict with CS Policy ME1 accordingly.

Impact on the amenities of occupants of adjacent properties

8.37 There is only a single adjacent residential property that would be affected by the proposed enlargement of the car park and this is 'The Studio' which is sited to the west of the site for the car park. The new car park may result in some additional disturbance to the occupants of this property from the use of the increased number of spaces proposed. However, the formal laying out of spaces is likely to reduce the disturbance from car manoeuvring as spaces are easier to access.

- 8.38 The entrance and exit to the car park are an appropriate distance from 'The Studio' and the occupants of 'The Studio' have written in support of the proposal. There is considered to be no adverse impact on the occupants of 'The Studio' and no conflict with CS policy HE2 accordingly as the proposal would be compatible with its surroundings in respect of its relationship with neighbouring dwellings.

Planning balancing assessment

- 8.39 The proposal represents inappropriate development in the green belt and is harmful to the green belt by definition and would result in loss of openness of the green belt by allowing a greater number of parked cars in the area of the current car park. In accordance with NPPF paragraph 144, these factors are afforded substantial weight.
- 8.40 The loss of trees protected by a Tree Preservation Order (TPO) would be significant and have an impact on the landscape. However, the proposed new tree planting at the application site and throughout the campus would mitigate this impact in the long term and this mitigation limits the weight to be apportioned to the loss of TPO trees.
- 8.41 It is considered that the benefits of the proposal from the benefit to the pupils from reducing the number of vehicles moving within the main campus which will improve pupil well-being which is of great importance to the functioning of the Sheiling Community's Special Educational Needs work as a valuable contribution to the care and education of children and young adults with special educational needs; the provision of a substantial amount of new tree planting throughout the Community campus and also on the application site (landscape and ecological benefits); and the removal of existing parking spaces on the campus (landscape and ecological benefits) outweighs the harm arising from the inappropriateness of the development in the green belt and the loss of green belt openness and the loss of TPO trees.

Conclusion

- 8.42 For the above reasoning the application is recommended for approval.

**9.0 HUMAN RIGHTS**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

- 9.1 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **10.0 PUBLIC SECTOR EQUALITIES DUTY**

10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## **11.0 CLIMATE IMPLICATIONS**

11.1 The proposal would not increase the number of vehicle trips to the campus when the car park is completed, as it is to rationalise the existing parking at the campus. The proposal may reduce vehicle emissions by reducing the distance staff vehicles travel on the campus as there would be a reduction of vehicles travelling into the campus beyond the existing car park.

11.2 There would be some impact from the loss of the trees and vegetation needed to be removed to make way for the parking spaces, and an increase in vehicle trips during the construction phase. As such the development will have some modest climate implications.

11.3 The proposed tree planting would provide some compensation for the loss of the trees and help mitigate against the impact from the loss of the trees.

## **12.0 RECOMMENDATION - Grant, subject to the following conditions:**

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Kendall Kingscott Project No.170349 Drawing No.L(0)01B: Location Plan

Cambium Drawing No.1309-1 Rev E: Landscape Proposals

Cambium Drawing No.1309-2 Rev B: Tree Removal Plan

Cambium Drawing No.1309-3 Rev O: Site Wide Tree Planting Proposals

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Other than for the erection of tree protection, before any equipment, materials or machinery are brought onto the site for the purposes of demolition or construction, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the methods of protecting trees on and adjacent to the site during development in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Calyx Environmental Ltd ref: KKS18001 dated May 2018. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: Cambium 1309-04 dated Jan 2020 before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This meeting is required prior to commencement of development in the interests of tree protection.

4. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, (which shall not be of a calcareous nature and shall be a 4-20mm clean angular granite or flint) shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out using the approved cellular confinement system.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

5. Before the car park area is surfaced, details of the surfacing materials to be used shall be submitted to and approved by the Local Planning Authority (LPA). The car park shall then be surfaced using the agreed materials prior to use for parking.

Reason: To ensure a suitable semi-rural appearance for the surface of the car park given its location in a wooded setting

6. Prior to the first use of the car park hereby approved, the parking spaces identified to be removed (shown in dark green) on Cambium Drawing No.1309-03: Site wide tree planting proposals shall be removed and seeded for grass or planted and thereafter no longer used for parking.

Reason: To minimise the impact of surface parking at the campus on the Green Belt



7. Prior to the first use of the car park hereby approved, or in accordance with a timetable to be agreed by the Local Planning Authority (LPA), the new trees to be planted as identified on Cambium Drawing No.1309-03: Site wide tree planting proposals shall be planted in accordance with the specifications set out in this drawing and thereafter retained for a period of 5 years during which if any trees are found to be dying or are damaged, they shall be replaced on a like for like basis, unless agreed in writing by the LPA.

Reason: To compensate for the loss of trees arising from the proposal and to enhance biodiversity at the site and campus in general.

8. All planting on the application site as detailed on Cambium Drawing No.1309-01 rev E shall be completed before the end of the planting season following completion of the development. Any such trees that are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective within five years of planting shall be replaced with specimens of similar size and species as originally planted.

Reason: To safeguard the amenities of the area and ensure the enhancement of the development by the replacement of trees lost to the development

9. Prior to the installation of the external lighting for the proposed car park, details of its specification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and maintained in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: To protect the Dark Skies characterising the AONB.

10. The development hereby permitted shall be carried out in accordance with the requirements of the Biodiversity Mitigation & Enhancement Plan dated 25/10/19, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity at the site.

**Informatives:**

None.

**Background Documents:**

Case Officer: James Brightman

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

