

Extension and reconfiguration of existing car park and resurfacing and upgrade of footpath at Seal Recreation Ground Car Park, High Street, Seal – SE/18/01520/KCCRG3 (KCC/SE/0076/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 11th July 2018.

Application by Kent County Council Property Services for the extension of existing car park to include an additional 5 parking spaces, reconfiguration of existing parking layout, resurfacing and upgrade of existing footpath at Seal Recreation Ground Car Park, High Street, Seal, Sevenoaks, TN15 0AF, – 18/01520/KCCRG3 (KCC/SE/0076/2018).

Recommendation: Permission be granted, subject to conditions.

Local Member: Roger Gough

Classification: Unrestricted

Site

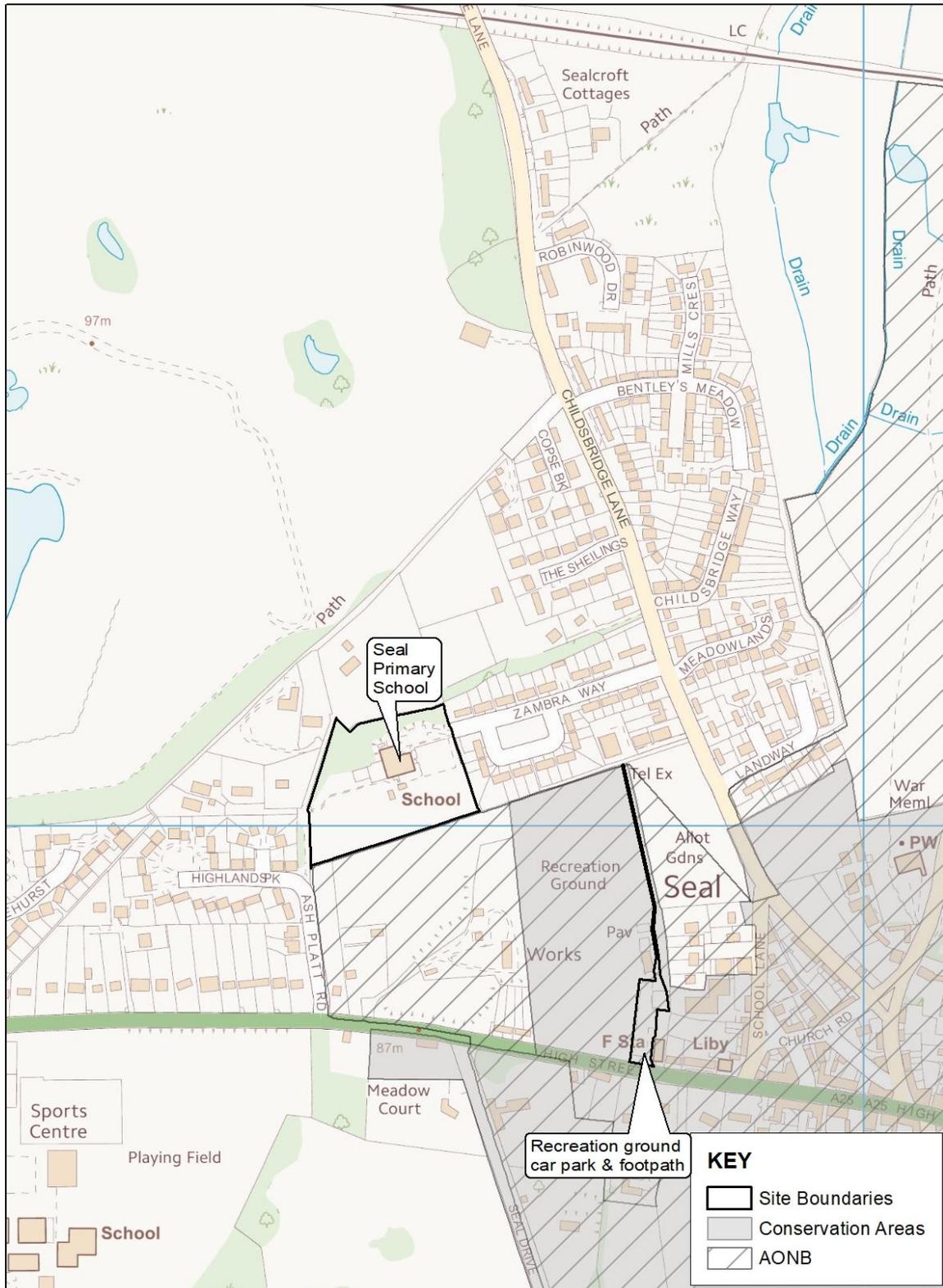
1. Seal Recreation Ground is located on the northern side of the A25 Seal Road, within the village boundaries. The recreation ground comprises the open green space, alongside a car park which currently provides 34 spaces. A disused playground is located within the car park area, whilst a new children’s playground has been provided within the field alongside a footpath which links the recreation ground car park and Zambra Way which lies to the north. Within the recreation ground (but outside of the application site) is Seal War Memorial Pavilion which is used by Top Banana Pre-School Monday to Friday, and a dentist premises which has its own area of parking, accessed from the recreation ground car park. The Recreation ground lies within the Green Belt, North Downs Area of Outstanding Natural Beauty (AONB) and the village Conservation Area.

Background

2. Seal Recreation Ground was one of the six alternative option sites considered by the applicant’s during the processing of the previous application at Seal Primary School (SE/16/1043), as a possible location for providing additional parking spaces for parents as part of the school expansion. However, no agreement could be reached with the Parish Council to use the car park for this purpose during 2016, and that application was subsequently refused. Discussions have been taking place since that refusal to try and resolve the issues, and an agreement in principle has now been reached with the Parish Council. A letter confirming the ‘Heads of Terms’ of the use agreement is included as part of the Planning Statement document. A new planning application is being considered at Seal Primary School for the permanent expansion of the school from 1FE to 2FE (KCC/SE/0075/2018) (Item D1 of the July Planning Applications Committee papers), and this application forms part of the mitigation for the school expansion in highway and transportation terms. Although the two applications are separate, they will be considered together.

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General Location Plan



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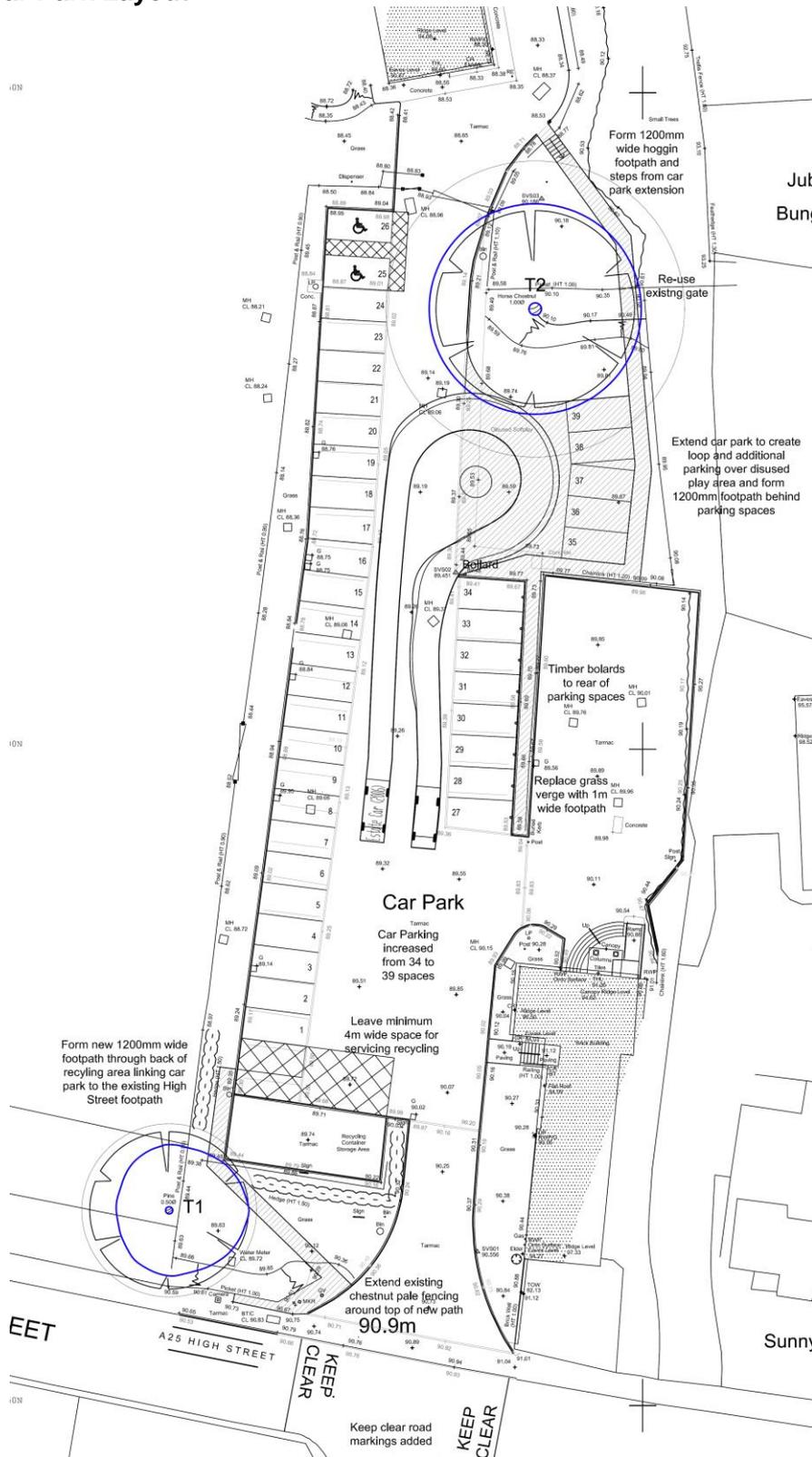
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Site Location Plan



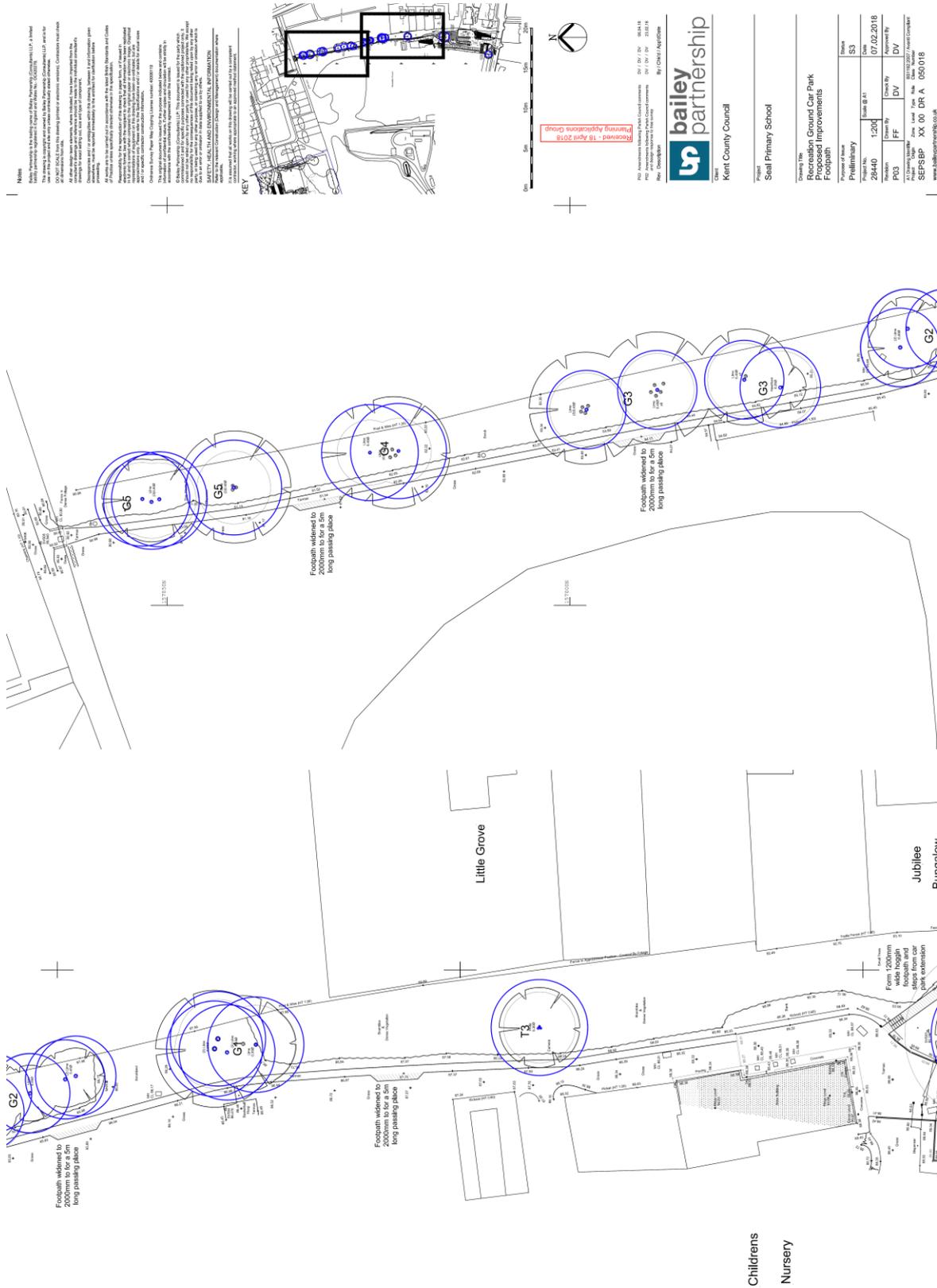
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Proposed Car Park Layout



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Proposed Footpath Layout



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Proposal

3. The application seeks permission to make some alterations and improvements to the existing recreation ground car park. The proposal seeks to remove the remains of the old children's playground which is sited along the eastern boundary of the site, in order to set out an additional 5 parking spaces. A turning area would also be accommodated in this area, which would enable cars to drive into the car park, loop round and drop off children, and then drive out without the need for any reversing manoeuvres. A new footpath would be provided to the rear of these new spaces linking to the existing footpath to the north in the vicinity of the pavilion, and to the south it would run behind the existing parking spaces adjacent to the dentist's car park. An additional new stretch of footpath would be provided at the entrance to the car park behind the recycling area to link into the adjacent footpath along the A25/High Street.
4. The whole of the car park would be resurfaced and remarked providing 39 spaces in total, 2 of which would be for disabled drivers. The footpath that runs from the recreation ground car park to Zambra Way would also be resurfaced, and would have 4 passing places provided along it. In these locations the footpath would be widened to 2m in width for a length of 5m to allow pedestrians to pass easily.
5. The Parish Council have agreed that the car park can be used as a drop off/pick up facility for parents at the School subject to planning permission being given for the 1FE expansion (associated application KCC/SE/0075), and a Heads of Terms agreement with the County Council has been drafted to this effect. It is intended that the School would operate a 'walking bus' from the car park and the Parish Council has confirmed that the existing parking restrictions that apply in the car park only operate between 8.00am and 8.20am therefore would not conflict with parents arriving for the walking bus drop off.

Planning Policy

6. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
 - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

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- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- that the planning system contributes to and enhances the natural and local environment and that when determining applications there should be an aim to conserve and enhance biodiversity;
- conserving and enhancing the historic environment;
- the great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and work with schools promoters to identify and resolve key planning issues before applications are submitted.*

Draft Revised National Planning Policy Framework (March 2018)

A draft review of the NPPF was published on Monday 5th March 2018. The text has been revised to implement policy changes as a result of previous Government consultation on papers such as the Housing White Paper, National Planning Policy, Planning and Affordable Housing for Build to Rent, and Planning for the Right Homes in the Right Places. In so far as the review is applicable to the consideration of this planning application, the section relating to the delivery of school facilities remains largely unchanged with similarly worded text regarding the need to ensure sufficient choice of school places to meet the needs of existing and new communities.

The sustainable transport chapter emphasises that transport issues should be considered from the earliest stage so that potential impacts can be addressed and opportunities realised. It reiterates the current advice that the planning system should support sustainable development in preparing local plans and dealing with planning applications. It states that significant development should be focused on locations which can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes, which would help to reduce congestion and emissions. The guidance for the consideration of development proposals has been separated under a new sub-heading but the guidance remains the same in that appropriate opportunities to promote sustainable transport modes have been taken up given the type of development and its location; that safe and suitable access to the site can be achieved for all users; and any significant impacts from development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development, it states, should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe.

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The 'Protecting Green Belt Land' chapter remains practically the same, with only two amendments. The first relates to the drawing of green belt boundaries applicable for plan making, but more importantly for the purposes of dealing with planning applications would be the additional criteria listed in the types of development which are *not* considered inappropriate in the Green Belt. This states material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness).

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

- (ii) **Sevenoaks District Core Strategy (February 2011)**

Policy L08 The Countryside and Rural Economy: Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, will be conserved and enhanced.

Policy SP1 Design of New Development and Conservation: Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. Account should be taken of guidance adopted by the District Council in the form of Conservation Area Appraisals and Parish Plans, amongst other matters. The Districts heritage assets and their settings, including listed buildings, conservation areas, historic buildings, archaeological remains, landscapes and outstanding views will be protected and enhanced.

Policy SP10 Green Infrastructure, Open Space, Sport and Recreation Provision: Promotes the provision of multifunctional green space by linking existing green space areas. The Policy also seeks the retention of open space, sports and recreational facilities, including indoor facilities of value to the local community, unless any loss can be justified by additional provision of at least equivalent value to the local community.

Policy SP11 Biodiversity: Seeks to conserve biodiversity, to ensure no net loss through development and to promote opportunities to enhance biodiversity.

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Sevenoaks Allocations and Development Management Plan (February 2015)

Policy EN1 Design Principles: sets out the need for high quality design and for proposals to meet criteria including: responding to scale, height and materials; respecting the topography and character of the site and any sensitive features; not result in the loss of buildings or open space that would affect the character of an area, provided satisfactory means of access and parking provision; include opportunities for increasing biodiversity potential, including sustainable drainage and to avoid harm to existing biodiversity; create a permeable layout; safe and easy access for those with disabilities; creation of a safe and secure environment to deter crime and fear of crime; include modern communication technology and infrastructure; and make efficient use of land.

Policy EN2 Amenity Protection: Proposals should provide adequate residential amenities for existing and future occupiers of development, and safeguard amenities of existing and future occupiers of nearby properties by ensuring development does not result in excessive noise, vibration, odour, activity, vehicle movements, overlooking or visual intrusion and where it would not result in a loss of privacy or light.

Policy EN4 Heritage Assets: Proposals that affect a Heritage Asset, or its setting, will be permitted where the development preserves or enhances the character, appearance and setting of the asset. Areas of archaeological importance will require an archaeological assessment.

Policy EN5 Landscape: Sets out that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection. Proposals that affect landscape throughout the District will need to conserve the character of the landscape including areas of tranquillity.

Policy T1 Mitigating Travel Impact: Sets out the need to mitigate against adverse travel impacts including their impact on congestion and safety, environmental impact such as noise, pollution and impact on amenity and health.

Policy T2 Vehicle Parking: Sets out that vehicle parking provision, including cycle parking, for non-residential developments should be in accordance with the advice of Kent County Council as Local Highway Authority.

Green Belt SPD

Sevenoaks Council's Supplementary Planning Guidance (SPD) provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The document outlines that buildings must be permanent in nature and they will be considered on the basis of their volume, scale, bulk and whether or not the resultant building would adversely impact on the character of the countryside or openness of the Green Belt. The SPD outlines that the impact on the countryside is clearly greater if located in a highly visible location, however the test of the impact still applies even if there are limited or no public views of it. This is on the basis that, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. The SPD concludes by saying that if the development is acceptable in principle, its form should be well proportioned and present a

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satisfactory composition with the building.

Consultations

7. **Sevenoaks District Council** raise no objection.

Seal Parish Council has no objection to the application subject to the request for conditions to be imposed relating to the design of the car park and footpath being as shown on the submitted drawings; that the access to and exit from the car park being kept clear by appropriate road markings on the A25 as shown on the drawings; and that details of the specification and materials be submitted for approval. The Parish Council also ask for written confirmation that the extension of the car park if permitted, would remain lawful development in the event that the school cease using the car park for a 'walking bus'.

Sevenoaks Town Council – no response received to date.

County Council Conservation Officer raises no objection.

Highways and Transportation Officer raises no objection to the application subject to the imposition of a condition securing the provision of this facility to tie in with the occupation of the classroom extension at Seal Primary School, should this application be approved.

School Transport Planner is content with the draft School Travel Plan.

Biodiversity Officer raises no objection subject to the imposition of a condition to cover the submission of a reptile/amphibian mitigation strategy and the updating of this strategy to avoid impact on the badger sett; and the implementation of the ecological enhancements proposed.

Flood and Water Management Team raise no objection to the application which they regard as having a low risk.

Local Member

8. The local County Member, Roger Gough was notified of the application on 11th May 2018. In response to the consultation he states that he strongly supports the application, and that this scheme is essential to meeting concerns over increased traffic pressures linked to much-needed school expansion in the area and has been developed in discussion with the Parish Council.

Publicity

9. The application was publicised by the posting of four site notices, an advertisement in a local newspaper, and the individual notification of 122 residential properties. This included all those in close proximity to both the recreation ground site and the school site, alongside anyone else who previously made a representation to the 2016 application (at Seal Primary School) which was refused.

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Representations

10. Because of the way the two applications were advertised and the relationship between them, the letters received in response to the publicity addressed both the school extension and the highways and transport mitigation. Whilst not all letters referenced both applications directly, I can confirm that we received 30 letters of representation in total. The full summary of the key points raised has been provided in the School application report and to avoid duplication I have only summarised below the points raised that relate to the recreation ground car park proposals:

- The Recreation ground car park should be expanded alongside the A25 with in and out access, similar to the way the car park works in Ightham, with minimum impact on the park;
- Proposed drop off point will have a minimal effect as it is too far away from the school and parents will use a closer option especially in bad weather, and as no shelter is proposed in the recreation ground;
- An additional 5 spaces at the recreation ground is unlikely to alleviate the current traffic situation, especially at pick up when parents park for longer to collect their children;
- Existing traffic and congestion on the A25 will discourage parents from using the recreation ground as it will be difficult to enter and exit quickly;
- The proposed drop off use here would also further worsen the existing traffic problems on the A25.

Discussion

11. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 6 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

12. This application is being reported for determination by the Planning Applications Committee due to the neighbour representations received, and the need to assess both this application and the associated School proposal at the same time. In my opinion, the key material planning considerations in this particular case are the principle of development in this location in relation to the Green Belt, AONB and Conservation Area; the design and layout of the car park and footpath improvements; and the highway and traffic implications of the school expansion on the surrounding roads combined with this car park proposal as a form of mitigation for these effects.

Principle of Development in the Green Belt, AONB and Conservation Area

13. The recreation ground lies within the Green Belt, the Area of Outstanding Natural Beauty and Seal Conservation Area. Policies in the NPPF, Core Strategy and the Allocations and Development Management Plan (ADMP) seek to preserve the openness, character and setting of all three of these designations. In terms of the Green Belt first, consideration needs to be given as to whether the development would be classed as

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‘inappropriate’. Whilst the policies of the Local Plan do not specifically address car park extensions, the NPPF (paragraph 90) states that local transport infrastructure that requires a green belt location would not be considered inappropriate, provided it preserved the openness of the Green Belt. Given that the proposed development relates to a very small extension to an *existing* car park occupying a green belt location, and that such resurfacing works and alterations would all be carried out at ground level, I can see no reason why the proposals would affect the openness of the Green Belt. In addition, it should be noted that the car park supports the use of the recreation ground and such recreational uses are also considered to be appropriate development in a Green Belt. No objection has been raised on Green Belt grounds by the District Authority and I consider that the proposed development would not conflict with the NPPF guidance or Policy L08 of the Core Strategy and is acceptable in principle.

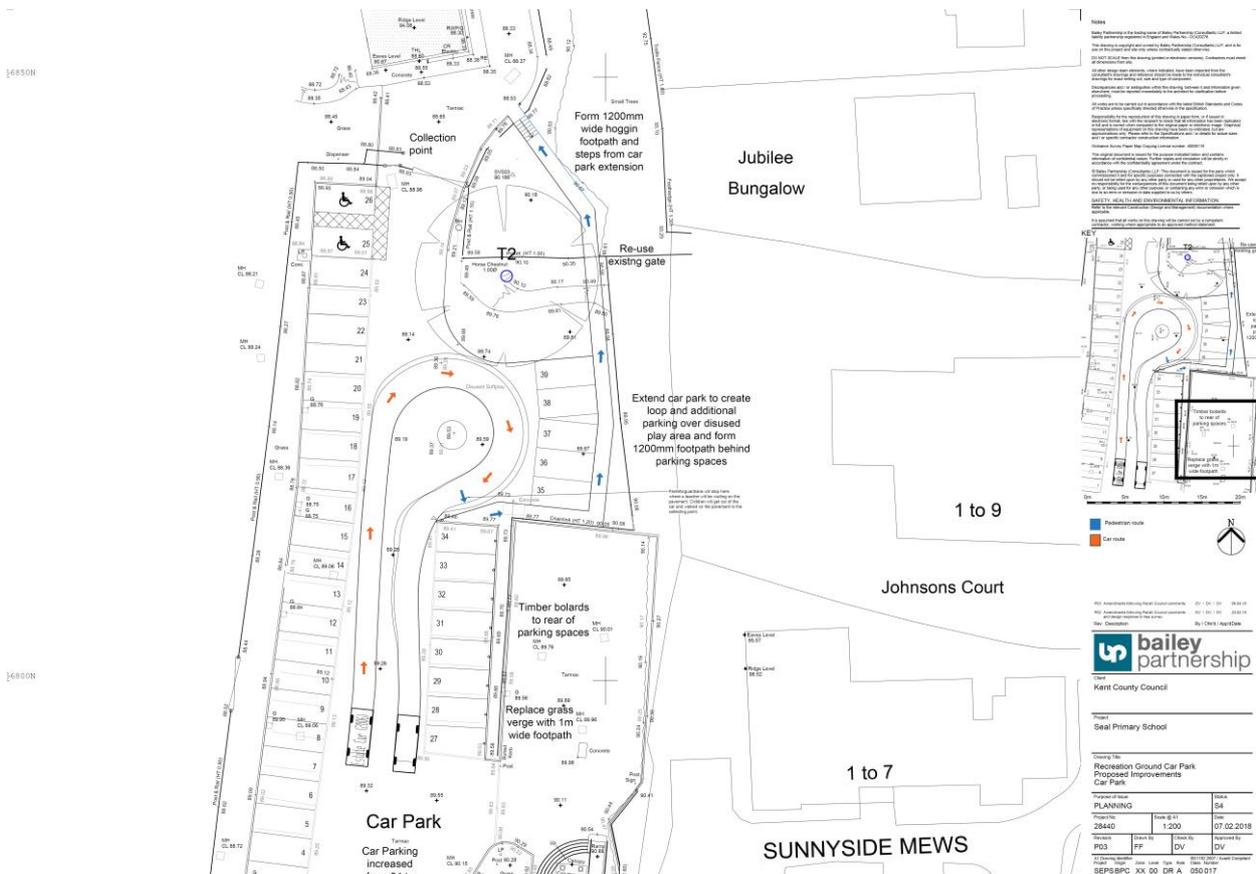
14. The designations for the Conservation Area and the AONB as set out in the District Proposals Maps include the recreation ground and car park. The small extension to the car park would have a very limited impact on these wider landscape and heritage settings as they would be seen in the context of the existing car park, and footpath links. The removal of the disused children’s playground would represent an improvement to the appearance of the area, in my view, and thus improve the setting of the recreation ground. Neither the Conservation Officer, nor the District Council have raised any concerns about the impact of the proposals on the AONB or Conservation Area and I consider that the scheme would comply with the aims of Policies SP1 of the Core Strategy and Policies EN4 and EN5 of the ADMP.

Design and Layout

15. The 5 new car park spaces would be in keeping with the rest of the car park and utilise the area of the old children’s playground. The laying out of these spaces and the provision of a turning circle within the car park are considered to be acceptable and clarification has been provided in the Transport Statement Addendum (TAS) of how the drop off facility would work in relation to vehicle and pedestrian movements. This additional plan is included below, and the Highways Officer is satisfied that the drop off facility and parking spaces would be ‘safe and useable’ from a highway safety perspective.

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16. The widening of the footpath in 4 places has been designed to allow ample space for passing, especially for parents or carers with pushchairs who might use this route. The improved footpath would not be lit due to the day time hours that it would be used, such that even in the winter months the path would be safe and useable without lighting, with the school pick up being between 3 and 4pm. The existing trees in the car park and along the footpath would all be retained and in particular this relates to the Horse Chestnut (T2) adjacent to the 5 new spaces. In order to ensure that the tree is not damaged during construction of the spaces a reduced dig method of construction would be used. In addition protective fencing would be located round all trees as well as the hedge at the entrance to the recreation ground by the recycling centre. In terms of the design and layout of the car park and footpath works, it is considered that the scheme would accord with the aims of Policy SP1 of the Core Strategy and EN1 of the ADMP.

Mitigation for Highway and Traffic Implications of Seal Primary School Expansion

17. As set out in the background section of this report, the applicants have been trying to find a permanent solution for the expansion of Seal Primary School since 2015. One of the reasons for refusal of the previous application (in 2016) related to the "...increase in school traffic on surrounding roads without provision in place of adequate mitigation measures to offset the expected adverse travel impacts". One of the ways the applicants were considering trying to off-set the impact of parent traffic in residential roads such as Zambra Way, Ash Platt Road and Highlands Park was to find a site which could be used as a drop off/pick up facility for parents linked to a walking bus scheme which would be run by the School. A solution could not be found last time despite 6 sites being

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considered as possible options. However, since the refusal of the 2016 application discussions and negotiations have been carried out with the Parish Council, resulting in them now agreeing in principle to the use of the recreation ground car park as a drop off and pick up facility.

18. As set out in the previous application on the agenda, item D1, the Highways and Transportation Authority consider that the provision of these improvements *will* reduce the stress on parking availability in the surrounding residential roads to the School. For their part the School have confirmed that in order for this facility to be effective and run smoothly, four members of staff would be available at school start and finish times to accompany pupils to and from the site so that the system works safely. This facility, in combination with the School Travel Plan initiatives which would be secured through the school application itself, would in the view of the Highways Officer provide sufficient mitigation to address the highways issues that would arise with the expansion of the school from 1FE to 2FE, particularly as such impacts occur for short periods during the morning and afternoon and only during school term time. The recreation ground car park improvements are therefore considered to be acceptable in relation to Policy T1 of the ADMP, in that it seeks to mitigate against adverse travel impacts as a result of the associated school expansion.
19. The Parish Council have requested confirmation that the extension of the car park would be lawful development even if the School cease to use it for a walking bus. In land use planning terms the extension to the car park would be approved by this application, and once implemented (provided any conditions are discharged or met) would become a lawful extension to the car park. Any cessation of a walking bus at some future date would not 'undo' the planning permission for the works to the car park.
20. The Keep Clear road markings shown on the Car Park Improvements Plan form part of the application, included within the red line. They can therefore be conditioned to be carried out in accordance with the plans, prior to the car park being used after the extension and resurfacing works are completed. In order to enable ease of access to, and exit from, the recreation ground especially during times of high traffic flows, I consider this would be an appropriate condition.

Other Matters

Biodiversity

21. The applicants have submitted an 'Ecological Constraints and Mitigation Strategy' report which has assessed the application site within the recreation ground in relation to any potential impact on protected species such as invertebrates, reptiles, badgers, birds and bats. The results showed that the habitats to be impacted are unlikely to support rare or notable species of invertebrates; that no works are proposed that would affect reptile habitat and that no suitable bat roosting features were noted within the trees on site. No works are proposed to trees that might affect nesting birds and the one badger sett observed was some 30m away from the proposed works.
22. The County Council's Biodiversity Officer has considered the content of the report and advises that due to the small area of habitat to be lost she is satisfied that there is no requirement for specific species surveys to be carried out and that any risk to individuals could be avoided through the implementation of the precautionary mitigation approach

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detailed within the Ecological Constraints and Mitigation Strategy (June 2018). With regard to the badger sett, it is noted that the sett lies on the eastern side of the footpath and the widening works would occur on the western side. The Biodiversity Officer has advised that given this the works would be unlikely to disturb the sett to the extent that a licence from Natural England would be required. Nevertheless the mitigation strategy would need to be updated to include the works to the footpath, to ensure the sett is not affected during construction. On this basis the proposal is considered to comply with paragraphs 109 and 118 of the NPPF, Policy SP11 of the Core Strategy and EN1 of the ADMP.

Conclusion

23. In my view the key determining factors for this proposal are the principle of allowing the development given its location in the Green Belt, AONB and Conservation Area, and the mitigation this scheme provides for the expansion of Seal Primary School from 1FE to 2FE. In my view the proposed development would not give rise to any severe, significant or demonstrable harm in respect of any of these designations, that would be overriding as far as planning, environmental and amenity aspects are concerned, as demonstrated in the discussion above. The mitigation this scheme provides by allowing parents to park at the recreation ground car park and walk from here to the school would address the highway reason for refusal from the previous school application.
24. I consider that the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that the application be approved subject to conditions, including those outlined below.

Recommendation

25. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 3 year time limit;
 - The development to be carried out in accordance with the permitted details;
 - The Keep Clear markings on the A25 (shown on drawing number XX00DRA050017 Rev P03) be provided prior to the use of the car park following the extension and resurfacing works hereby approved;
 - Prior to commencement of development the recommendations within the Ecological Constraints and Mitigation Strategy shall be updated to include the whole construction footprint, submitted for written approval by the County Planning Authority and implemented as approved;
 - No work shall commence until the trees and hedges that are to be retained (marked in the Arboricultural Impact Assessment) are protected from construction, and such protection shall be maintained for the duration of the works.
26. I FURTHER RECOMMEND that the following INFORMATIVE be added:
- That the applicant ensures that all necessary highway approvals and consents are obtained.

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Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading