

4.1 - SE/15/03912/FUL     Date expired 4 May 2016

PROPOSAL:                      Provision of oak vehicular & pedestrian gates at junctions of Wildernesse Avenue with Seal Hollow Road, Park Lane & A25

LOCATION:                        Entrance Gates At Wildernesse Avenue, Sevenoaks TN13 0EA

WARD(S):                        Seal & Weald

#### ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Thornton for the following reasons: the harm to the Conservation Area; the discouragement of cohesive and integrated communities; and for no justification being made for a gate on Seal Drive.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1)     The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of 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: 'Seal Drive - TON002', 'Wildernesse Avenue - TON002', 'Park Lane - TON002', 'Wildernesse Avenue - Pedestrian - TON002', 'Wildernesse Gate Automation Seal Hollow Road Entrance', 'Wildernesse Gate Automation A25 Entrance', 'Wildernesse Gate Automation Park Lane Entrance'

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

3)     Prior to the commencement of development details of the materials and finish for the proposed works shall be submitted to and approved in writing by the LPA. The development shall be undertaken in full accordance with the approved details. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4)     Prior to the commencement of development, details of the proposed electronic keypad access system for the vehicular access gates shall be submitted to and approved in writing by the LPA. The development shall be undertaken in

accordance with the approved details. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of development a tree protection statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure the retention of, and to safeguard the long-term health of, the trees on site as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

### **Description of Proposal**

- 1 'Provision of oak vehicular & pedestrian gates junctions of Wildernesse Avenue with Seal Hollow Road, Park Lane & A25.'
- 2 It is proposed to erect three sets of oak gates within the Wildernesse Estate. One to be located near the junction with Seal Hollow Road, one to be located near the junction with Park Lane, and one to be located at the junction of Seal Drive and the A25. Each gate will sit across the vehicular access. A pedestrian gate is also proposed at the junction with Seal Hollow Road.
- 3 During the process of the application the proposal has been amended to reduce the height of the proposed gates, and to remove the proposed pedestrian gates and fencing at the Park Lane and Seal Drive locations.

### **Description of Site**

- 4 The application site comprises three separate entrances into the Wildernesse Estate. The Wildernesse Estate falls under two separate Town/Parish Councils, with the western section falling under Sevenoaks Town Council and the eastern section falling under Seal Parish Council. All three gates are, however, located within the ward of Seal and Weald.

### **Constraints**

- 5 Area of Archaeological Potential - gates at junction with Seal Hollow Road and A25.
- 6 Area of Outstanding Natural Beauty - gates at junction with Park Lane and A25.
- 7 Conservation Area - Wildernesse - gates at junction with Seal Hollow Road and A25.
- 8 Conservation Area - Seal - gates at junction with Park Lane.
- 9 Gas pipelines

- 10 Landfill sites - gates at junction with A25.
- 11 Metropolitan Green Belt - gates at junction with A25 and Park Lane.
- 12 Source protection zones
- 13 Tree Preservation Orders

## **Development Plan Policies**

### *Sevenoaks District Core Strategy*

- 14 Policies - LO1, SP1

### Sevenoaks District Allocations and Development Management Plan (ADMP)

- 15 Policies - SC1, EN1, EN2, EN4

### *Other*

- 16 Sevenoaks Wildernesse Conservation Area Appraisal and Management Plan
- 17 Seal Conservation Area Appraisal
- 18 Seal Village Design Statement
- 19 The National Planning Policy Framework (NPPF)

## **Planning History**

- 20 04/00628/FUL - Erection of brick entrance piers and replacement of existing frontage fence with metal railings - Granted (junction with Seal Hollow Road).  
  
04/01657/FUL - Installation of rising arm barrier - Granted (junction with Seal Hollow Road).  
  
06/00616/FUL - Construction of brick entrance piers, erection of steel railings and installation of rising arm barriers - Refused (A25, Park Lane).  
  
06/02493/FUL - Relocation of existing timber entrance gate and posts together with accommodation works - Granted (Park Lane).

## Consultations

### *Sevenoaks Town Council:*

- 21 22nd January: 'Sevenoaks Town Council recommended refusal due to the insufficient detail of the planning application resulting in it failing to address planning concerns and concerns regarding the proposal's impact on the conservation area.'

- 22 16th February: Sevenoaks Town Council recommended refusal unless: The planning officer is satisfied that the gates will be no higher than the existing barrier and the design will be in keeping with the character of the area; A condition is included in the grant of permission requiring unrestricted access for cyclists and pedestrians to be retained in perpetuity; and The planning officer being satisfied that suitable arrangements have been put in place for emergency vehicles.
- 23 31st March: Sevenoaks Town Council recommended refusal unless the planning officer is satisfied that the gates will be no higher than the existing barrier and the design will be in keeping with the character of the area, a condition is included in the grant of permission requiring unrestricted access for cyclists and pedestrians to be retained in perpetuity, the planning officer is satisfied that suitable arrangements have been put in place for emergency vehicles. Informative: Sevenoaks Town Council noted that the most recent amendment conflicted with previous dimensions and did not adequately address previous concerns.
- 24 27th April: Sevenoaks Town Council - Recommendation for refusal due to height of gates, restriction for access for cyclists and emergency vehicles.

*Seal Parish Council:*

- 25 2nd February: Seal Parish Council - Objection. The addition of gates at these junctions will create the impression of a gated community and discourage access by pedestrians and cyclists. It is important in the view of Seal Parish Council that nothing is done that gives the impression of cutting off one section of the village from the rest of it.
- 26 If the intention is to limit the traffic into Wildernesse Avenue this could be achieved by using a rising bar, or similar, which would be less forbidding to pedestrians and cyclists, and there would be no need for a pedestrian gate.
- 27 While the Wildernesse development is proceeding, there should be no barriers on Seal Drive, as this is the designated access route for construction traffic. If inconvenience of a barrier were to cause construction traffic to use the new road which will be constructed off Park Lane, this would be in contravention of the planning permission granted for the Wildernesse site. No barrier should be allowed on this road until the Wildernesse redevelopment is completed.

If some type of barrier or gate is to be permitted at any of the proposed sites, the following additional considerations need to be taken into account:

- Any barrier would need to be suitable for use in this conservation area.
- The location of each barrier would need to be set back sufficiently from the main road to ensure that queuing traffic does not back up onto the main road. This is particularly important for the junction of

Seal Drive and the A25 and the junction of Wildernesse Avenue and Seal Hollow Road.

- The arrangements for opening and closing the barriers will need to allow the free flow of traffic associated with the use of Wildernesse House and associated buildings once the development is completed. The access and egress of residents, staff and visitors to the Wildernesse House and other buildings on the site could be greatly inconvenienced by the inappropriate operation of the barriers.
- 28 23rd February: Seal Parish Council - Objection. Seal Parish Council reiterates the objections set out in its response dated 2 February 2016.
- 29 The proposal by the applicants to remove the pedestrian gates from the proposal, to lower their height to 1.20m and to keep the gate on Seal Drive open during working hours while the construction work is proceeding at the Wildernesse House development will mitigate the damage.
- 30 Nevertheless, if gates are constructed at these three sites it will fundamentally alter the impression of openness and the way in which the Wildernesse area fits with the rest of the village. We would also highlight the risk of creating a precedent that might be copied in other private roads around Sevenoaks.
- 31 24th March: Seal Parish Council - Object. Seal Parish Council has noted the Conservation Officer's opinion and views regarding the regrettable necessity of allowing control gates. However, we do not believe that these are necessary or justifiable at the junction of Seal Road with the A25, as their installation at the east and west ends of Wildernesse Avenue alone would prevent 'rat running'.
- 32 Whilst we welcome the current proposal to reduce the height of the gates to 1.2m and to remove the pedestrian gate and fencing at the Seal Drive/A25 entrance, we also do not agree that substantial gates are the correct solution, as this would inevitably create the effect of a gated community and would fundamentally alter the impression of openness and the way in which the Wildernesse Estate fits in with the rest of Seal village. We do not believe that rising arm barriers are inconsistent with section 12 of the NPPF or Policy EN4 of SDC's ADMP.
- 33 We continue to have a strong preference for rising arm barriers, therefore, as these already exist at Woodland Rise and Parkfield on the Estate and represent an obvious precedent in terms of design. This is reinforced within the Wildernesse Conservation Area Appraisal and Management Plan, which specifically draws attention to the 'simplicity' of the entrances to the estate utilising rising arm barriers. We also remain concerned about the risk of setting a precedent by installing gates and that this might be copied in other private roads around Sevenoaks.

### *KCC Highways:*

- 34 'I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.
- 35 All of these gate locations are situated on a private road and are sufficiently far from the public highway not to affect it.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.'

### *Conservation:*

- 36 10th February: 'The site is within the Wildernesse designated area and from the conservation perspective, the proposed installation of access control gates and associated fencing is much regretted. Such barriers are contrary to the original design intention for the Wildernesse Estate, the principles of which are recorded in some detail in the conservation area appraisal.
- 37 However, the present experiences of the estate's residents must be taken in to consideration and less visually intrusive, alternative measures have been tried and found ineffective. Convincing justification for installation of the proposed barriers has been provided and while precedents elsewhere do not necessarily justify the present intervention, their existence emphasises the need for such measures. Although contrary to the original design intention, the gates and associated fencing are of historically appropriate style and good quality, durable materials. In consequence, they are considerably more in keeping with local character than the practical, but visually inappropriate alternative of security fencing and a single-arm barrier.
- 38 By virtue of their form, function and location, the proposed gates and fences are visually intrusive features which considerably alter the appearance of the immediate streetscene. However, in time the fencing will be largely concealed behind foliage and the presence of the new elements will have little impact on the character of the conservation area as a whole. While some change in visual and spatial qualities will inevitably occur in the immediate vicinity, the level of harm resulting from these changes to the significance of the wider conservation area is far from substantial.
- 39 The importance of sustaining and enhancing the significance of heritage assets is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. While installation

of the proposed gates and fences is regretted for the aforementioned reasons, their presence may indirectly help to preserve the distinctive character of the conservation area as a whole. Subject to the condition below, there is no justifiable objection to the proposal in terms of Policy EN4.

#### Informative

While comprehensive, the documentation submitted in support of this application lacks a finishes specification it is recommended that permission be conditional on agreement of an appropriate, durable finish.'

- 40 16th May: 'The application has been revised to reduce the height of the proposed gates to 1.20 metre. It now omits any fencing to the sides and any pedestrian gates, with the exception of the entrance to Wildernesse Avenue from Seal Hollow Road where a new pedestrian gate will be installed within the existing boundary railings to create a pedestrian access separate from the drive.
- 41 The revisions have addressed the concerns previously raised from the Conservation point of view; in particular, the visual impact of the gates and fencing has been reduced. While the demarcation between public area and private estate road and restriction of vehicular access remains at the heart of the proposal, the omission of the fencing and reduction in height of the gates no longer introduces an unnecessary defensive and exclusive character which, as pointed out in previous comments, was contrary to the original design intention for the Wildernesse Estate.
- 42 The principle of installing an automated barrier at the junction of Wildernesse Avenue with Seal Hollow Road was accepted with planning permission SE/04/01657. The proposed gates are of a historically appropriate style and materials and are considered to be an improvement to the existing single-arm barrier. Clarification should be sought on the proposed finish.'

#### *SDC Tree Officer:*

- 43 13th January: 'There are substantial piers located at the Seal Hollow Road junction with existing fencing. The proposals appear to utilise the existing piers and the proposed fence appears to follow the line of the existing. If this is the case than I have no issue with this proposal.
- 44 The proposals for the gates at the junction with the A25 show new piers to be constructed to support the wooden gates. There are 3 mature Lime trees growing on the eastern side of the drive. As these trees are not shown on the proposed drawings, I have had to estimate their locations to the proposed construction. It would appear that the proposed pier on the eastern side is to be constructed within the RPA of at least one of the protected Lime trees. The applicant needs to demonstrate prior to any consent provided if the required excavations are acceptable regarding the possible existence of tree roots and damage to them that may occur.



- 45 The proposals to build at the Park Lane junction appears acceptable. The proposed fencing on the northern side will require an amount of branch removal to two trees. Pruning details will need to be conditioned.'
- 46 2nd March: 'I refer to the tree report as supplied by Arborweald Environmental Planning Consultancy dated February 2016.
- 47 The proposal to install the gate and fencing as shown should in essence be fairly straight forward as it is a small job in comparison to the construction of a building for instance.
- 48 Fencing work is quite common and I am sure is being carried out near trees on a regular basis throughout the area. It is an unknown factor if or where any tree roots may be located. This can only be confirmed once excavations are carried out. The required fence post hole locations therefore need to be flexible. All holes need to be hand dug as specified. Should substantial roots be located then the holes should be filled in and the hole location relocated.
- 49 I would expect to see less roots under the road but to state that there will be no roots cannot be determined without opening up the road as required. I suggest that the same rules need to apply when excavations are carried out for the road in that the location needs to be flexible. Should roots be found then the hole needs to be filled in and relocated.
- 50 The gate movement mechanism is shown to be on the eastern side of the road. Why can it not be located on the western side of the road which is the farthest point away from the trees. I also need to see a specific route for the electricity feed, ideally away from the trees.'
- 51 16th June: 'Our previous discussion led me to the conclusion that the applicants were proposing to work within an area that required careful consideration due to the unknown existence of tree roots from the nearby Lime trees. Given the area shown for excavation which is minimal, the species tolerance to root disturbance and the tree report specifying certain protection methods, I am reasonably happy for the proposal to proceed. Conditions should specify that the tree protection conditions should be complied with.'

### Representations

- 52 Letters have been received from 19 different properties supporting the application. The reasons for supporting the application can be summarised as follows:
- Improves road safety
  - Reduces use of road for rat runs
  - Deter burglaries
  - Stops non residents accessing the road by car

- Enhances character and appearance of area
  - Design respects local character and compatible with the appearance of the street scene and Conservation Area
  - Arts and Crafts style materially contributes to the street scene
  - Improvement in design over current style and more sympathetic to the Conservation Area than a rising arm barrier
- 53 One letter has been received objecting to the application if the gates will be locked and the road becomes inaccessible to surrounding residents e.g. dog walkers.

## **Chief Planning Officer's Appraisal**

### **Principal issues**

#### *Impact on character and appearance of the area*

- 54 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para 56). Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area. Policy EN4 of the ADMP outlines that proposals that affect a Heritage Asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 55 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 56 The Wildernesse Conservation Area Appraisal and Management Plan outlines that most houses on the Estate originally had five-bar gates, which, with kerb-less verges, created a rural feel. The Conservation Area Appraisal outlines that the increasing use of tall piers and iron gates is starting to create an urban or suburban feel to parts of the roads. The Seal Conservation Area Appraisal does not mention anything relevant to this section of Sevenoaks.
- 57 The Seal Village Design Statement outlines that the Wildernesse Estate was designed to retain the original estate roads, and it was intended to maintain the impression of single homes situated in the countryside. The Seal VDS outlines that fencing, walls and gates should be kept low, and where more than one metre high, should be screened by appropriate planting.

- 59 It is proposed to add new vehicle gates within Seal Drive near the junction with High Street, Seal, within Wildernesse Avenue near the junction with Seal Hollow Road, Sevenoaks, and within Wildernesse Avenue near the junction with Park Lane, Seal. At the junction of Wildernesse Avenue with Seal Hollow Road a pedestrian gate is also proposed to allow access for pedestrians.
- 60 The proposed vehicular gates would consist of wooden piers with a height of 1.65 metres, and wooden gates with the majority having a height of 1.2 metres, set 0.07 of a metre above the ground. Decorative features are proposed to either end of each gate, which add a height of 0.22 of a metre to the gates. The pedestrian gate proposed would match in design the proposed vehicular gates, and would have a main height of 1.2 metres, with decorative features on either end adding a further 0.22 of a metre to the height.
- 61 It is worth noting that were the wooden gates and wooden posts reduced slightly in height to 1 metre, planning permission would not be required for these because under Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 a gate, fence, wall or other means of enclosure can be erected up to one metre in height when adjacent to a highway without the need to apply for planning permission.
- 62 The proposed vehicular gates at the junction with Seal Hollow Road, and those proposed at the junction with Park Lane, replace existing manual wooden gates already in place at these entrances. There is not currently a vehicular gate on Seal Drive.
- 63 Concern was raised by the Town Council that they would not want the proposed gates to be any higher than the existing gates at the junction with Seal Hollow Road, and at the junction with Park Lane. The existing gate at the junction with Seal Hollow Road consists of brick piers with a height of approximately 2.2 metres, and a wooden gate with a main height of between 1.45 and 1.61 metres. The existing gate at the junction with Park Lane consists of wooden posts with heights of between 1.59 metres and 1.66 metres, and a wooden gate with the main section measuring between 1.35 metres and 1.52 metres. A further wooden post to which the gate is attached when open has a height of 1.84 metres. The gates proposed would have a height of 1.2 metres plus a gap of 0.07 of a metre between the bottom of the gate and the road. The height of the gate post would be 1.65 metres. Consequently the proposed gates are lower than that existing at the junction with Seal Hollow Road and at the junction with Park Lane.
- 64 With the proposed gates being located within the Wildernesse and Seal Conservation Areas, it is important to assess the impact these gates will have on the character and appearance of the Conservation Area. In line with this, SDC Conservation Officers have been consulted for their advice throughout this application. Following the reduction in height of the proposed gates, the removal of fencing beside the gates from the scheme, and the removal of the proposed pedestrian gates on Seal Drive and Park

Lane, the SDC Conservation Officer advises that whilst the demarcation between public area and private estate road and restriction of vehicular access is at the heart of the proposal, the omission of fencing and reduction in height of the gates over that originally submitted no longer introduces an unnecessary defensive and exclusive character. The Conservation Officer further advises that the proposed gates are of a historically appropriate style and design, and constructed in materials that are considered to be an improvement to the existing single-arm barriers and large brick piers. As such no objection can be made to the scheme on Conservation grounds, as the proposed works will preserve the character of the Conservation Area.

- 65 As outlined above, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In line with the Conservation Officers Specialist advice, it is considered that the proposed gates would not harm the character and appearance of the Conservation Area, but preserve the character of the Area, as the works are historically appropriate in design. It is also not considered that the new timber gates will harm the rural feel of the estate identified within the Wildernesse Conservation Area Appraisal, with the gates being only at the entrances, and being relatively small scale and in line with the type of wooden fencing deemed appropriate in the Conservation Area Appraisal. When within the Wildernesse Estate, the appearance remains open and rural in appearance.
- 66 Concern was raised that the proposal would result in the impression of a gated community. Whilst this may or may not be the case, the Council does not have any planning policies restricting the creation of gated communities or even giving the perception of a gated community.
- 67 The NPPF outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Whilst the NPPF refers to the creation of inclusive communities, it does not expand to set out what is or isn't inclusive communities. It does not outline that the creation of gated communities is unacceptable and should be refused. In any case, it is only vehicular access which would be reduced by the introduction of these gates, with pedestrians and cyclists at Seal Drive and also at the junction with Park Lane being able to just walk around the vehicular gates, and pedestrians and cyclists at the junction with Seal Hollow Road being able to walk through the pedestrian gate. In addition it is also proposed to insert a keypad within each gate with the code so that any person within a vehicle can simply exit their vehicle, insert the code, and then drive through the gates. As such access will still be possible by any person who wishes to. It should also be noted that two of the existing access points already have

wooden gate barriers at certain times of the day to restrict access onto the Wildernesse Estate.

- 68 In line with the above it is considered that the creation of the visual impression of a gated community is not a sufficient reason to refuse planning permission for these gates.
- 69 A condition was requested requiring unrestricted access for cyclists and pedestrians. At the Seal Drive entrance and at the junction with Park Lane entrance, any pedestrian and cyclists will be able to go around the gates. At the junction with Seal Hollow Road junction a pedestrian gate is to be inserted by the proposed gates to allow access for pedestrians and cyclists. As such this condition would be unreasonable and could not be attached to any permission.
- 70 It was requested that no barriers are erected at Seal Drive whilst the development Wildernesse House is under construction, as this may tempt delivery vehicles to use another entrance. The use of Seal Drive for construction traffic in relation to Wildernesse House is a planning condition on the Wildernesse house permission, and as such enforcement action could be taken should they start using an alternative route. The applicant has also indicated that the gates will remain open during construction working hours to provide easy access and egress. Such arrangements would be a private matter between the developer and the applicant and it would not be reasonable to attach a condition requiring this to any permission for the gates.
- 71 Comments were submitted requesting suitable arrangements for emergency vehicles. The gates are proposed to include a coded entry system where any person can get out of their vehicle and input the code to open the gate, hereby overcoming the concern raised.
- 72 It was outlined that sufficient set back from the road junction would be required. The Seal Drive gate would be positioned approximately 15 metres from the junction, the Seal Hollow Road gate would be positioned approximately 10 metres from the junction, and the Park Lane gate would be positioned over 30 metres from the junction. These distances are considered acceptable.
- 73 It is claimed that the gates at Seal Drive are not justified as having gates on the other two accesses would stop rat-running. Whilst the prevention of 'rat-running' is outlined as a reason for the gates by the applicant, this is not a consideration when assessing this application and KCC Highways have raised no objection to the scheme with the roads affected being private roads and with the gates being set sufficiently far from the public highway to not affect it. The assessment of this application is based on the design, and the impact upon the Conservation Area. It has been found that the design would be acceptable and that the proposal would not harm the character and appearance of the Conservation Area.

- 74 As such it is considered that there is no significant issue to warrant refusal, and that the proposal would be acceptable on design and Conservation grounds.

#### *Impact on neighbouring amenity*

- 75 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 76 The proposed gates will not result in overshadowing or overlooking of neighbouring properties, and due to their minimal height, would not appear overbearing to neighbouring properties. Whilst the gates will result in vehicles having to wait a short amount of time while the gates open to enter and exit the Wildernes Estate, it is not considered that this will impact upon the amenity of neighbouring properties. Any time waiting will be minimal, and is unlikely to have a high occurrence. In addition those neighbouring properties that are located near the gates are largely screened by vegetation. Due to the short amount of time cars will be waiting for these gates to open, it is not considered that the proposed gates will have a detrimental impact upon neighbouring amenity.
- 77 As such it is considered that there will not be an objectionable harm to neighbouring amenity.

#### **Other Matters**

##### *Highways*

- 78 KCC Highways have been consulted as part of this application and raise no objection to the scheme, with the gates being located on private roads and set sufficiently far from the public highway to not affect it. As such it is considered that the proposal would be acceptable on Highway grounds.

##### *Trees*

- 79 Following the submission of further information SDC Tree Officers have raised no objection to the scheme subject to a condition on tree protection. It is considered that a condition requiring details on tree protection should be attached to any permission.

## **Conclusion**

- 80 I consider that the proposed development would preserve neighbouring amenity and would not have a detrimental impact upon the character and appearance of the street scene of Conservation Areas. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

## **Background Papers**

Site and Block Plan

Contact Officer(s): Hannah Weston Extension: 7387

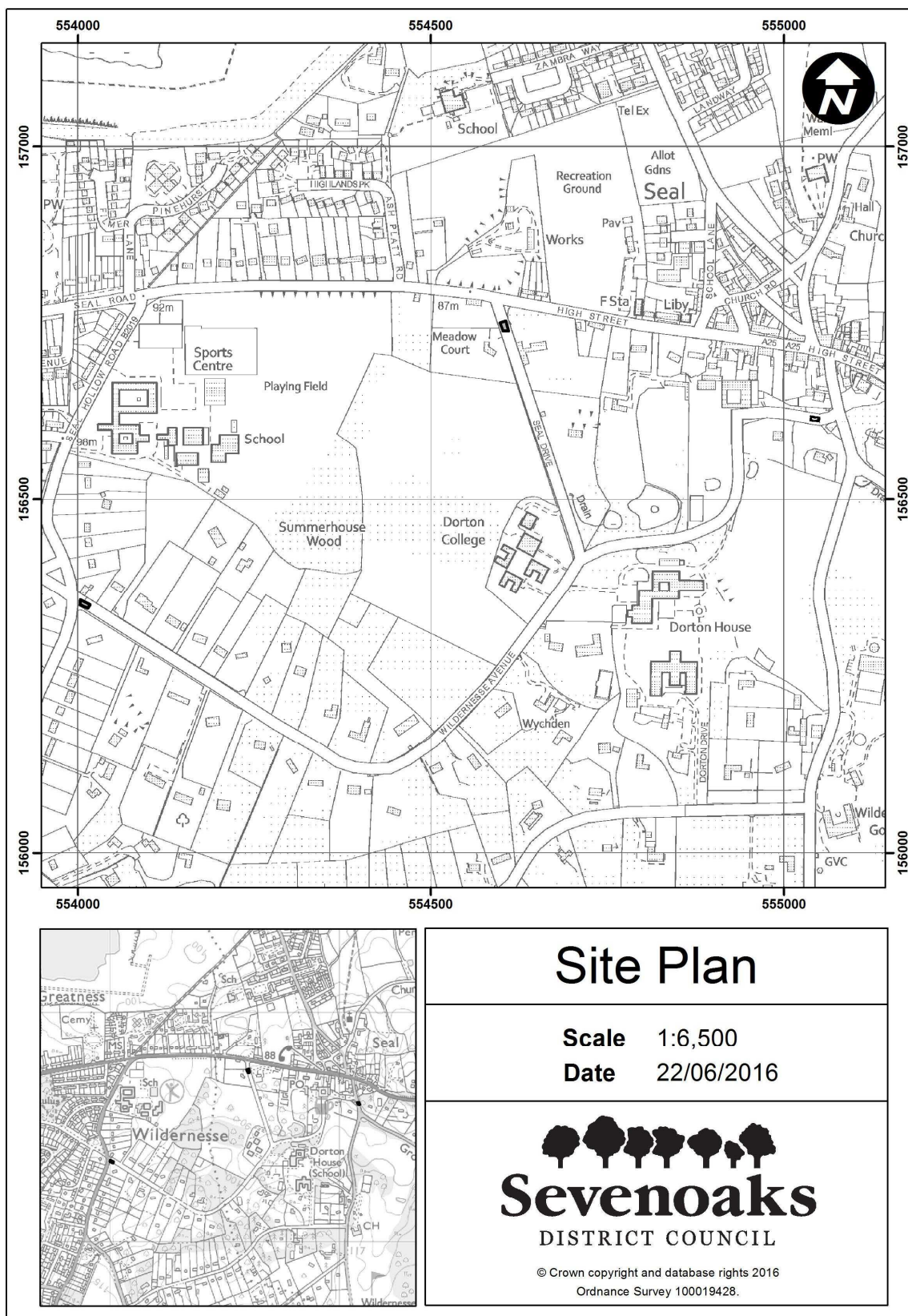
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZCFH0BK0LO00>

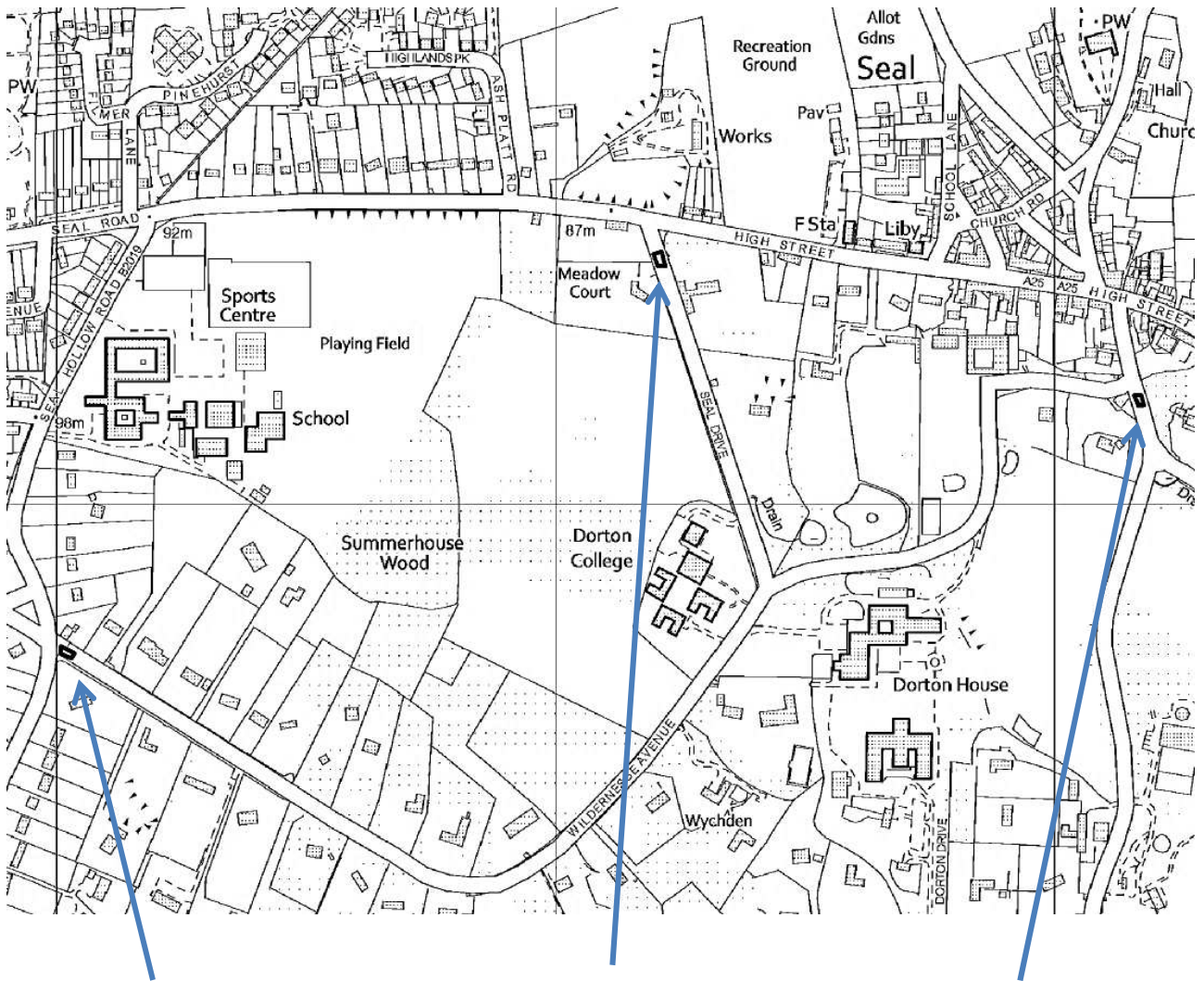
Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NZCFH0BK0LO00>





## Block Plans



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