

## Officer Report On Planning Application: 22/01298/FUL

<b>Proposal :</b>	Installation of property gates at the end of Water Street and along the access drive to Barrington Court.
<b>Site Address:</b>	Barrington Court, National Trust, Eastfield Lane, Barrington, Ilminster, Somerset, TA19 0NQ
<b>Parish:</b>	Barrington
<b>BURROW HILL Ward (SSDC Member)</b>	Cllr M Stanton
<b>Recommending Case Officer:</b>	Tracey Meachen (Specialist) Tel: 01935 462295 Email: tracey.meachen@southsomerset.gov.uk
<b>Target date :</b>	1st August 2022
<b>Applicant :</b>	National Trust
<b>Agent: (no agent if blank)</b>	Portus And Whitton 58 Ashcroft Road Cirencester GL71QX
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is reported to the Committee due to the officer recommendation being contrary to the objections raised by the Parish Council and the number of objections received from members of the public, which indicates that the application appears to be contentious, and therefore requires Committee consideration.

### SITE DESCRIPTION AND PROPOSAL





2/02353/FUL: Creation of vehicular access from private access road into field and erection of a metal gate and timber fencing (retrospective). Application permitted with conditions.

99/00902/FUL: Installation of entrance gates and associated alterations to railings. Application permitted with conditions.

99/00589/LBC: Installation of new entrance gates to the estate with associated modifications to railings. Application permitted with conditions.

78344/A: Erection of a private garage, erection of a screen fence, provision of a turning space, and formation of vehicular access

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

### Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

### National Planning Policy Framework - March 2018

Planning Practice Guidance (PPG)

### Other

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

Barrington Parish Council - objects

Barrington PC have OBJECTED to the application as the introduction of gates are going to cause a significant problem for all traffic that enters Water Street, including necessary service vehicles and emergency vehicles. They would be minded to support the application should a turning 'area' be agreed with the applicant to be located close to the gates.

SSC Highways - Standing advice applies

SSDC Highways Consultant - No objection  
The gates would be erected on private land.

Historic England - no comments

We suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation Officer - no objection

I am content that the proposal is consistent with previously agreed design principles and materials and confirm that in my view there are no objections to the proposal on heritage grounds.

The Gardens Trust - No comment

The designs are fine

## **REPRESENTATIONS**

31 neighbouring properties nearest the access points were notified in writing, and a site notice and press notice advertised the application more widely. 12 objections were received and 2 letters of support.

Objections raised the following points:

- National Trust comments are selective and misleading,
- Would not be to the benefit of the local community,
- Denmans, Gibbs and Eastfield Lane are not made for a higher volume of traffic being single track roads with no passing places, and used by horses and pedestrians - conflict of use,
- emergency access issues, and the re-diversion will add at least 5 minutes onto arrival times - will lead to delays,
- the entrance to this conservation village has already been visually spoilt by the building of the car park - a turning head would also spoil its appearance,
- a turning head has not been provided at the northern end of Water Street,
- Would make Water Street a cul-de-sac with nowhere to turn around,
- a turning circle is required and a pedestrian access at the bottom of Water Street,
- the Water Street gates are on top of the water course,
- Traffic congestion would just be relocated elsewhere,
- This gate prevents villagers access to footpaths they have used for decades it is a physical barrier that will further alienate the village from Barrington Court,
- No need for gates at all which are anti-social. Do residents get a key for emergencies?

Support:

- but the gates should have the proposed pedestrian access retained / pedestrian gate should be installed too.

## **CONSIDERATIONS**

### Principle of Development

The principle of development is acceptable.

The proposal has been submitted on the basis of gates added to two points to the south west of the grounds which will restrict vehicular movements in the area, as well as pedestrian access when the grounds are shut. An access at Eastfield Lane will stay open to provide access for residents of properties within the grounds, which is located to the north west of the grounds.

The impacts of the proposal will be considered on the historic environment and visual amenity, residential amenity, highways safety, and other matters.

### Visual and Heritage Impact

The Conservation Officer has been heavily involved with this site having made repeated visits and been involved in discussions regarding the detailing for a previous application. Having considered the details of the proposal, the Conservation Officer agrees the proposal is consistent with other previously agreed designs, principles and materials and therefore confirms there are no objections to the proposal on heritage grounds.

Any visual impact would, in any case, be balanced by the public benefit of securing and protecting the larger heritage assets of Barrington Court and gardens which are grade II\* listed, and other structures within the grounds which are grade II listed such as the walled garden and gateways, walled kitchen garden, store and barn, etc. The gates are to be positioned at the edge of the grounds, over 100 metres from any listed structure within. Existing trees and landscaping within the site would limit views of the gates which are not expected to be of detrimental impact to the setting of the listed buildings. The proposal therefore complies with Policy EQ3 of South Somerset Local Plan and requirements contained within chapter 16 of the NPPF.

### Residential Amenity

The impact on residential amenity of the gates themselves as a structure would be negligible in terms of, overshadowing, overbearing and overlooking. While the gates are locked, the local residents may find it quieter at times. However, noise and disruption may occur as a result of highways issues when the gates are locked and vehicles are unable to access Barrington Court. This has the potential to cause traffic chaos at various times which will impact residential amenity in the short term, as discussed in the Highways section.

It is acknowledged that there will be an impact to residential amenity, but there are no planning reasons to refuse the application. There are issues with delays caused by the blockage of the route, but planning cannot prevent the blocking of an access through what is private land. Other routes are available to the north west of the site for use by dwellings located in this area.

The application therefore complies with policy EQ2 which seeks to protect the residential amenity of neighbouring properties. It is recognised that there are still vehicle and pedestrian routes through the main highway network without resorting to access across private land.

### Ecology / Trees

Provided that the gates proposed are not located above the adjacent watercourse and no wall

foundations or trenching are to be implemented within the Root protection areas of the nearby trees or hedgerows, it is considered that no impacts are anticipated from an ecological point of view.

This is further reinforced by the comments made at the pre-application stage by the Tree Officer at SSDC, who stated that, unless automation and associated trenching for services was proposed that would affect the adjacent trees, no impact on the trees is anticipated and there would be no requirements for a Tree survey / AIA for these proposals. Details of electricity routing for automatic gates has not been provided as the gates will be manually operated. A condition could be placed on the application to ensure these details are controlled should the applicants wish to change the gates from manual operation to electronically operated.

### Open Space

Policy EC5 states 'existing Green Infrastructure will be protected against any adverse impact of development proposals. If loss of existing green infrastructure assets is unavoidable in order to accommodate necessary development, appropriate mitigation for the loss will be required'. No existing green infrastructure has been lost as a result of this application, but its use would be more controlled. Day time use would be unaffected.

### Highways

The gates would prevent everyone travelling between Water Street and Silver Street once the grounds are closed for the day, and the top of Water Street would be closed off most of the time. Bollards are also proposed to separate vehicles and pedestrians when accessing Barrington Court between the car park and reception point. This is intended to improve highway safety.

Highways have made no objection to the above application as the gates would be on private land only. The main impact would be at the top of Water Street. SSDC Highways Consultant commented:

'I note that Water Street is a highway maintainable at public expense as far as the give way lines at its far eastern end where it meets the private road serving Barrington Court. It would appear that the proposed gates in this location would be erected on private land (i.e., the Barrington Court access road) with the gates opening over the access road as opposed to the publicly maintained highway, and as such I do not believe the highway authority is likely to have any significant concerns with the scheme although it may be worthwhile checking this with SCC'.

Highways did point out, however, that 'Vehicular traffic using the private access road approaching this location from the south may round the bend to be confronted with gates opening out across their path, but I assume the National Trust would have carried out its own Risk Assessment in this respect?'

With regards to Silver Street, 'I do have some sympathy with the comment made by a third party in that the installation of the gates at the end of Water Street may prevent service, delivery and emergency vehicles, serving the residents of Water Street, from being able to turn at the eastern end of Water Street, but such turning movements would presumably have involved manoeuvring on private land (i.e., the private access road) which have required the permission of the National Trust. However, the National Trust may wish to consider this representation.'

The National Trust have pointed out that the land belongs to them, and they have the right to

secure the heritage building when the site is not open to the public. The issue does not lie with them, but with Highways who need to resolve the issue within the public realm. Therefore, there is no obligation by the National Trust to secure a turning head or other solution on their land. Properties located within the estate do have other access routes available to them..

Therefore, although every sympathy is extended to local residents regarding the disruption and issues the gates may cause, there are no planning issues which would lead to a refusal, and the National Trust does have the legal right to control when the public comes onto what is private land so long as any legal obligations, such as Public Rights of Way, have been correctly addressed. It does not cause Highway safety issues even though traffic turning around from a blocked entrance would be inconvenient and difficult. There are already traffic signs in place which indicate no through traffic. Highways may need to consider other measures if necessary. However, the proposed development complies with Policy TA5 as it does not jeopardise existing highways infrastructure, secures safe and convenient transport links relating to the needs of the site, and the use of the site is well established within the strategic road network. The only issues are regarding those wishing to make use of the private road network outside the restricted hours.

### Right of Way

It is obvious there will be an impact on local residents when Barrington Court is closed at the two points which are subject of this application between the hours of 5pm to 10:30am. Objections have pointed out that access to two parallel public footpaths which pass directly through the estate, and which will prevent villagers access to footpaths they have used for decades. The Public Rights of Way Officer has made no objection, but an informative will be added to remind the applicant that works which will impact the rights of way should not be started, and therefore the public use should be kept open for 'public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted'.

Because the PROW would be made less convenient for continued public use, the proposed development would require a temporary closure order and a suitable alternative route to be provided. However, this does not prevent the stopping up of the access points as requested within this application so long as the necessary stopping up order has been applied for and granted by Somerset County Council.

### Phosphates

Phosphate levels will not be impacted by these proposals due to the nature of the proposals.

### **Conclusion**

The hours of restriction would be of benefit to the listed buildings but it is also acknowledged that local residents would be prohibited from using well established vehicle and pedestrian routes within the site at certain times which will cause inconvenience.

Highways have not objected as they recognise the restrictions are on private land, and the Rights of Way Officer has pointed out that an Order to temporarily close, stop up or divert the route would be required.

The safety of pedestrians, cyclists and horseriders using public roads would not be put at risk due to heavier traffic use so long as everyone follows the Highway code, especially at junctions.

Blocking Water Street without a turning head being in place may cause some traffic mayhem initially as Water Street is not wide enough for traffic to turn around if the gates are closed, especially with parked cars to the side of the road.

The overall planning balance, however, rests in favour of the erection of the gates which restricts when the public can use the existing access points and secures the long term interests of the site which is of some significant architectural and historic significance.

### **Recommendation**

Approve

01. The proposal, by reason of its size, siting, materials and design, has no adverse impact on the character or historic integrity of the listed building and causes no unreasonable harm to visual and residential amenity or to highway safety in accordance with Policies SD1, EQ2, EQ3, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

### **SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

1463 L24 Gates Location Plan  
1463 L26B Gates Proposed General Arrangement Plan  
1463 L29 Proposed gate 1 arrangement  
1463 L30 Proposed gate 2 arrangement

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

03. The gates, bollards and 'estate bollards' hereby approved are to be constructed of metal and painted black. The design, material and colour shall be retained and adequately maintained thereafter.

Reason: To retain the character and appearance within the curtilage of a listed building in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

04. The gates are to be retained as manually operated gates unless details have first been agreed in writing with the Local Planning Authority, which for the avoidance of doubt, shall include the routing of any cabling.

Reason: To protect the roots of trees in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028).



## **Informatives:**

- 01. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.**

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
  - create a hazard to users of a PROW,
  - then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>
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