

06/2004/013

GRADECLEAR LTD

DEMOLITION OF SOME EXISTING BUILDINGS, REPAIR, REFURBISHMENT AND CONVERSION OF RETAINED EXISTING BUILDINGS INTO 25 SELF-CONTAINED DWELLINGS, RESTORATION OF THE PARKLAND AND ERECTION OF 45 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD AS AMENDED BY DRAWING NOS. 02/55/105C, 211B, 222F, 224C, 225B AND 415A RECEIVED ON 1ST JULY, 2004, LETTER DATED 12TH JULY, 2004 WITH ACCOMPANYING LANDSCAPE PROPOSALS DRAWING NOS. 127/1A AND 127/02A AND DRAWING NOS. 102A, 401B, 403A, 404B, B06B, B08B, 411B, 413B, 414B, 416B AND 417B

15560/29820

FULL

1.0 **RECOMMENDATION**

Subject to the views of the Secretary of State under the Departure Procedures and the applicant entering into a Section 106 Planning Agreement to provide for the following:-

1. Bonds - 2 No. bonds will be provided by Gradeclear:-
 - (i) A "repair bond" to cover the cost of the repair of the external fabric, including the roof and remedying damage caused to the interior by damp penetration, dry rot and timber infestation treatment to the Mansion House including the Orangery but not the walled gardens or other existing outbuildings (called "The Mansion House") in the sum of £750K.
 - (ii) A "conversion bond" as a contribution to cover the cost of the conversion of the Mansion House in the sum of £1 million.
 - (iii) The bonds would be exclusive of each other, i.e. with no overlap.
 - (iv) Both bonds would be reducing term bonds, the trigger point for reduction in bond value to be agreed with the Council, e.g. the certified completion of works to the roof would be one trigger point for the "repair bond"; the certified completion of first fix works would be one trigger point for the "conversion bond"
 - (v) Certification of staged practical completion of works would be undertaken by an appointed surveyor (at

Gradeclear's cost) and would be subject to a standard disputes procedure.

- (vi) The "repair bond" would be put in place upon commencement of works of repair. The "conversion bond" would be put in place upon commencement of works for conversion.
 - (vii) Both bonds would run for a period of five years from commencement of works (repair and conversion) to the Mansion House unless the works were completed beforehand. If the works of repair and conversion were not completed within five years then the Council would be able to utilise the balance of the bond monies to complete the works.
 - (viii) Not more than 7 No. (plots 26 - 33) new build housing units will be occupied before the approved works of repair/conversion to the Mansion House have commenced.
2. Contractor - (Mansion House) - Gradeclear will agree to consult the Council about the choice of contractor (main contractor) to be appointed to carry out the works of repair and conversion to the Mansion House - the Council's agreement not to be unreasonably withheld.

The Management Agreement (Mansion House and converted outbuildings) - Gradeclear will prepare and enter into a Management Agreement relating to the Mansion House, converted outbuildings, the immediate curtilage of both and the two walled gardens (including the walls) such Agreement to be agreed by the Borough Council in consultation with English Heritage both acting reasonably. The management and maintenance works contained within the Management Agreement will be financed by contributions from occupiers of the Mansion House and converted outbuildings and the apartments ... (but not the new-build housing). The Management Agreement will prescribe an appropriate financing structure, scope of management responsibilities particularly for communal areas and communal facilities; specify a quality standard of materials to be used reasonably consistent with the heritage asset and set the frequency of maintenance and repairs.

The Management Agreement (Mansion House and converted outbuildings) is to be agreed with the Council in consultation with English Heritage both acting reasonably before the first unit within the Mansion House or converted outbuildings is occupied.

- . The Management Agreement (Mansion House and converted outbuildings) is to enure in perpetuity, i.e. for 80 years.
4. Management Agreement (new-build) - Gradeclear will prepare and enter into a Management Agreement for the maintenance of the immediate surrounds of the newbuild housing (i.e. that part north of the northernmost walled garden). The content of the Agreement would be similar to the Management Agreement (Mansion House etc) but will not involve any heritage assets and will refer mainly to the maintenance of trees and incidental open space and the access drive between the existing drive (south east of the Mansion House) and the new build houses.
5. The Management Agreement (new build) will be financed from contributions from the occupiers of all the new build houses.
6. The Management Agreement (new build) is to be agreed with the Council before the first new build unit is occupied such agreement not to be unnecessarily withheld.
7. The Management Agreement (new build) is to enure in perpetuity i.e. for 80 years.
8. Restoration of "rest of parkland" (including pleasure grounds) - this area is defined as all that part of the parkland outside the immediate curtilage of the Mansion House, converted outbuildings and new build housing.
9. Gradeclear will undertake to complete the works for the restoration of the pleasure grounds, as approved, within two years of the first occupation of any apartment or new build dwelling.
10. Gradeclear will undertake to complete the works for the restoration of the remainder of the parkland, as approved, within three years of the first occupation of any apartment or new build dwelling.
11. Management Agreement for "rest of parkland" (including pleasure grounds) - Gradeclear will prepare and enter into a Management Agreement for the long term maintenance of the rest of the parkland (including the pleasure grounds) including annual works, cleaning, upkeep of driveway and footpaths, upkeep of lakes etc and the Agreement will contain the scope of annual works together with a quality standard of materials to be used reasonably consistent with the heritage asset.
12. These works of maintenance will be financed by:-

- (i) annual contributions from occupiers of the Mansion House/converted buildings and the new-build units (say £150 p.a. at current values)
 - (ii) It is explicitly acknowledged that within this Management Agreement the outer parkland will include appropriate animal grazing and woodland management regimes the net income from which will be applied by Gradeclear (together with the annual contribution by residents) to the future maintenance of the rest of parkland including the pleasure grounds.
 - (iii) Gradeclear will undertake to use its reasonable endeavours to obtain appropriate Government or other grants (subject to there being a net gain of income) for the upkeep/management/husbandry of the rest of parkland and to apply such income to its maintenance in accordance with the Management Agreement.
13. Both the annual contribution by residents and the grazing rental income will be linked to an appropriate cost index.
14. Gradeclear will provide the Council with a copy of the Annual Report and Accounts of the Management Company each year.
15. The Management Agreement for the rest of parkland including the pleasure grounds is to be agreed with the Council in consultation with English Heritage before the first new-build unit is occupied such agreement not to be unreasonably withheld.
16. The Management Agreement is to enure in perpetuity i.e. for 80 years.
17. Any changes to the Management Agreement for the rest of the parkland (including the pleasure grounds) (other than index linking of charges) must be agreed by the Council beforehand in consultation with English Heritage such agreement not to be unreasonably withheld.
18. Removal of hospital buildings - Gradeclear will undertake to demolish; remove the material arising and make good the site of the existing hospital buildings to the west of the Mansion House in accordance with details to be submitted to and approved by the Council and those works will be implemented before any apartment or new build dwelling is occupied.
19. Prior to the commencement of works, detailed specifications indicating the extent and standard of the retention, conversion and landscape restoration shall be submitted for approval by the Local Planning Authority, and these specifications shall be adhered to throughout the development.

permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall be implemented in accordance with an approved programme and details.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 03 Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 05 The external surfaces of the buildings to be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 05 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Revised Deposit Policy H9(B)(i).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

- 07 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of

construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.

11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.

12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

14 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

15 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.

15 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

16 Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the

approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.

16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

17 None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.

17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

18 There shall be no vehicular access to the site other than from South Drive and Station Road.

18 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

19 The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

19 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.

20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).

21 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.

21 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.

22 All services shall be placed underground.

22 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).

- 23 Detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced.
- 23 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN36.
- 24 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be

carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

- 24 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 25 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.
- 26 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 26 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.
- 27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority
- 27 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2 (A).
- 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no doors or windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 28 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external

- appearance of the building(s) in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2.
- 29 Details of the appearance of any sub-stations for utility provision shall be submitted to and approved in writing by the Local Planning Authority.
- 29 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 30 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.
- 30 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 31 The mitigation measures for protected species and other wildlife, set out in the submitted 'Report on Ecological Survey' shall be carried out as part of the development.
- 31 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 32 The windows hereby permitted shall be recessed in the wall to match the existing window recesses.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 33 Prior to commissioning, specific details of windows and external doors, including finished treatment, shall be submitted to and approved in writing by the Local Planning Authority.
- 33 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 34 There shall be no bell casts to the proposed rendered areas.
- 34 Reason: To maintain the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 35 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 35 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy C14.

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the Listed Building Consent relating to this property numbered 06/2004/014LB
- 08 The dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a Listed Building.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 With regard to Condition 02, you should use the principles of sustainable drainage methods (SUDs) as set out in the attached notes.

- 11 You are advised that a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol in respect of the protected species on the site.
- 12 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.
- 13 The following advice is provided by the Somerset Fire Brigade:-
1. Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 14 The following informatives are requested by the Environment Agency:- (a) The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. (b) This Agency must be notified immediately of any incident likely to cause pollution.
- 15 You are advised to contact Wessex Water (01225 526000) with regard to connection to their infrastructure.

06/2004/014LB

GRADECLEAR LTD

DEMOLITION OF PARTS AND CONVERSION OF RETAINED BUILDINGS INTO 25 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD, AS AMENDED BY DRAWINGS NOS. 02/55/105C, 221B, 222F, 224C, 225B, 401A, 404A, 408A, 411A, 413A, 414A, 415A, 416A AND 417A RECEIVED ON 1ST JULY 2004.

15560/29820

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- 02 The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To safeguard the appearance of the building and the visual amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A) and EN18(D).
- 03 Prior to the works of demolition and conversion, for which consent is hereby granted, is commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised, shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To ensure appropriate information is secured to enable an agreed programme of repairs in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 04 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 04 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A) and EN18(D).
- 05 Prior to the works for which consent is hereby granted is commenced, specific details of the means of venting recovered

- roofs, and enclosed bathrooms/ensuites, shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 06 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated, shall be submitted to and approved in writing by the Local Planning Authority.
- 06 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 07 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of repairs on a room by room basis, shall be submitted to and approved in writing by the Local Planning Authority.
- 07 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 08 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of existing doors/linings/architraves, which are to be relocated, shall be submitted to and approved in writing by the Local Planning Authority.
- 08 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 09 All additional doors, linings and architraves, required as part of the approved conversion works to the mansion, shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority
- 09 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 10 No damp proofing methods shall be installed in the mansion complex, unless prior written approval is first given by the Local Planning Authority.
- 10 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 11 Where partitions are removed the work shall be made good to match the original.
- 11 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 12 Where new partitions are constructed they shall be scribed around, not cut into the existing cornices, skirtings or other features.

- 12 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 13 Rooms with cornices, moulded skirtings etc which are to be divided shall have new lengths of cornice, and skirtings to match existing unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 14 Prior to the commissioning, specific details of new staircases, the ensembles to Unit 6, kitchen fittings to Units 5 and 6, the rear glazed making good (including fire surrounds) to reopened fireplaces in the mansion, shall be submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 15 Prior to the commissioning specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings, shall be submitted to and approved in writing by the Local Planning Authority.
- 15 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 16 Rooflights shall be flush fitting.
- 16 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 17 Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To ensure minimal disturbance to the fabric of the building and appropriate structural repairs in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 18 Details of all new works such as damp proofing, heating, lighting, plumbing, shall be approved in writing by the Local Planning Authority by before such installation commences.
- 18 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.

2.0 **APPLICANT**

Gradeclear Ltd

3.0 **PROPOSALS**

(i) 06/2004/013

DEMOLITION OF SOME EXISTING BUILDINGS, REPAIR, REFURBISHMENT AND CONVERSION OF RETAINED EXISTING BUILDINGS INTO 25 SELF-CONTAINED DWELLINGS, RESTORATION OF THE PARKLAND AND ERECTION OF 45 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD

(ii) 06/2004/014LB

DEMOLITION OF PARTS AND CONVERSION OF RETAINED BUILDINGS INTO 25 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD

The application was accompanied by:_

- (i) An Economic Development Appraisal prepared by Quantity Surveyors. This document has been prepared in association with English Heritage and their Quantity Surveyor;
- (ii) An Historic Landscape Appraisal and Landscape Survey, which have also been prepared in close consultation with English Heritage;
- (iii) A Statement on Transportation;
- (iv) A Concept Statement;
- (v) A Planning Statement; and
- (vi) A Schedule of Works of Refurbishment of the existing fabric of the mansion/house.

The comprehensive package of proposals also provide for the demolition of the complex of former hospital buildings to the west of the Mansion and the reinstatement of the remainder of the pleasure grounds and parkland setting of the listed building.

Because of the condition of the Mansion, the basis of the application is that significant financial resources will be required to secure renovation. The package of proposals has been prepared in consultation with English Heritage and seeks to comply with their guidelines "Enabling Development and the Conservation of Heritage

Assets". The application is therefore comprehensive and includes the whole of the parkland as well as the listed Mansion and its outbuildings, and is seen by the applicants as constituting the minimum enabling development to secure the restoration of the heritage assets at Sandhill Park.

The application is for full permission and provides for the conversion of the Mansion House (including the orangery) to 18 one and two bedroom apartments, the outbuildings to 7 one, two and three bedroom houses and 45 one, two three and four bedroom houses to the north of the former kitchen gardens. All of the new dwellings will be of two storey construction.

The development proposals provide for the following:-

Mansion

- (i) Comprehensive restoration of internal and external fabric;
- (ii) Specialist restoration of plaster work;
- (iii) Restoration of staircase to original position;
- (iv) The orangery restored and converted to a dwelling unit;
- (v) Demolition of recent alterations on the north side;
- (vi) Roof covering totally replaced; and
- (vii) Kitchen garden walls repaired, paths restored and fountain repaired.

Outbuildings

- (i) Blocked window and door openings restored;
- (ii) Tin roof replaced with natural materials; and
- (iii) Quadrangle of buildings completed.

Former Hospital Buildings

- (i) Demolish and remove all buildings;
- (ii) Re-contour area and reclaim to parkland and lawns; and
- (iii) Restore views between the Mansion and the parkland and vice versa.

New Dwellings

- (i) Located north of the kitchen gardens;
- (ii) Remove unauthorised tipped material; and
- (iii) Considered minimum new development to enable restoration.

Parkland

- (i) Comprehensive restoration;
- (ii) Lake de-silted;
- (iii) Fencing removed/replaced as appropriate;

- (iv) Incongruous 20th Century items removed;
- (v) Replacement planting to 19th Century design;
- (vi) Selective consolidation of relics;
- (vii) Managed grazing regime; and
- (viii) Comprehensive tree inspection and surgery.

Pleasure Gardens

- (i) Restoration of and management of the ornamental woodland (American gardens) north west of Mansion house;
- (ii) Comprehensive tree inspection and surgery;
- (iii) Replacement and additional tree planting (some exotic species);
- (iv) Planting to northern boundary connecting east and west sides of pleasure grounds providing containment to new development; and
- (v) Paths reinstated.

The proposal will involve the retention of 2,343 sq m in footprint of the existing buildings, principally the Mansion and its associated buildings and the demolition of 3,219 sq m footprint of existing buildings, which are mainly 20th Century hospital buildings. The tennis court and tarmaced area on the eastern side of the Mansion are to be removed and an area of tree planting on a slightly raised grassed area is to be provided to screen a new car parking area immediately behind.

It is proposed that there be an area of managed gardens around the Mansion, stables, barn and new dwellings, which will be separated from the rest of the parkland by metal parkland fencing and cattle grids, minimising the need for fencing in the rest of the park, but allowing general access as well as grazing for livestock to continue.

The proposal includes building 2,683 sq m in footprint of new building to the north of the existing walled gardens as enabling development in a layout and style that reflects the form and scale of the restored existing buildings already to the north of the main house. These buildings are partly in an area where existing buildings are being demolished and where historically there was a further enclosure and small buildings. Much of the area was covered with fill from the demolition of buildings that existed before the development of Lethbridge Park to a depth of 1.5 m above its original level. It is now proposed to reinstate this area back to its original levels and to create a backdrop of tree planting that existed between the American garden and the group of trees that abut Lethbridge Park. These proposed new dwelling are to be in the form and style of simple agrarian buildings, taking precedent not only from the existing restored buildings immediately adjacent to it but also from other similar buildings in the locality.

The restoration of the historic parkland is a key objective of the proposal. Because a large part of the original park is no longer in the

applicant's control, it is impossible to recreate some parts of the original parkland. However with the proposed removal of the 20th Century hospital buildings to the south west of the mansion house, all of this area becomes available for parkland restoration and is seen by the applicants as creating considerable gains to the landscape as well as the setting of the listed Mansion. The original OS maps show the South Drive as unfenced with grazing animals able to pass over the drive in a continuous field and it is proposed to recreate this again with cattle grids at the northern and southern ends of the drive. A new metal parkland fence running down the western side of the American garden and sweeping around the southern side of the Mansion will recreate the 19th Century separation of the more managed land immediately around the house and the grazing in the open parkland beyond. The parkland is depleted of mature tree stock and most of the planting in the 20th Century has been inappropriate in its setting. It is therefore proposed to remove some trees and plant new trees elsewhere.

4.0 **THE SITE**

Sandhill Park comprises the Mansion together with its outbuildings, sitting in parkland landscape. The Mansion is listed Grade II* but is in deteriorating condition and is included on the Buildings at Risk Register prepared by English Heritage. There are walled gardens and ranges of outbuildings.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the Mansion was used unsuccessfully as a fire museum. Some of the former hospital buildings to the west of the Mansion have been used for short lease offices with access across the front of the Mansion House.

5.0 **RELEVANT PLANNING HISTORY**

There have been a large number of planning applications related to Sandhill Park, not all of which are directly relevant to the current application. The following are of relevance to the current application:-

06/1990/012 Change of use of former offices to private conference/lecture room facilities, Sandhill Park Hospital, Bishops Lydeard. No objection raised June 1990. this permission related to the front part of the Mansion.

06/1990/016 Change of use of the Old School as private nursing school for 20 children, Sandhill Park Hospital, Bishops Lydeard. Full permission granted June 1990. This permission related to one of the former hospital buildings to the west of the Mansion.

06/1991/036 Change of use of Mansion and outbuildings into national fire museum, relocation of RDA facility and residential development at Sandhill Park, Bishops Lydeard. Application withdrawn February 1995.

06/1991/037 Change of use of Mansion and outbuildings to form museum, residential development of 50 houses (scheme B) and development of an equestrian centre, former Sandhill Park Hospital, Bishops Lydeard, Application refused May 1992.

06/1992/011LB Change of use of Mansion and outbuildings to museum, including internal alterations, Sandhill Park, Bishops Lydeard. Consent granted June 1992.

06/1992/012 Change of use of Mansion and outbuildings to museum, Sandhill Park, Bishops Lydeard. Full permission granted May 1992.

06/1992/017 Change of use of former ancillary hospital buildings to business use (class B1A and B1B) Sandhill Park, Bishops Lydeard. Full permission granted January 1993.

06/1993/005 Change of use of Mansion and outbuildings to national fire museum, relocation of Riding for the Disabled facility and erection of 50 two storey dwellings and garages, Sandhill Park, Bishops Lydeard. Permission refused May 1993. Subsequent Appeal dismissed January 1994.

06/1993/014 Residential development of two-storey dwellings and garages on approximately 0.5 ha and relocation of riding for the disabled facility on land at Sandhill Park, Bishops Lydeard, Application withdrawn.

06/1994/004 Change of use of Mansion and outbuildings to museum, formation of museum car park, relocation of riding for the disabled centre and residential development comprising 50 two-storey dwellings and garages on land at Sandhill Park, Bishops Lydeard. Outline permission granted January 1995

06/1995/020 Change of use from hospital building to office accommodation, School House, Sandhill Park Hospital, Bishops Lydeard. Full permission granted July 1995.

06/1997/020 Erection of 50 No. detached houses, including access road, enabling site works, etc. Sandhill Park, Bishops Lydeard. Reserve matters approved December 1997. This application was the submission of details following permission 06/1994/004 and comprises the current Lethbridge Park development.

06/1998/005 Conversion of premises from museum to office (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Permission refused July 1998. Subsequent appeal withdrawn.

06/1998/043 Conversion of premises from museum to offices (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Full permission granted April 2003.

06/1999/006 Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1999/007LB Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard, Application withdrawn.

06/2003/015 Demolition of outbuildings, conversion of buildings into 24 dwellings and erection of 46 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2003/016LB Demolition of part and conversion of retained buildings into 24 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG10)

Policy SS19 Rural Areas

Policy EN1 Landscape and biodiversity

Policy EN3 The Historic Environment

Local authorities and other agencies in their plans, policies and proposals should:

- afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance;
- indicate that new development should preserve or enhance historic buildings and conservation areas and important archaeological features and their settings, having regard to the advice in PPG15 and PPG16;
- indicate that policies and programmes should work towards rescuing buildings and monuments at risk;
- encourage the restoration and appropriate re-use of buildings of historic and architectural value and take a particularly active role in bringing about their restoration where this would help bring about urban regeneration;
- take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another.

Policy EN4 Quality in the Built Environment

Policy H03 Affordable housing

Policy H05 Previously developed land and buildings

Policy H06 Mix of housing types and densities

Policy TRAN 1 Reducing the need to travel

Policy TRAN 5 Demand management

Policy TRAN 7 The rural areas

Policy TRAN 10 Walking, cycling and public transport

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR1 SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- give priority to the continued use of previously developed land and buildings;
- enable access for people with disabilities

POLICY STR3 Rural Centres and Villages

POLICY STR6

DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES

Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 1 Nature Conservation

POLICY 5 Landscape Character

POLICY 9

THE BUILT HISTORIC ENVIRONMENT

The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.

POLICY 33 Provision for Housing

POLICY 35 Affordable Housing

POLICY 39

TRANSPORT AND DEVELOPMENT

Proposals for development should be considered having regard to:

- the management of demand for transport;
- achieving a shift in transport modes to alternatives to the private car and lorry wherever possible; and
- the need for improvements to transport infrastructure.

POLICY 42 Walking

POLICY 44 Cycling

POLICY 45 Bus

POLICY 46 Rail Operation

POLICY 49 Transport Requirements of New Development

**Somerset and Exmoor National Park Joint Structure Plan
Alteration – Deposit Draft**

POLICY STR1 SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- have regard to the need to enhance and maintain the role and function of each settlement in relation to its hinterland, and the need to promote self-containment:

- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- take a sequential approach to the location of new development, giving priority to the continued use of previously developed land and buildings in the Exmoor National Park generally, and within or well-related to existing settlements outside the National Park, in accordance with the requirements set out in Government guidance: and
- enable access for people with disabilities.

In the Exmoor National Park, development should accord with the requirements set out in policies STR 6B (Exmoor National Park) and 33 (Provision for housing).

STR2 Approach to the Spatial Strategy

POLICY 1 Nature Conservation

POLICY 5 Landscape Character

POLICY 9

THE BUILT HISTORIC ENVIRONMENT

The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible appropriate be enhanced. The character ~~or~~ and appearance of Conservation Areas should be ~~preserved~~ conserved or enhanced.

POLICY 33 Provision for Housing

POLICY 35 Housing Need

POLICY 40 Settlement Transport Strategies

POLICY 42 Walking and Cycling

POLICY 45 Bus

POLICY 46 Rail Operation

POLICY 48

ACCESS AND PARKING

Developments which would generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport. The level of parking provision in settlements should reflect their functions, the potential for the use of alternatives to the private car and the need to prevent harmful competitive provision of parking.

The level of car parking provision associated with new development should be minimised having regard to the need for access and the availability of alternatives to the private car and the availability of alternative public parking.

- ~~• first, take account of the potential for access and provide for alternatives to the private car, and then;~~
- ~~• should be no more than is necessary to enable development to proceed.~~

POLICY 49 Transport and Development

West Deane Local Plan

WD/SP/2 OUTSIDE DEFINED SETTLEMENT LIMITS, DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY OR ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL.

WD/SP/3 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CHANGE OF USE OF BUILDINGS FOR SMALL SCALE INDUSTRIAL, WAREHOUSING, COMMERCIAL, TOURIST AND RECREATIONAL RELATED USES WILL BE PERMITTED WHERE:-

- THE BUILDING IS OF A SUITABLE SIZE FOR THE PROPOSED USE;
- THE BUILDING IS STRUCTURALLY SOUND, AND CAPABLE OF CONVERSION WITHOUT SIGNIFICANT REBUILDING;
- THE APPEARANCE, STRUCTURE AND SURROUNDINGS OF THE BUILDING WOULD NOT BE MATERIALLY HARMED;
- THE CONVERTED BUILDING AND NEW USE WOULD BE COMPATIBLE WITH THE LANDSCAPE, CHARACTER, NATURE

CONSERVATION AND HISTORIC HERITAGE OF THE AREA;

- (E) THERE WOULD BE NO HARM TO HIGHWAY SAFETY AND THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES; AND.
- (F) ADEQUATE ARRANGEMENTS CAN BE MADE FOR THE PROVISION OF SERVICES.

WD/SP/4 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CONVERSION OF BUILDINGS TO RESIDENTIAL USE WILL ONLY BE PERMITTED WHERE THE CRITERIA OF POLICY WD/SP/3 ARE MET AND WHERE IT WOULD NOT HARM:

- (A) THE RURAL CHARACTER OF THE AREA; AND
- (B) THE HISTORIC OR ARCHITECTURAL QUALITIES OF THE BUILDING.

WD/HO/7 Design and Layout of New Housing Development

WD/HO/8 Removal of Permitted Development Rights

WD/RT/2 SANDHILL PARK IS ALLOCATED FOR RECREATION AND TOURISM. A RANGE OF COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE ENCOURAGED WHICH:-

- (A) CONFORM GENERALLY WITH DEVELOPMENT PLAN POLICIES FOR THE COUNTRYSIDE;
- (B) RESPECT THE CHARACTER AND SETTING OF THE GRADE II* LISTED BUILDING AND ITS OPEN, PARKLAND SETTING;
- (C) RESPECT THE LANDSCAPE, HISTORICAL ENVIRONMENT AND NATURAL HISTORY OF THE AREA;
- (D) ENSURE ADEQUATE HIGHWAYS AND UTILITY SERVICING ARRANGEMENTS; AND
- (E) PROMOTE SOCIAL AND ECONOMIC BENEFITS TO THE LOCAL POPULATION.

THE BOROUGH COUNCIL WILL NOT PERMIT DEVELOPMENT WHICH WOULD DETRACT FROM THESE AIMS. WHERE IT CAN BE DEMONSTRATED

THAT AN APPROPRIATE RECREATIONAL OR TOURIST DEVELOPMENT COULD NOT OTHERWISE BE ACHIEVED, THE LOCAL PLANNING AUTHORITY MAY BE PREPARED TO ACCEPT A MODEST AMOUNT OF OTHER USES WHERE THIS CAN GUARANTEE THE PROVISION OF SUITABLE SIGNIFICANT RECREATION AND TOURISM DEVELOPMENT.

WD/EC/1 Nature Conservation

WD/EC/2 Protected Species

WD/EC/16 Special Landscape Areas

WD/EC/18 THE ALTERATION OR CONVERSION OF A LISTED BUILDING WILL NORMALLY ONLY BE PERMITTED WHERE THE FOLLOWING CRITERIA ARE MET:-

- (A) THE INTERNAL AND EXTERNAL FABRIC CONSIDERED IMPORTANT TO THE HISTORICAL INTEGRITY, STRUCTURE, CHARACTER, APPEARANCE AND SETTING OF THE BUILDING ARE NOT MATERIALLY AFFECTED. WHEREVER POSSIBLE, FIXED INTERIOR FEATURES OF INTEREST SHOULD BE RESPECTED AND LEFT IN SITU;
- (B) THE PROVISION OF PARKING SPACES DOES NOT ADVERSELY AFFECT THE SETTING AND APPEARANCE OF THE BUILDING;
- (C) THE SUB-DIVISION OF ANY SURROUNDING GARDEN OR OPEN SPACE DOES NOT ADVERSELY AFFECT THE SETTING AND HISTORIC CHARACTER OF THE BUILDING;
- (D) WHERE THE BUILDING'S INTERNAL SPACE IS JUDGED TO BE IMPORTANT TO ITS CHARACTER, THIS SPACE IS PRESERVED; AND
- (E) THE MATERIALS USED IN THE CONVERSION DO NOT ADVERSELY AFFECT ITS CHARACTER OR APPEARANCE. THERE WILL BE A PRESUMPTION IN FAVOUR OF THE USE OF NATURAL MATERIALS WHICH REFLECT THOSE OF THE BUILDING OR ITS PERIOD.

WD/EC/31 LANDSCAPING

Taunton Deane Local Revised Deposit (including Proposed Modifications)

S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

S2 Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;

- (F) minimise adverse impact on the environment, and existing land uses likely to be affected; ~~and~~
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site; ~~and~~
- (I) subject to negotiation with developers, incorporate public art;
- (J) include measures to promote energy efficiency.

S6 Rural Centre

S8 Outside defined settlement limits, ~~development~~ new building will not be permitted unless it ~~protects~~ maintains or enhances the environmental quality and landscape character of the area and

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:-
 - (E) avoid breaking the skyline;
 - (F) make maximum use of existing screening;
 - (G) relate well to existing buildings; and
 - (H) use colours and materials which harmonise with the landscape. ~~and~~
 - ~~(I) be of a reasonably necessary size to meet the need.~~

H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless;

- (A) the building proposed to be converted is of permanent and substantial construction and:
 - (1) is in keeping with its surroundings;
 - (2) has a size and structure suitable for conversion without major significant rebuilding or significant alteration or extension and alteration;
 - (3) is unlikely to attract a suitable business re-use; and

- (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement;
- (B) and the proposal:
 - (1) will not harm the architectural or historic qualities of the building; ~~and~~
 - (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and
 - (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

H12 Affordable housing with general market housing.

EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

- ~~(A) in accordance with a Specific Local Plan proposal; or~~
- ~~(B) an existing industry which is causing environmental or other problems would thereby be relocated to a more suitable site in the area; or~~
- ~~(C) other clear advantages would occur which outweigh the economic disadvantages; or~~
- ~~(D) in the case of an existing or previously developed employment site, there is no likelihood of a viable employment use or redevelopment.~~

EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

- ~~(A) in accordance with a Specific Local Plan proposal; or~~
- ~~(B) an existing industry which is causing environmental or other problems would thereby be relocated to a more suitable site in the area; or~~
- ~~(C) other clear advantages would occur which outweigh the economic disadvantages; or~~
- ~~(D) in the case of an existing or previously developed employment site, there is no likelihood of a viable employment use or redevelopment.~~

M3a Residential development will be permitted provided that off-street parking is provided in convenient locations capable of natural surveillance or otherwise secure according to the following standards per dwelling;

- ~~(A) affordable dwellings; from 0-2 spaces for cars and 1 or more spaces for bicycles;~~
~~(B) sheltered accommodation for the elderly; from 0-1 spaces for cars;~~
~~(C) residential caravans and chalets; 0-2 spaces for cars and 1 or more spaces for bicycles;~~
~~(D) dwellings with 4 or more bedrooms;~~
~~(i) within the Taunton Central Area; from 0-2 spaces for cars and 2 or more spaces for bicycles;~~
~~(ii) elsewhere; from 1-2 spaces for cars and 2 or more spaces for bicycles;~~
~~(E) other dwellings;~~
~~(i) within the Taunton Central Area; from 0-2 spaces for cars and 1 or more spaces for bicycles;~~
~~(ii) elsewhere; 1-2 spaces for cars and 1 or more spaces for bicycles.~~

In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:

- Impact upon urban design
- The location of the development, and its accessibility to employment opportunities and services

T39 cycling

C4 Standards of provision of recreational open space.

EN3 Local Wildlife and Geological Interests

EN4 Wildlife in buildings to be converted or demolished.

EN4a Protected species.

EN5 Protection of trees, woodland, orchards and hedgerows.

EN8 Tree planting

EN13 Landscape Character Areas

EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

EN18 The change of use, alteration, conversion or extension of a Listed Building will not be permitted unless:

- (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible;
- (B) the building's internal space would be retained where this is important to its character or historic integrity;
- (C) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity;
- (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible;
- (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

EN20 Recording of listed buildings affected by development and salvage off important building materials.

EN21 Parks and Gardens of special historic interest.

7.0 **RELEVANT GENERAL GOVERNMENT POLICY GUIDANCE**

PPG1 - General Policy and Principles

Paragraphs 4 – 7 Sustainable development

Paragraphs 13 – 20 Design

Paragraph 24 Planning for housing

Paragraph 28 Rural areas

Paragraph 32 Just as well-designed, new development can enhance the existing environment, it is fundamental to the Government's policies for environmental stewardship that there should be effective protection for the historic environment. Those aspects of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and

appearance of our towns, villages and countryside. Their continued use is important if they are to contribute fully to the life of our communities.

Paragraphs 36 – 38 Planning obligations and conditions

Paragraph 40 The plan led system

Paragraphs 50/55/56 Other material considerations

Paragraph A1 – A7 Handling of design issues.

PPG 3 - Housing

Paragraphs 9 – 11 Creating mixed communities – influencing the type and size of housing

Paragraph 38 Determining planning applications

Paragraph 41 Re-using buildings/conversions

Paragraph 42 Reallocating employment and other land to housing

Paragraph 46 Creating sustainable residential environments.

Paragraph 52 & 53 Greening the residential environment

Paragraph 54 – 56 Designing for quality

Paragraph 57/58 Making the best use of land

Paragraph 59 Local authority requirements for car parking, especially off-street car parking, are also a significant determinant of the amount of land required for new housing.

Paragraph 60 Car parking standards for housing have become increasingly demanding and have been applied too rigidly, often as minimum standards. Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing. Parking policies should be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location. They should not be expressed as minimum standards.

Paragraph 61 Local authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments:

- in locations, such as town centres, where services are readily accessible by walking, cycling or public transport;
- which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing; and
- involving the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme.

Paragraph 62 Car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted.

Paragraph 63/64 Rejecting poor design

Paragraph 65/66 Developing outside urban areas.

PPG7 - The Countryside – Environmental Quality and Economic and Social Development.

Paragraphs 1.3 – 1.5 Sustainable development

Paragraphs 2.11 – 2.13 Achieving good quality development.

Paragraphs 3.14 – 3.16 Re-use of buildings

Paragraph 3.21 New house building and other new development in the open countryside, away from established settlements or from areas allocated for development in development plans, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Isolated new houses in the countryside require special justification - for example, where they are essential to enable farm or forestry workers to live

at or near their place of work. Advice on the special considerations which may arise in relation to agricultural and forestry dwellings is given in Annex I. An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside. Sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area.

Paragraph 4.13 Historic sites

Draft PPG7 - Sustainable Development in Rural Areas

Paragraphs 3 – 5 Location of development

Paragraph 11 Housing

Paragraphs 18 – 20 Re-use of buildings in the countryside.

PPG 3 - Transport

Paragraphs 4 – 6 Objectives

Paragraphs 12 – 17 Housing

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 40 – 44 Rural areas.

Paragraphs 49 – 55 Parking

Paragraphs 75 – 77 Walking

Paragraphs 78 – 80 Cycling

PPG15 - Planning and the Historic Environment

Paragraph 1.1 It is fundamental to the Government's policies for environmental stewardship that there should be

effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

Paragraph 1.5 Conservation can itself play a key part in promoting economic prosperity by ensuring that an area offers attractive living and working conditions which will encourage inward investment - environmental quality is increasingly a key factor in many commercial decisions. The historic environment is of particular importance for tourism and leisure, and Government policy encourages the growth and development of tourism in response to the market so long as this is compatible with proper long-term conservation. Further advice on tourist aspects of conservation is given in *PPG 21* and the English Tourist Board's publication *Maintaining the Balance*.

Paragraph 1.6 Stewardship: the role of local authorities

Paragraphs 2.11 – 2.15 Development control.

Paragraph 2.16 Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their

surroundings, e.g. by new traffic routes, car parks, or other development.

Paragraph 2.26 The wider historic landscape

Paragraph 3.3 The importance which the Government attaches to the protection of the historic environment was explained in paragraphs 1.1-1.7 above. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

Paragraph 3.4 Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 3.5 The issues that are generally relevant to the consideration of all listed building consent applications are:

- i. the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);

- ii. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
- iii. the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- iv. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

Paragraph 3.6

The grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. Grades I and II* identify the outstanding architectural or historic interest of a small proportion (about 6%) of all listed buildings. These buildings are of particularly great importance to the nation's built heritage: their significance will generally be beyond dispute. But it should be emphasised that the statutory controls apply equally to all listed buildings, irrespective of grade; and since Grade II includes about 94% of all listed buildings, representing a major element in the historic quality of our towns, villages and countryside, failure to give careful scrutiny to proposals for their alteration or demolition could lead to widespread damage to the historic environment.

Paragraph 3.8

Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future

of listed buildings or buildings in conservation areas is in question.

Paragraph 3.12 – 3.15 Alterations and extensions

Enabling Development and the Conversion of Heritage Assets (June 2001)

Enabling development is development that is contrary to established planning policy national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. It is often associated with proposals for residential development to support the repair of a country house.

This document was prepared by English Heritage as a Policy Statement and Practical Guide to Assessment of Enabling Developments. This advocates a presumption against enabling development unless it meets specified criteria, the most important of which is that the sum of benefits clearly outweighs the disbenefits not only to the historic asset or its setting, but to any other relevant planning interests. It was intended to amplify and reinforce the well established guidance set out in PPG15. The statement applies to development which is contrary to established planning policy.

The following are the criteria which English Heritage consider should be met:-

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting
- The proposal avoids detrimental fragmentation of management of the heritage asset
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid
- Sufficient financial assistance is not available from any other source
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development

If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:-

- The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
- The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 01/97, Planning obligations;
- The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- The planning authority closely monitors implementation, if necessary acting promptly to ensure a satisfactory outcome.

8.0 **REPRESENTATIONS**

County Highway Authority

“The site lies outside the recognised development boundary limits of Bishops Lydeard and Ash Priors, where it is remote from adequate services and facilities. The nearest convenience store and primary school is in the centre of Bishops Lydeard approximately 2.5 km from the site, and the nearest retail centres are Taunton/Wellington. It is these towns that also provide the main employment, entertainment and retail facilities. Secondary education opportunities exist in Wiveliscombe some 12 km from the site.

At the end of the access road, the site is served by a very limited bus service, offering at most two trips into/out of Taunton on a Tuesday and Friday, and a single trip into/out of Wellington on a Thursday. From the centre of the village (2-2.5 km distance) there is an hourly service between Minehead and Taunton, Monday to Saturday.

This means that any residents of the proposed dwellings will be primarily dependant on private vehicles for their daily needs. This is contrary to advice contained within RPGIO, PPG13, and the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. This therefore comprises unsustainable development in terms of transport policy.

It is largely a matter for the Planning Authority to determine the suitability of the existing buildings for conversion to dwellings, however in light of the additional new build dwellings that are proposed, this application will receive recommendation of refusal for the following reason:-

The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor vehicle and comprises unsustainable development which is contrary to advice contained within PPG13, RPGIO and the provisions of Policy STR and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notwithstanding the above comments, there does not appear to have been a full Transport Assessment submitted with this application, and the Highway Authority deem this necessary to fully assess the impact of this application on the local highway network.

It should also be noted that the details submitted with the planning application for the internal road layout are insufficient to determine the suitability of the drive as a means of access to the proposed development. Details of how these dwellings are to be accessed, how the development is to access the highway, and the necessary improvements to the drive should be provided in order to fully determine the impact of this application. If these details are not forthcoming and/or acceptable, then further reasons for refusal will be submitted. This information was requested at the last submission number 06/04/015, but as yet does not appear to have been incorporated with the application.

Should any of the requested information be submitted, I shall be happy to review it and comment on the highway implications accordingly.”

Further discussions have taken place between the applicants' highways consultants and the County Highway Authority and the following further observations have been received:-

“The comments made with regard to this application in April 2004, are still relevant at this time. The Highway Authority still wishes to object to this proposal on the grounds that it constitutes unsustainable development in terms of transport policy. This response to the amended plans should be read in conjunction with the formal response to the above planning application dated 2 April 2004.

It is my understanding that you as a Planning Authority are minded to recommend the approval of this application in order to secure the renovation of the existing 'mansion', contrary to the Highway Authority concerns. If this is the case, it is essential that the detail of the proposal is acceptable in terms of highway safety.

The submitted plans show a total of 70 dwellings on site, with 93 car parking spaces. In this unsustainable location, it is reasonable to expect a high level of car dependency, and two spaces per unit may be more appropriate. Whilst 70 dwellings are shown on the layout

drawing, the application and supporting statement refers to 73. The total number of units should be clarified in order to correctly assess the application.

The supporting statement indicates that the replacement of the existing permitted office space on site with residential dwellings will generate a comparable level of traffic generation. Whilst this is accepted as an accurate assessment of the potential of the site, it is noted that not all of the buildings are to be converted, and that the remaining buildings do not appear on any of the submitted survey drawings. It is assumed that these are to be demolished, and that they will not come forward at any time in the future for conversion or development, as this would be wholly unacceptable. The existing access onto Greenway Road is substandard in terms of visibility, and any increase in use is unacceptable and to the detriment of highway safety.

Whilst the Advanced Payments Code will apply to the setting out of the new street, I believe through discussions that is unlikely to connect to the existing highway, however the proposed estate road should be constructed to a suitable standard. The existing private drive is not constructed (or illuminated) to a standard that is suitable to serve the level of use proposed, and will need significant improvement/reconstruction to make it acceptable. It is also imperative that there is an adequate footway and that two-way vehicle flow is maintained throughout the length of the drive. If it is proposed that this drive and the estate road will remain private, there will need to be a maintenance agreement in place to overcome any future requirements.

The introduction of residential dwellings in this location, (whilst comparable in terms of vehicle numbers) will encourage a different type of vehicle movement to the site, and increase pedestrian and cycle movements to/from the site. It is therefore necessary to provide a footway between the site access and the existing footway at the junction the Greenway estate. This is essential in the interests of highway safety, to facilitate the additional pedestrians that will be generated by the development proposed. It should also be noted that there are public footpaths running around and through the site. The County Council Rights of Way Officer has expressed a desire to link these routes through the site, and have them designated as public footpaths. This should be taken into consideration.

Notwithstanding the recommendation of refusal that this application has received, should you be minded to grant permission, I would request that the following conditions be attached to the consent:

1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed

and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.

2. Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.
3. None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.”

Somerset County Right of Way Group

“I have previously looked at plans for development at Sandhill Park in conjunction with Helen Vittery, one of the SCC Development Control officers. I am writing from the SCC Rights of Way group and our interest is in the potential rights of way link which would be available upon development of the site.

I understand that a previous preliminary enquiry and the current application causes problems, from a highway point of view, with the standard of access from the road in view of the number of units. However, it is possible that despite highway objections the planning officers or members might be minded to give consent to the application. In case this happens I would like to make some suggestions which from a rights of way viewpoint and that of pedestrian safety would be relevant.

Currently the South Drive which is the existing vehicular access to Sandhill House has no public rights.

Currently people living in, and pedestrian visitors to the Lethbridge Park estate, only have access to the village and its associated services via the footpath running through and to the west and south of the estate, T4/33, and then its link with the Whisky Trail footpath (T4/12). This comes out onto the A358 and crosses it where there are high traffic speeds and poor visibility.

If the current access road presently serving the Sandhill House is not adopted then at least a footpath dedication along its length would achieve a safer and better surfaced pedestrian link to the village using the underpass beneath the A358.

If there is a possibility that consent might be given for development to this site without benefit of an adopted road running along South Drive then I would be grateful to be able to discuss with you possible improvements which could be achieved to the pedestrian links.”

County Education Officer

“I set out below the County Council's response (education contribution required). Accordingly, please consider this as an objection to the application because of a lack of education provision in the local area. You should note that we have been assisted in making this response by Mrs Julie Higginbottom BA(Hons) BTP MRTPI of M Baker (Property Services) Ltd of Exeter - Tel: 01392 433912/ 257200 and both or either of us will be prepared to meet with you should you wish to discuss the County Council's views on this matter.

This response has been guided by the advice set out in the relevant Government Guidance Notes, Circular 1/97 - Planning Obligations, Somerset and Exmoor Joint Structure Plan, the Taunton Deane Local Plan and the West Deane Local Plan.

Paragraph B12 of Circular 1/97 makes it clear that developers may reasonably be expected to pay for or contribute towards the cost of infrastructure which would not have been necessary but for the development. This development will have an impact upon the following schools:-

- Bishops Lydeard VC Primary School, which would be the local catchment area school covering the area of this proposed housing developments - insufficient permanent classroom accommodation exists within the existing school to absorb any extra pupils. Bishops Lydeard School has a capacity for 240 pupils but one classroom is temporary and there is only permanent capacity for 210 pupils. There are 225 pupils on roll as at the beginning of the new school year Sept 2003, the School Organisation Plan (SOP) extract herewith forecasts 217 next Sept 2004 and 206 by Sept 2007. Then there will be only 4 vacant places.

The 70 dwellings may be expected to result in an additional 14 pupils. A S.106 financial contribution is therefore sought for the extra number of 10 pupils equivalent to onethird of the cost of a new classroom, (assuming no particular planning problems) is currently £118,000 including associated circulation spaces,

storage and toilets plus 15% professional fees - £135,200 of which the contribution would be £45,233 (£646 per dwelling).

- Cotford St Luke - This new school has a capacity for 120 pupils, a planning application has been submitted for a new fifth classroom extension. However this will only cater for the present new expanding village and there will be no vacant accommodation.

As the proposal (in its current form) is for the creation of 70 dwellings, the developer should also be required to pay for or contribute towards the cost of infrastructure to accommodate the Secondary School-aged pupils generated by the development, which cannot be accommodated in the existing permanent classroom accommodation.

The SOP shows a capacity for 755 pupils but this has subsequently been recalculated to meet revised DfES Government criteria with a reduced capacity for only 705 pupils. There were 744 as at Sept 2003 with 747 forecast by 2007 - hence an insufficiency of places. A contribution of £161,000 per classroom with more specific accommodation including fees, not £53,666 based on one-third of a class for 10 pupils based on 210 dwellings per class of 30 pupils (£766 per dwelling). Total contribution therefore £98,899 (£1,412 per dwelling), to be subject to an inflation provision, timing of payment, any phasing which might be agreed and consideration of affordable housing.

I would, therefore, advise the developers or their agents to contact this department to initiate discussions concerning the required contributions by way of a S106 agreement for education purposes.

I reserve the right to reconsider this view should the proposal not proceed in the current form and in the event of any subsequent application being made on this site which would alter the dwelling mix or numbers on this site.”

County Archaeologist

There are limited or no archaeological implications to the proposal, so therefore have no objections on archaeological grounds.

Environment Agency

“The Agency OBJECTS to the proposed development, as submitted, on the following grounds:

We recommend that your Council should defer consideration of this application until sufficient details are provided by the applicant in accordance with PPG25 Development and Flood Risk.

This is a full application, and there appears to be no reference whatsoever in the documentation supplied as to the disposal of surface water or the possible effects on watercourses downstream. The only comment seems to be that surface water will go to 'mains', which is not a sufficient description. A drainage strategy and details must be prepared and submitted as part of the planning application, as required by PPG25.

Further information is required on the drainage systems, and how clean and dirty systems will be treated. Separation of clean and dirty water would be preferred to prevent overloading the sewage treatment works in heavy rain events.

In the event of the Agency's objection being overcome, the following informatives and recommendations should be included in the Decision Notice.

Wessex Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution.

During construction the following comments apply:-

The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes.

This Agency must be notified immediately of any incident likely to cause pollution.

The Agency would further comment as follows:-

Sandhill Park is a County Wildlife Site and the Somerset Wildlife Trust should be consulted about this proposal.

There are a number of otter records from Balliphants Pond. Otters are fully protected by law, and any proposal to manage this water body should be developed in consultation with the Somerset Otter Group.

We would recommend that the advice of the Trust should be used when restoration of the historic parkland is being planned.”

Following this response the applicant confirmed that the area of building and hardstanding to be removed is greater than that proposed. Therefore it would be expected that surface water run-off would be less than existing. Soakaways are intended to be provided to the proposed new development to the north of the existing buildings. The existing listed buildings have a working surface water system. There are two lakes which have silted up and which it is intended to restore. If necessary these can be used for surface water attenuation if required. Foul drainage from the whole development, both new and existing, is proposed to run via a new drain across the parkland in a southerly direction to connect up to a new sewer recently installed running from Lethbridge Park to the east to the sewerage treatment plant maintained by Wessex Water. As a consequence the Agency have confirmed that they are now in a position to withdraw their previous objection.

Wessex Water

“The proposed development is not located within a Wessex Water sewered area.

As there are no existing public surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways or discharging to a watercourse. The latter will require approval from the Environment Agency). Your Council should be satisfied with any suitable arrangement for the disposal of surface water and foul flows.

Our records indicate that the development immediately to the north is served by Section 104 sewers, details of which have not yet been added to the public sewer map. Further details of the Section 104 sewers should be obtained from the developer.

The existing water supply distribution system in the vicinity has capacity to meet the expected demand arising from the development proposed, subject to the acceptance of conditions, which must be discussed with the Development Engineer, Peter George. The point of connection can be agreed at detail design stage.

Wessex Water requires connections to be made to its network at a point where capacity exists to meet the additional demand. An adequately sized main is the 180 MDPE main that feeds the

Wessex Water requires connections to be made to its network at a; meet the additional demand. An adequately sized main is the 180 MDPE main that feeds the Lethbridge Park Estate. Access to the site is likely to require a short length of off site connecting main.”

Chief Fire Officer

“1. Means of Escape

1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2. Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3. Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Somerset Environmental Records Centre

“SSSIs/NNRs/County Wildlife Sites(CWS)/County Geological Sites (CGS) recorded at the application site:

Ref. No.	Status	Name of Site	Description
ST12/122	CWS	Sandhill Park Estate	Parkland with an important assemblage of veteran trees

SSSIs/NNRs/County Wildlife Sites (CWS) recorded within 1 km of the application site:

Ref. No.	Status	Name of Site	Description
ST12/002	CWS	Denbury Wood	Ancient Semi-natural broadleaved woodland
ST12/015	CWS	Ash Priors Common	Mosaic of unimproved acid and neutral grassland, scrub and semi-natural broadleaved woodland
ST13/035	CWS	Ashwood	Ancient Semi-natural broadleaved woodland site with old quarries

CGS recorded within 1 km search radius but not relevant to this consultation:- Yes. ST12/500

Badgers recorded at the application site:- Yes

Other legally protected species at the application site:- Yes

Badgers recorded within 1 km of the application site:- Yes
Other legally protected species within 1 km of the application site:- Yes.

English Heritage

“Thank you for consulting English Heritage on these applications, I apologise for the delay in providing a written response but as you will be aware the proposal raises complex issues on which I have had to take detailed advice from colleagues in order to provide you with an initial view from English Heritage.

My previous letter of 25th April was in relation to an earlier development scheme for this site which was subsequently withdrawn. At that time it was not clear whether that application was intended to be enabling development or not and there were significant gaps in our knowledge, both in relation to the history of the site and to the financial factors affecting it. In the time since that application has been withdrawn it has become clear that any proposal for new development on the site is considered by your Authority to be contrary to local plan policies for building in open countryside. Such an application would therefore need to be justified as an exception to policy by some means of planning gain. In that context English Heritage's policy on enabling development and the conservation of heritage assets becomes applicable since the applicants are arguing that consent should be granted in order to fund major repairs to Sandhill Park Mansion and restoration of what remains of its designed landscape.

The mansion at Sandhill Park is recognised as being an eighteenth century country house which is of national historic and architectural importance. Following its purchase by Somerset County Council in 1919 and consequent conversion to hospital use the site has had a very chequered history, resulting in it being left empty and deteriorating following the failure of its purported museum in 1998. The building is included in English Heritage's Buildings at Risk Register and as such its beneficial reuse and repair is a high priority for this organisation. Given the recent past history of the house and the way that its setting has already been compromised we believe that a return to single residential use is now unlikely and other options have to be considered.

We would not, therefore, rule out a scheme for residential subdivision as long as it did not compromise the inherent character of the historic building. The most significant element of Sandhill House is the original eighteenth century core and it is particularly important that the principal rooms of this part of the building are not unsympathetically subdivided. We are pleased that negotiations with the applicant have now resulted in a scheme which avoids that problem and provides a layout which still allows the historic plan form to be clearly legible. Despite concerns expressed by some others, we consider the conversion of the eighteenth century part of the house to seven residential units not to be over-intensive. The relocation of the principal staircase to the rear of

that range is something that we have previously discussed and feel is of overall benefit to the planning of the building. We have also accepted an element of demolition and more intensive conversion to rear additions which are of lower historic value. Whilst the treatment of the resulting rear elevation is generally quite logical the one element we would query is the glazed screen which seems of questionable function and rather obtrusive design. We would suggest that the architects considers the essential function of this element and produce a larger scale drawing so that we can assess it further. We have also discussed other minor amendments to the listed building layout for which we expect amended plans in due course.

The conversion of the stable block to residential use is already the subject of a planning approval and we see no reason to object to the conversion of the barn behind it. That brings us, therefore, to the controversial issue of the new build houses and the basis of a scheme for enabling development. Whilst the previous proposals had taken account of the need to repair Sandhill House they had not fundamentally addressed the restoration of the parkland and had, in fact, chosen one of the most sensitive areas of landscape for proposed development merely on the basis of pre-existing buildings in that location. English Heritage has already indicated that it does not consider the straightforward replacement of the remaining twentieth century hospital buildings with new housing on the same site to be a sufficient justification in itself for development. In fact the disadvantages of such an approach are clearly demonstrated in Lethbridge Park.

We have therefore stated that we would expect to see significant heritage gain for the grade II* listed building and its setting in order to be able to support the principal of further new development on the site. An historically-based restoration of the surviving areas of historic designed landscape, following on from removal of the twentieth century buildings, is something that we believe to be a worthwhile objective for Sandhill and one whose costs could be supported in an enabling development application. In relation to this we have encouraged the applicant to commission research on this historic landscape in order to gain a greater understanding of its evolution and significance and its sensitivity to further development. That document has now been produced and is, we believe, very helpful in identifying the historical significance of the designed landscape and of key restoration objectives for it. The documentary research that has been undertaken in conjunction with a site assessment of what remains at Sandhill supports English Heritage's view that this is a significant historic landscape which is both worthy and capable of restoration, albeit with an acceptance that certain elements of it have been compromised. We now have a greater understanding of the areas of highest visual and historical importance within the park and this information has been used by the applicants to inform the location of their proposed development. We are satisfied that this proposal is the result of an informed process

of site selection and represents the least damaging site for the setting of the grade II* listed building.

The layout and form of the new dwellings has evolved following discussion on site at which it was agreed that a relatively high density would be desirable to limit the footprint and visibility of the development and relate it better to the existing complex of buildings, The design has been amended somewhat to take account of comments that we have previously made and is, we believe, an advance on that previously submitted. There is, however, still room for improvement and we have discussed some minor amendments which could help the buildings relate better to the site. The use of materials which are appropriate to this location will be as crucial to the success of these buildings as their actual design and this needs careful consideration. We would expect discussions on some of the finer details of design and materials to continue as the scheme evolves and conditions on site become clearer.

In terms of the financial justification for the development English Heritage is fully aware of the need for this to be rigorously scrutinized and has, in fact, commissioned its own independent advice on this case, taking into account all relevant financial factors including the existence of a Section 106 Agreement which related to an earlier consent. The conclusion of that exercise is that there is a legitimate financial case for enabling development at Sandhill Park, which is likely to be in the order of the 51,000 sq. ft new build which forms the subject of this application. The repair costs for the mansion have been assessed by English Heritage's Quantity Surveyor and are considered to be valid subject to approval of a final specification which would provide assurance about quality of materials and repair methods to be employed, Our Regional Landscape Architect has analysed the landscape costings and requested some further clarification on specific items which he feels may have been estimated either too high or too low. He considers that these items are likely to balance each other out but we would expect more comprehensive landscape restoration proposals to be prepared in order to satisfy ourselves on this important element of the scheme. As you know a meeting is currently being set up in order to discuss these issues in more detail.

Something which has not been discussed in detail in relation to Sandhill is the possibility of grant aid being available either for the repair of the house or restoration of the landscape. It might be asked why, if the building features on English Heritage's own Buildings At Risk Register, we are not grant-aiding its repair. Our response would have to be that English Heritage funds are increasingly limited and unfortunately inclusion on our Register alone is no guarantee of financial assistance since other criteria are then applied, such as whether a building is capable of a beneficial use. In the current financial climate it is unlikely that Sandhill would be afforded the

highest priority for grant aid and such assistance could not be guaranteed,

In relation to the landscape restoration there is possibly a question as to whether funding could be made available from a source such as DEFRA's Countryside Stewardship scheme. This has in the past offered assistance to restoration projects involving some of the elements that will be undertaken at Sandhill. There are a number of reasons why we feel that such a scheme would be unlikely to provide any significant source of funding at Sandhill, including the connection of the landscape restoration to a planning application and the current uncertainty about the criteria for agri-environmental grant schemes under the new system. However, it might be something which your Authority considers should be investigated by the applicant to rule out alternative sources of funding,

To conclude English Heritage's response at this stage, therefore, I can confirm that we are now considerably more comfortable with the principal of enabling development at Sandhill Park than when I wrote my previous letter. Subject to the provisos that I have raised in relation to the landscape restoration and funding being addressed we believe that a case for enabling development could be supported at Sandhill on the basis of the significant benefits that it could bring to the grade II* listed building and its setting. We therefore consider that negotiations should continue on some of the detailed aspects of this scheme in order to achieve a much needed long-term sustainable solution for the site for which there currently seems no alternative prospect.”

The following further response has now been received:-

“Sandhill Park is of particular concern to English Heritage as a country house of national significance which is on our Buildings At Risk Register and whose setting has been severely compromised by previous development. The house is surrounded by a designed landscape which is now in a degraded condition but is in itself of considerable historical significance. That significance has been described by the landscape architect consultants who have been researching and assessing the site and I hope that a copy of that assessment of significance has been forwarded to your authority. Because of the combined significance of the house and landscape we would support a comprehensive approach to the restoration of both elements and that is what we consider this application would achieve.

As you know English Heritage has commissioned independent advice on the financial justification for the enabling development in this application and we largely consider that a reasonable case has been made for the level of development proposed given the extent of conservation gain to the house and its setting. There are still matters of detail to be confirmed in relation to the detail of restoration and repair works to the house and grounds but we are satisfied with the overall

costings put forward by the applicant. The queries raised by the Council's valuer in relation to the finances have been addressed by English Heritage's consultant, whose response I have already forwarded to you.

There is one issue raised in our previous letter, however, on which the applicant has not yet responded, and that is the question of the availability of countryside stewardship funding for elements of the landscape restoration works. We still consider it unlikely that this funding method would be available for items like the demolition of the old hospital buildings – which are a crucial element of the scheme to English Heritage- but it is still for the applicant to demonstrate that all other funding options have been explored.

Some revisions have now been made to the design of the new dwellings and, whilst they still remain contemporary in appearance, with the use of careful detailing and high quality materials they should not, in our view, have an adverse impact on the setting of the listed building. The unit we were most concerned about, which was located between the house and stables has now been omitted. Since the applicants have not submitted a revised financial appraisal we assume that there is no significant change to the financial appraisal but that may be something that the Council wishes to verify.

The conversion of the house is acceptable in principle to English Heritage although a detailed specification will be required and careful attention needed for the installation of bathrooms and kitchens to avoid incremental erosion of historic character.

Should the Council be minded to grant consent then a rigorous legal agreement will be needed to secure the heritage benefits that this scheme offers. In this respect we would strongly advise the Council to consult Section 7 of English Heritage's *Policy Statement and Practical Guide to Assessment on Enabling Development and the Conservation of Heritage Assets* and we would be happy to assist with aspects of this process such as the approval of a detailed landscape restoration plan and specification of repairs to Sandhill House.”

The Georgian Group

“1) The proposed residential development

The Group's earlier letter stated our concern that in light of the Lethbridge Park development to the east of the main house, any future proposals must seek to preserve and enhance what remains of the landscape setting of the listed building. We therefore welcome the discussions that have taken place in the intervening period between your authority, English Heritage and the applicant to assess the need for enabling development and the mitigation of the impact of this on the setting of the house.

The Group particularly welcomes the independent financial assessment commissioned by English Heritage and understand that this has established a case for some new development on the site. On the assumption that your authority is satisfied that the level of development proposed in the current application complies with the findings of this report, the Group would not wish to register an objection to the scale of the new development.

The Group also welcomes the production of a detailed historic landscape assessment. This confirms our initial thoughts on site that the positioning of any further development to the north of the main house, beyond the walled gardens but avoiding the higher ground, would be less damaging than the location to the west originally proposed. The removal of the hospital buildings from this area and its re-landscaping should improve the setting of the house.

The landscape appraisal contains recommendations for the restoration and improvement of the various elements of the historic landscape. Some landscaping proposals have been included in the application and we understand that discussions regarding these are on-going. In view of the damage limitation that the site requires, the Group would urge that any grant of consent is conditional upon the implementation of these appropriate landscape restoration measures. We also understand that a proportion of the development is required to finance the landscaping and re-planting of elements of the scheme. The Group believes this approach is fully justified and that the impact of the existing and proposed developments must be mitigated as far as is possible.

The Group remains concerned by the design of the proposed dwellings. Although the arrangement of the new build around a series of courtyards was felt to be appropriate, the quality of design was not considered sufficient for development in the setting of a Grade II* listed building.

The Group also has concerns about the scale of the proposed new dwelling numbered 26 & 27. In view of the necessity of preserving and enhancing the setting of the main house as far as possible the Group is concerned that the height of this building is too tall given its proximity to the house. Although a neighbouring existing twentieth century addition to the house would be removed, this is only a single storey in height and more subservient to the main house.

2) The conversion of the main house

Unfortunately the Group has not been able to obtain copies of the proposed floor plans of the historic building, however if any of our earlier concerns have not been addressed by the current scheme, perhaps they may be taken into consideration.

To conclude, the Group does not wish to object to the level of development proposed on the assumption it is concurrent with that found to be justifiable by the independent assessment. However, any grant of consent must be subject to a water-tight Section 106 agreement for the restoration and re-planting of the landscape, the restoration of the fabric of the listed building and include a clause restricting any further development on the site. We would also recommend that amendments are sought for the design of the new dwellings, and should these be forthcoming we would welcome the opportunity to comment further.”

The comments relate to the initially submitted plans. These have been subsequently amended largely overcoming their concerns.

Landscape Officer (Wildlife)

“SERC has detailed the habitat types within the parkland site in Parklands Consortium Ltd's Historic Landscape Appraisal and has made reference to Somerset and UK target Biodiversity Action habitats and species being fully considered in any management proposals, (p36 para 2)

SWT's letter 13th April 2004, gives a more detailed indication of some of the species on site - within the parkland and buildings I believe that a copy of this letter has been sent to the developer which should give them a clearer idea of the protected species on site bats, badgers and possible others and SWT has been sent a copy of the Survey to comment on.

SWT's recommendations and SERC's evaluation must be followed up with the developers to produce a management plan for agreement and subsequent implementation through a Section 106 agreement

Note: Ash Common, a Local Nature Reserve and designated CWS, is close by and there should be opportunities to enhance links between Sandhill Park and the Common to benefit wildlife as part of the management plan.“

Landscape Officer (Landscape Setting)

“Overall I consider the impact of the restoration of the parkland, removal of the existing office buildings to the west of the mansion and reuse of the walled garden outweigh the impact of the proposed new residential buildings. The landscape research is of a high quality and backs up the above concept.

The details of the landscape proposals and management of the parkland need to be provided in more detail, at least 1:500 and 1:200 and carefully tied into the future maintenance of the parkland through appropriate S.106 Agreement and not left as a reserved matter.”

“I can confirm that the submitted drawings and reports are of sufficient detail and quality to be confident of a good parkland restoration and housing scheme, subject to final details of housing layout, materials, tree types etc.”

Conservation Officer

“Whilst the new housing associated with this scheme is to be regretted in principle, Sandhill Park, the Mansion, associated outbuildings/walled gardens and parkland, is a significant heritage asset, worthy of preservation/restoration. All parties have been engaged in protracted negotiations with regard to the detailed aspects of the conversion element and English Heritage’s expertise in the difficult area of enabling development, has been invaluable.

I am aware of the planning policies pertaining to the site, which conflict with the current proposals. I am also aware of the contributions which would normally apply in such circumstances. This said, I am clearly of the opinion that the preservation/restoration of this heritage asset, should be considered of paramount importance in this case. I would also add that, this scheme is the only ‘realistic’ one to have come forward since the museum failed, the Mansion was not appropriately conserved and Lethbridge Park was constructed. In respect of the latter, I believe the ‘agreed’ heads, of the essential Section 106, will satisfactorily secure the appropriate preservation/restoration of this important site. I therefore support the scheme as a whole, subject to conditions and a Section 106.”

Rights of Way Officer

“I presume that this particular development is within the bounds of the existing boundary and therefore footpath will not be affected.”

“There should be concrete proposals for a link between the centre of the new development and Ash Priors on an overall basis so that piecemeal development misses this important access link. The actual location would not be material, only that there should be one especially to the north of Ash Priors viz the church.”

Housing Officer

“We would be looking for 32% of the total build to be social housing use. Therefore 22 units. These should be 6 x 2 bed houses, 5 x 3 bed houses and 1 x 4 bed houses. The remaining 10 should be in the form of a commuted sum.”

Forward Plan

“In my view the only way in which this proposal can be justified on policy grounds is if it is considered to be essential to the delivery of conservation benefits (restoration and maintenance of the Listed Buildings and parkland), and that these are of such significance as to outweigh the considerable sustainability-related objections to the proposal. Furthermore, it is important in this context for the Council to ensure, through the submission and proper professional evaluation of financial information, that the scale of enabling housing development proposed is the minimum to make the overall development viable.”

“In its main features, the application is very similar to application 06/2003/015 on which the following comments were made:-

The application site falls within the area covered by the adopted West Deane Local Plan (WDLP). It must therefore be considered against the policies of that plan, the emerging Taunton Deane Local Plan (TDLP) and the Somerset and Exmoor National Park Joint Structure Plan Review (SP).

As the site is located beyond the limits of any settlement, as defined within the WDLP or the TDLP, it is subject to policies relating to development in the open countryside, as well as any general policies applying to the type of development proposed.

Planning policy at all levels advises that development in such areas should be strictly controlled, with PPG 7 stating at paragraph 2.3 that "the guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment". It goes on to state that "New development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled". This general approach is reflected in SP policy STR6, WDLP policy WD/SP/2 and TDLP policy S8.

One of the exceptions to the strict control outlined above relates to the re-use and adaptation of existing buildings in the countryside. Guidance on this is set out in paragraphs 3.14 -3.17 of PPG 7, WDLP policies WD/SP/3 & 4 and TDLP policies H9 & EC3. The thrust of all of these is that there is a strong preference for the re-use of existing buildings for uses which will create employment and benefit the rural economy.

As this proposal involves residential development, including the redevelopment of existing buildings from which businesses are being evicted, I consider it to be fundamentally in conflict with established planning policy.

Several further factors also count against the proposal:-

- Allowing the conversion and partial loss of the existing buildings to residential use, contrary to policy, would create an undesirable precedent that could be followed elsewhere.
- The number of new dwellings involved, especially when seen in the context of those already built to the east of the mansion, would result in the suburbanisation of the parkland surrounding it and also impact visually on the wider countryside.
- New housing in this location would be contrary to one of the key principles of sustainable development, which is the need to ensure that development minimises the need to travel and that where movement is necessary, journey lengths are minimised and the potential to walk, cycle or use public transport is maximised. New dwellings would each generate a significant number of movements every day, as their occupants travel to jobs, schools, shops and various other facilities, all of which are located at some distance. Most of these trips would be made by car, in view of the distances involved, the nature of the routes between, and the absence of accessible public transport. In contrast, whilst people and visitors to any employment uses on the site would undoubtedly generate journeys by car, there should be considerably fewer of these. Furthermore, in recent years there has been much new housing built in ' the vicinity, at Sandhill Park itself and Cotford St Luke. Use of the application site for employment rather than housing would increase the possibility of occupants of this new housing finding jobs locally, thus reducing the need to travel and/or the length of journeys. This would be considerably more sustainable than exacerbating the shortcomings of the existing situation by allowing more housing.

Planning policy does recognise that in some cases the re-use of existing buildings in the countryside for employment uses may be inappropriate or unviable. However, I am not aware that there is any evidence to suggest that such is the case here. Indeed, in recent years the post-war buildings have been used as offices, and the mansion should also be capable of similar use. I recognise that redevelopment of the post-war buildings may deliver some benefits from a conservation perspective, but these would have to be considered to be very significant, to override the in-principle objection to the proposal.

The view may also be taken that refusal of the current proposal would be inconsistent with the Council's previous willingness to allow new housing to the east of the mansion. I do not consider that this would be the case. That decision was made in a very different policy context, when the emphasis on sustainability was much less pronounced. Also, it was allowed specifically to cross-subsidise recreational use of the mansion, which it has failed to achieve.

Finally, it should be noted that there is no need to find additional land for housing in the Borough, the Taunton Deane Local Plan having identified sufficient to meet the Structure Plan requirement for the period to 2011.

I consider that in view of the issues set out above there is a strong policy objection in principle to the proposal. In relation to the two major criteria against which proposals for development in the countryside must be considered - benefiting economic activity and maintaining or enhancing the environment - the application fails. It would also result in an unsustainable pattern of development.”

Drainage Officer

“Please find attached copies of our guidance note fro limiting discharge from new developments. These notes should be included in any permission given and designs forwarded before any development commences.”

1. Any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc. and headwall design.
4. Details required of proposed point of discharge to watercourse together with details of headwall etc.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUD be used at this proposed development.

Leisure Officer

“I accept that there is a need to avoid more than the minimum development needed to make the restoration of the mansion house viable on this application and hence do not request the normal contributions to local facilities. However, the development proposed will create 70 new homes, many of them family homes of 2, 3 and 4 bedrooms.and there needs to be consideration of the needs of those

who will live in them. If no provision is made there is potential for there to be problems in the future.

This development could generate a considerable number of car journeys into the village if Bishops Lydeard to access the various facilities listed in the supporting information which are some 1.5-2 km distant, although the applicant does not comment on the walking distance to the village hall, play area and multi use games area and football/cricket clubs.

Our own research for the Green Space Strategy reveals that young children on average walk 300 m to a play area. Many parents are reluctant to allow their children to go further than this unaccompanied and so would have to take them by car to Bishops Lydeard if there is no provision on site.

In order to make the development sustainable from a community perspective (rather than a financial perspective), there must be some provision for children and young people on site. I consider that it should be possible to design and integrate a play and activity area for children and young people within the new housing development that will be acceptable to English Heritage. There is obviously going to be car parking on the new development that will be more visually intrusive than a sympathetically designed play area.”

Bishops Lydeard Parish Council

The Parish Council is apprehensive and conveys to you the anxiety, also on behalf of the community particularly Greenway and Lethbridge Park, upon the entire viability of the proposals within the Supporting Planning and Transportation Statements:

- the principle for allocation of car park spaces insufficient in the rural area
- statistics relative to visitor and other delivery vehicles are excluded from the vehicle flow analysis for the residential development proposals
- highway safety implications - South Drive visibility splays
- traffic flow/safety implications upon the existing and unsatisfactory A358/Greenway Road junction
- gross error within the Greenway Road traffic flow assessment - the survey analysis being that of vehicles within a 40mph restriction zone and not the current 30mph speed restriction ' lack of appreciation of the nature and age-groups of potential residents with the attendant merits of cycling and walking
- lack of appreciation upon the pedestrian routes to Bishops Lydeard
- misinterpretation and inherent reluctance of residents to either cycle or walk to Bishops Lydeard, either for recreational and/or shopping needs

- proposed designated pedestrian route via Whiskey Trail would encounter the dangerous highway crossing at Watts Bridge
- various amenities at Bishops Lydeard presently in huge demand, the village thoroughfare often congested, lack of parking facilities, notwithstanding the continual influx of people from Cotford St Luke
- magnitude of the vehicular traffic flow along Greenway Road, figures known to be significantly greater than the consultant's survey and analysis report
- apprehension upon the co-existent with Lethbridge Park residents and vehicular movement.”

Ash Priors Parish Meeting (adjacent Parish)

“These applications were discussed at a meeting of the Ash Priors Parish Meeting on Monday 29 March 2004 and the following observations were made:-

Electors were pleased that the Mansion House will be restored as it is in a very bad state of repair and subject to regular vandalism.

The electors ask that the planning committee take note of the following:-

1. That if permission is granted, it is in full and that demolition of the existing buildings to the south west of the Mansion House is made a condition for the approval of the rest of the application
2. If permission for this development is granted, that no further development will be entertained on the Sandhill Park estate. In particular the area of the park to the south west of the Mansion House which is to be restored to its previous state.
3. That the design of the new dwellings seem to be aesthetically poor and unappealing.
4. That the park and woodland will be subject to continued active management.”

13 Letters of Representation

1. Concern at access via South Drive.
2. Need to ensure that the parkland area is maintained in the future.
3. Appreciate that something has to be done with the site and fully supports the repair and conversion of the Mansion.
4. Disappointed at the relatively high density.

5. As most households seem to have two cars these days, there is insufficient parking proposed. It is possible that because of the proximity to north drive the occupiers may find it convenient to indiscriminately park on north drive on a permanent basis, thus adding to safety hazards and potentially creating access difficulties by the emergency services.
6. No space set aside for recreational facilities for children or families.
7. Too many units in the Mansion and a lesser quantity would be more in keeping with the style and dignity of the property.
8. Impact on property values nearby.
9. Trust that this is not the thin end of the wedge with the surrounding land having the threat of future development, therefore not comfortable with the new building construction.
10. Access is inappropriate as it will mean cutting a new road along the boundary to Lethbridge Park, which will result in increased noise and air pollution, which will be greater than the approved office use and at weekends, evenings etc.
11. May be the intention of the developer to encourage Taunton Deane to press for access via north drive which would entail crossing land owned by the residents of Lethbridge Park and would inevitably create a 'rat run' from the south drive through to the north drive which would be a safety hazard.
12. Has no regard to the nature of the housing at Lethbridge Park, with which the development should be compatible.
13. Public services, particularly transport, are non-existent.
14. Access and parking should be west of the Mansion away from Lethbridge Park.
15. The listed Mansion should have a development of high quality, low density and good sized houses for which there would also be likely to be a demand in the area and assist the economic development of Taunton Deane.
16. Access road to Sandhill Park is not suitable for the increase in traffic, which will also cause some nuisance to existing residents.
17. Concern that habitat of wildlife will be jeopardised by the development.

18. Proposal does not allow room for garages, gardens or children's play area for the properties and even the one amenity available on the site, the tennis court, is to be turned into a car park. The tennis court should be reinstated, renovated and made available for all residents' pleasurable use.
19. Will totally destroy the private countryside environment enjoyed by residents of Lethbridge Park.
20. Question who applicants are acting as a front for.
21. No provision has been made on south drive for speed humps or lighting – the drive is long and straight, therefore a racetrack in the making.
22. Inappropriate to bring 100 further cars to an area so close to Ash Priors Common.
23. Question the applicants' statement that Bishops Lydeard is within easy walking distance – the only viable option for shopping trips will be by car.
24. The West Somerset Railway is not a viable transport option.
25. Is it viable to expect the future residents to pay for the long-term management of the parkland.
26. Proposed cattle grids are impractical.
27. Wildlife interests will not be enhanced by the increase in traffic, noise and pollution.
28. No justification for this development in an area with a lack of services
29. Questions the validity of the traffic survey.
30. The Local Plan should not be allowed to degenerate into a document of deception paid for by those being deceived. Assume no bounty inducements have been sought or offered by any party to this application.
31. Outstanding essential roof repairs have still not been carried out.
32. Footpath to Bishops Lydeard into Watts Bridge is unlikely to be needed.

33. Question how a high density development of some 200 + people and 100 ungaraged cars improve the 'outstanding historic and architectural importance of the site'.
34. Do not wish to see any of the large group of trees to the south of the Mansion removed.
35. Access onto the minor road leading to the A358, itself a troubled junction, has poor visibility.
36. Woodland should be properly managed.
37. The original application was for a certain number of houses to be built at Sandhill Park and the Mansion to be used as a museum or tourist attraction. The terms of the original planning permission have not been fulfilled, therefore no further building should be allowed.

Letter of representation from Sandhill Park Management Company

"I write on behalf of the directors of Sandhill Park Management Company Ltd and the residents of Lethbridge Park whose amenity land abuts the planned development of Sandhill Park. Although we do not have any objection in principal to the development of the Sandhill Park Site and, indeed, welcome the restoration of the Mansion House, there are aspects which cause us concern.

1. Restoration of the Mansion House

A Section 106 agreement should insist that significant investment be made on the upgrade of the Mansion House before new build is begun. Maybe the developer should be required to place money in an escrow account.

The developer should also be required to complete demolition of the old buildings prior to commencement of other works.

If these conditions are not imposed there is concern that the developer may complete the new build without restoring the Mansion House and demolishing the old buildings.

The developer as current owner of the house has failed in his obligation to maintain the building in a reasonable state of repair.

2. Extent of new build

On the basis of new build for old the development appears to be larger than it should be since the ratio of dwellings 70 no. to parking spaces 95 no. is too high. Either the number of

dwellings should be reduced or the number of parking spaces increased or both.

Government guidelines (PPG3) recommend a maximum of 1.5 parking spaces per dwelling, especially, for urban areas. The following points are relevant.

- (a) The development is not urban but rural and remote.
- (b) The development is contrary to local plan policies for building in open countryside but could be granted consent as enabling English Heritage's policy on development and the conservation of heritage assets.
- (c) Although the planning application makes large of the proximity to local amenities in Bishops Lydeard, by foot or bicycle, at just under 2 km on unlit, unmarked tracks through grass fields and muddy lanes this is not realistic.
- (d) Not having sufficient parking spaces will not stop people owning cars.
- (e) Most of the dwellings will have at least two adults most of whom will own cars since it is unlikely people will buy the properties without sufficient transport.
- (f) The existing planning permission allows for 150 parking spaces. This would, we believe, be adequate for 70 dwellings.
- (g) If there are insufficient allocated parking spaces people will park wherever they can and random parking will detract from the overall objective of giving the Mansion House the aesthetic surround desired.
- (h) If the residents are forced to find additional car parking they may resort to leaving their cars on the roads of the existing Lethbridge Park development. The most likely area to be chosen would be the top (South end) of North Drive. This would be a serious safety hazard.
 - (i) This is an area where children play. The parking of vehicles in this area would obscure vision and jeopardize their safety.
 - (ii) This is the only access for emergency vehicles and parking on the roads could be a severe hindrance.”

Further letter received:-

Note that Council's guidelines place a limit of 1.5 parking spaces per unit. Request that this number be recommended in view of the very special circumstances of the application. This would raise the number of approved spaces to 105, which with the service road should meet expected requirements.

PRINCIPAL ISSUES FOR CONSIDERATION

- A. Is the proposed development in compliance with Development Plan Policies? POLICY
- B. If the proposed development is contrary to Planning Policy, has it been demonstrated clearly that the harm that would be caused will be outweighed by the public benefits that the development would bring? ENABLING DEVELOPMENT
- C. Is the access to the site suitable? ACCESS
- D. Is the proposed parking adequate? PARKING
- E. Are the landscaping proposals acceptable? LANDSCAPE
- F. Is the location and design of the new dwelling appropriate? DESIGN
- G. Will the current proposal set a precedent for future development at Sandhill Park? PRECEDENT
- H. Have nature conservation interests been adequately taken into account? NATURE CONSERVATION
- I. Is the proposed development unsustainable? SUSTAINABILITY
- J. OTHER ISSUES

A Policy

The current Adopted Local Plan covering the area is the West Deane Local Plan. This Plan includes a specific Policy for Sandhill Park, which seeks the re-use of the Mansion for tourism related development and, exceptionally, countenances the prospect of some enabling development. That proposition manifested itself in the form of the Blazes Fire Museum, enabled by the housing development that is now Lethbridge Park. However, the Museum survived for only two years or so and while some temporary repairs were effected at this time, it did not provide comprehensive restoration of the Mansion and the parkland or provide a long-term solution. The Mansion and parkland remain a problem site. Subsequent extensive marketing of the premises for a wide range of tourism and other uses has found no takers and

following the grant of permission for the change of use of the Mansion to offices, again no occupier has come forward.

The premises remain vacant and in a sad and run-down condition. The roof is leaking, the interior deteriorating and the Mansion appears on English Heritage's Register of Buildings at Risk. The applicants bought the Mansion and gardens and parkland in 2003 and now wish to seek an appropriate long-term solution for its future wellbeing.

There are no specific proposals for Sandhill Park in the emerging Taunton Deane Local Plan. This Plan is at an advanced stage of preparation and therefore significant weight can be attached to its policies. Subsequently, the policies of the Somerset and Exmoor National Park Structure Plan and the emerging policies of the Taunton Deane Local Plan are those relevant to the determination of this application.

The site is outside any recognised settlement and therefore policies for the open countryside apply. In such areas, national and local planning policies impose general restraint on development in the countryside. Policies STR6 of the Structure Plan and Policy S8 of the emerging Taunton Deane Local Plan are relevant. Both policies state that new building in such locations will not be permitted unless it benefits economic activity and maintains or enhances the environmental quality and landscape character of the area and satisfies one of four criteria:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The Forward Plan team considers that the application fails according to the criteria against which proposals for development in the open countryside are considered and that it would furthermore result in an unsustainable pattern of development. In their view the only way in which the proposal can be justified on policy grounds is if it is considered to be essential to the restoration of the mansion and parkland.

One of the exceptions to the strict control is where development results in the re-use and adaptation of existing buildings in the open countryside. The prospects of alternative uses for the Mansion have been widely advertised, including us as offices, but there have been no takers. It is also significant that a museum was once tried and failed. The applicants question whether the Mansion and the former hospital buildings to the west are suitable for modern day offices on this scale. Also the employment base has adapted to the closure of the former hospital and in part, the nearby Broadgauge Business Park and other

local employment opportunities have taken up these losses in order to re-use the Mansion House for offices, significant expenditure would still be required for renovations and fitting out. Significant enabling development to finance these works of restoration and conversion would still be required. The applicants consider that there must be serious doubts about the suitability of office use in buildings of this scale and state of disrepair in this location. They conclude that re-use for offices would not be appropriate and would not provide a long term future for the historic assets.

Policy EC6 of the emerging Taunton Deane Local Plan allows for the loss of employment where the overall benefit of the proposal outweighs the disadvantages of that loss. I take the view that the overall benefits of the proposal in terms of the conservation of the heritage assets represented by the Mansion, its outbuildings and the parkland and the measures proposed for its appropriate long term use and maintenance far outweigh the disadvantage of the loss of employment potential about which there are, in any event, fundamental difficulties. A report commissioned by English Heritage considered that residential values represent the most viable use. I therefore do not consider that there is any fundamental conflict with Policy EC6.

B. Enabling Development

The applicants consider that their application proposes the minimum of new housing development to enable and secure the future of the Mansion, its outbuildings and parkland. They see it as a complete and comprehensive set of proposals which will restore both the Mansion and the parkland and provide a long-term future for both. The proposals have been formulated on the basis of English Heritage's guidelines for enabling development and to enable the restoration of the heritage assets.

The application is supported by a range of specialist reports submitted with the application. A transparent financial exercise has taken place which sets out the costs of restoration and future maintenance as well as potential revenues to enable these works.

The English Heritage document 'Enabling Development and the Conservation of Heritage Assets' provides the ground rules for considering enabling development. The criteria to be considered are set out in Section 6.0 of this Report.

I am conscious that a case for enabling development has already tried and failed at Sandhill Park, However, what we a faced with here is a building on English Heritage Buildings at Risk Register and the future prospects for the building in the event of the current proposal not proceeding are likely to be bleak. However, the guidance and ground rules now provided by English Heritage were not available when the Fire Museum proposition was considered.

The current proposals seek to deal comprehensively with the Mansion, its outbuildings and the parkland as well as the 20th Century buildings. The package of proposals seeks to restore the heritage assets in terms of the Mansion, outbuilding and parkland. Securing an appropriate use and appropriate long-term future. All the works have been costed by financial consultants and set out in the Development Appraisal document submitted with the application.

English Heritage see the beneficial re-use and repair of the Mansion as high priority. In terms of the financial justification for the development under the enabling guidelines, it is fully aware of the need for this to be vigorously scrutinised and commissioned its own independent advice from a national firm of chartered surveyors and property consultants. The conclusion of the exercise is that there is a legitimate financial case for enabling development commensurate with the current proposal. English Heritage therefore concludes that a case for enabling development can be supported on the basis of the significant benefits that it could bring to the Grade II* listed building and its setting. With regard to the latter, English Heritage consider that an historically based restoration of the surviving areas of historic designed landscape, following on from the removal of the 20th Century buildings is something that is a worthwhile objective for Sandhill. It sees the proposal as achieving a much needed long-term sustainable solution for the site, for which there currently seems no alternative prospect.

I do not consider it is appropriate to request contributions towards affordable housing, education or recreation facilities. Clearly in order to fund such contributions, it would be necessary to increase the amount of enabling development. This would be a odds with the approach set down by English Heritage which is to identify the minimum development necessary to enable the conservation of the heritage assets.

C. Access

The proposed access is via the south drive, Planning permission has been granted for the re-use of most of the existing buildings, both the Mansion and the former hospital buildings, for offices. In addition, the buildings have other lawful uses and the potential exists to re-use yet other currently unused buildings. The Transportation Statement submitted with the application demonstrates that the existing access arrangements in Station Road and the south drive were considered appropriate and suitable for a significant scale of office use. It also demonstrates that the proposed residential use could generate less traffic than the lawful office use. The County Highway Authority now accept this situation, but do say that the nature of the traffic would be different. A condition is recommended that would prevent any link between north drive and south drive.

D. Parking

The proposal provides for a total of 95 parking spaces for the 70 dwelling units, i.e. a ratio of 1.35 spaces per dwelling, which is consistent with advice in PPG's 3 and 13. Policy M3a of the Taunton Deane Local Plan Revised Deposit Proposed Modifications states that the need for residential development car parking be considered against the following criteria:-

- (i) impact upon urban design;
- (ii) the location of development, and its accessibility to employment opportunities and services; and
- (iii) the type of mix of proposed dwellings.

The Policy goes onto to say that no more than an average of 1.5 spaces per dwelling will be allowed on any residential development and that a significant reduction in this average will be expected for proposals involving the conversion of buildings.

I do not consider it likely that any 'overspill parking' would take place on north drive or Lethbridge Park.

E. Landscape

Policy 5 of the Somerset Structure Plan seeks to protect the distinctive character of the Somerset countryside for its own sake. Further to that policy, Policy EN13 of the emerging Taunton Deane Local Plan identifies Landscape Character Areas in which development proposals must be sensitively sited and designed to respect the distinctive character and appearance of these areas. Sandhill Park lies in a transitional position between the High Vale and Low Vale Landscape Character Areas and also has views to the Quantocks Landscape Character Area.

The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of this part of the Character Area. Its own character and appearance has declined with the declining fortunes of the Mansion House and has generally lacked good management. However the current proposals, put forward by the applicant's Landscape consultants, would provide comprehensive works restoring the inner and outer parts of the parkland. Restoring distinctive features including informal lawns, pleasure grounds, pathways, walks, trees, groups of trees etc. in addition to removing inappropriate modern additions such as fencing, kerb stones and street lighting. The most significant removal of modern additions would be the removal of the complex of former hospital buildings to the west of the Mansion and this area restored to informal lawns and parkland. In itself, the removal of these buildings would not only significantly enhance the setting of the listed building, but it would also restore the

panoramic views across the parkland to the south, which was a key component of the original Mansion/parkland design relationship.

The parkland restoration proposals would involve tree/shrub surgery, new planting, replacement tree planting, re-establishment of planting, repairs to and opening up of views to Ash Fish Pond, planting to screen views of Lethbridge Park and restoration of the pleasure grounds.

Although Sandhill Park is not a registered park or garden, the intimate relationship between the park, the mansion and the buildings and features within the park provides a landscape setting of considerable interest. The proposals provide for the establishment of a Restoration and Management Plan which would secure the future of Sandhill Park, based on the two basic principals of conserving and enhancing the area in its entirety as a park of historical importance, whilst also maintaining its visual attraction to visitors and residents alike.

F. Design

The Mansion is currently in a poor state of repair, as are the outbuildings, and the proposals would result in both being sympathetically restored and put to appropriate and beneficial long term use. A major portion of the work in this area is to be the restoration and refurbishment of the fabric of the Mansion, principally the repair and recovering of the roofs, the repair and replacement of the external joinery and the repair and replacement of the damaged stonework and pointing.

The principal rooms on the ground floor of the Mansion are proposed to remain intact and where partitions are shown in these areas, they are freestanding walls of about 2 m high sitting in rooms with ceiling heights of 3.8 m. This allows the main spaces to be relatively uninterrupted and details such as plasterwork and mouldings to remain undisturbed. The main staircase is to be relocated to where its location was most probably in the pre 1815 house. This will achieve a more balanced plan.

The stables and barns to the north of the Mansion are to be converted to dwellings. This includes rebuilding the missing part of the stables in the south-west corner to complete the symmetry of this set of buildings, while maintaining existing pedestrian access to the southern kitchen garden. Lawned areas would be created within the courtyards and areas of cobbled courtyard would be restored and creating pedestrian only areas.

The two remaining walled gardens are to be retained and used as recreational open space for the residents of the proposed dwellings. 20th century institutional additions built against the garden walls are to be removed. This will allow the integrity of the gardens to be restored. Blocked-in openings within the walls of the gardens are to be re-

opened and re-used to link the proposed development to the recreational open space. The walls are to be repaired and re-pointed as necessary and the ground is to be excavated, levelled and re-seeded and the original footpaths and fountain relocated.

The demolition of the inappropriately designed and located former hospital buildings to the south-west of the Mansion will significantly improve the historic setting of the building in its parkland setting, as well as restoring this section of the inner park to its earlier contours and returning it to informal pasture.

Section 10B of this Report considers the question of the appropriateness of enabling development. In the event of this being accepted, it is then necessary to identify the optimum location for that enabling development. Following on from the historical landscape analysis of Sandhill Park undertaken by the applicants landscape consultants, six areas were considered for potential enabling development and consideration was given to their impact upon the historical landscape. Following this analysis, the land to the north and east of the walled gardens is proposed for the new built development. This is considered to be the optimum location for the proposed enabling development.

The area is currently occupied by the unauthorised car park created for the museum using demolition rubble from the former hospital buildings to the east. Its removal would reduce land level by approximately 1.5 m and further earth modelling would reduce the overall height of proposed buildings.

Historic research suggests that the area was once the site of a third kitchen garden, of which there is now no trace. Also, the research suggests that the pleasure grounds to the east and west were previously joined across this area. This connection would be reinstated and, together with existing trees to the north, would provide screening and enclosure to the enabling development. The enabling development would not break the skyline and there would be no loss of trees to accommodate development in this area. The area is well contained by existing tree cover on three sides and would be enhanced by the proposed planting to the north. The area is not prominent in views from within the park and would not compromise the original visual relationship between the Mansion and the parkland. In addition, the location of the enabling development as an 'extension' of the outbuildings to the rear of the Mansion will create a 'tight' building group continuing the visual relationship between the Mansion and the outbuildings.

The appeal decision in 1994 (06/1993/005) rejected development to the north of the kitchen gardens because development there would be seen from the top floor at the rear of the Mansion, from the kitchen gardens and from the north driveway. The Inspector concluded that

there would be a harmful effect on the character of the area and the setting of the listed building.

However, there are significant and material differences between the appeal proposal and the current proposal and related contextual circumstances. Taken as a comprehensive package, the current proposal would be neither harmful to the setting of the listed buildings nor the integrity of the parkland and would moreover have a positive impact on both. The appeal proposal did not secure the removal of the former hospital buildings to the west of the Mansion. The Inspector was therefore not able to weigh the benefit of removing the hospital buildings against the disbenefits of the new housing. The appeal proposal, whilst illustrative in nature, was for an inappropriate suburban form of development.

The current proposal is for a courtyard-type development of simple rural form better reflecting the form, scale and subordination of the existing complex of ancillary buildings to the rear of the Mansion. The Inspector indicated that there could be no scope for planting to screen the proposed development. The current proposal is detailed in nature and provides for substantial new planting on the northern boundary. When the Inspector considered the earlier proposals, at that time the proposed use of the Mansion was as a museum. With the current proposals, the proposed use of both the Mansion and the outbuildings is for residential use and therefore residential uses in the converted outbuildings would in any event be seen from the upper floors of the Mansion. Any views of the new development further north from the rear of the Mansion would therefore be of only marginal impact. In views from the kitchen garden, by locating new buildings set back from the garden wall and at reduced ground level, the enabling development would not be prominent in any views from the enclosed kitchen gardens. Similarly, from the north driveway, the existing tree cover would screen views into the area in question and the landscaping and management proposals would maintain that relationship. The additional tree planting now proposed will screen and enclose the new development. Finally, the Inspector did not have the benefit of the English Heritage guidance on enabling development, which was only published in 1999. I consider that any residual harm caused by the appearance of the area on the setting of the listed building by what is minimum enabling development would be more than offset by the conservation of the Mansion and its outbuildings, the enhancement of its setting by the removal of the former hospital buildings, by the restoration of the parkland and by additional tree planting and screening.

The proposed new buildings are arranged in groups of 4 – 10 units around a series of courtyards. The dense arrangement seeks to continue the character and form and scale of arrangement present on the existing new buildings. The buildings are predominantly terraced with some semi-detached and one detached unit. The layout minimises

wasted space between dwellings and avoids a suburban residential character. Long sweeping roofs serve to link individual dwellings, replicating the form and pitch of the existing outbuildings. The new buildings are all two storey with some simple variation in height due to levels and detail. Eaves height are kept to a minimum to replicate the scale of the existing buildings. Fenestration is simple and arranged to minimise individual openings. This also reflects the scale and layout of the openings on the existing outbuildings. Materials proposed are a mixture of brick and render with stone detailing with slate roofs. Windows and doors would be stained timber.

G. Precedent

As indicated above, some new development has already been carried out at Sandhill Park, in the form of Lethbridge Park. I take the view that the current proposal will provide for the bringing back of the Mansion and its outbuildings into beneficial use. I am recommending a Section 106 Agreement to secure this. If the Mansion is brought back into beneficial use, under current development Plan policies and the enabling development guidelines, there would be no justification for any further new residential development.

H. Nature Conservation

An Ecological Survey has been carried out, on behalf of the applicants, by Somerset Environmental Records Centre, with comment from Somerset Wildlife Trust. This sets out practices for the arrangement of the parkland and dealing with habitat of protected species.

I. Sustainability

In general terms this is not a sustainable location for new development. Such development can only be justified on the basis of it enabling the restoration of the listed buildings and historic parkland. In this case the new development is considered to be sustainable because it will enable the conservation benefits to be achieved.

Although the site is located within open countryside and outside a settlement, it is relatively close to Bishops Lydeard with its range of facilities. The proposed new population at Sandhill Park would help make the community and commercial facilities as well as the public transport system, more viable. Although walking and cycling are options, I do accept that in practice the majority of trips will be by private car. However, this has to be balanced against the fact that there are outstanding permissions for the use of the majority of the buildings at Sandhill Park for offices, which if anything would involve greater use of the private car.

The proposal finds a new use to bring a Grade II* listed building back into active occupation in a timescale that saves it from further falling into disrepair and decay.

The proposals provide for the restoration of the parkland and provide for its long term management and that of the various specimen trees, woodland and pleasure grounds, In doing so, the proposals would increase diversity and any potential species found would be accommodated in situ or, if present within buildings to be demolished, consent by separate licence from DEFRA would be sought for their appropriate relocation. Overall, wildlife interests are likely to be enhanced.

J. Other Issues

Any potential loss of property values at the existing Lethbridge Park development is not a valid planning consideration.

I do not consider that there will be any unacceptable loss of amenity to the existing residents of Lethbridge Park caused by any noise or pollution resulting in traffic travelling along the south drive.

11.0 CONCLUSIONS

Sandhill Park is a listed building of Grade II* quality included on English Heritage's Buildings at Risk Register. The necessary renovation and conservation works will be extensive. The applicants have put forward a comprehensive package of enabling development proposals involving the conversion of the Mansion and its outbuildings to 25 apartments and dwellings, together with the construction of 45 new dwelling on land to the north of the former kitchen gardens. The package of proposals deals comprehensively with the Mansion, its outbuildings and the parkland and their future use and maintenance.

It is accepted that the application site does not process highly sustainable characteristics. However, in the circumstances, I consider that residential development is the only practical, feasible and achievable option if the Grade II* listed Mansion is to be preserved. This should be given significant weight in determining the application. The development will result in the removal of undistinguished buildings that mar the setting of the listed building and its surrounding historic parkland. On this basis, English Heritage confirm that the proposals represent the minimum necessary development to enable the conservation of the heritage assets. It is considered that the proposal complies with English Heritage guidelines – 'Enabling Development and the Conservation of Heritage Assets'.

The Landscape analysis by the applicant's landscape consultants demonstrates that the location chosen for the enabling development is the optimum one with no material effect on the character appearance

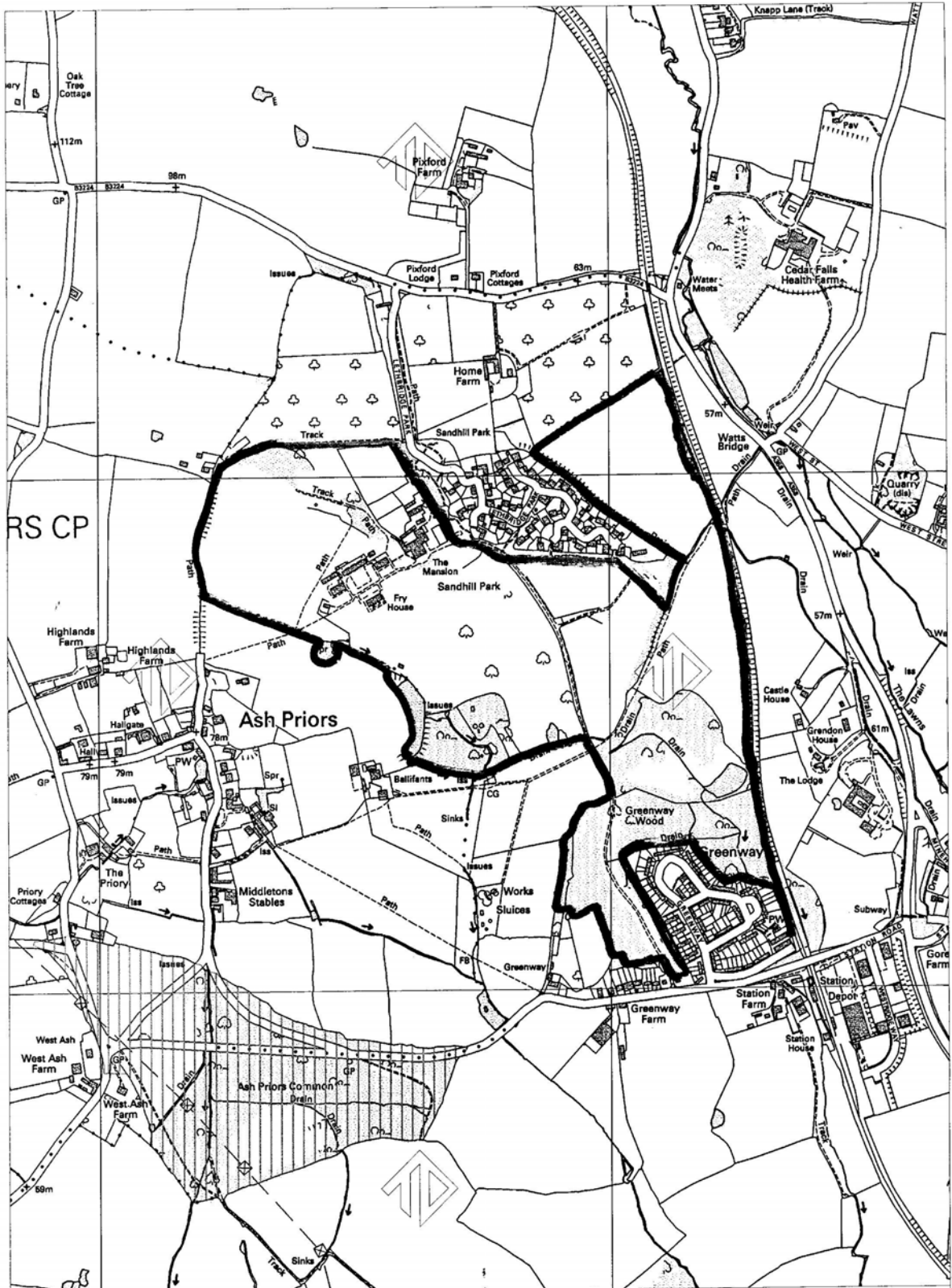
or setting of the listed building. There would be no loss of trees in this area and there is scope to reconnect the south and west parts of the pleasure grounds, further screening the new development.

Whilst the Highway Authority has recommended refusal on sustainability grounds, I consider that this has to be set against the context of the existing authorised office use of the buildings and the conservation gains that would accrue if the development proceeds as recommended. I do not consider that 2 spaces per unit is appropriate. To increase the number of parking spaces would in my view be likely to impact adversely on the setting of the listed buildings and its surrounding parkland and pleasure gardens. The emerging Taunton Deane Local Plan also indicates a maximum average of 1.5 spaces per unit on residential development. To increase to 2 spaces would be at odds with that policy.

My conclusion is that the comprehensive package represented by the proposed development will bring significant benefits in terms of conservation of heritage assets. Although the proposals for the new element of the development is contrary to open countryside planning policies, I am satisfied that the development proposed represents the minimum necessary enabling development. I consider that with the recommended Section 106 Agreement, the Council's position is safeguarded. Subject to this Agreement and the Secretary of States views under the Departure procedures, my recommendation is a favourable one.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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Site Plan for application 06/2004/013

Date: 21/07/2004

Scale 1: 10000

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