

08/12/0017

HESTERCOMBE GARDENS TRUST

**REINSTATEMENT AND REUSE OF 19TH CENTURY APPROACH DRIVE TO  
HESTERCOMBE HOUSE FROM SOUTH LODGE, HESTERCOMBE, CHEDDON  
FITZPAINE**

Grid Reference: 324150.128723

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The reinstatement of the driveway and associated fencing, although visible in the landscape is not considered to appear prominent, to the detriment of the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens, its surrounding Conservation Area or the setting of the nearby listed buildings. As confirmed by the test of likely significant effect, there will be no significant effects on flights lines or feeding habitat of the protected lesser horseshoe bats and the proposal is not considered to result in an unacceptable level of noise and disturbance that would result in material detriment to the living conditions of the adjacent dwellings. The accesses to be used are established points of access and their use for the driveway proposed is not considered to result in unacceptable harm to highway safety. As such, the proposal is in accordance with the relevant sections of the National Planning Policy Framework, Policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 771.135 Site Plan  
(A1) DrNo 771.137 Proposed Site Plan  
(A1) DrNo 771.138 Drive & Main Drive Junction Plan  
(A1) DrNo 771.139 Gate Elevations  
(A1) DrNo 771.140 Sections

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

3. (i) Trees and vegetation shall be removed in the period after the first October following the date of commencement and the landscaping/planting scheme shown on the submitted plan 771.137 shall be completely carried out before the following March, unless otherwise agreed in writing.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy and the minimise disruption to habitat structure for bats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

4. Prior to commencement of the development hereby permitted the proposed access over at least the first 5.0m metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

5. The use of the driveway hereby permitted shall be limited to walkers, cyclists and the shuttle bus only and shall not be used for any other vehicular traffic at any time.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The shuttle bus shall not be used outside of the hours of 09:00 and 23:30 at any time and shall be used for a maximum of 35 days per year only. Hestercombe Gardens Trust shall maintain an up to date register of all dates on which the shuttle bus is used and the event for which it is used and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The two gates adjacent to Middle Lodge, shown to be manually operated on the submitted plan 771.137 shall be locked in an ajar position from 07:00 hours to 19:00 hours and at all other times shall be locked shut, with the exception of the 35 days each year when the shuttle bus is in operation, when the gates shall be locked shut at 23:30 hours.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The informal parking on the verges in Sandilands Wood shall be used for a maximum of 35 days per year only. At all other times, a barrier to the north of the Memorial Hall shall prevent vehicular access to the northern part of the Woods, details of which and the position of which shall have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the scheme does not harm the grassed verges in order to respect the character and appearance of the area, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

9. No additional lighting will be installed within the site area.

Reason: To protect bats and their habitats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

10. The distance between new planting either side of the drive through Sandilands Wood shall be no more than 9 metres.

Reason: To ensure connectivity is maintained for bats, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

#### Notes to Applicant

1. It is the responsibility of Hestercombe Gardens Trust to check whether any advertisement consent or highways consent is required for the suggested signage and make the relevant applications, if necessary.
2. It is the responsibility of Hestercombe Gardens Trust to check whether any

planning permission is required for the special events, for which the shuttle bus is required and make the relevant applications, if necessary.

3. Note at the request of the County Highways Authority:

The County Highways Authority have highlighted that the Highway Authority owns the rights to the surfaces of each access and it is designated as highway land. Hestercombe Gardens Trust should contact the Taunton Deane Area Highway Manager in relation to improvements to the surfacing at both accesses, who can be contacted on 0845 3459155.

4. Note at the request of the County Highways Authority:

Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

5. Note at the request of the County Ecologist and Natural England:

It is recommended that the applicant considers planting an avenue of trees both sides of the drive south of the Pond Wood as this would be beneficial to lesser horseshoe bats from the Hestercombe House roosts in accessing a main feeding area at Sandilands Wood to the south of the Middle Lodge.

6. Note at the request of the County Ecologist and Natural England:

In order to reduce the risk of collision of motor vehicles and lesser horseshoe bats, the speed limit for motor vehicles on any part of the drive should not exceed 10mph.

7. The applicant should be aware that if the informal car parking on the verges in Sandilands Wood is to be used for a greater period than the suggested 35 days per year, a change of use planning application may be required.

## **PROPOSAL**

Hestercombe Gardens are situated to the north of Taunton, between Cheddon Fitzpaine and West Monkton. The main house is a Grade II\* Listed Building, whilst the formal garden, landscape garden to the north and orangery are Grade I Listed. Hestercombe Gardens and Grounds fall within the Hestercombe Conservation Area and are also designated as a Park/Garden of Special Historic Interest. In addition, in wildlife terms, the site is also designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

In 2010, an application for the re-instatement of the original approach drive (Portman Drive) was submitted, which was subsequently withdrawn following concerns raised by the case officer and Landscape Officer. This application is now a resubmission for the re-instatement and re-use of the 19<sup>th</sup> Century approach drive to Hestercombe House, now also including the track within Sandilands Wood. This would run from South Lodge, through Sandilands Wood, cross Hestercombe Road adjacent to

Middle Lodge and then cross agricultural fields, following the line of a former track to link in with the main Hestercombe driveway (Park Gate Drive), just to the south-west of the main car park. Within Sandilands Wood, the existing tarmac drive would be retained and repaired, whilst the existing larch, sycamore and ash trees alongside the drive would be removed and replaced with a new avenue of crab apple trees with an understorey of viburnum phyladelphis. In the section crossing the agricultural fields, it is proposed to remove the turf covering to reveal the tarmac, which is stated to have been laid in the 1950s for the fire brigade, and make good any damaged areas to match the existing. In the lower sections near Middle Lodge, the tarmac has been broken up and it is therefore proposed to remove this and relay tarmac to match that further along. It is also proposed to erect a post and wire stock fence along the sides of the drive and install two pairs of cattle grids at points along the track to provide a crossing for farm vehicles and livestock. In the upper part of the proposed drive, adjacent to the pond, it is proposed to remove three trees, two poplars and a hawthorn, which are growing in the path. The existing gateway, wall and piers adjacent to Middle Lodge and opposite, at the north of Sandilands Wood are to be retained as existing, whilst the gate at Middle Lodge is to be retained and the gate opposite is to be replaced. It is not proposed to light the driveway.

It is stated that Hestercombe Gardens Trust (HGT) wish to re-instate the Victorian Portman Drive for pedestrians and cyclists on a daily basis and for occasional use by the shuttle bus, when there are major events being held at the gardens, up to a maximum of 35 days per year, on which days parking would be permitted along the driveway verges within Sandilands Wood. It would provide a safe route for cyclists that avoids the narrow roads of Pitcher's Hill and a safe route for school children from Rowford, along with other walkers and would enable transfer by shuttle bus of additional visitors utilising the overflow parking on special event days. This reinstatement of driveway is understood to have been included in the 1999 Garden Restoration Plan. The present Park Gate Drive would remain the main entrance to the house and gardens, no motor vehicles would use the proposed driveway other than the shuttle bus.

Supplementary information supplied with the planning application states that The Portman Drive was created in the 1890s by the Hon Edward Portman to by-pass Pitcher's Hill and even out the slope for horses. The Portman Drive is stated to be significant as the formal approach to the main house in the Victorian Era and connects South Lodge, Middle Lodge and Hestercombe House, whilst the fields retain some of the parkland trees.

Following queries raised from consultee responses, the agent clarified that:

- The memorial hall car park is not part of the planning application and no lighting has been proposed for that area.
- During a day when Hestercombe Gardens would be open, the north and south gates near Middle Lodge are intended to be locked in an ajar position with a lockable drop bolt so that only pedestrians and cyclists can pass through. When the visitor centre is locked up at night, and as part of Hestercombe's standard security procedure the gates would then be locked shut by Hestercombe Gardens Trust staff. The gates would normally be unlocked and locked in the ajar position at 7.00am, and locked shut at 7.00pm. Currently, Sandilands Wood is open at all times of the day and night and the north gate is unlocked.
- When there are occasional special events at Hestercombe Gardens that use the proposed shuttle bus, the north and south gates near Middle Lodge will be open. Hestercombe Gardens Trust staff would be in attendance as and when an event

requires the use of Sandilands Wood for parking. Gates will be locked shut at the conclusion of the event by Hestercombe Gardens Trust staff.

- The drive in Sandilands Wood can be used as either one or two way, which the Memorial Hall currently does. On days when Sandilands Wood has been used by the Memorial Hall for parking, the drive has been one way, with entry at South Lodge and exit at Middle Lodge. It does not appear to have been used as a cut through on those days. Hestercombe Gardens Trust intend to follow the same strategy. On days when the drive is not in use, access to the upper section of the drive in Sandilands Wood could be controlled with a barrier across the drive above the Memorial Hall, in a similar position to the log placed across the road at the moment.
- The re-instated driveway would be used by walkers, cyclists and a shuttle bus. All car traffic to Hestercombe Gardens would continue to use the Park Gate entrance as at present.
- Shuttle bus usage will be determined by the nature of the event. The frequency of bus journeys are likely to be higher around the opening and closing times of the event, and at other times will be determined by demand - as at any other park and ride car park.
- Occasional parking on the verges in Sandilands Wood means parking on the special event days when the shuttle bus is in use, and also for the Memorial Hall on their event days. On days when the drive is not in use, access to the upper section of the drive in Sandilands Wood could be controlled with a barrier across the drive above the Memorial Hall, in a similar position to the log placed across the road at the moment. On special event days, cars would still be directed to the main car park via the Park Gate entrance. Hestercombe Gardens Trust staff would be controlling the verge parking, together with temporary car park signs.
- The verges would be planted with hardwearing grass types, and will not be used at a time when parking would cause irreparable damage to the grass.
- The narrow pedestrian paths to the side of the cattle grids are to be developed with small gates to prevent any calves or sheep by-passing the grids.
- There is no proposal to install a cattle grid next to Middle Lodge. Cattle grids are proposed at the two field crossings illustrated on drawing no. 771.137.
- The proposals will not have the affect of changing the security circumstances of Middle Lodge. The building presently faces onto the public road, and its other three sides bounded by hedges and fences back onto an open field.
- Plans for replanting the verges have already been approved by Natural England and the Forestry Commission.

The application was accompanied by a protected species survey. An assessment of likely significant effect on the designated Special Area of Conservation has been undertaken by Somerset County Council's Ecology Officer, which was subsequently forwarded to Natural England.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *CHEDDON FITZPAINE PARISH COUNCIL - Objects*

- The entrance/exit adjacent to South Lodge is single track and not within the village speed limit of 30mph so is too dangerous.
- Potential conflict of interest between two large events occurring at Memorial and Hestercombe, particularly with single track drive. As private land, not a planning issue but practical issue that needs resolving, who takes precedence?

- Driveway as crossed road by Middle Lodge is also outside speed limit and in distinctive dip, not visible from either side of road. If crossing to be manned, no problems with principle, if not manned, objections on lack of visibility.
- No figures provided on car parking spaces created, not possible to understand number of shuttle buses needed.
- Shuttle bus at 35 days per year (3 days per month) seems high usage and further shuttle bus days may be required in future.
- 11.30 finish disruptive to residents at South and Middle Lodges, previous application 11pm.
- Impact of noise of walkers, vehicles and cattle grids.
- Safety of animals/farming business from walkers with lack of knowledge of countryside.
- How will drivers see to enter/exit cars in dark as driveway not lit. Conflict between protection of bats and drivers tripping/stumbling.
- Crossing fields with animals in – need to ensure both the animals/walker are protected.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The application seeks to reinstate and reuse the existing access and 19th century approach drive to Hestercombe House. With regards to the reuse of this entrance the point of access is already established although historical.

Firstly, It should be noted that the existing main entrance off of Volis Hill into the Hestercombe site will be retained and continue to be used as the main access into the site. Paragraph 6.1 of the Design and Access Statement details that the proposal seeks to reinstate the existing (historical) Portman Drive access route off of Hestercombe Road and reuse the existing access. The purpose is to utilise the Sandilands Woods (Cheddon Fitzpaine Memorial Hall) area as an overflow car park during major events held at Hestercombe Gardens. Without knowing the constraints of the main site, the Highway Authority would have recommended that an enlargement to the existing car park would be more beneficial. Nethertheless, the Highway Authority have the following comments on the detail of the scheme:-

The accesses in question are located along Hestercombe Road a designated unclassified highway to which the National Speed Limit applies. It was observed from my numerous site visits that Hestercombe Road is predominantly single width with overgrown verges. Given the narrow nature of Hestercombe Road, it is likely that vehicle speeds are less than the allocated Traffic Regulation Order (TRO), however, no information has been provided by the applicant to justify any reduction. From observations I would estimate that vehicles are approximately travelling 30-40mph, this is due to the highways narrow nature and proximity with the junction with Pitchers Highway (classified unnumbered highway).

#### Hestercombe Road Access and internal track

At present the access into the Hestercombe site appears to be unused (reason being surface grass on access frontage), however, it should be noted that the point of access is already established and that it could be used at anytime regardless of being subject to a planning application. In terms of assessing the planning application, the Highway Authority must consider any improvements to the access a benefit and deem whether the access is suitable for the level of traffic anticipated/generated from the proposed development.

The Design and Access Statement states (6.2 Proposed Users)... *“The Memorial Hall uses the Middle Lodge south gate as an exit for large events such as the July flower show”*... this indicates that the access is already in use and used in operation with events at Hestercombe House, it is considered that the application is to formalise this use.

Section 6.2 (Proposed Users) of the Design and Access Statement states the following... *“Shuttle bus to transfer people between Hestercombe and Sandilands Wood for large events on a maximum of 35 days in a year. The last shuttle would be 11:30pm”*... The use of the overflow car park would see a ‘Shuttle bus’ transport visitors from the Sandilands Wood car park to Hestercombe. The anticipated level of vehicle movements has not been defined although a region of 35 days in a calendar year as been specified (it is assumed that these would be associated with a major event at Hestercombe), which when broken down is approximately in operation once every ten days. This is considered a minimal amount of vehicle movements, if not any (as the purpose of the Shuttle bus is to transport visitors internally).

The access itself is a Listed structure (conservation) and is approximately 3.5m in width with access gates set back 4.0m from carriageway edge. It should be noted from the attached road records extract that the Highway Authority owns the rights to the surfaces of each access and is designated as highway land. I have spoken with the Taunton Deane Area Highway Manager in relation to improvements to the surfacing at both accesses and he is happy to speak with the applicant, he can be contacted on 0845 3459155.

In terms of visibility, although the splays from the access are likely to be below the required standards that the Highway Authority would wish to see for any *new* access created in this location, it is considered that as the access is existing and the levels of proposed traffic that would utilise this access would be a similar to the previous use of the site (agricultural), it would be unreasonable for the Highway Authority to object on this basis.

Additionally, the internal access track, which will be private is detailed to be hardsurfaced and properly consolidated.

### Sandilands Wood Access

The purpose for using this access is to allow the site to be used as an overflow car park during major events, linking the Sandilands Wood to the Hestercombe site. Again, the access into the Sandilands Wood (Cheddon Fitzpaine Memorial Hall) site appears to be unused, however, it should be noted that the point of access is already established and that it could be reused at anytime regardless of being subject to a planning application.

The Memorial Hall car park is located within designated land in control of the applicant, as are both accesses. Again as stated within the Design and Access Statement, it has previously served as an overflow car park during major events at Hestercombe. The inclusion of a ‘Shuttle bus’ would see visitors collected from the Memorial Hall car park and taken to the Hestercombe site.

The key issue in terms of highway safety relates to the Shuttle bus crossing over the publicly maintained highway (Hestercombe Road) from one site to another. As



mentioned previously visibility from each access is restricted, however, it would be unreasonable for the Highway Authority to raise an objection to the use of these access given the minimal level of traffic utilising the access.

Therefore taking into account the above information I raise no objection, suggest conditions.

*LANDSCAPE* - Subject to clear control of driveway by occasional vehicles i.e mainly pedestrian and cycle use and details of felling and replanting, the proposals are welcomed.

*HERITAGE* - No objection

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* - We do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

*SOMERSET GARDENS TRUST* - This would be an interesting development in the continuing restoration of historical elements of the Grade II\* Hestercombe House and Grade I Formal Gardens. Reinstating the avenue of fruit trees and underplanting with viburnum and ribes, would recreate the impressive approach to Hestercombe for pedestrians and cyclists alike.

*BIODIVERSITY* - The proposal involves the felling of trees and possible crown raising. This may have an impact on the foraging habitat available for bats associated with Hestercombe SAC.

*GARDEN HISTORY SOCIETY* - This has been referred to Somerset Gardens Trust for comment.

*SCC - RIGHTS OF WAY* - No comments received

*NATURAL ENGLAND* - The test of likely significant effect documentation undertaken for your council by Larry Burrows of Somerset County Council dated 27 November 2012 was received by Natural England on the same day. Thank you for allowing us extra time to make a comment. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The application site is adjacent to Hestercombe House Site of Special Scientific Interest (SSSI). This SSSI is part of the Hestercombe House SAC. Natural England advises that your authority can conclude that the project is not likely to adversely affect the integrity of Hestercombe House subject to the proposals being carried out

in strict accordance with the details submitted including the conditions detailed in Part C para 11 of the attached HRA document, we advise you, as the Competent Authority, that it can be ascertained that this application will not adversely affect the integrity of Hestercombe House SAC. You do not therefore need to undertake further stages in the appropriate assessment process

As we discussed last December Natural England was consulted by the Forestry Commission (FC) on the Felling Licence proposal to fell growing trees on the Hestercombe Estate. My colleague Richard Penny attended a site meeting yesterday afternoon and met with Philip and Oliver White and Ben Knight of the Hestercombe Gardens Trust, and their bat consultant Dave Cottle. Richard has confirmed that Natural England does not object to the proposal subject to the FC as competent authority undertaking a Habitats Regulation Assessment.

## **Representations**

A letter has been received from the Trustees of Cheddon Fitzpaine Memorial Hall stating that they raise no objection to the planning application but raise concerns:

- Containing speed of those vehicles driving past popular, widely-used Village Hall
- Plan shows herringbone parking up the driveway, Trustees would wish to see that to the north of the hall and not the south. Intend to resolve this amicably with Hestercombe Garden Trust.
- Feel further details of park and ride scheme would be helpful to assess impact on hall.

11 letters of objection were received from 7 different households on the grounds of:

- Somerset County Council rejected the drive re-instatement as part of their 2006-2011 transport plan. Already a suitable access to Hestercombe House via Pitchers Hill and Park Gate. Portman Drive has not been used as through road for decades, query whether it ever became the 'normal' approach to Hestercombe House as Park Gate entrance was kept active from date of construction and remained in constant use. When Portman Drive was used, used so little that closed down and no or extremely little traffic used area in question, now 21st Century. Previous arrangement of crossing Hestercombe Road suitable in Portman era, impossible to reintroduce today due to volume/speed of traffic and legally. High volume of traffic bringing more problems to area. Junctions at Middle Lodge and South Lodge not speed controlled, South Lodge is already on difficult and dangerous junction, more traffic undesirable so close to primary school. Visibility at Middle Lodge very poor for pedestrians, cyclists and vehicles because of construction of original gateways, cannot be altered due to historical significance. Gateways at Middle Lodge set 4m from the edge of the carriageway, substantially less than 5 metre set out as a condition. No evidence that traffic on Hestercombe Road has been or is being monitored as asserted in Design and Access Statement. Hestercombe traffic should be going via safest route, along main road best able to cope with it. Proposal would spoil the aesthetics of a very quiet and beautiful country lane. Query whether entrance drive at South Lodge one way or two way, two way system would cause chaos at junction by South Lodge, one way would

exit onto Hestercombe Road where poor visibility, therefore very dangerous and would conflict with shuttle bus. Proposed signage not sufficient. Cars continually on Hestercombe Road and Farm Drive looking for Hestercombe House as sat navs direct them the shortest route. HGT cannot guarantee that cars will not use this route, particularly on open days. Well thought out traffic management strategies are needed to direct visitors. Use of shuttle bus not considered to be a minimal amount of vehicle movements.

- Crossing from Sandilands Wood to Portman Drive impractical and dangerous, more traffic, walkers, children crossing may put public at risk. Road extremely straight, fast and busy, with fast cars, large lorries and farm machinery. Three working farms use it all of time. Buses and double deckers are large part of traffic produced by HGT. Not right to crowd more traffic through gates. Blind spot in a hidden dip and very difficult to hear cars approaching when windy or amongst trees. Children running in front of adults would not easily be seen as walls to gateways go right to the edge of the road and no speed restriction on that road.
- No evidence of restoration in recent years. A theme park has been built, nothing to do with the gardens. HGT have blocked access to drive through Sandilands, not been allowed to be used for any reason. Walkers have been threatened on footpath in Sandilands in last 5 years. Whole path has been walked by countless walkers for over 20 years therefore right of way from South Lodge to Middle Lodge well established. Major project, whimsical idea with no benefit, damaging landscape, losing good pasture and wildlife habitats, upsetting local residents, squandering tax payers resources for road signage.
- Portman Drive is agricultural land, it is not used as a drive and not surrounded by lawns. Fencing and tarmacing a new driveway across fields would be an eyesore and totally change character of area. Why spoil an area by forging a fenced road through it if only for occasional shuttle bus, only a tenth of the year. Very few people come to Hestercombe by walking or cycling, majority come by car and coach. Either going to see a huge amount of parking in Sandilands Wood or query motives as Hestercombe has adequate parking on site, following taking down trees in Middle Combe. Design and Access Statement suggests trees were spaced to break up ugly drive, now gone so drive would not be screened off and be conspicuous. Original track not fenced, fields divided by ha-has so views from house not disrupted. Ludicrous to reinstate drive for historic reasons and fence it as negates given reasons for reinstatement. To reinstate a drive cutting a park field in two would destroy view of original park, now returned to natural state after not being used since 1960s, now recorded as one field on land register.
- Drive not been in use for over 50 years, now completely grassed over. Tree lined culvert has developed by pond, providing a habitat for flora and fauna. If proposal goes ahead, peaceful enclave would be destroyed.
- Significant signage needed on Hestercombe Road by Middle Lodge to say that it is private driveway, otherwise general public would think it a right of way.
- Particular impact on Hestercombe Farm, who use land for grazing of sheep and dairy cattle. Fields would become boxed and cluttered, shrinking appearance of landscape. Idea of cattle grids unacceptable and cause more disruption. Entrance by Middle Lodge into field used by a herd of 200 milking cows, application would not allow this as fenced either side and cattle grid. Two crossing gaps would damage soil structure both sides due to concentration of animal/tractor movement and trampling/churned up in wet years. Would also bring slippery conditions for pedestrians and animals. North end of driveway used for penning livestock, irrigation pond used by stock. Would cause disruption

of spreading of slurry with umbilical system and use of hole reel irrigator from the lake. Danger between dogs, cattle and sheep, pedestrians with dogs at risk where gaps in fence. Cows and sheep vulnerable to uncontrolled dogs, chasing could cause stress or even result in them being killed. Sheep regularly graze field, which would easily be able to negotiate the gap left for pedestrians to bypass the cattle grids and escape onto Hestercombe Road. Similar situation for young cattle.

- Development would encroach onto the privacy of properties, personal lives and security of Hestercombe residents. No security to Middle Lodge or Sandilands Wood through proposal to lock gates slightly ajar, applicant has made no attempt to address this problem from outset. Threat to security and amenity of Middle Lodge as a residence, cattle grids close to Middle Lodge would cause impact. Middle Lodge vulnerable due to its isolation, Proposed drive to south-west of The Bothy and prevailing winds would carry noise and pollution from pedestrians and shuttle bus towards house.
- HGT has proved trees are of no importance, many tons felled for sheep grazing. Object to more felling and spoiling of trees. Not restoration, drive was unfenced. Gotton Copse has been damaged and opened up to boy racing with cars and motorbikes, over night campers and music groups. Query if this would do same to Sandilands Wood.
- Middle Lodge not built for motor vehicles to be passing so close, only feet from the house. Drive built to save horses the steep climb, restoration drive no longer needed as horse and carriages no longer used. Motor vehicles now in use.
- Query and disputes dates and descriptions in Design and Access Statement. Crown support work of HGT but stipulate work should be carried out in a sensitive manner, therefore work that impinges on peaceful enjoyment of other residents should have full discussion and consensus sought. Residents would support restoration carried out in this way and but little sympathy for Hestercombe becoming a theme park. Never any discussions or consultations with the Trust and attempts at communication are ignored.
- This is Quantock Hills Area of Outstanding Natural Beauty (*NB – Site falls outside of AONB*)
- Under Natural Environment and Rural Communities Act 2006 Part 6 refers to extinguishing mechanically propelled vehicle rights and no further Byways Open to all Traffic generated by claims based on horse and cart origins. In light of this, query whether proposal would be legal.
- Need for buses to transport people from cars parked in wood indicate new and larger visitor events at Hestercombe Gardens. Aerial view of Hestercombe shows large areas of available parking in various Combes that could be used to increase parking without safety risks. Query number of parking spaces envisaged, impact of parking on driveway verges and whether change of use application is needed.
- Query proposed times of opening/closing gates at Middle Lodge as outside of normal Hestercombe opening times. Query how applicant proposes to manage and restrict use of Sandilands Wood and prevent unauthorised motor vehicles passing/parking if gateways remain unsecured. In past, there have been problems with fires in Sandilands Wood, boy racers and fly tipping. To prevent this, northern gate is kept locked and entry to northern part of wood restricted by timber obstacles as gate at South Lodge rarely closed. Query how parking on verges would be monitored and prevented on other days as grass verges and newly planted cherry trees would be vulnerable.
- Extra cars parked in Sandilands Wood may put bookings of Memorial Hall in jeopardy. Memorial Hall used most often on a Saturday, probably coincide with

when Hestercombe would want to use drive for cars and car parking. Query whether Hestercombe staff will manage traffic/car park, how parking spaces would be allocated to Memorial Hall. At weekends used mainly for weddings, childrens parties and flower shows, often large numbers of children at events, concerns that traffic going past would be dangerous. Popular venue as far from public highway, quiet and secluded in wood, application could jeopardise future revenue of unique hall, originally bequeathed to village by Portman Family. Needs of business should not override local community. Drive into Memorial hall currently only used by hall users, not a public right of way.

- Track through field needs careful management to keep it litter free. Track would be an opportunity for fly tipping and joy riding.
- Restoration of areas are of great importance but need careful consideration. Query where electricity supply would come from to operate electrically operated gates in future.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
S&ENPP5 - S&ENP - Landscape Character,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,

## **DETERMINING ISSUES AND CONSIDERATIONS**

A number of queries have been raised as to the status of the Portman Drive in the past and whether it is justified to reinstate this driveway, particularly if it was not of significant importance. On the basis that the drive passes both South Lodge and Middle Lodge on it's route to Hestercombe, it is plausible to believe that this was in fact a drive of some significance. Notwithstanding this, the matter now for consideration is whether it is acceptable, in planning terms to provide a driveway across the land to accommodate walkers and cyclists and occasional use by the shuttle bus.

Hestercombe House and Gardens form a historic designed landscape of international significance, listed at Grade I on the English Heritage Register of Parks and Gardens of Special Historic Interest and designated as a Conservation Area. Any proposed development should therefore respect the importance of these areas. Whilst objections have been raised regarding the reinstatement of the driveway, it is important to note that the Conservation Officer raises no objection to the proposal. The site is situated some distance from the main buildings and formal garden and would therefore have no impact upon their setting. Furthermore, it is important to note that English Heritage did not wish to comment on the application and suggested that specialist in house conservation advice is sought and, as stated, the Council's Conservation Officer raised no objection. Furthermore, Somerset Gardens Trust regarded the proposal as an interesting development in the continuing restoration of historical elements of the Grade II\* Hestercombe House and Grade I Formal Gardens. They also considered that reinstating the avenue of fruit trees and underplanting with viburnum and ribes, would recreate the impressive approach to Hestercombe for pedestrians and cyclists alike. It is therefore a pertinent point that despite the concerns raised by local residents, the Conservation specialists

consulted raised no objection, whilst Somerset Gardens Trust were in favour.

In addition, in landscape terms, the Council's Landscape Officer was consulted and welcomed the proposals subject to occasional use of the driveway by vehicles with the main use being pedestrians and cyclists. Members should be aware that this is in contrast to the previous scheme, over which several concerns had been raised by the Landscape Officer, but have since been overcome by the provision of additional information. It is acknowledged that little of the former use of the land as a driveway remains to the north of Hestercombe Road when viewing the site from public viewpoint, and a large proportion of the hardcore and tarmaced area has now been grassed over. However, the re-exposure of this tarmaced driveway and making good of damaged areas is not deemed to cause excessive harm to the character of the landscape, whilst driveways across grassland to serve stately homes is a common sight. Although the driveway would be visible from public viewpoint, it would not be significantly prominent to the extent that it would scar the rural landscape or cause detriment to the appearance of the countryside or the Hestercombe Conservation Area.

The erection of a fence along a driveway is also a common situation and it is important to note that fences can often be erected to a higher level than that proposed without the need for any planning permission. The nature of the fence in this instance was agreed following discussions with the Council's Landscape Officer, who considered that a wiremesh fence would be the most appropriate form of boundary treatment in this instance, due to its nature of allowing views through it. It is proposed to remove two Poplar trees and one Hawthorn in the northern part of the proposed driveway but these are not important specimens that are considered to contribute significantly to the rural landscape and their removal is not therefore a concern in terms of visual amenity. There are a number of other more mature trees along this section and these are to remain.

In terms of the lower section of driveway through Sandilands Wood, the tarmac along this element is still very much present and little works are required to this surface. Whilst it is proposed to remove the existing larch, sycamore and ash trees that run alongside the driveway through Sandilands Wood, these are not considered to contribute significantly to the area and their replacement with an avenue of crab apple trees is deemed acceptable. It is important to note that Sandilands Wood is a well established area of woodland and further trees screen the driveway and proposed avenue of new trees from wider viewpoint. These trees would similarly screen the additional proposed car parking on special event days. As such, the appearance of Sandilands Wood from outside of the site would appear very similar to the current situation and the proposals are not considered to cause harm to the appearance of the area.

Whilst objectors raise concern regarding the loss of habitats for wildlife and damage to the landscape, it is pertinent to note that the Council's Nature Conservation Officer was consulted and raised concern only regarding the impact upon bats. Following this, a Test of Likely Significant Effect was undertaken by the Somerset County Council's Ecologist, which concluded that the proposal would not result in harm to wildlife and this was supported by Natural England. It is therefore considered that the impact of the proposal upon wildlife has been adequately assessed by specialists in that field and was not deemed to be adversely affected.

The Test of Likely Significant Effect suggests a condition that any tree removed that

creates a gap of more than 5 metres is replaced by a single row of hedgerow planting. The three trees to be removed are adjacent to the pond, which are randomly spaced and would not therefore create a gap as such, as they are not within a row of other trees. The other trees to be removed are those rows within Sandilands Wood, which would be replaced with rows of Crab Apples. As such, the removal would be replaced with a row of trees that would create a new flight line, to safeguard the bats and the condition is not deemed necessary

Concerns have been raised regarding the impact on the closest residential property, Middle Lodge. One concern is that it was not built to accommodate traffic passing in such close proximity, although it is important to note that it is positioned next to Hestercombe Road, a public highway and the proposed driveway would be a similar distance from it. It is acknowledged that the proposal would result in walkers and cyclists passing to the west of the dwelling during the opening hours of Hestercombe Gardens, however in view of the close proximity of the dwelling to the road at present, which is stated by many objectors to be a very busy road, it is not considered that cyclists and walkers, in no closer proximity than the traffic passing along the road, would result in a detrimental amount of noise that would harm the living conditions of the occupiers of that property.

The issue of noise of the shuttle bus has also been raised, particularly in view of the cattle grids. There appears to have been some confusion regarding the positioning of the cattle grids. It should be noted that the cattle grids are some distance from Middle Lodge, with the closest being approximately 60 metres away from the boundary with that property and 70 metres from the dwelling itself, there are no cattle grids directly adjacent to Middle Lodge. Whilst it is acknowledged that vehicles travelling over cattle grids do create an element of noise, due to distance from the dwelling, this is not considered to create a level of noise that would be detrimental to the living conditions of Middle Lodge. Furthermore, whilst the occupiers of Middle Lodge would be aware of the shuttle bus passing the site, due to the nature of the shuttle bus being used for special events only (up to 35 days per year), this would be every so often on occasional days. It is therefore considered to result in minor intermittent disturbance rather than a constant noise that would cause material detriment to the occupiers of that property. Whilst the last shuttle bus is at 11.30pm, again this is on occasional days and not a constant issue. It is also pertinent to note the close proximity of Middle Lodge to the public highway and it is not considered that the noise generated by the shuttle bus would be significantly greater than that of cars, tractors, lorries, etc passing on the public highway, anytime of the day or night. A condition has been attached limiting shuttle bus movements to the suggested 35 days. Whilst it is acknowledged that further shuttle bus days may be required in the future, this would require permission to vary the condition and the impact upon the amenities of the affected residential properties would be assessed at that point.

Concerns are also raised regarding the impact of the driveway on other Hestercombe residents. Whilst it is noted that the driveway would pass in close proximity to South Lodge and Middle Lodge, it is still some distance from the remainder of residential properties. As such, it is not considered that the proposed use of the land would result in harm to the amenities of those properties.

The issue of the security of Middle Lodge was also raised. However, it is important to note that the gates would be locked on a normal day at 7pm when Hestercombe Staff undertake their locking up procedure and unlocked again at 7am. As such, it is not deemed that there would be an increased impact on the security of Middle Lodge

as the gates would be locked in the early evening and would remain locked throughout the night. In view of the property currently lying adjacent to a field gate, it is not considered that the situation would differ significantly from the current situation.

It is noted that the situation would be different on the days of special events, up to 35 days per year, when the gates would be open. However, the agent has confirmed that Hestercombe Gardens Trust staff would be in attendance on days when Sandilands Wood is being used for additional parking and the gates would be locked at the end of the event by the staff. On the basis that there would be Hestercombe Staff in attendance and also the shuttle bus movements creating a presence, it is not considered that the gates being opened would compromise the security of Middle Lodge significantly.

A concern has also been raised as to how cars would be prevented from utilising the proposed driveway. As stated above, the gates would be locked in an ajar position on the majority of days, which would not allow vehicular access, whereas on days when the gates are open to enable the shuttle bus to pass, HGT staff would be in attendance to prevent cars from using the driveway, which would overcome the concerns of general Hestercombe traffic utilising this driveway, particularly if sat nav systems were to direct them this way. At the end of the day, the gates would be locked by Hestercombe staff, which would prevent vehicles being able to enter land to the north of Hestercombe Road, overcoming the concerns regarding boy racers, fly tipping, etc. Similarly, a barrier to the north of the Memorial Hall would prevent vehicular access to and protect Sandilands Wood from such activities.

A great number of objections have been received regarding the use of the accesses onto the busy Hestercombe Road and the crossing of it by the shuttle bus, walkers and cyclists. The County Highways Authority have considered the application fully and from a highways point of view, it is important to note that the point of access is already an established access that could be used at any time regardless of a planning application. On this basis, although the visibility splays are below the required standards that would be expected for a new access, this is an existing access and it is not considered that the proposal to utilise the shuttle bus for up to 35 days per year would result in an unacceptable increase in traffic movements that would warrant a refusal. The County Highways Authority suggests two conditions, one relating to proper consolidation of the first 5 metres of its length and the other relating to new gates being erected 5 metres from the carriageway edge. The first condition has been attached accordingly and a concern is raised that the requirement of 5 metres regarding the gates is already not being met. The condition relates to any gates erected, rather than the repositioning of existing gates. The County Highways Officer is aware that the current situation, refers to the current distances in his report and although substandard, takes into account that it is an existing access that can be used at any time.

A number of other concerns have been raised regarding the use of the Sandilands Wood and conflict with the Cheddon Fitzpaine Memorial Hall, along with traffic conflict in using the driveway. It is however important to note that these issues would be civil matters to be agreed between the parties involved and it would be for them to decide how any traffic issues are dealt with on the private land, etc. It has been stated that Hestercombe staff would be in attendance on days when parking is taking place in Sandilands Wood to supervise the situation. However, how the relevant parties intend to operate systems within the site are not planning matters



and are not issues that the local planning authority can become involved with or take into account in the processing of this planning application.

The query has been raised by objectors that it has not been stated how many car parking spaces are proposed in Sandilands Wood and whether planning permission is required for this car parking. It is important to note that cars will be directed to the main car parking area accessed from Park Gate Drive and Sandilands Wood would only be used as overflow parking, when required on special event days. As this is being carried out on an informal and infrequent manner, and only for a nominal amount of days per year (no more than 35 days a year), it is not considered to constitute a change of use. However, it is proposed to attach a note to the decision stating that if this use intensifies in the future, a planning application may be required. The agent has confirmed that outside of the special event days, a barrier would prevent cars accessing Sandilands Wood beyond the Memorial Hall to prevent the car parking being used and this has been conditioned accordingly.

A significant number of concerns have highlighted the impact of the proposal upon Hestercombe Farm, who graze the land with cattle and sheep, the farming business and the safety of animals, etc. These are civil matters to be agreed between the parties involved and are not planning matters that can be taken into account in the processing of the application. However, it is important to note that the driveway will not separate the land entirely due to the arrangement of the double cattle grids that will allow for the animals to cross from one side of the drive to the other, thereby still allowing them to graze the land in its entirety, with the exception of the small amount of land actually forming the driveway. Concerns have also been raised over animals being able to wander along the driveway. However the arrangement of double cattle grids prevents animals gaining access onto the main driveway, but simply allows them to cross in places, whilst the use of small pedestrian gates will prevent sheep and calves being able to bypass the cattle grids.

In terms of speed along the driveway, a matter which has been raised by the Trustees of the Memorial Hall, in order to limit the impact on the bats, a speed limit of 10mph is suggested by the County Ecologist. However, it is up to the Hestercombe Gardens Trust to control the speed of vehicles on their land and decide how to make users aware of any speed limit. A note to applicant regarding this speed limit is proposed to be attached to any decision. Similarly it would be for Hestercombe to decide how to deal with any litter dropped. There would also appear to be some confusion as to the use of the driveway by objections raising concern about it being used as a through road or for fly tipping and joy riding. The application clearly states, and this has been re-iterated by the agent that the driveway would be for walkers, cyclist and the shuttle bus up to 35 days per year. It would not be used by cars, which would continue to use Park Gate Drive, as per the existing situation. Concern is also raised as to whether it is worth reinstating the driveway when it would only be used for a tenth of the year. Whilst the shuttle bus would only use it for this period, it would be open on a daily basis to walkers and cyclists.

One objector raised the concern about byways open to all traffic not being generated by claims based on horse and cart origins. The application in front of members is for planning permission and therefore only planning matters can be taken into account. If there are other legal issues that need to be addressed, it would be necessary for the applicant to address these independently of the planning application.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1998.**

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