

GRADECLEAR & STRONGVOX

CONVERSION OF MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 18 APARTMENTS AND CONVERSION OF OUTBUILDINGS TO PROVIDE 8 APARTMENTS AND CYCLE PARKING IN THE BASEMENT OF THE MANSION HOUSE, SANDHILL PARK, BISHOPS LYDEARD (AS AMENDED).

Grid Reference: 315626.129864

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of the following:

- a satisfactory amended schedule of repairs;

It is considered that the proposal is in line with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 (Environment) of the Taunton Deane Core Strategy and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A3) Dr No SPP.1740.51 Site Location Plan
(A3) Dr No P9688/Rep 021B Existing Basement Floor Plan (Mansion)
(A3) Dr No P9688/Rep 022B Existing Ground Floor Plan (Mansion)
(A3) Dr No P9668/Rep 023B Existing First Floor Plan (Mansion)
(A3) Dr No P9688/Rep 024B Existing Second Floor Plan (Mansion)
(A3) Dr No P9688/Rep 025B Existing Roof Plan (Mansion)
(A3) Dr No 12/31/ 222 A Proposed Basement Plan (Mansion)
(A3) Dr No 12/31/223 A Proposed Ground Floor Plan (Mansion)
(A3) Dr No 12/31/224 A Proposed First Floor Plan (Mansion)
(A3) Dr No 12/31/225 A Proposed Second Floor Plan (Mansion)
(A3) Dr No 12/31/226 B Proposed Roof Plan (Mansion)

(A3) Dr No 12/31/227 A Proposed Elevations – Sheet 1 (SE and E elevations of the Mansion, W elevation of Mansion and Orangery)
(A3) Dr No 12/31/228 A Proposed Elevations - Sheet 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery)
(A3) Dr No 07/20/301 Existing Ground Floor Plans- Stable Block and Barn
(A3) Dr No 07/20/303 Existing Elevations Sheet 1-Stable Block and Barn
(A3) Dr No 07/20/304 Existing Elevations Sheet 2-Stable Block and Barn
(A3) Dr No 12/31/311 Proposed Floor Plans-Stable Block and Barn
(A3) Dr No 12/31/313 Proposed Elevations-Sheet 1-Stable Block and Barn
(A3) Dr No 12/31/314 Proposed Elevations-Sheet 1-Stable Block and Barn
(A3) Dr No 12/31/310 Proposed Floor Plans-Orangery and Ancillary Building
(A3) Dr No 12 /31/104 Proposed Demolition Plan
(A1) Dr No Rep 021 B Extent of Fire & Water Damage Basement Plan
(A1) Dr No Rep 022 B Extent of Fire & Water Damage Ground Floor Plan
(A1) Dr No Rep 023 B Extent of Fire & Water Damage First Floor Plan
(A1) Dr No Rep 024 B Extent of Fire & Water Damage Second Floor Plan
(A1) Dr No Rep 025 B Protection Works Roof Plan
(A1) Dr No S011 B Post Fire Elevations 1 of 2 (S and E elevations of the Mansion, W elevation of Mansion and Orangery)
(A1) Dr No S012 B Post Fire Elevations 2 of 2 (NE elevation of Mansion, SE elevation of ancillary buildings, E elevation of Orangery)

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

3. Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

4. The roofs of the Mansion shall be recovered using natural slate and lead roll hips and ridges. Prior to reroofing commencing, a sample slate, for the mansion and retained buildings, shall be submitted to and approved in writing by the Local Planning Authority, with such approved sample being used for reroofing and thereafter so maintained.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

5. All repairs to the mansion, shall be carried out strictly in accordance with the approved schedule attached to the S106.

Reason: In the interests of preserving the building, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

6. 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, with such approved works being strictly adhered to in the implementation of such works, unless any variation thereto is first approved in writing by the Local Planning Authority.

7. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: floors; doors; architraves; skirtings; windows; rooflights; fire and sound separation; venting of recovered roofs; rainwater goods; vent locations and terminal details, for kitchens/ bathrooms/ en-suites; fireplaces; measures to comply with Part L of the Building Regulations; treatment of dry and wet rot; measure to arrest damp; lift and lift enclosure; staircases; en-suites; kitchen fittings for units 5 and 6; finished treatment for all joinery.

Reason: In the interests of preserving the buildings, in accordance with Section 16 of the Planning (listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of listed building consent.

2. As the buildings are listed, relaxation of Part L of the Building Regulations may be possible.

3. Your attention is drawn to planning permission 06/08/0010 and the corresponding Section 106 Planning Agreement which relate to this site.

PROPOSAL

The application comprises the conversion and restoration of Sandhill Park House and its traditional outbuildings to form 26 one, two and three bed units, with 18 flats being formed within the Mansion and Orangery and 8 flats within outbuildings that include the former stable block.

The scheme are considered to encompass a comprehensive package that not only provides for the restoration of the Mansion and its outbuildings, but also provides 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.

Broadly, the development proposals will provide for the following:

Mansion and outbuildings

- Restoration of internal and external fabric including plasterwork;
- Replacement of roof destroyed by fire and repair of roof still in place;
- Structural repairs;
- Restoration of windows and stonework;
- Treatment of rot;
- Removal of 20th century additions;
- Relocate principle staircase to central pre 1815 position;
- Repair, rebuild and convert orangery, stable buildings and barn;
- Reinstatement traditional walled gardens to the North of the Mansion.

Former hospital buildings

- Demolish and remove all buildings to the West;
- Landscape and re-contour area to reclaim parkland and lawns;
- Restore views between the Mansion and the parkland.

Wildlife

- Provision of bat roost within basement;

The application is supported by the following documentation and reports:

- A Design and Access and Heritage Statement;
- Planning Statement;
- Schedule of Repairs.

SITE DESCRIPTION AND HISTORY

Sandhill Park is a 17th century mansion house originally constructed as a country house for the Lethbridge family. The building was been modified in the 18th, 19th and 20th centuries; the main house is Grade II* listed and also comprises a range of traditional ancillary outbuildings and walled gardens to the North and former hospital buildings to the Southwest. The buildings sit within a large 60 hectare historic parkland landscape.

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.

Whilst Grade II* Listed, the Mansion is in a deteriorating condition and is included on

the Buildings at Risk Register prepared by English Heritage. The building was subject of substantial damage following a fire on 22 November 2011, which resulted in significant internal damage, the loss of the main roof structure and damage to the external fabric of the building.

Whilst located within open countryside, there is residential development immediately Northeast of the site is Lethbridge Park, a development of some 50 residential properties permitted as enabling development under LPA reference 06/94/0004 and 06/97/0020. The enabling development in this instance did not achieve the desired outcome for the restoration of the mansion house. To the Southeast is Greenway, large residential estate of local authority housing.

With regard to the planning history of the site, the following applications for planning permission and listed building consent have been made in relation to the site:

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.

06/1993/005 - 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.

06/1997/020 - Erection of 50 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.

06/2004/013 - Demolition of some buildings, and repair, refurbishment and conversion of retained buildings into 25 self-contained dwellings, restoration of the parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard. Full application refused by the Secretary of State May 2006.

06/2004/014LB - Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard . Application refused by the Secretary of State May 2006.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - Support the proposals and comment that (in relation to listed building matters):

- It is essential that TDBC ensures through a S106 Agreement that the restoration of mansion and parkland take place simultaneously to the new building;

COUNCIL FOR BRITISH ARCHAEOLOGY - no comments received

GEORGIAN GROUP - no comments received

ENGLISH HERITAGE

Summary

English Heritage has previously supported the application in 2008 for residential conversion of the Mansion House and outbuildings and provision of enabling development at Sandhill Park on the basis that it would secure the repair and reuse of this important grade II* listed country house as well as restore its parkland setting.

Unfortunately, that application was not approved at that time due to the Section 106 Agreement not being signed after the economic downturn took effect. However,

discussions relating to the new housing element were subsequently revived with a different developer. In the intervening period, Sandhill Park House was the subject of a very destructive arson attack in 2011 which caused severe damage to its upper levels and resulted in extensive water penetration throughout the building. This has made the threat to the building even more intense, and the need for a viable solution extremely urgent.

This current scheme is a revival of the 2008 application with significant amendments to the enabling housing development to reflect the current economic climate and the new design approach. It has resulted in fewer larger houses which does extend the footprint of the development but is better integrated with the landscape and utilising more traditional materials. The conversion scheme for the house is largely unaltered and raises no new issues but this application takes account of the reinstatement required following the fire damage, which also has to be factored in to the amended Section 106 Agreement. Revised costings have been produced and verified by our Quantity Surveyor, although our financial assessment has not included any confirmation of the sales figures for the converted and new build housing, which, as before, we have advised the Council to satisfy itself on. Assuming that your Authority has done so, we continue to consider that there is a financial case for enabling development at Sandhill Park and that this revised scheme is an acceptable means of securing the future of the house and its setting as long as a robust Section 106 Agreement is in place to ensure that objective is achieved.

English Heritage Advice

In outlining our position on this scheme it is important that the advice contained in our previous letters of 2008 are taken into account as background to this correspondence.

The main areas where additional advice has been provided by English Heritage have been the layout and extent of the new housing development and the detailed landscaping proposals, together with the revised costings provided for the overall development. The amended scheme has resulted in a different type of layout with fewer houses which are more spread out. This has extended the footprint of the development from that previously approved, but the scheme is well screened and better integrated with the landscape and also utilises more traditional materials in the design of the houses. We now have more detail on the landscape restoration scheme, which largely accords with the overall objectives previously set in the landscape master plan, and should result in a significant improvement to the setting of the house.

Any enabling development scheme requires the costs of the restoration to be balanced against the income that is generated by the development. English Heritage has satisfied itself that the costs put forward are necessary and reasonable, however, our organisation does not provide specialist valuation skills and has, therefore, advised the Council to take advice itself on that aspect of the development appraisal in order to make an overall assessment of the financial case for development.

Finally, the success or failure of this scheme may depend on the robustness of the Section 106 Agreement that is required to ensure that the heritage benefits are delivered. Our resources mean that we have not engaged with the revision of this Agreement as actively as we did with its predecessor, and we are aware that some

of its requirements have been relaxed somewhat. More emphasis is now placed on the presence within it of a repair Bond, to be used as a default mechanism by the Council should the development fail to be completed, rather than on strict phasing requirements between the new development and building repair. This is undoubtedly a potential risk that we have had to weigh up in deciding whether to support this scheme now or hold out for a more rigorous Agreement. Due to the heightened risk to the house caused by the fire and the urgent need to secure a solution, we have decided that this is a risk that should be taken. However, we would urge your Authority to be vigilant in monitoring the implementation of the consent, and the compliance with the 106 Agreement, should it be granted. We are also aware that you are in the process of agreeing a revised schedule of works that incorporates reinstatement following the fire damage, and would stress that sufficient detail is provided in order to secure a deliverable mechanism for achieving an appropriate level of repair to the building. This should take account of the special quality of the internal plasterwork whose conservation is vital to the success of the restoration scheme.

Recommendation

Subject to the above caveats, we would support consent being granted and would hope that this results in works for the repair of the building and reinstatement of the landscape to be started as soon as possible, with close monitoring by the Council. It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

ANCIENT MONUMENTS SOCIETY - no comments received

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS - The Design and Access Statement states that it is the intention to conserve and repair the existing fabric and to replace the fire damaged areas in a way that takes account of the original form of the building. Nevertheless, we do not think that the aim should be to 'restore' the building to some unspecified former state that cannot be verified. We note in particular that the main staircase is to be relocated in the position that it originally occupied before alterations were carried out in 1815. This may be strategically sensible for the new circulation arrangement but we can see no reason for the new stair to be designed as a reproduction of the original, given the subsequent history of changes. A new design in keeping with the surrounding fabric would be preferable.

We are also concerned that the drawings and other details accompanying the application provide only an outline indication of the proposed works. In our view a full schedule of works affecting the historic fabric should be agreed before any work commences on site. This is needed to ensure that as much as possible of the historic fabric is retained and that the new work is detailed in such a way that it is complimentary to the old.

As a final point we note that the demolition of the hospital buildings to the southwest of the main house is likely to improve the setting of the house. However, the accompanying new housing development may well affect the setting through its juxtaposition to the walled garden, though the view from the south west is

apparently screened by trees. We would urge the local authority to take great care with this aspect of the application to ensure that there is no detrimental impact on the heritage asset if they are minded to grant approval.

VICTORIAN SOCIETY - no comments received

Representations

11 letters received from local residents raising the following COMMENTS in relation to Listed Buildings:

- The restoration must be a condition of the new building; this house has historical interest in the area which must be protected within a modern housing development;
- Risk of further damage to gate pillars at the point of access if road not widened;
- The Mansion development should be in advance of the new build as should be the demolition and landscaping;
- Contractually the Mansion should be 80% complete before more than 50% of the new build is built and sold;
- The demolition of the hospital buildings is an excellent proposal; they are not compatible with the beauty of the area;
- What guarantees are in place to ensure Mansion house and landscaping works are undertaken?
- The Mansion should be converted promptly and not left to rot for another ten years plus;
- Perhaps it would be better to demolish the Mansion House?

1 letter from member of the public received raising the following OBJECTION to the proposals:

- I'm totally opposed to the conversion of the mansion house. This is a wrong approach and a waste of money;
- Sandhill Park is a hideously ugly lump of a building; it has never had any charm or outstanding architectural merit; it intrudes massively on the gentle rural landscape; made worse by past misuse and neglect;
- Its past merit is now long gone and irreplaceable;
- Its conversion cannot be afforded by the Council and a developer has commercial constraints to account for; the building is difficult to convert into flats; rooms are either too large or too small; such will make accommodation unsaleable at a price needed to show profit; time has shown there is no profit here;
- It should be de-listed and demolished; the building is a blot on the landscape and out of sympathy with its natural surroundings.

Comments from West Somerset Railway do not raise material issues to the application for listed building consent.

1 letter received from the Directors of Lethbridge Park Management Committee, making the following points material to the listed building consent application:

- The Mansion and parkland development should not be delayed. One of our

greatest concerns relates to the likely time line of the restoration and development of the Mansion and its parkland. On previous occasions, the proposals have typically mentioned three or five years after other works are undertaken. In view of the neglect of the Mansion and parkland, we believe any delay in commencing work on them is unacceptable;

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when determining listed building applications, special regard shall be paid to the desirability of preserving the building, its setting and any features of historic or architectural interest it possesses.

Sandhill Park is a Grade 2* listed building, which is on the English Heritage list of buildings at risk.

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. The proposed residential use of the Mansion and outbuildings, together with demolition works have been before committee before; whilst the the physical interventions into the building are different to the previous application, the general aim and principle of the proposed scheme remains as before, that is to find a long term viable re-use for this Grade II* listed building, which is currently recognised by English Heritage to be at risk.

Impact upon Listed Building

The submitted proposals have been considered in depth by the Council's own conservation specialist and also by experts at English Heritage. Prior to submission of the amended proposals, significant discussions took place between the Council, English Heritage and the applicant as to an appropriate conversion scheme for the Mansion and its outbuildings without resulting in significant harm upon the setting or special historical or architectural features retained by the Listed Building.

The Mansion House is currently in a very poor state of repair, as are the outbuildings, and is included on the 2007 Historic Buildings at Risk Register published by English Heritage. There has been more, significant deterioration since the fire of November 2011. Save to say much of the buildings structure has been undermined over time as previous attempts to find a use have failed. The proposal would enable both the Mansion and the outbuildings to be sympathetically restored and put to appropriate and beneficial long term use.

A significant and comprehensive schedule of repairs and works has been produced by the applicant; the schedule relates to brickwork, blockwork, rubble and masonry; roofing; woodwork and metal work; electrical installation finishes; glazing; painting and decorating.

The building will require an entirely new roof to be constructed in the main, with those elements being retained needing repair and recovering. All external joinery is likely to be replaced and repair undertaken to the stonework and painting. Internally plaster work will be repaired and restored where lost, the staircase returned to its central, original position and unsympathetic modern additions removed.

The three storey Mansion and outbuilding will be sensitively converted and restored to somewhere close to a period of its historical form. Minimal intervention will be required in order to provide the proposed flats, with as much of the original layout being retained as possible. The ground floor layout will remain almost unchanged; new walls within rooms will be limited to 2 metres in height, thereby stopping short of the existing ceiling heights so as to preserve the original space within the rooms.

One of the key features of the proposed conversion scheme is to relocate the main staircase to a central position within the main Mansion house. This will return a balanced plan arrangement to the building, reflective of the building's pre-1815 form. Such an approach has been welcomed by English Heritage and the Council's own Conservation Officer.

The proposed conversion scheme will remove modern additions and interventions to the Mansion and its outbuildings. The orangery, stables and other outbuildings have resulted in significant mistreatment, which has resulted in a large number of blocked openings within facades, the use of unsympathetic materials and poor application thereof, a lack of maintenance and general decay as a result. In a similar vein the walled gardens have become overgrown and the walls in need of repair.

It is proposed to return the stables and orangery to a layout and appearance similar to their original form, before modern interventions were made when the site was used as a hospital.

Within the immediate setting of the building, the former hospital buildings are to be demolished and the landscape returned to its former pre-war condition. The removal of these buildings, which visually jar with the setting of the Mansion is considered to significantly enhance its setting whilst the location of new building development to the North, which does not form part of these proposals, is not considered to detract from the setting of the building, being well screened and detached from the site of the Mansion.

Further benefits to setting of the Mansion will be the restoration of the walled gardens, restoration of the American garden and general enhancement of the landscape through a robust and thorough landscape planting scheme and management plan.

Wildlife

In accordance with the corresponding planning application, reference 06/08/0010, thorough wildlife surveys and reports have been undertaken by the applicant to ascertain the presence of protected species within the buildings that will be affected by the proposed works.

At least five bat species have been identified as being present within the Mansion, its outbuildings, former hospital buildings and the surrounding scrub land. It should be noted that bats are a European Protected Species and their habitat both within the

Mansion, outbuildings and around the parkland will be impacted upon as a result of the proposals.

The proposed works will result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), such is an offence unless a license is obtained for the works from Natural England. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed works provide for an alternative re-use of a grade II* Listed Building and its associated outbuildings. The principle Mansion building is included on the 2007 Historic Buildings at Risk Register and ongoing efforts have been made to find a viable re-use for the building and its surroundings. Being a building at risk, there is significant pressure to find an alternative re-use for the Mansion; failure to do so poses a significant risk that the building may eventually fall beyond any reasonable condition as to allow repair. It is considered to be in the public interest to ensure the buildings continue to represent an example of the areas built heritage for future generations. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be an acceptable use for the buildings that will ensure for a favourable conservation status of the bats.

(ii) That there is no satisfactory alternative

The application site is a one off example of a grade II* listed Mansion House, set within expensive parkland's. Being a one off site, there can be no alternative to provide mitigation for their loss were an alternative re-use not be found. Once lost, heritage assets cannot be replaced and therefore there can be no alternative site other than that set out within the application. Such is demonstrated by other proposals for residential conversion schemes to buildings within the countryside that would have a similar impact upon protected species.

(iii) That the Favourable Conservation Status FCS can be maintained

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by MWA dated December 2012. Further, Natural England supports the comments of the Council's

Nature Conservation and Reserves Officer and no objection has been received from either party to the proposed development. The proposals identify bat mitigation measures, which include the provision of a roost and hibernation area within the basement of the Mansion. Such will act as a purpose built bat roost. Based upon the evidence submitted and expert advice received in relation to protected species, I am satisfied that the proposed bat mitigation can be achieved within the basement, together with the woodman's cottage proposed as part of the corresponding planning application, and that such will ensure that a FCS for bats can be maintained at the site.

Other matters

Many comments have been received with regard to the need to ensure the Mansion works are undertaken before any of the interrelated new building development. Such is not a consideration for this application as such, however the works have been tied up legally through a Section 106 Planning Agreement to reference 06/08/0010. This will ensure that the new build cannot be completed until the Mansion works have been implemented; these works will then need to be completed within a time period as agreed within the S106. It must be reasonable to allow the developer to commence the new building before restoration works, as the former will be used to finance the latter.

Conclusion

For some 14 years now the Mansion and outbuildings at Sandhill Park have been largely without use. Their continued deterioration in condition has been well documented and resulted in the Grade II* listed building being placed on English Heritage's Buildings at Risk Register. It is essential that a viable re-use be found for the site as failure to do so will undoubtedly result in the loss of one of the areas most important heritage assets.

The submitted conversion and restoration scheme is considered to be sympathetic towards the historic fabric and architectural merits of the building. The overall redevelopment of the site will have undoubted benefits to local heritage assets and will ensure that a favourable conservation status for protected species (bats) is maintained at the site.

Notwithstanding the comments received in relation to the proposals, many of which were not material to the consideration of this application for listed building consent, the proposals are considered to satisfy Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also conform with Core Strategy Policy CP8 and guidance contained within the National Planning Policy Framework.

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

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