

06/2008/010

GRADECLEAR LTD

CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 19 ONE AND TWO BED APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 7 TWO AND THREE BED APARTMENTS AND PART FOR USE AS A COMMUNITY CENTRE FOR THE DEVELOPMENT, ERECTION OF 50 NEW DWELLINGS (INCLUDING 10 AFFORDABLE DWELLINGS), DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS AND THE REINSTATEMENT OF THE SITE OF THE BUILDINGS AND ROADS TO PARKLAND AND INFORMAL GARDENS, RESTORATION OF PARKLAND, FORMATION OF PARKING AREAS AND FOOTWAYS AND IMPROVEMENTS TO ACCESS ROAD, ACCESS AND FOOTWAYS, SANDHILL PARK, BISHOPS LYDEARD

315620/129860

FULL

1.0 RECOMMENDATION

Subject to:

1. The views of the Secretary of State under the Departure Procedures;
2. The views of the Nature Conservation Officer and Natural England; and
3. The applicant entering into a Section 106 Planning Agreement to provide for the following:
 - (a) No repair works to the Mansion to be commenced nor the occupation of more than seven dwellings on the new build land (other than the affordable housing) until a Repair Bond (in the sum of £750k) has been entered into;
 - (b) Completion of Repair Works within five years of the date of the Repair Bond;
 - (c) No commencement of the conversion works or occupation of more than seven dwellings on the new build land (other than the affordable housing) until a Conversion Bond (in the sum of £1m) has been entered into;
 - (d) Completion of the Conversion Works within five years of the date of the Conversion Bond;
 - (e) No commencement of the Repair Works or Conversion Works until it has consulted with the Council to the appointment of the main contractor to carry out the Repair Works and Conversion Works, such contractor to be a specialist in the execution of restoration/repair works to historic buildings;
 - (f) Works of Restoration to the Pleasure Gardens shall be completed in accordance with details and a specification to be approved within two years from the occupation of any dwelling;
 - (g) Works of Restoration of the Parkland Areas shall be completed in accordance with details and a specification to be within three years from

- the occupation of any dwelling and prior to the occupation of the last five dwellings on the new build land other than affordable homes;
- (h) Occupation of no more than seven dwellings on the new build land, other than the affordable housing, until the Repair Works and Conversion Works have commenced;
- (i) No dwelling to be occupied until the Hospital Buildings have been demolished, the material arising removed and the site made good, in accordance with details and a specification to be approved;
- (j) Details of the proposed Mansion House Management Agreement to be included in any documentation relating to the sale of any dwellings in the Mansion, there to be no occupation until the Agreement is completed;
- (k) Details of the proposed Barns Management Agreement to be included in any documentation relating to the sale of any dwellings in the barns, there to be no occupation until the Agreement is completed;
- (l) Details of the proposed New Build Management Agreement to be included in any documentation relating to the sale of any dwellings on the new build land, there is to be no occupation until the Agreement is completed;
- (m) The documentation relating to the sale of the dwellings still provide for the occupiers to be housed by the Parkland Management Agreement, there is to be no occupation until the Agreement is completed;
- (n) No parking of vehicles or bicycles other than within designated areas, with covenants being imposed on the purchasers of dwellings;
- (o) No dwelling to be occupied until a Travel Plan has been submitted to and approved in consultation with the Highway Authority;
- (p) The provision of 10 units of Affordable Housing (five shared ownership/five for rent);
- (q) The provision of community space; and
- (r) Creation of public paths, parking and interpretation of the assets.

3. The further views of the Environment Agency and English Heritage, and the views of the County Highway Authority;

The DCM be authorised to determine the application in consultation with the Chairman and if permission is granted be subject to the following conditions:

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall be implemented in accordance with an approved programme and details.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN28.

- 03 Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels in accordance with Taunton Deane Local Plan Policy S1(E).
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 The external surfaces of the buildings to be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 05 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B)(i).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 07 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls,

cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN6.
- 11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN6.
- 12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.
- 13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 14 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout,

- levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.
- 15 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 16 Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.
- 16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 17 None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.
- 17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 There shall be no vehicular access to the site other than from South Drive and Station Road.
- 18 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 19 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 21 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.
- 21 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 22 All services shall be placed underground.

- 22 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 23 Detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced.
- 23 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.
- 24 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of two copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).
- 24 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

- 25 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Policies S2 and H17.
- 26 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 26 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2.
- 27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 27 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A).
- 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no doors or windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 28 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2.
- 29 Details of the appearance of any sub-stations for utility provision shall be submitted to and approved in writing by the Local Planning Authority.
- 29 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 30 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.
- 30 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Policy S1(E).

- 31 The mitigation measures for protected species and other wildlife, set out in the submitted 'Report on Ecological Survey' shall be carried out as part of the development.
- 31 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policy EN4.
- 32 The windows hereby permitted shall be recessed in the wall to match the existing window recesses.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 33 Prior to commissioning, specific details of windows and external doors, including finished treatment, shall be submitted to and approved in writing by the Local Planning Authority.
- 33 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 34 There shall be no bell casts to the proposed rendered areas.
- 34 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 35 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 35 Reason: Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 36 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.
- 36 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who

may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the Listed Building Consent relating to this property numbered 06/2008/011LB.
- 08 The dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a Listed Building.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 With regard to Condition 02, you should use the principles of sustainable drainage methods (SUDs) as set out in the attached notes.
- 11 You are advised that a licence may be required in respect of the protected species on the site.
- 12 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.
- 13 The following advice is provided by the Somerset Fire Brigade:- 1. Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 14 The following informatives are requested by the Environment Agency: (a) The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal

of spoil and wastes; (b) This Agency must be notified immediately of any incident likely to cause pollution.

15 You are advised to contact Wessex Water (01225 526000) with regard to connection to their infrastructure.

06/2008/011LB

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315620/129860

LISTED BUILDING CONSENT-WORKS

1.0 RECOMMENDATION

Subject to:

1. The views of the Secretary of State;
2. The applicants entering into a Section 106 Planning Agreement (to provide as recommended on planning application 06/2008/010); and
3. The further views of the Environment Agency and English Heritage, and the views of the County Highway Authority;

Consent be granted subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within three years from the date of this consent.
- 01 Reason: to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02 The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: to safeguard the appearance of the building and the visual amenities of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 Prior to the works of demolition and conversion, for which consent is hereby granted, is commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised, shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To ensure appropriate information is secured to enable an agreed programme of repairs in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 04 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.

- 04 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 Prior to the works for which consent is hereby granted is commenced, specific details of the means of venting recovered roofs, and enclosed bathrooms/ensuites, shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 06 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated, shall be submitted to and approved in writing by the Local Planning Authority.
- 06 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 07 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of repairs on a room by room basis, shall be submitted to and approved in writing by the Local Planning Authority.
- 07 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 08 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of existing doors/linings/architraves, which are to be relocated, shall be submitted to and approved in writing by the Local Planning Authority.
- 08 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 09 All additional doors, linings and architraves, required as part of the approved conversion works to the mansion, shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority
- 09 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 10 No damp proofing methods shall be installed in the mansion complex, unless prior written approval is first given by the Local Planning Authority.
- 10 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 11 Where partitions are removed the work shall be made good to match the original.
- 11 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 12 Where new partitions are constructed they shall be scribed around, not cut into the existing cornices, skirtings or other features.
- 12 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 13 Rooms with cornices, moulded skirtings etc which are to be divided shall have new lengths of cornice, and skirtings to match existing unless otherwise agreed in writing by the Local Planning Authority.

- 13 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 14 Prior to the commissioning, specific details of new staircases, the ensembles to Unit 6, kitchen fitments to Units 5 and 6, the rear glazed making good (including fire surrounds) to reopened fireplaces in the mansion, shall be submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 15 Prior to the commissioning specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings, shall be submitted to and approved in writing by the Local Planning Authority.
- 15 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 16 Rooflights shall be flush fitting.
- 16 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 17 Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 18 Details of all new works such as damp proofing, heating, lighting, plumbing, shall be approved in writing by the Local Planning Authority before such installation commences.
- 18 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).

2.0 APPLICANT

Gradeclear Ltd

3.0 THE SITE

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

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

4.0 Proposals

- (i) 06/2008/010 Conversion of the Mansion House and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for use as a community centre for the development, erection of 50 new dwellings (including 10 affordable dwellings), demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to parkland and informal gardens, restoration of parkland, formation of parking areas and footpaths and improvements to access road, access and footways, Sandhill Park, Bishops Lydeard

- (ii) 06/2008/011LB Conversion of the Mansion House and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for use as a community centre for the development, demolition of remaining former hospital buildings, Sandhill Park, Bishops Lydeard

The applications were accompanied by:

- (i) A Design and Access Statement, incorporating a Concept Statement and listing of repairs to the Stables, Walled Garden, Outbuildings and Mansion;
- (ii) Planning Support Report;
- (iii) Development Appraisal;
- (iv) Transport Statement and Travel Plan;
- (v) Flood Risk Assessment;
- (vi) Historic Landscape Appraisal;
- (vii) Tree and Woodland Condition Survey;
- (viii) Ecology Impact Assessment

A draft Section 106 Agreement has been submitted which provides for:

- (i) Repairs to the Mansion;
- (ii) Conversion works to the Mansion;
- (iii) Restoration of the Pleasure Grounds and Parkland Area;
- (iv) Demolition of Hospital Buildings;
- (v) Timing/Phasing of the new build;
- (vi) Management Agreements;
- (vii) Parking; and tTavel Plan;
- (viii) Affordable Housing;

The new build open market element provides 4 two bed, 12 three bed and twenty four four bed houses. The affordable rented provides for 5 two bed houses and the shared equity provides for four two bed and one three bed houses. The conversion of the existing buildings is as indicated in the description. An area of 61 sqm is proposed as a commercial area.

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

Because of the condition of the Mansion, the basis of the application is that significant financial resources will be required to secure renovation. The package of proposals has been prepared in consultation with English Heritage and seeks to comply with their guidelines "Enabling Development and the Conservation of Heritage Assets". The application is therefore comprehensive and includes the whole of the parkland as well as the listed Mansion and its outbuildings, and is seen by the applicants as constituting the minimum enabling development to secure the restoration of the heritage assets at Sandhill Park.

The development proposals provide for the following:

Mansion

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

Outbuildings

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

Former Hospital Buildings

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

New Dwellings

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

Parkland

- (i) Comprehensive restoration;
- (ii) Lake de-silted;
- (iii) Fencing removed/replaced as appropriate;
- (iv) Incongruous 20th Century items removed;

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

Pleasure Gardens

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

The following proposals are set out in the Master Plan for the grounds:-

Character Area 1 Gardens and Pleasure Grounds

- Re-establish the historic relationship of the west and east lawns with the park.
- Re-create the late nineteenth century boundary line which divided the lawns and forecourt from the Inner Park preferably using the iron park fencing evident in early twentieth century photographs.
- Re-instate the level of the west lawn at its western boundary where it has been altered to accommodate the hospital buildings.
- Re-establish the link between the north end of the western lawn and the pleasure grounds.
- Remove the tarmac car park and tennis court and re-establish the east lawn, surfaced with fibres and or similar to create an occasional parking surface if required.
- Plant the perimeter of the east lawn with shrubs and trees and direct the views south east towards Bishops Lydeard and south over the Inner Park.
- The west wing of the pleasure grounds to be the subject of a detailed restoration scheme including tree surgery, replacement of original tree and shrub species and restoration of the original footpath system including the main path leading through the woodland to Highland Covert which would re-establish the views out over the parkland.
- A detailed survey of the planting should be undertaken and replanting guided by the species found.
- The boundary with the Inner Park, formerly marked by the ha-ha, should be relocated and re-established.

- Establish a representative band of woody, preferably ornamental coniferous planting along the north boundary with the northern farmland to re-establish a design link between the west and east wings and enclose the open area and any subsequent development with it.
- Re-establish the planting in the north eastern section of the pleasure grounds in the ownership of Gradeclear, using species in character with the earlier planting.
- As a long term aim the southern end of the drive should be reunited with the house so that a direct link is once more established.
- Restore the southern end of the northern approach to its original alignment parallel to the stables and service buildings.

Character Area 2

Service Areas

- Retain the two kitchen gardens either left open and laid to lawns and paths or re-stocked as productive areas.
- The third kitchen garden which comprised the northern section of the kitchen garden has been overlain by a considerable area of fill. It is proposed that this material is removed and that this area could be used for development.
- The buildings and open spaces of the stables and yard should be retained and re-used for another purpose.
- The other service spaces are of no great design significance and could also be used for development.
- Re-introduce a strip of coniferous and other woodland planting along the northern boundary to link with the replanting of the western pleasure grounds.

Character Area 3

Inner Park

- It is recommended that the hospital buildings to the south west of the house should be removed and that the site is re-graded to the earlier contours and returned to permanent pasture.
- The present cattle stocking regime is causing damage to the fabric of the Inner Park, in particular in the vicinity of Ash Fish Pond, and it is proposed that the park be re-established as a sheep meadow rather than cow pasture. However, although presently used as sheep pastures the Outer Park could be used as cow pasture to facilitate the change to the Inner Park.

- Selectively clear the edges of Ash Fish Pond to open up the views of this area from the environs of the house and the Inner Park.
- Repair the damaged bank of Ash Fish Pond.
- Establish a belt of planting along the eastern edge of the park at its junction with Lethbridge Park.
- Re-establish the ha-ha between the north west section of the parkland and the west wing of the pleasure grounds.
- Carry out a comprehensive tree management and replacement programme based on the 1880's first edition Ordnance Survey.

Character Area 4 Outer Park

- Retain the Outer Park as open agricultural land, retaining and enhancing such parkland features as remain, including parkland trees and structures such as Ballifants Farm.
- Views across the Outer Park should be retained and where obscured, opened up, particularly that south east of Lethbridge Park which is becoming obscured by a late twentieth century tree belt.

Character Area 5 Greenway Wood

- Establish a long term management plan for the woodland.
- The drive should not be widened any further and the twentieth century institutional accretions should be removed including concrete kerbs.
- The narrow neck of trees flanking the drive at the north end of the wood, linking the wood with the Inner Park, should be replanted with mixed ornamental coniferous and broadleaved species.
- Preserve the causeway and remnants of the former south east approach by removing invasive vegetation as it is of interest to retain this feature as a record of the historic development of the various approaches to the mansion house.

Character Area 6 Northern Approach and Farmland

- It is recommended that if the opportunity arises the walls around the new gardens connected with the North Lodge and the official entrance to Lethbridge Park should be removed and replaced with iron parkland fencing.

- Replace the gardens with woody planting as described above as the ornamental planting in front of the present entrance off the public road is out of character with the approach to a country estate and should be replaced with lawn.
- Replanting the screen planting flanking the north drive but with windows for views eastwards.
- Restore, where possible, the screen planting where the northern approach meets the eastern pleasure grounds.

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

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

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

The restoration of the historic parkland is a key objective of the proposal. Because a large part of the original park is no longer in the applicant's control, it is impossible to recreate some parts of the original parkland. However with the proposed removal of the 20th Century hospital buildings to the south west of the mansion house, all of this area becomes available for parkland restoration and is seen by the applicants as creating considerable gains to the landscape as well as the setting of the listed Mansion. A new metal parkland fence running down the western side of the American garden and sweeping around the southern side of the Mansion will recreate the 19th Century separation of the more managed land immediately around the house and the grazing in the open parkland beyond. The parkland is depleted of mature tree stock and most of the planting in the 20th Century has been inappropriate in its setting. It is therefore proposed to remove some trees and plant new trees elsewhere.

The restoration of the American garden and new tree planting to the north is an objective to recreate the original backdrop of woods to the Mansion as well as new planting to the east to separate the parkland from Lethbridge Park. The restoration of Ballifants Lake and the views to it is an objective of the proposals. The original path network within the American Garden is proposed to be reinstated and to connect to the new path network running between the new dwellings to the north of the walled gardens and also to the reinstated paths in the walled gardens and around the Mansion.

Since the refusal of permission of the previous applications by the Secretary of State there has been a series of meetings involving ourselves, the applicants, English Heritage and the Government Office for the South West. These have considered how the national policy objectives contained in PPS1, PPS3, PPS7, PPG13 and PPG15 can be achieved in a financially viable long term manner. The approach has focussed on re-establishing the likely 'heritage/conservation deficit' for repairing and restoring the Grade II* listed building and its associated parkland setting. The applicants advisors have made a thorough search of possible grant fund availability to cover any such shortfall. However it is apparent that there is no readily available funding for this project to restore the Mansion and the parkland.

The passing of time since the last application and decision in 2006 has allowed the applicants to explore different ideas for the Mansion and surroundings with different organisations. However, none of these alternatives have resulted in an offer for the site and buildings that has been able to be funded and pursued. This information has been incorporated into the submission as it helps to establish that a new scheme based on the principles of the last submission, but amended where possible in line with the views of the Secretary of State, is the most likely scheme to succeed and secure the restoration of the Mansion and the parkland.

The current proposal provides for an additional six dwellings over and above that proposed in the previous applications. Three additional terraced units have been provided on the north-east boundary, where a car park was proposed on the previous scheme, with a further three additional units achieved by amendments to the original scheme, to create smaller units but within the volume as originally proposed.

The scheme puts forward a proposal to create 10 affordable units (i.e. 20%) within the parameters of floorspace, footprint and layout considered with the previous applications. The affordable units will provide a mix of two and three bedroom houses and will be based on 50% rental and 50% shared equity housing. Discussions with one of the Council's preferred housing providers have commenced.

The ability of a costed 'Green Travel Plan' and providing links to the local village facilities by footway and cycleway, to minimise reliance on private car usage, has been reassessed.

The potential for enhanced public appreciation of the heritage and landscape assets has been costed and reassessed. The linking of existing public footpaths with new permissive routes is put forward in the planning application together with some public

parking space to improve appreciation of the visual and heritage assets and the improvement of the public footpath network.

The detailed Section 106 Agreement provisions have been revised to ensure deliverability of all the above elements and with fall back sanctions if they are not delivered.

5.0 RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

06/1997/020 Erection of 50 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. The Inquiry Inspector's letter and Secretary of State's decision letter are appended to this report.

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. The Inquiry Inspector's letter and the Secretary of State's decision letter are appended to this report.

6.0 RELEVANT PLANNING POLICY

Regional Planning Guidance for the South West (RPG10)

Policy SS19 Refers to development in rural areas and guides development to sites within or adjacent to existing settlements.

Policy EN1 Supports biodiversity in general terms.

Policy EN3 The Historic Environment. Local authorities and other agencies in their plans, policies and proposals should:

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

Policy EN4 Quality in the Built Environment.

Policy H03 Affordable housing.

Policy H05 Previously developed land and buildings.

Policy H06 Mix of housing types and densities.

Policy TRAN 1 Reducing the need to travel.

Policy TRAN 5 Demand management.

Policy TRAN 7 The rural areas.

Policy TRAN 10 Walking, cycling and public transport.

Draft Regional Spatial Strategy

Development Policy A	Development at the Strategically Significant Cities and Towns (SSCTs).
Development Policy B	Development in Market Towns.
Development Policy C	Development in Small Towns and Villages.
Development Policy E	High Quality Design.
Development Policy G	Sustainable Construction.
Development Policy H	Re-using Land.
Policy H1	Affordable Housing.
Policy H2	Housing Densities.
Policy ENV1	Protecting and Enhancing the Region's Natural and Historic Environment.
Policy ENV4	Nature Conservation.

Policy ENV5

Historic Environment.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development.

Development in Somerset and the Exmoor National Park should:

- Be of high quality, good design and reflect local distinctiveness;
- Develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- Minimise the use of non renewable resources;
- Conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- Ensure access to housing, employment and services;
- Give priority to the continued use of previously developed land and buildings;
- Enable access for people with disabilities.

Policy STR3 Rural Centres and Villages.

Policy STR6. Development Outside Towns, Rural Centres and Villages.

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

Policy 1 Nature Conservation

Policy 5 Landscape Character

Policy 9 The Built Historic Environment.

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

Policy 33 Provision of Housing

Policy 35 Affordable Housing

Policy 39 Transport and Development.

Proposals for development should be considered having regard to:

- The management of demand for transport;
- Achieving a shift in transport modes to alternatives to the private car and lorry wherever possible; and

- The need for improvements to transport infrastructure.
- Policy 42 Walking
- Policy 44 Cycling
- Policy 45 Bus
- Policy 46 Rail Operation
- Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

S1	General Requirements
S2	Design
S4	Rural Centres
S7	Outside Settlements
H7	Conversion of Rural Buildings
H9	Affordable Housing within General Market Housing
EC6	Conversion of Rural Buildings
EC7	Rural Employment Proposals
EC9	Affordable Housing within General Marketing Housing
M4	Residential Parking Provision
M5	Cycling.
EN3	Local wildlife and Geological Interests.
EN4	Wildlife in buildings to be converted or demolished.
EN6	Protection of trees, woodland, orchards and hedgerows.
EN8	Tree planting.
EN12	Landscape Character Areas.
EN19	Recording of listed buildings affected by development and salvage of important building materials.
EN20	Parks and gardens of special historic interest

7.0 RELEVANT GENERAL GOVERNMENT POLICY GUIDANCE

Planning Policy Statement 1 - 'Delivering Sustainable Development' (PPS1)

Paragraph 13	Key Principles.
Paragraphs 17 - 20	Protection and Enhancement of the Environment.
Paragraphs 27 - 29	General Approach to Delivering Sustainable Development.
Paragraphs 33 - 39	Design.

Planning Policy Statement 3 - 'Housing' (PPS3)

Paragraph 9	Strategic Housing Policy Objectives.
Paragraphs 10 - 11	Planning for Housing Policy Objectives.
Paragraphs 12 - 19	Achieving High Quality Housing.
Paragraphs 20 - 24	Achieving a Mix of Housing.
Paragraphs 25 - 26	Market Housing.
Paragraphs 27 - 30	Affordable Housing.
Paragraphs 68 - 74	Determining Planning Applications.

Planning Policy Statement 7 - 'Sustainable Development in Rural Areas' (PPS7)

Paragraph 1	Key Principles.
Paragraphs 8 - 11	Housing.
Paragraphs 12 - 13	Design and Character of Rural Settlements.
Paragraphs 15 - 16	Countryside Protection and Development in the Countryside.
Paragraphs 17 - 18	Re-use of Buildings in the Countryside

Planning Policy Guidance Note 13 - 'Transport' (PPG 13)

Paragraphs 4 - 6	Objectives.
Paragraphs 12 - 17	Housing.
Paragraphs 28 - 30	Design, Safety and Mix of Uses.
Paragraphs 40 - 44	Rural areas.
Paragraphs 49 - 55	Parking.
Paragraphs 75 - 77	Walking.
Paragraphs 78 - 80	Cycling.

Planning Policy Guidance Note 15 - Planning and the Historic Environment (PPG15)

Paragraph 1.1 It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

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

Paragraph 1.6 Stewardship: The role of local authorities

Paragraphs 2.11 - 2.15 Development Control.

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

Paragraph 2.26 The wider historic landscape

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

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

architectural or historic interest of the building and on its setting.

Paragraph 3.5

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

- (i) The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);
- (ii) The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (eg interiors) may come to light after the building's inclusion in the list;
- (iii) The building's setting and its contribution to the local scene, which may be very important, eg where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- (iv) The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

Paragraph 3.6

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

Paragraph 3.8

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

Paragraph 3.12 - 3.15 Alterations and extensions

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

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

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

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

- 1) The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
- 2) The proposal avoids detrimental fragmentation of management of the heritage asset;
- 3) The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
- 4) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
- 5) Sufficient financial assistance is not available from any other source;
- 6) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;

- 7) The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing the enabling development.

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

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

A Consultation Draft of the Updated Edition of this document was published in July 2007 for comment by the end of October 2007. The seven enabling development protocols have been largely retained as before.

8.0 CONSULTATIONS

COUNTY HIGHWAY AUTHORITY - views awaited.

COUNTY RIGHTS OF WAY OFFICER – “I confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development/area highlighted on your plan at the present time (footpath no. T 4/12). I have enclosed a plan showing this footpath for your information.

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

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

If the path is to be diverted, the relevant application will need to be made to Taunton Deane Borough Council.

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

- A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

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

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW
- then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483091.

With regard to new public access I would stress the need for the creation of a public bridleway alongside the drive to connect the development to Greenway Road for the passage of sustainable transport modes ie: walking, cycling and horse riding. A link from this bridleway to Lethridge Park would also be very desirable to connect this estate to Bishops's Lydeard and its amenities in a safe way that is currently unavailable. These links are considered crucial in encouraging modal shift for short utility and recreational journeys and would need to be constructed to a suitable multi-user path standard.

It would not be desirable to extend such a public bridleway along the Lethbridge Park road to the B3224 due to the nature of the road and safety aspect for cyclists and horse riders. Therefore a bridleway link heading west from Sandhill Park to the road in the region of the western ends of footpaths T 1/4&5 to connect with the bridleway network west of Ash Priors would be preferable. To compliment this link the upgrading of footpath T 4/12 west of the drive to a bridleway could be beneficial by creating an extended off-road (in the main) circuit for riders. Whilst I am aware these two links fall outside of the development area, they could still be negotiated if adequate resources are allocated."

ENVIRONMENT AGENCY - "The Environment Agency OBJECTS to the proposed development as flood risk management concerns have not been sufficiently addressed thus contravening PPS 25 Development and Flood risk.

The Flood Risk Assessment (FRA) has discounted the full use of SUDS as filtration rates are not suitable at the site, even though there are no filtration testing included in the FRA. Despite this omission we recognise that if ground conditions are not favourable some SUD techniques are limited, however we still believe that other SUD techniques could be promoted on this site. Is it not possible to have some form of lined ponds, detention or swales etc to form a management train for the site? We note that permeable paving has been recommended out falling to underground tanks however the option of underground tanks is quite disappointing considering the scale of this site. The FRA states that a detention pond could be incorporated but does not go into detail on this issue.

There is no drainage plan showing the likely locations of the permeable paving or possible storage methods. There are no background calculations to quantify the volume of storage required. We note that the Microdrainage simulations have been

provided but this has identified flooding on site for the Q 100 storm. Is further storage required to offset this flooding or is it within safe limits? Has flood routing been carried out to show if the proposed developments are at risk from this flooded volume?

Should our objections to the proposal subsequently be overcome we would seek the application of the following conditions.

Condition:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of the water environment

If the capacity of any storage container is greater than 200 litres the developer should refer to Guidance for the Control of Pollution (Oil Storage) (England) Regulations 2001 published by the Department for Environment, Food and Rural Affairs.

Condition:

No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority .

Reason: To prevent pollution of the water environment.

Note: Down pipes from properties should be designed to prevent foul inputs and/or wrong connections.

Condition:

No part of the development shall be brought into use until the foul drainage system has been constructed, completed and connected in accordance with the approved plans.

Reason: To prevent pollution of the water environment and in accordance with Circular 3/99 (Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development).

Condition:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at anyone time, whichever is the greater. All filling

points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason : To prevent pollution of the water environment

Note: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent. During Construction and Demolition the following should be followed and the relevant Pollution Prevention Guidelines should be used to produce working method statements.

Condition:

There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

Condition :

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of silt/contaminated water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness

Note: Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the environment.

The following recommendations/informatives should appear on the decision notice.

Any waste created in the process of demolition and construction should be taken to an appropriately licensed waste facility and the Duty of Care laws. followed.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Development which involves a culvert or obstruction to flow on an Ordinary Watercourse will require Land Drainage Consent under the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River held on maps by the Environment Agency and DEFRA.

The site is located on a major aquifer of intermediate vulnerability. As a consequence, groundwater is considered to be sensitive and appropriate protection of controlled waters to pollution prevention is required.

Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

River water should be diverted away from the excavation site using coffer dams. Work should stop immediately the coffer dams are breached or flooded.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

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

Further discussions have taken place between the developer's consultants and the Environment Agency with a view to addressing their concerns.

ENGLISH HERITAGE - “English Heritage has previously supported a similar application 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 an important grade II* listed country house as well as restore its parkland setting. That application was called in to a public inquiry and ultimately refused by the Secretary of State for Communities and Local Government. Amongst the reasons for refusal were the lack of affordable housing, the fact that other options for reuse of the house had not been fully explored and that the scheme, therefore, was not demonstrably the most appropriate means of securing the future of the listed building as well as deficiencies in the legal agreement. The Secretary of State considered that, overall, the benefits to the heritage asset did not outweigh the disbenefits of allowing development contrary to planning policy.

Since that decision some discussions have taken place with the applicant and the relevant authorities in order to try to address the reasons for refusal of the previous scheme, resulting in the current re-submission, with minor variations. Whilst the physical impact of the scheme is very similar to the one we previously supported we are mindful of the Secretary of State's reasons for refusal and believe that this application does not fully address all of those issues, in particular the production of an options appraisal for the site which identifies whether this is its optimum viable use. In addition, there are issues relating to the financial justification which need

updating from the previous submission in relation to valuation. We have outlined these in detail below and will reserve our final views on the scheme until that information is available. Given the time that has elapsed since the original application for enabling development and the change in economic climate we do not think that the previous financial justification can simply be 'taken as read'.

English Heritage Advice

A significant omission of this application is the absence of a detailed options appraisal for the site which was evidently an important factor in the Secretary of State's refusal of permission. The paragraphs relating to this within the planning statement do not, in our view, constitute the "thorough investigation into alternative solutions" referred to within the appeal decision notice. We would expect to see a stand-alone document examining this issue in depth and also commenting on any marketing of the site carried out in the post appeal decision period. Any expert advice obtained during that period should be directly reported, not summarised, and financial evidence of lack of viability of alternative uses/options should be provided. Much of this information may well already exist, judging from the applicant's planning statement but it needs to be provided explicitly rather than implicitly and reinforced by direct evidence from experts in the relevant fields rather than by hearsay.

Only if that information can be satisfactorily provided can the merits of the current scheme be assessed. Essentially, the conversion proposals for the main house and outbuildings are the same as before - with the exception that one small outbuilding immediately behind the house is now proposed for community rather than residential use. Since these were previously subject to considerable negotiation we are not likely, therefore, to raise design issues in relation to the conversion on this application unless the finances change significantly. The restoration proposals for the grounds to Sandhill Park also appear largely the same as before and, as long as these can be more effectively secured this time through a Section 106 Agreement, these are still likely to be acceptable to English Heritage subject to review of any detailed changes by our Landscape Architect. The addition of five dwellings to the new development is intended to address the previous lack of affordable housing. Since they are located within the same area as previously accepted by English Heritage for new development we do not consider that their impact on the setting of the listed building will be hugely significant but they do raise a question about the financial case for the enabling development which we feel has not been fully addressed.

English Heritage guidelines on Enabling Development and the Conservation of Heritage Assets stipulate that the need for enabling development must be clearly demonstrated and that the development must demonstrably be the minimum necessary to achieve the conservation benefits. At the time of the previous planning application English Heritage undertook a full financial appraisal of the scheme in order to satisfy itself on these points. That assessment was undertaken a number of years ago now and we need to be satisfied that the financial circumstances have not significantly changed in a way that might alter the need for enabling development. Whilst revised costings have been submitted for the new application, and these include significant holding costs, the site value has not been amended at all and we are aware that property prices have fluctuated and also that the twentieth century

hospital buildings that were formerly occupied as offices (and presumably bringing in some income) when the previous application was submitted are now unoccupied and in a deteriorating condition. Although a substantial site value was accepted at the time of the previous applications it cannot be simply taken for granted that value is still relevant and acceptable. It does therefore need to be substantiated and validated by independent experts.

An English Heritage quantity surveyor is currently assessing the costings submitted with the application and we assume that the Council will be undertaking a similar exercise on the valuations provided, following which -with the additional information that we are requesting - a decision can be reached on the financial case being put forward for the enabling development.

Recommendation

We would be grateful if, in the meantime, the applicant can be requested to address the areas of information still outstanding which have been outlined in this letter and once the financial information is complete we can provide more definitive advice to the Council on the heritage merits of the scheme.”

SOMERSET ENVIRONMENTAL RECORDS CENTRE - County Wildlife Site - Sandhill Park Estate - Parkland with an important assemblage of veteran trees. One or more legally protected species, three other County Wildlife Sites, one County Geological Site and badger sett found within 1 km.

FIRE SAFETY OFFICER

1. Means of Escape - Means of escape in case of fire should comply with Approved document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
2. Access for Appliances - Access for fire appliances should comply with approved Document B5, of the Building Regulations 2000.
3. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

LANDSCAPE OFFICER - “Subject to the suitable restoration of the parkland and future management as well as the careful landscaping of the proposals there may be scope to accommodate the scheme. The historic analysis and management proposals look good. The detailed landscape proposals need to be further clarified but in principle look OK.”

LEISURE DEVELOPMENT MANAGER - “In accordance with Policy C4 provision for play and active recreation must be made.

The design of the proposed play space should reflect the Taunton Deane Play Policy. In addition to the designated play space will access be permitted to the open space for children to play?

The scale of the community provision whilst it is welcome is limited due to the lack of kitchen facilities and adequate toilet provision. The facility needs to be fully accessible for use by the disabled and the communal space needs to be flexible to accommodate different uses.

In addition to the proposed play space and community provision a contribution towards borough wide outdoor recreation of £1,023.00 per dwelling should be made. The contribution to be index linked.”

DRAINAGE OFFICER - “I note the comments made by the EA regarding the disposal of surface water from the proposal and the lack of details regarding proposed SUDS techniques. Although these are outlined in the FRA produced by PFA Consulting dated December 2007, more details of their proposals are required and agreed before any planning approval is given.”

HOUSING ENABLING MANAGER - “The Housing Enabling Manager supports this application on the basis of 10 affordable dwellings being provided through an RSL as agreed with Developer and Housing Enabling Manager.

5 shared ownership	3 x 2 bed houses
and	2 x 3 bed houses
Plus 5 social rented	2 x 2 bed houses
and	3 x 3 bed houses”

FORWARD PLANS OFFICER -Given the Council’s support for the previous proposals on this site (app’n ref 06/2004/013), the key issue now is whether this application addresses adequately the reasons identified by the inspector and Secretary of State (SoS) that led to her decision to refuse the original.

In reaching her decision on the previous proposals the SoS concluded that the weight of disbenefit in terms of conflict with planning policy outweighed the benefit to the heritage asset. She had several significant concerns:

- given the significance of the conflict of the enabling housing development with PPS7, the absence of an options appraisal considering whether housing represented the most appropriate type of enabling development to meet the conservation deficit;
- the lack of any affordable housing; and
- shortcomings in the proposed S106 agreement in relation to restoration of the parkland and securing public access to it.

It is my understanding that all three issues have been addressed by the applicants. So, provided that the proposals continue to be acceptable in terms of the heritage assets, and are shown to be the minimum enabling development necessary to secure the benefits to the heritage assets, they should be supported.

RIGHTS OF WAY DIVERSIONS OFFICER - No observations to make.

9.0 REPRESENTATIONS

14 LETTERS OF REPRESENTATION:

- 1) Welcome the development of the site as it is currently an eyesore and attracts unwelcome visitors.
- 2) Very concerned about the provision of parking for the proposed development and would not want any extra vehicular or pedestrian ingress via Letheridge Park. Should be more parking provision.
- 3) The proposed maintenance charges do not look sufficient to maintain a Grade II listed building and extensive grounds. Likely to be double the quoted figure, which may prove excessive to the residents in the affordable homes.
- 4) Most of the residents will use their cars to commute several miles to work. Expecting them to use the bus service is fanciful, particularly if they have to walk up the South Drive after dark. The A358 is not safe for cyclists between Bishops Lydeard and Taunton.
- 5) Effect on wildlife, especially young deer which frequent the rough woodland.
- 6) Light pollution from illumination of the access road.
- 7) Should be a speed limit on the access road.
- 8) Disruption to adjacent residents from noise and dirt from construction.
- 9) The whole site should be secured.
- 10) Beck should be cleared of debris on a regular basis.
- 11) Footpaths/rights of way should be maintained.
- 12) 50 new dwellings is excessive.
- 13) The infrastructure of Bishops Lydeard, which is currently overstretched, will not support an additional 70 units.
- 14) Support the development - the area has been blighted by 10 years of vandalism and arson to the outbuildings to the west of the Mansion. It is only a matter of time before the beautiful listed mansion is vandalised or destroyed by arson.
- 15) The scheme appears to be well thought out with a strong emphasis on conservation and ecological benefit.
- 16) Overflow vehicles, parked in inappropriate locations would seriously erode the intended visual impact as well as providing a permanent administrative problem for the overseers of the proposed Parkland Management Agreement, which intends to restrict such parking.

- 17) Should be restrictions on working hours during construction work to avoid noise pollution.
- 18) The main car park should be positioned to the west of the Mansion and the South Drive routed away from Lethbridge Park to avoid excessive noise pollution.
- 19) Bishops Lydeard school is over subscribed and with no plans for expansion to accommodate any additional children.
- 20) Tennis court should be renovated rather than being turned into a car park.
- 21) The concept put forward in the Travel Plan defies all logic.
- 22) No transport for the residents in the affordable housing who may not have transport of their own.
- 23) Precedent for further new development.
- 24) There should be traffic lights where the South Drive meets the main road and the bridge over the railway needs upgrading and strengthening to accept the additional traffic.
- 25) Should be no future alteration to the North Drive entrance.
- 26) Extending the bus service from Greenway to serve the Mansion is neither feasible nor economically viable.
- 27) Proposal is well designed and balanced.
- 28) Current situation of decline is a hazard to farming.

10.0 PRINCIPAL ISSUES FOR CONSIDERATION

- (A) Have the objections raised by the Secretary of State in refusing the previous applications been overcome by the current proposals? **Changes since previous applications.**
- (B) Is the proposed development in compliance with Development Plan Policies? **Policy.**
- (C) If the proposed development is contrary to Planning Policy, has it been demonstrated clearly that the harm that would be caused will be outweighed by the public benefits that the development would bring? **Enabling Development.**
- (D) Is the access to the site suitable and is the proposed parking adequate? **Access and Parking.**

- (E) Is the impact on the Listed Building acceptable? **Impact on the Listed Building.**
- (F) Are the landscaping proposals acceptable? **Landscape.**
- (G) Is the location and design of the new dwellings appropriate? **Location and Design.**
- (H) Will the current proposal act as a precedent for future development at Sandhill Park? **Precedent.**
- (I) Have nature conservation interests been adequately taken into account? **Nature Conservation.**
- (J) Are the surface water drainage arrangements appropriate for the proposed development? **Surface Water Drainage.**
- (K) Is the proposal development sustainable? **Sustainable.**
- (L) **Other issues.**

(A) Changes Since Previous Applications

Applications for Planning Permission and Limits Building Consent were submitted by the current applicants in 2004. The proposals provided for the conversion of the Mansion and orangery to 19 one and two bed apartments, the conversion of a number of outbuildings to form 7 one, two and three bed homes, the demolition of all hospital buildings and the erection of 44 two, three and four bed houses to the north of the walled gardens. The applications were based on English Heritage's 2001 guidelines for enabling development. The Planning Authority supported the applications being of the view that the proposals would not only secure the renovation of the existing buildings and their conversion to a use that would secure their long term maintenance, but that they would also provide for the removal of some of the existing old hospital buildings in the grounds of the Mansion. The parkland setting was proposed to be renovated and its long-term maintenance secured. The applications were called in by the Secretary of State under the Departure Procedures and following a Public Inquiry held in January 2006, the applications were refused. The reasons for the refusal are set out in the Secretary of State's decision letter, which is included as an Appendix to this Report. The Inspector's Report on the proposals is also appended.

The Inspector who held the Inquiry concluded in his recommendation to the Secretary of State that although the proposed new-build housing would be contrary to development plan and national policy given the location within open countryside and the unsustainable nature of the location and also would not provide affordable housing, the development was justifiable on the grounds that it would enable the eventual repair and maintenance of a listed mansion and parkland of national importance. Although he considered that the sub-division of the Mansion may harm the integrity of the listed building, he considered that the proposed use would be the optimum viable use and that on balance the new buildings proposed were justified as

enabling development. He felt some interpretation of the restored landscape and building was appropriate.

The Inspector recommended refusal only on the grounds of inadequacies in the S106 Agreement which accompanied the application which he considered would result in the whole of the benefit not being secured before the disbenefit occurred.

The Secretary of State agreed overall with the Inspector's conclusions and recommendation of refusal but with some reservations and exceptions. She considered that the conversion of the Mansion House to residential uses was acceptable in principle as a means of preserving the historic character and setting of the Grade II* listed building. She accepted a conservation deficit in the region of £4m. However she considered that the benefits to be gained from the proposal failed to outweigh the disbenefits and the "serious conflict" with development plan policies. The Secretary of State's reasons for refusal are summarised below:

1. The Inspector considered the site to be unsuitable for affordable housing and that there was a need to minimise the amount of enabling development. The Secretary of State disagreed with these conclusions and considered that affordable housing should form part of the scheme.
2. The Secretary of State did not consider the proposed conversion scheme for the Mansion House to be necessarily "the optimum, or the only viable use compatible with the special interests of the building." She considered that there was an absence of any evidence of a thorough investigation into the viability of alternative solutions beyond the office and museum use previously permitted.
3. The Secretary of State agreed with the Inspector that the proposals met the first five of English Heritage's seven criteria for enabling development as set out in their guidance entitled "Enabling Development and the Conservation of Heritage Assets". However with regard to the sixth criteria which requires applications to demonstrate that the amount of enabling development is the minimum necessary to secure the future of the heritage assets and minimises disbenefits, whilst the Secretary of State accepted that the development would provide a means of meeting the conservation deficit, she did not consider that it necessarily followed that the development was the most appropriate means of doing so. She considered that English Heritage's seventh criterion, which seeks a balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to policy, needed to be given significant weight.
4. The Secretary of State agreed with the Inspector that there were problems in the S106 Agreement which could lead to the completion and sale of the new dwellings without certainty of the full landscape restoration of the parkland. She considered however that a form of agreement could be drafted which overcame these concerns.

The current applications are very similar to the previous proposals but have been designed to overcome these reasons for refusal.

i) **Possible Alternative Viable Uses for the Mansion**

The Secretary of State agreed that the conversion of the Mansion to 26 units was acceptable in principle. However, she was not convinced that residential use and the provision of new housing was the most appropriate form of enabling development. Since the previous decision, the applicant has therefore explored a number of alternative possibilities to make up the deficit and the following is the conclusions recorded by the applicant's consultants.

1. **Hotel:** The number of rooms which could be created in the Mansion House would be insufficient to create a viable hotel development and would necessitate additional development which would have a detrimental impact on the walled garden and parkland. It is likely that there would be a continual pressure for additional facilities and development and therefore this would not represent a long term solution.
2. **Leisure:** The potential for the use of the site for a country club with health and leisure facilities has been explored, however the site is not near enough to a major conurbation to attract sufficient usage and therefore such a use would not be viable. It is likely that this use also would create a continual pressure for new facilities and changes to keep pace with new tastes.
3. **Golf Course:** The Mansion House is too large to sustain a club house and the creation of a golf course would be detrimental to the historic parkland setting and the farming enterprise. A very large parking area would be required. There are considered to be sufficient courses in the area to meet demand. The parkland is only big enough to accommodate a small 9 hole golf course making it unattractive to golfers.
4. **Nursing and Care Home:** The site has been considered by several developers of nursing home developments. However, all operators require 150 units [or more] including what is termed the "first stage" Care Village which would have to be created in the parkland close to the Mansion House. This would not only affect the appearance of the parkland but would have a detrimental impact on the setting of the listed building. This use has been discounted as a possibility.
5. **Private House:** The Mansion House has been viewed by a number of agents and private individuals who have all expressed the opinion that the House is too big and now too close to the Lethbridge Park residential scheme.
6. **Offices:** The advice given in PPS7 is that when considering the conversion and reuse of redundant rural buildings, employment is the preferred use. Policy EC6 reflects this advice, but of course the best use for a listed building is preferably the original use, ie in this case as a single dwelling. The previous use of the Mansion as a museum failed because such a use was not economically sustainable.

The property has been widely advertised, including the potential use for offices, but there has been little genuine interest. In order to reuse the Mansion for offices, significant expenditure would be required for repair and fitting out and significant levels of enabling development would be required to fund the necessary work. The applicants have concluded that reuse for offices would be an inappropriate use of this listed building and would not provide a long term future for this historic asset. Despite the extant planning permission, this has not helped to secure the future of the building as it has remained unimplemented for 5 years.

The former hospital buildings to the west of the Mansion have been used, at least in part, for offices over the years but they are now vacant and heavily vandalised. They are totally alien to the listed building and its setting and the proposals envisage their removal.

Policy EC7 states that large scale offices which generate significant traffic movements should be located within town centres. Therefore the use of Sandhill Park for offices would not be considered to be an appropriate location for offices in terms of the Local Plan. Also, in terms of sustainability, the Transport Statement demonstrates that the use of Sandhill Park for the proposed residential use would generate less traffic.

Since the previous decision the property has been extensively marketed both by the applicants themselves and by employing a number of agents. This exercise proved unsuccessful in finding possible users, other than residential. There have been no serious offers during this time.

The concerns expressed by the Secretary of State in respect of alternative enabling development and uses for the Mansion House have therefore been addressed in full and the applicants have demonstrated that they have not been able to find a suitable alternative form of development to the proposed residential use which would be financially viable and which would retain the integrity of the Mansion House and its setting within the surrounding parkland.

ii) **Minimum Enabling Development**

The application proposals have been formulated on the basis of English Heritage's guidelines for enabling development, ie to enable the restoration of the heritage assets. The scheme is based on the detailed work which was carried out for the previous scheme and which had been the subject of extensive discussions with the Borough Council and English Heritage.

In respect of the previous scheme which was refused, the Secretary of State considered that the proposed development met the first five of the seven criteria set out in English Heritage's statement on enabling development. She also considered that a scheme yielding a contribution in the region of £4m from the enabling development could be regarded as providing the minimum necessary to cover the conservation deficit. However, she did not consider that it necessarily followed that the proposed development provided the most

appropriate means of meeting the conservation deficit and that significant weight needed to be given to English Heritage's seventh criteria which seeks a balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to policy.

iii) **Benefits and Disbenefits of the Proposal**

The Secretary of State expressed specific concern in respect of the balance between the benefits to the heritage asset overall and the disbenefits in terms of development which was contrary to policy (the seventh part of the enabling protocol).

In order to address these concerns, consideration has been given in the current proposal to the creation of a more socially inclusive and sustainable community by incorporating ideas for communal space, some employment generated from the uses, the incorporation of affordable housing and by providing the opportunity for linking the proposed development and Lethridge Park via the established footpaths.

The development now incorporates a community space within the converted outbuildings to the rear of the Mansion House. This is provided to assist with the community facilities which could be provided to meet some of the needs of new residents. The space will be run by the on-site management company which will be looking after communal spaces and grounds. It could be used for day-to-day activities, social events and as a central meeting place for the residents. With easy pedestrian access from Lethbridge Park it could be used by residents in that area to help with integration between the two areas of housing and improve facilities in this area.

Whilst the site is separately accessed along its own private drive there are opportunities to link with the public paths that run between Lethbridge Park and the site. By creating possible links off the paths a circular walk and easier routes to the south and the village might be possible including cycleways.

The Secretary of State commented on the public benefits that might accrue from an investment in a heritage and landscape asset. In this regard it is suggested and demonstrated in the submitted S106 that some public parking and improved permissive routes could help to interpret and enjoy this asset for the benefit of the wider public whilst not affecting the private amenity of Sandhill or Lethbridge Park.

There is scope to enjoy the woodland areas to the south of the park without impinging on the farming interests or the amenity of nearby residents. This could produce a public resource for ecological interpretation and landscape enjoyment.

I consider that the combination of the benefits as originally proposed and the additional benefits set out above, does provide an acceptable balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to general policy. It follows therefore that English Heritage's seventh

criterion in terms of enabling development has now been met through these combination of circumstances.

iv) Affordable Housing

In order to keep the amount of enabling development to a minimum the original proposal did not include any affordable housing and this was accepted by the Planning Authority and the Planning Inspector. However, the Secretary of State considered that an **element** of affordable housing should be provided as part of the proposed development in line with PPG3 (now replaced by PPS3).

Supporting paragraph 3.55 to Policy H9 of the Taunton Deane Local Plan states that 20 - 25% of affordable housing should be provided on windfalls sites but qualifies this with the following statement "The actual level being determined by any exceptional costs associated with the site which would threaten its economic viability and whether the provision of affordable housing would threaten other planning objectives which need to be given priority."

The level of affordable housing required in connection with the proposed development has been discussed on a number of occasions with the Council's Housing Enabling Manager. In line with these discussions, 10 units of affordable accommodation are provided as part of this development.

I consider that the provision of affordable housing is in accordance with the requirements of PPS3 and is in general compliance with local plan policy H9 and meets the requirements of the Council's Housing Enabling Manager. Moreover, discussions with a social provider have already commenced.

It is considered therefore that the reason for refusal by the Secretary of State on the grounds of a lack of provision of affordable housing has now been overcome.

B. Policy

There are no specific proposals for Sandhill Park in the Taunton Deane Local Plan. The site is outside any recognised settlement and therefore policies for the open countryside apply. In such areas, national and local planning policies impose general restraint on development in the countryside. Policies STR6 of the Structure Plan and Policy S7 of the Taunton Deane Local Plan are relevant. Both policies state that new building in such locations will not be permitted unless it benefits economic activity and maintains or enhances the environmental quality and landscape character of the area and satisfies one of four criteria:

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

One of the exceptions to the strict control is where development results in the re-use and adaptation of existing buildings in the open countryside. The prospects of alternative uses for the Mansion have been widely advertised, including use as offices, but there have been no takers. It is also significant that a museum was once tried and failed. The applicants question whether the Mansion and the former hospital buildings to the west are suitable for modern day offices on this scale. Significant enabling development to finance these works of restoration and conversion would still be required. The applicants consider that there must be serious doubts about the suitability of office use in buildings of this scale and state of disrepair in this location. They conclude that re-use for offices would not be appropriate and would not provide a long term future for the historic assets.

Policy EC9 of the Taunton Deane Local Plan allows for the loss of employment where the overall benefit of the proposal outweighs the disadvantages of that loss. I take the view that the overall benefits of the proposal in terms of the conservation of the heritage assets represented by the Mansion, its outbuildings and the parkland and the measures proposed for its appropriate long term use and maintenance far outweigh the disadvantage of the loss of employment potential about which there are, in any event, fundamental difficulties. I therefore do not consider that there is any fundamental conflict with Policy EC9.

C. Enabling Development

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

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

The English Heritage document 'Enabling Development and the Conservation of Heritage Assets' provides the ground rules for considering enabling development. The criteria to be considered are set out in Section 7.0 of this report.

I am conscious that a case for enabling development has already tried and failed at Sandhill Park. However, what we are faced with here is a building on English Heritage Buildings at Risk Register and the future prospects for the building in the event of the current proposal not proceeding are likely to be bleak. The condition of the buildings has worsened considerably since the previous proposal.

In an attempt to minimise the extent of enabling development and the number of residential units proposed, it has been necessary to strike a balance between, on the one hand, the number of units and on the other, the size of those units. Ultimately the determining factor here is the sales area of development (ie the number of square metres) and its cost and price rather than the number of units as such. It is

the unit value of floor area achievable in the market place than the number of units which determines the overall viability of the scheme.

Superficially, a small number of relatively large units would appear attractive and would be consistent with sustainable development principles. However, large units are less attractive to the market and would not deliver the required unit values. Some of the larger reception rooms within the Mansion House have been retained rather than sub-divided and thus those units are not of optimal size, but this is a necessary concession to preserve the integrity of the heritage asset. Overall therefore, the required floorspace from which revenue is to be generated to enable the development has been sub-divided into the minimum number of dwelling units likely to be attractive to the market.

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

English Heritage see the beneficial re-use and repair of the Mansion as high priority. In terms of the financial justification for the development under the enabling guidelines, it is fully aware of the need for this to be vigorously scrutinised and with the previous proposal commissioned its own independent advice. The conclusion of that exercise was that there was a legitimate financial case for enabling development commensurate with the current proposal. English Heritage therefore concluded that a case for enabling development could be supported on the basis of the significant benefits that it could bring to the Grade II* listed building and its setting. With the current proposals, English Heritage has requested further justification on the enabling development and alternative use aspects and their further views on the applicant's further submissions are awaited at the time of compiling this Report. English Heritage consider that an historically based restoration of the surviving areas of historic designed landscape, following on from the removal of the 20th century buildings is something that is a worthwhile objective for Sandhill. It sees the proposal as achieving a much needed long-term sustainable solution for the site, for which there currently seems no alternative prospect.

I do not consider it is appropriate to request contributions towards education or recreation facilities although a children's play facility is provided and the grounds of the Mansion will be available for use by residents. Clearly in order to fund such contributions, it would be necessary to increase the amount of enabling development. This would be at odds with the approach set down by English Heritage which is to identify the minimum development necessary to enable the conservation of the heritage assets.

D. Access and Parking

The proposed access is via the south drive. Planning permission has been granted for the re-use of most of the existing buildings, both the Mansion and the former hospital buildings, for offices. In addition, the buildings have other lawful uses and

the potential exists to re-use yet other currently unused buildings. The Transportation Statement submitted with the application demonstrates that the existing access arrangements in Station Road and the south drive were considered appropriate and suitable for a significant scale of office use. It also demonstrates that the proposed residential use could generate less traffic than the lawful office use and therefore it is compliant with Criterion B of Local Plan Policy S1. A condition is recommended that would prevent any link between north drive and south drive.

The Secretary of State, when considering the previous application, felt that whilst there would be realistic alternatives to the private car, private cars would be likely to be used for most trips. However she did not consider that the proposed development would give rise to significant highway danger. A Residential Travel Plan submitted with the application will assist in encouraging residents to use public transport, walk, cycle and car share. Cycle storage will be provided within the development and a cycle shelter is proposed at the southern end of the south drive to encourage people to cycle to a position close to the bus stop and use public transport. It is recognised that in rural locations such as this there will be a greater reliance on the car, the inclusion of a community space into the scheme will allow for some trips away from the site to say other halls and facilities for community needs to be prevented

Access to Sandhill Park is via a private driveway with a width of about five metres and which has a footway over its entire length. The existing footway is to be retained and repaired.

A new length of footway is proposed on the north side of the road to Halse, in order to connect with the existing footway to the west of the junction with Greenway. This will provide a continuous footway link from the proposed development along the existing driveway and along Station Road into Bishops Lydeard via the pedestrian subway under the A358. The proposed footway construction is contained within either public highway land or land within control of the applicant. The existing lighting along the private driveway is to be replaced with new low level bollard pedestrian lighting. The driveway and footway will remain private and maintenance arrangements will therefore be a part of the Management Agreement for the site.

A total of 101 parking spaces is proposed, equating to an overall provision of 1.33 spaces per unit, including six visitor spaces. This is in line with Policy M4 of the Taunton Deane Local Plan which states that whilst in general terms no more than an average of 1.5 spaces should be required in respect of the conversion of buildings to residential use, a significant reduction in car parking provision should be sought. Parking provision at an average of 1.33 spaces per dwelling is therefore consistent with both central government and local plan policy requirements.

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

A Residential Travel Plan is proposed to assist in encouraging residents to use public transport, to walk and cycle and to car share. This includes provision of a sum of £5,000 to Somerset County Council for improving bus stops and the setting up of a sustainable transport account with a deposit of £5,000 for a contingency provision.

Upon each occupation, new residents will be informed of the financial advantages of car sharing, including being provided with details of the County Council car sharing scheme. New residents will also be provided with bus timetable information. A Site Travel Plan Co-ordinator will be appointed in order to ensure that the measures identified in the Travel Plan are undertaken and that the efficiency of the Plan is monitored and reviewed.

Opportunities to encourage cycling as part of a multi-modal journey have been identified by the Travel Plan by providing cycle parking facilities at the southern end of the access driveway so that residents could be able to cycle up and down the driveway and leave their cycles in a secure location and continue their journey by public transport.

E. Impact on the Listed Building

The Mansion House is currently in a 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 deterioration since the previous applications were determined in May 2006. The proposal would enable both the Mansion and the outbuildings to be sympathetically restored and put to appropriate and beneficial long term use.

A major portion of the work is to be the restoration and refurbishment of the fabric of the Mansion, principally the repair and recovering of the roofs, the repair and replacement of the external joinery and the repair and replacement of the damaged stonework and painting. Internal plasterwork within the Mansion will be preserved and the integrity of larger rooms retained. The main staircase will be relocated in its original position. Unsympathetic modern additions will be removed and the immediate setting of the listed building will be enhanced and restored. The proposed demolition of the inappropriately designed and located former hospital buildings to the west of the Mansion will significantly enhance its setting while the new enabling residential development will be located to the rear of the Mansion and will not impose on its setting. The Landscape Analysis submitted with the application demonstrates the appropriateness of the proposed site for the enabling residential development as being the optimum location.

The screening provided by the proposed new planting restoring the connection between the remaining east and west parts of the pleasure grounds, the use of appropriate natural materials for the roofs and walls of the new development, the restoration of the walled gardens and fountain and the careful setting of levels will ensure that the proposals north of the Mansion will be appropriately assimilated into the landscape and the setting of the listed buildings.

F. Landscape

Policy 5 of the Somerset Structure Plan seeks to protect the distinctive character of the Somerset countryside for its own sake. Further to that policy, Policy EN12 of the Taunton Deane Local Plan identifies Landscape Character Areas in which development proposals must be sensitively sited and designed to respect the distinctive character and appearance of these areas. Sandhill Park lies in a

transitional position between the High Vale and Low Vale Landscape Character Areas and also has views to the Quantocks Landscape Character Area.

The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of this part of the Character Area. However its own character and appearance has declined over the years by way of bad management, ill-thought out and badly designed development within the grounds and latterly by further degradation and vandalism due to the uncertain future of both the house and the parkland. However the current proposals, put forward by the applicant's Landscape consultants, would provide a comprehensive package of enhancement works restoring the inner and outer parts of the parkland. Restoring distinctive features including informal lawns, pleasure grounds, pathways, walks, trees, groups of trees etc in addition to removing inappropriate modern additions such as fencing, kerb stones and street lighting are proposed. The most significant removal of modern additions would be the removal of the complex of former hospital buildings to the west of the Mansion and this area restored to informal lawns and parkland. In itself, the removal of these buildings would not only significantly enhance the setting of the listed building, but it would also restore the panoramic views across the parkland to the south, which was a key component of the original Mansion/parkland design relationship. These can be enjoyed from public paths.

The parkland restoration proposals would involve tree/shrub surgery, new planting, replacement tree planting, re-establishment of planting, repairs to and opening up of views to Ash Fish Pond, planting to screen views of Lethbridge Park and restoration of the pleasure grounds. All these works will be designed so as to be beneficial to wildlife.

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

In respect of the previous proposal, the Secretary of State agreed with the Inspector's conclusions that the proposed removal of later additions from the Mansion was to be welcomed. She also agreed with the Inspector that the proposed demolition would result in the removal of the substantial blot of the remaining hospital buildings and that the conversion and restoration of the restored outbuildings would enhance the integrity of the combined heritage asset of the mansion and the parkland.

Overall she agreed that the significance of the landscape setting would be considerably enhanced by the proposed restoration.

G. Design

The stables and barns to the north of the Mansion are to be converted to dwellings. This includes rebuilding the missing part of the stables in the south-west corner to

complete the symmetry of this set of buildings, while maintaining existing pedestrian access to the southern kitchen garden. Lawned areas would be created within the courtyards and areas of cobbled courtyard would be restored and pedestrian only areas created.

The two remaining walled gardens are to be retained and used as recreational open space for the residents of the proposed dwellings. 20th century institutional additions built against the garden walls are to be removed. This will allow the integrity of the gardens to be restored. Blocked-in openings within the walls of the gardens are to be re-opened and re-used to link the proposed development to the recreational open space. The walls are to be repaired and re-pointed as necessary and the ground is to be excavated, levelled and re-seeded and the original footpaths and fountain relocated.

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

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

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

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

However, there are significant and material differences between that appeal proposal and the current proposal and related contextual circumstances. Taken as a comprehensive package, the current proposal would be neither harmful to the setting of the listed buildings nor the integrity of the parkland and would moreover have a positive impact on both. The 1994 appeal proposal did not secure the removal of the former hospital buildings to the west of the Mansion. The Inspector was therefore not able to weigh the benefit of removing the hospital buildings against the disbenefits of the new housing. That appeal proposal, whilst illustrative in nature, was for an inappropriate suburban form of development.

The current proposal is for a courtyard-type development of simple rural form reflecting the form, scale and subordination of the existing complex of ancillary buildings to the rear of the Mansion. The proposal is detailed in nature and provides for substantial new planting on the northern boundary. Any views of the new development further north from the rear of the Mansion would therefore be of only marginal impact. In views from the kitchen garden, by locating new buildings set back from the garden wall and at reduced ground level, the enabling development would not be prominent in any views from the enclosed kitchen gardens. Similarly, from the north driveway, the existing tree cover would screen views into the area in question and the landscaping and management proposals would maintain that relationship. The additional tree planting now proposed will screen and enclose the new development. I consider that any residual harm caused by the appearance of the area on the setting of the listed building by what is minimum enabling development would be more than offset by the conservation of the Mansion and its outbuildings, the enhancement of its setting by the removal of the former hospital buildings, by the restoration of the parkland and by additional tree planting and screening.

The proposed new buildings are arranged in groups of 4 – 10 units around a series of courtyards. The dense arrangement seeks to continue the character and form and scale of arrangement present on the existing outbuildings. The buildings are predominantly terraced. The layout minimises wasted space between dwellings and avoids a suburban residential character. Long sweeping roofs serve to link individual dwellings, replicating the form and pitch of the existing outbuildings. The new buildings are all two storey with some simple variation in height due to levels and detail. Eaves heights are kept to a minimum to replicate the scale of the existing buildings. Fenestration is simple and arranged to minimise individual openings. This also reflects the scale and layout of the openings on the existing outbuildings. Materials proposed are a mixture of brick and render with stone detailing with slate roofs. Windows and doors would be stained timber.

H. Precedent

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

I. Nature Conservation

An Ecological Survey has been carried out, on behalf of the applicants, by Somerset Environmental Records Centre, with comment from Somerset Wildlife Trust. This sets out practices for the arrangement of the parkland and dealing with habitat of protected species. A further Report sets out any necessary work for mitigation and protection of species present on the site. The views of the Nature Conservation Officer and Natural England are awaited.

J. Surface Water Drainage

A sustainable drainage strategy, including Sustainable Drainage Systems is proposed for managing the disposal of surface water run-off from the proposed development. The proposals would include a network of tank sewers and off-line cellular storage or a detention pond, together with areas of pervious pavements designed to limit post development flows from the development sewer network to existing discharge rates. Overland flows from existing impermeable areas with no positive drainage systems would be removed.

The Flood Risk Assessment submitted with the planning application demonstrates that the proposed surface water drainage measures would ensure that the rate of surface water run-off following development of the site does not exceed the existing rate of run-off for the same event up to the 1 in 100 year event, including an allowance to take account of climate change and that the peak flood flow passing downstream would be restored. Further discussions are taking place to seek to overcome the concerns of the Environment Agency.

K. Sustainability

In general terms this is not the most sustainable location for new development. However there is footpath access between the site and Bishops Lydeard which is to be improved as part of the development. The village centre and employment areas are also accessible by cycle. There is a frequent bus service between Bishops Lydeard and Taunton some of which terminate/commence at Greenway. There is therefore a reasonable choice of transport modes and therefore the proposal is compliant with Criterion B of Local Plan Policy S1. A Travel Plan is proposed which seeks the use of alternative forms of transport to the car. The development is also justified on the basis of it enabling the restoration of the listed buildings and historic parkland. In this case the new development is considered to be sustainable because it will enable the conservation benefits to be achieved.

Although the site is located within open countryside and outside a settlement, it is relatively close to Bishops Lydeard with its range of facilities. The proposed new population at Sandhill Park would help make the community and commercial facilities as well as the public transport system, more viable.

A third of the development does not require the construction of new buildings. Furthermore, the demolition of the twentieth century hospital buildings and tarmac

access roads would have the effect of returning 'previously developed land' to parkland which will compensate for the new build on 'previously undeveloped land'.

Overall there will be a net increase in open, undeveloped land with more landscaping and tree planting as a result of this proposal. This gives a net environmental and landscape improvement.

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

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

L. Other Issues

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

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

11.0 CONCLUSIONS

Sandhill Park is a listed building of Grade II* quality included on English Heritage's Buildings at Risk Register. The necessary renovation and conservation works will be extensive. The applicants have put forward a comprehensive package of enabling development proposals involving the conversion of the Mansion and its outbuildings to 25 apartments and dwellings, together with the construction of 50 new dwelling on land to the north of the former kitchen gardens. The package of proposals deals comprehensively with the Mansion, its outbuildings and the parkland and their future use and maintenance.

The buildings are in a poor state of repair and the applicant is keen to ensure that through these applications a meaningful progression towards restoration can take place. In order to provide the necessary funding for the repair and restoration of the Mansion, a new use must be found for the Mansion House and its related outbuildings and some form of enabling development proposed.

In the 1990's, consent was granted for the change of use of the Mansion to a Fire Museum with enabling development in the form of residential development on the site of former hospital buildings now known as Lethridge Park. The Museum, however only operated for two years or so and, whilst effecting temporary repairs, the scheme did not provide the comprehensive restoration of the Mansion and the parkland expected by the Section 106 Agreement.

The 2004 applications were referred to the Secretary of State for determination and following an Inquiry held in January 2006, the applications were refused by the Secretary of State. In her determination of the applications, she considered that the conversion of the Mansion to residential use was acceptable in principle as a means of preserving the historic character and setting of the Grade II* listed building. However she identified a number of issues to be addressed in the determination of the proposal. The Secretary of State considered that the proposed development would be contrary to the Development Plan in that it would be outside a defined settlement and reliant on the private car. However she was also of the view that the proposals would enable works of restoration to the listed building and the protection of its setting such that the building would no longer be on the Buildings at Risk Register.

The Secretary of State was of the view that consideration must be given to the provision of affordable housing and that without such provision the proposal was contrary to the development plan. Officers and the applicant have considered this matter together and assessed that there is a local need in Bishops Lydeard which could be assisted through the development. This has been considered alongside the need to meet the conservation deficit with only the optimum amount of development necessary. Accordingly to reflect local need and the financial requirements of the enabling development, a figure of ten affordable units (20% of the new build) is proposed.

The Secretary of State remarked upon the absence of any evidence of a thorough investigation into the viability of alternative solutions to the proposed residential use of the Mansion and new build residential development in respect of ensuring the long-term retention and future use of the Mansion. Reference was made in her decision to English Heritage's policy statement which emphasises that decisions on enabling development should not be taken lightly and should follow the evaluation of all potential options as part of the assessment process. Over the last 18 months, the owner has considered if there is an alternative form of development which would create a viable and likely scheme. A number of alternative concepts for the buildings and the land have been explored with experts in the fields of interest, but none resulted in an offer being made for the site or funding being received.

The Secretary of State did consider that the proposal met the first five of the seven criteria set out in English Heritage's statement on enabling development and that with regard to the sixth criteria that a scheme yielding a contribution in the region of £4 from the enabling development could be regarded as providing the minimum necessary to cover the conservation deficit. However, she did not consider that the proposed scheme necessarily provided the most appropriate means of meeting the conservation deficit and that significant weight needed to be given to the seventh criteria which seeks a balance between the benefit to the heritage asset and the disbenefit in terms of development contrary to policy.

The Secretary of State considered that there were 'flaws' in the original Section 106 Agreement, which could have led to the completion and sale of the new dwellings without the certainty of the full landscape restoration of the parkland. However she agreed that the issues within the Section 106 could have been put right had she

been minded to approve the applications and therefore this did not need to prohibit development if all other matters were acceptable.

She also raised concerns that an opportunity had been missed in failing to provide in the Agreement for public access to, and interpretation of, the landscape.

The original Section 106 Agreement, considered within the 2004 applications has been reassessed in the light of the Secretary of State's decision. New clauses have therefore been inserted in the Draft Agreement submitted with the planning application covering the following:-

- (a) Delivery of landscape restoration;
- (b) Delivery of affordable housing provision;
- (c) The provision of community space; and
- (d) Creation of public paths, parking and interpretation of the assets.

The weight of the open countryside policy versus the conservation deficit remains but has to be considered against the additional exploration of alternative uses for the Mansion and its outbuildings, the provision of more local facilities in the area, the improved interpretation of the heritage and landscape assets and the affordable housing as part of the scheme. However it is considered that any harm to the open countryside policy is outweighed by the conservation deficit which remains to be met. The areas of concern which resulted in the refusal of permission of the previous applications by the Secretary of State have been satisfactorily addressed. The applicants have addressed this issue in the changes contained in the current proposal, including more elements in the proposed Section 106 Agreement.

It is accepted that the application site does not process highly sustainable characteristics. However, in the circumstances, I consider that residential development is the only practical, feasible and achievable option if the Grade II* listed Mansion is to be preserved. This should be given significant weight in determining the application. The development will result in the removal of undistinguished buildings that mar the setting of the listed building and its surrounding historic parkland.

The Landscape analysis by the applicant's landscape consultants demonstrates that the location chosen for the enabling development is the optimum one with no material effect on the character appearance or setting of the listed building. There would be no loss of trees in this area and there is scope to reconnect the south and west parts of the pleasure grounds, further screening the new development.

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

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

APPENDIX