

06/20/0025

STRONGVOX HOMES

**Variation of Condition No. 02 (approved plans) of application 06/19/0021 for amendments to the location and design of field gates and to set back the fencing further from driveway on land either side of the driveway at Sandhill Park, South Drive, Bishops Lydeard**

Location: SOUTH DRIVE SANDHILL PARK, BISHOPS LYDEARD, TAUNTON

Grid Reference: 315631.129804

Removal or Variation of Condition(s)

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## **Recommendation**

**Recommended decision:** Conditional Approval

### **Recommended Conditions (if applicable)**

1. The fencing hereby granted approval shall be erected before 27th January 2021. Once erected the fence shall be retained and maintained in this fashion in perpetuity.

Reason: In the interests of visual amenity, to ensure consistency of approach to the previous consent which this permission amends and in the interests of the setting of the grade II\* Listed Building and its parkland setting.

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

(A1) DrNo Y17421 SLP Site Location Plan

(A1) SH PK 01.200 Rev P7 Site Plan

(A1) SH PK 01.300 Rev P4 Estate Plan Fencing Details

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

3. The fencing and gates hereby granted approval shall be painted black within 3 months of being erected and shall be retained and maintained in this fashion in perpetuity.

Reason: In the interests of visual amenity, the setting of the Grade II\* listed Building and for the avoidance of doubt as to the extent of the consent granted..

## Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## Proposal

Permission is sought for the replacement fencing along the driveway and to the south of the American Gardens. This application follows on from recently consented application 06/19/0021, and seeks to amend the approved plans drawing numbers SHPK 01.200 Rev P5 Site Plan and SHPK 02.300 Rev P3 Estate Plan Fencing Details.

## Site Description

Sandhill Park is a grade II\* listed building in a poor state of repair. There is open parkland to the south and west of the building with access to Sandhill Park Estate and the Mansion house running to the south east. The proposal seeks to erect metal railing as the design and materials approved under 06/19/0021, but to install 4 rather than 3 gates which are to be of a 'double' gate design.

## Relevant Planning History

06/20/0022 - Erection of a timber post and mesh

06/19/0021 - Replacement fencing along driveway and to south of American Gardens at Sandhill Park, South Drive, Bishops Lydeard (resubmission of 06/18/0015) - Granted 27 April 2020.

06/18/0015 - Erection of fencing along the drive and to the south of the American gardens - Refused.

There have been numerous applications on site but in particular 06/08/0010 granted permission subject to a Section 106 Agreement for the conversion of the mansion house and orangery following some partial demolition to 18 apartments and conversion of outbuildings to 8 apartments, erection of 28 new dwellings, demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to parkland and informal gardens, provision of bat roost buildings, restoration of parkland, formation of parking areas and footways and improvements to access road, access and footways.

## Consultation Responses

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - Objection due to lack of any detailed and/or reasoned explanation for the proposal. The Parish Council has been advised the Lewis Brown Site Location Plan is not relevant to this application

*SCC - RIGHTS OF WAY* - None received

*HERITAGE* - No further Comments

*HISTORIC ENGLAND (FORMERLY ENGLISH HERITAGE)* - No comments you should seek the views of your specialist conservation and archeological officers.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No Observations

*WARD MEMBER (CLLR RIGBY)* - Objection. Reasoning behind changes not explained properly, existing stakes show the distances to be approximately the same, Plan Y17421 SLP shows a design that has already been rejected in favour of Estate Railings.

## **Representations Received**

14 objections, making the following points -

- The fencing is black steel post and wire which is a discrepancy from that approved
- Gate by Mansion House does not provide access into American Garden
- Gate should be as approved on 06/19/0021 with the owners to maintain the land between the fence line and the driveway
- Why is the relocation of eastern side of fencing necessary?
- Access now from American Garden into inner parkland forming a break in the approved estate railing fence
- Concern agricultural traffic will be very close to Mansion house
- Does the new owner have a right of access over the American Garden
- 3 points of access into inner parkland
- New double gates in new location is this to allow for future development?
- Owner intends to remove trees
- Wish to ensure fencing is as approved under 06/19/0021
- Fencing should be erected at the same time and to the same standard
- No objection to 3 gates as long as they are of Estate Railings type
- Council should keep to previously agreed estate fencing and line
- Discrepancy between description on site notice and agents state,et
- Have checked , and the set back is already equal on both sides of the driveway
- Black post and rail fencing is not in accordance with the approved black estate fencing
- Land has been split into 3 lots
- Grass verges should be am either side to allow for safe pedestrian traffic and should be treated as a footpath
- No objection to gates and changes in size, but object to new field gate which would have a detrimental impact on landscape and view from the Mansion House

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local

Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SB1 - Settlement Boundaries

SP1 - Sustainable Development Locations

CP1 - Climate Change

CP8 - Environment

DM2 - Development in the Countryside

DM1 - General Requirements

#### National Planning Policy Framework

190 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

193 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66), identifies that "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall 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".

## **Determining issues and considerations**

#### Principle of Development

Sandhill Park is in an open countryside location where Policy SB1, 'Settlement Boundaries' of the Taunton Deane Site Allocations and Development Management Plan 2016 requires that consideration of any proposal is given to Core Strategy Policies CP1, DM2 and CP8. CP1 'Climate Change' is not relevant to the proposal to erect fencing and likewise DM2 'Development in the Countryside' is silent on such proposals. Policy CP8 'Environment' however aims to conserve and enhance the natural and historic environment and will not permit development proposals that

would harm these interests. Although the site is shown as being within the limits for the Bishops Lydeard and Cothelstone Neighbourhood Plan 2015-2028, the site is not mentioned in any of the documents, objectives or policies.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act further requires that special regard is paid to the desirability of preserving the listed building, its setting and any feature of historic or architectural interest when deciding whether to grant planning permission.

The main consideration is the impact upon the setting of the grade II\* listed building. The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of the setting of the listed mansion house. The parkland positively contributes to the asset's setting, forming the principle outlook and vista from the main house. Estate railings are evident in early 20th century photographs and are a traditional response to boundary treatment within country estates, they remain permeable allowing for borrowed view from the gardens to the house and back. The principle of the development is therefore accepted.

#### Design and Landscape Impact

The agent was asked to provide a justification for the need to relocate the fencing and has confirmed that the alterations have arisen from a change in land ownership and that they are not in conflict with the agreed design of the fencing.

This application has the same design of fencing as that approved under 06/19/0021, however there is a change to the size and design of the gates. Historic England have not objected to the scheme, but have offered 'no comment' on the proposal and have instructed that the advice of the this local authority's own specialist should be sort. The Heritage specialist has made no further comment on this application, however on the previous application they confirmed that they had no objection to the final set of drawings.

Site Plan, Drg No SH PK 01.200 Rev P7 shows the siting of the fencing and Drg No SH PK 02.300 Rev P4, Estate Plan Fencing Details show an acceptable design with appropriate materials which are considered not to result in harm to the significance of the grade II\* listed Sandhill Park or its setting and with broadly accords with the previously approved application. The materials are metal bars with steel rails for the fencing and although the field gates are more of a decorative design than the standard agricultural gate they are considered acceptable for this particular location. The previously approved gates were approximately 2.86m each, whereas this proposal would see gates with a total width of 4.75m (2 x 2.25m) erected. A new field gate is now proposed to the south-east of the mansion house. It is considered that the most appropriate colour for the new nfencing and gates would be black.

The railings that were proposed in an earlier application (06/08/0010) entailed use of pedestrian gates which would have been in line with condition 3 of permission (06/08/0010). The current scheme omits the use of pedestrian gates in favour of agricultural style field gates. The Parish Council, Historic England and the Council's Heritage advisor however have not raised the lack of pedestrian gates within the railings as an issue and it is not considered to have such a severe impact as to warrant the refusal of this application.

#### Land Use

In the past the agricultural use of the land was for the grazing of sheep and cattle. However the intention under the approved application 06/08/0010 was to restore the parkland to sheep meadows. Under condition 21 of 06/08/0010, permitted development rights for gates, fences, walls and other means of enclosure were removed. This current application for replacement fencing along the driveway and south of the Pleasure Gardens makes reference to this restriction and has been submitted for that very reason.

### Landscape

The landscape officer confirmed that this application is largely consistent with that approved (06/19/0021) therefore they had no objection to the scheme. They noted that a condition of the 2019 approval was that it should be erected within 9 months and the landscape officer considers that the original time scale should be retained as it is important that the works are completed urgently.

The landscape officer further stated that the approved application partially supersedes the more robust park fencing detail approved as part of the 06/08/0010 fencing but as far as they were able to discern the earlier application only required the fencing to be installed adjacent to the American Garden in the north-western part of the parkland. They consider the proposal to be potentially a good compromise as there was originally park fencing along the whole of the driveway.

### Other Matters

The Parish Council and Ward Member have objected to the application due to the lack of any detailed and/or reasoned explanation for the proposal. However the agent has confirmed that the proposal has been submitted due to a change in land ownership. It is unclear why the Parish Council and Ward Member consider the Lewis Brown Site Location Plan not to be relevant to this application, as it clearly identifies the site in relation to its surroundings. The plan for the rails SHPK 02.300 P4 show the same design and details for the railings as previously approved under 06/19/0021, however the size and therefore the design of the gates have altered.

14 letters of objection have been received, many of which have included reference to the unauthorised wooden fencing (being considered under application 06/20/0022), therefore these comments have been excluded as not relevant to this application.

It is clear from the comments that there is confusion over what has been approved, with some objectors stating the Council should ensure that estate railings as approved under 06/19/0021 are erected and not those proposed under this application which they consider to be a discrepancy from that approved. The fencing details have not changed, merely their location and the size/design of the field gate.

The owners intention to remove trees and the separation of the land into 3 sections are not matters to be considered by this application which relates only to fencing. These matters would be dealt with if/when removal of trees were proposed whilst enforcement action may arise from the fencing used to create 3 separate lots. The new land owners legal rights is not a planning consideration and it would be a matter for the new owners to establish their rights of way over the American Garden.

The issue of why this application has been submitted was also raised, and has been

addressed above. It is simply a matter of change in the ownership of the land.

Regarding the use of agricultural traffic in close proximity to the Mansion House, this is considered unlikely as the land use is for the grazing of animals, not for ploughing etc. However any possible breach in land use would be considered by this authority's enforcement team if and when they occur.

### Conclusion

The boundary treatment will not result in significant harm to the grade II\* listed Sandhill Park in terms of its design, location and materials and therefore the proposal accords with policy CP8 of the Taunton Deane Core Strategy 2011-2028 and paragraphs 193 and 194 of the National Planning Policy Framework. There are no substantive reasons for refusing permission in this case. For these reasons it is recommended that permission is granted.

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

**Contact Officer: Denise Todd**