



South Downs
National Park Authority

PLANNING COMMITTEE

Agenda Item 258

Brighton & Hove City Council

No:	BH2011/00286	Ward:	HOLLINGDEAN & STANMER
App Type:	Full Planning		
Address:	Stanmer House, Stanmer Park, Brighton		
Proposal:	Proposed installation of fences to the garden area at the side of the building, replacement of fencing and walls to either side of gates with 1.8 metre high walls, and additional landscaping (part retrospective).		
Officer:	Jonathan Puplett tel: 292525	Valid Date:	11/02/2011
Con Area:	Stanmer	Expiry Date:	08/04/2011
Agent:	Purvis Draughting Ltd, 13 Petworth Road, Brighton		
Applicant:	Cherrywood Investments Ltd, Stanmer House, Stanmer Park, Lewes Road, Brighton		

1 RECOMMENDATION:

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

1. The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1588/79A, 1588/54 Issue I, 1588/51 Issue D, and SHF/01/10 Rev. A received on the 1st of February 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Within six months of the date of this consent, the landscaping scheme shown on drawing no. SHF/01/10 A received on the 1st of February 2011 shall be implemented in full. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1, HE3, HE6, HE11, QD15 and QD16 of the Brighton & Hove Local Plan.
3. The construction of the walls hereby approved shall not take place until samples of the materials to be used in their construction have been



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submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

QD15 Landscape design

QD16 Trees and Hedgerows

NC3 Local Nature Reserves (LNRs)

NC7 Sussex Downs Area of Outstanding Natural Beauty

HE1 Listed Buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of Conservation Areas

HE11 Historic parks and gardens

HE12 Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment; and

(ii) for the following reasons:-

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause material harm to the House and the park; it could be removed in the future if no longer required. The proposed walls alongside the Italian gates are considered to be of an appropriate design in keeping with the gates and the historic park setting. Overall, the proposed works are considered to be acceptable in compliance with local and national planning policies.

2 THE SITE

Stanmer House is a grade I Listed Palladian Mansion built between 1722 and 1727 by Nicholas Dubois, incorporating part of an earlier, possibly Jacobean, structure into the service wing.

The grade I listed building is part of the wider historic estate at Stanmer, set in landscaped parkland within the Stanmer Conservation Area and the South Downs National Park. Stanmer Park is listed grade II in English Heritage's Register of Parks and Gardens of Special Historic Interest. Stanmer House forms the focal point of a traditional rural landscape with the adjoining 19th Century estate village, church, farm, garden buildings and the Stable Block.

Stanmer House and grounds benefit from extant permission for use of the ground floor for public and private functions and for office use on the first and second floor.

This application specifically relates to the formal gardens located to the southeast of Stanmer House. The garden is formed of two distinct areas comprising the original lawn and fountain located directly southeast of the house and the 20th Century addition to the garden area that extends further southeast of the formal garden. The 'Cedar Lawn' to the west of this garden comprises a gently sloping grassed area with a number of large and particularly majestic cedar trees. The size, shape and colour of these trees are distinctive, and they are visible from many areas across the park.

3 RELEVANT HISTORY

Stanmer House has been subject to varying uses over the past decades, through which time the condition of the building was deteriorating. This deterioration led to a substantial grant from English Heritage for external repairs to Stanmer House, and the building being marketed by the Council for reuse. The 125-year lease for Stanmer House and gardens immediately to the southeast of house together with the stables was awarded to Cherrywood Investments.

BH2010/02000: Proposed installation of fences to the garden area at the side of the building, replacement of fencing and walls to either side of gates with 1.8 metre high walls, and additional landscaping. (Part retrospective). Refused by the Planning Committee at the meeting of the 14th of January 2011 for the following reason:

The utilitarian design and excessive height of the proposed fencing would have an adverse impact on the adjoining listed building and the open nature of Stanmer Park contrary to policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

An appeal has been lodged against this decision.

BH2007/01206: Proposed fencing to the garden area south east of Stanmer House and formation of alternative access route. Approved by the Planning Committee at the meeting of the 14th of January 2011.

BH2007/00165: Proposed fencing to the garden area south east of Stanmer House. Refused 9th March 2007. The application was refused for the

following reasons:

1. The proposed fence and planting around the extended garden area adjoining Stanmer House would compromise the historic open relationship between Stanmer House, the garden and wider setting of Stanmer Park within a rural landscape, separating the House and garden from the remainder of the Park, and would therefore be detrimental to the architectural and historic character and appearance of Stanmer House and Stanmer Park, the Stanmer Park conservation area, contrary to Brighton & Hove Local Plan policies HE1, HE3, HE6 and HE11.
2. The proposed fence and planting, by reason of detriment to the biodiversity of Stanmer Park, in particular to an existing Glow-worm population and habitat, would have an adverse impact on the nature conservation features of the Proposed Stanmer Park Local Nature Reserve, contrary to Brighton & Hove Local Plan policy NC3.

BH2006/02966: Proposed alterations to cellar and external alterations to means of escape hatch. Approved April 2008.

BH2006/02951: Proposed alterations to cellars to enable change of use from storage areas to function rooms for use in conjunction with ground floor function rooms. External alterations to means of escape hatch. Approved March 2008.

BH2006/02947: Display of free-standing poster sign. Refused 25 October 2006.

BH2006/02945: Installation of painted galvanised steel gates and fencing to height of 2.5 metres. Withdrawn May 2009.

BH2006/00068: Installation of bollards and timber posts around parking area to front of building (Retrospective). Approved May 2009.

BH2006/00063: Installation of lighting posts and fences to the garden area at the side of the building. Approved June 2009.

BH2005/02387/FP and **BH2005/02395/LB:** Reconstruction of north-west wing to provide 7 terraced houses, comprising 6 x three-bedroom units and 1 x four-bedroom unit and provision of 15 car parking spaces and demolition of existing detached public toilet block. Approved July 2009.

BH2004/03712/FP: An application for Stanmer House to change the use of ground floor from office use to art gallery, public exhibition, conference and reception rooms for public and private functions with the first and second floor to retain existing office use was granted planning permission subject to S106 agreement to secure public access to the building and the setting up of a maintenance fund for the sustainable maintenance of the building.

BH2001/01173/FP and **BH2001/01174/LB:** Planning permission and listed building consent was then granted in 26 June 2003, subject to a S106 agreement, for the restoration/refurbishment of Stanmer House for residential use (2 flats) on the upper floors and an art gallery open to the public at ground floor. This permission also included the reconstruction of the north west wing to provide seven houses. Demolition of an existing toilet block and replacement with new public toilets/changing room facilities in the north corner of the site was also secured.

Other matters currently under consideration

A Deed of Variation to the s106 agreement signed in relation to planning permission ref. **BH2004/03712/FP** is proposed. **Clause 3.4** of this legal agreement secures public access over a 3 metre wide strip of the garden attached to Stanmer House. The Deed of Variation proposed would secure the forming of an alternative access, and the access route across the garden would be removed. (Reported elsewhere on this agenda)

4 THE APPLICATION

Consent is sought for the same scheme of works proposed under the previously refused application BH2010/02000.

At present, fencing in the form of railings encloses the area of lawn / garden alongside the House. Under application BH2006/00063 permission was granted for railings of 1.5 metres in height to the western side of the lawn, and 1.7 metres in height to the eastern side of the lawn. Railings of 1.7 metres in height are in situ to both sides of the lawn.

Consent is therefore now sought for the retention of railings of 1.7 metres in height to the western side of lawn (the railings to the eastern side of the lawn having been granted consent under application BH2006/00063). The railings which bisect the lawn to the southern side are temporary and unauthorised; consent is not sought for this section of fencing under the current application. It is also proposed that the curved low level walls and railings to either side of a pair of 'Italian' gates be replaced with brick walls. In conjunction with the fencing approved under application BH2007/01206 the proposed works would provide a secure enclosure around the entire lawn / garden area to a height of 1.7 metres.

5 CONSULTATIONS

[N.B. Many of the comments received refer to the access route across the lawns; the current application does not include any proposal to block this route.]

External

Neighbours: Representations have been received from occupiers of **no. 51 Montefiore Road, 10 Southdown Road, 19 Cambridge Road, 14 Waldegrave Road, 104 Waldegrave Road, 20 Friar Crescent, 9 Milner Road, 'The Innovation Centre', 27 Wilbury Gardens, 5 Cornwall Gardens, 8 Southdown Place, 35 Braybon Avenue and no address provided** objecting to the proposed development on the following grounds:

- The proposed development would block the access over the lawns which is available to the public at present and should be retained as a public right of way.

- The Section 106 agreement should stay in place to retain the public right of access.
- The proposal would block access into an area of the park which has been 'in the public domain' for many years.
- All of Stanmer Park should remain public land as was the intention when it was purchased by the Brighton Corporation in 1947.
- The proposed works would harm the setting of Stanmer House, a listed building.
- To prevent crime it would be more effective to open up views and access into the lawns to increase levels of natural surveillance.
- The lawns should be open to the public; private functions/events could still take place as per the Pavilion Gardens.
- The proposed walls are of an inappropriate design and excessive height, and would block views across the park / of Stanmer House. Any boundary treatment proposed should be as low as possible.
- The proposed fencing is of an inappropriate design, out of keeping with its setting and Stanmer House.
- Previous works around the House have harmed its setting, the proposed scheme cause further harm.

Councillor Pat Hawkes objects to the application – further comments awaited.

C.A.G.: Object to the proposed scheme of works, and recommend that the railings to either side of the Italian walls should be retained

Brighton & Hove Archaeological Society: A watching brief may be required; it is recommended that the County Archaeologist be consulted.

County Archaeologist: Although the site is located within an Archaeological Notification area, it is considered that no archaeological remains are likely to be affected by the proposal.

Friends of Stanmer Park: The proposed landscaping would restrict use of the area for 'passive recreation'. The proposed walls will have an obtrusive impact and block views of the house. Proposed pruning / removal of shrubs indicated on the submitted details should not be allowed as it 'acts as a foil of the house from the park' and encloses the garden area. The revoking of the existing undertaking which retains public access over the lawns is objected to; this has been a presumed right of way since the 1940's.

Stanmer Preservation Society: Object to the application.

Open Spaces Society: Object to the application.

Natural England: No comment.

English Heritage: Will be reported on the Late Representations List. Comments on previous application BH2010/02000: No comment.

South Down National Park Authority: Will be reported on the Late Representations List. Comments on previous application BH2010/02000: *The enclosure of garden is not welcomed, however no objection is raised subject to the proposal being considered acceptable by the Council's Conservation and Design Department. It is suggested that the garden should remain publicly accessible during the daytime when no private events are taking place.*

Sussex Gardens Trust: No comments received. Comments on previous application BH2010/02000: *Appreciate the need for an increased fence height therefore no objection is raised in principle, it is however recommended that masonry piers should also be increased in height to provide a balanced design.*

Internal

Conservation and Design: The proposed fencing will appear at odds with the house's open garden setting, but there is no substantial harm, particularly having regard to the existing landscape condition. The enclosure of the lawn is important to the successful operation of the conference and events centre within the house, to which considerable weight may be given. It will contribute positively to maintaining the building in active use.

The proposed landscape works will compensate in a modest but meaningful way for the visual harm caused by the height and detail of the fencing. The proposed walling [to either side of the Italian gates] will ensure a comfortable relationship between the ornamental gate and gate piers and the utilitarian railings.

Arboriculture: No comments received. Comments on previous application BH2010/02000: *Recommend a condition requiring landscaping to be carried out in accordance with the scheme shown on drawing no. SHF/01/10 A.*

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD15	Landscape design
QD16	Trees and Hedgerows
NC3	Local Nature Reserves (LNRs)
NC7	Sussex Downs Area of Outstanding Natural Beauty
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE11	Historic parks and gardens
HE12	Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment

7 CONSIDERATIONS

The main considerations in the determination of this application relate to visual impact of the proposed fencing and walls, the effect on the historic park and the setting of Stanmer House and the Stanmer Conservation Area, security, and matters relating to trees and landscaping.

Background

Stanmer House is a grade 1 listed building of exceptional architectural importance. It is set in an 18th century park landscape, registered as a park of special historic interest. The house is the centre piece of this landscape. It also falls within the Stanmer Conservation Area and the South Downs National Park.

The house has two principal fronts, one looking over the drive way and ‘green’ toward the church to the north east, and the second, the garden front, facing the park to the south east. The building dates from the 1720s, and was designed to be seen within the wider landscape.

It is believed that the area of lawn adjoining the garden front was levelled during the early C18th phase of development. By the late C18th this lawn was incorporated into an area of paddock sweeping around the principal fronts, in a natural fashion. In the mid to late C19th the lawn was laid out in a formal manner with perimeter paths, evidence of which remains, including the central fountain pool and two flights of steps.

The lawn was extended further in the early part of the C20th along the lines that now exist, when the land was reshaped creating the bank and ‘knoll’. The screen tree and shrub planting and the cherry orchard nearby are more recent. These C20th landscape features enclose the garden and obscure the open undulating parkland.

The Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) advised ‘that the house is now rather less visible from the surrounding parkland than has previously been the case’ and that the planting referred to above ‘significantly alters the character of the gardens and parkland alike, contradicting the historic designed layout.’

The 1840 tithe map and 1870s OS map illustrate a meandering path from the driveway running to the south of the formal lawn and through the Cedar Lawn to the Great Wood i.e. through the informal pleasure grounds.

Recent History

A lease (of 125 years) on the house and adjoining land, including the lawn to the south east of the house was granted to the applicant in 2002, to secure

the restoration of the house, and its preservation. The inclusion of the lawn within the lease was considered important to assist the sale and restoration of the house.

It is now restored as a conference venue, with reception rooms for public and private functions, including wedding receptions; the success of which depends in part on the exclusive use of the lawn.

Planning permission was granted for this use (ref. BH2004/03712/FP) subject to a degree of public access to the house, and subject to a legal agreement to maintain public access across the lawn. It appears that these requirements are currently being met.

At present only the northern section of the lawn allocated to the house is used in association with private functions, with permanent fencing in situ to either side of this lawn area, and temporary fencing bisecting the lawn to provide a secure enclosed area alongside the House. A pair of 'Italian' gates on the eastern side of the lawn provide access to the pedestrian route across the lawn which is secured by the legal agreement attached to permission ref. BH2004/03712/FP.

The remainder of the lawn allocated to the house has no formal boundary treatment at present, relatively dense trees and planting surround the lawn to the eastern side and southern end, with a more open aspect to the western side. Fencing around this area of the lawn, and the formation of an alternative access route around the lawn was granted planning permission under application BH2007/01206 in January 2011.

The current application

At present fencing in the form of railings encloses the area of lawn / garden alongside the House. Under application BH2006/00063 permission was granted for railings of 1.5 metres in height to the western side of the lawn, and 1.7 metres in height to the eastern side of the lawn. Railings of 1.7 metres in height are in situ to both sides of the lawn.

Consent is therefore now sought for the retention of railings of 1.7 metres in height to the western side of lawn (the railings to the eastern side of the lawn having been granted consent under application BH2006/00063). The railings which bisect the lawn to the southern side are temporary and unauthorised; consent is not sought for this section of fencing under the current application.

It is also proposed that the curved low level walls and railings to either side of a pair of 'Italian' gates be replaced with brick walls. In conjunction with the fencing approved under application BH2007/01206 the proposed works would provide a secure enclosure around the entire lawn / garden area to a height of 1.7 metres. The applicant states that a secure enclosure around the garden is required as a number of intrusions into the garden and the House have

occurred in the past.

Visual Impact

The Council's Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) describes the significance of the park and means by which it might be preserved or enhanced.

The Council's Character Statement for the Stanmer Conservation Area (2009) similarly highlights the parkland setting of the house as significant and refers to the harm caused by the 20th C planting, which obscures the traditional relationship between the parkland and the House and pleasure gardens. The area the subject of this application is described as having a character 'somewhere between the formal space of the fountain garden and the more informal character of the rest of the park. It is accessed via a 20th century decorative iron gate.' The sense of enclosure is described as being 'overemphasised by 20thC vegetation, including a cherry tree orchard and dense hedge, (which) have a harmful effect on the originally more open aspect between the House and parkland to the south.' The statement recommends improvements to the cedar lawn including opening up views out of the area.

Local Plan Policies HE3 (development affecting the setting of a listed building), HE6 (development within the conservation area) and HE11 (Historic Parks and Gardens) require that no harm is caused to the setting, character or appearance of heritage assets of architectural, historic or landscape importance.

Policy HE10 of Planning Policy Statement 5 (Planning for the Historic Environment) states that applications that make a contribution to or better reveal the significance of a heritage asset should be treated favourably. Any harm caused should be weighed against the wider benefits of the application. The greater the negative impact, the greater the benefits necessary to justify approval. Policy HE9 of PPS5 requires LPAs to weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the building in the interests of its long term conservation) against the harm.

The application seeks consent for the retention of railings of 1.7 metres in height to the western side of the lawn. These are currently in place and along the western fence line an evergreen hedge has been planted which accentuates the fence line. Approval was previously granted (application ref. BH2006/00063) for lower railings, 1.5m in height, i.e. below eyeline. At that time a railing of traditional detail was recommended. A more attractive railing would still be preferred, but it is accepted that for the most part the railings will be concealed by existing vegetation and from the cedar lawns the impact on the garden landscape will be softened by the proposed native tree and shrub planting, which will draw the eye away from the fence.

These works of enclosure, whilst without historic precedent and contrary to the recommendations of the Restoration Management Plan, will ensure the use of the garden for events at the house is maintained, and give privacy and security for the house and its users. The proposed fencing will appear at odds with the house's open garden setting, but there is no substantial harm, particularly having regard to the existing landscape condition. The enclosure of the lawn is important to the successful operation of the conference and events centre within the house, to which considerable weight may be given. It will contribute positively to maintaining the building in active use. The proposed landscape works will compensate in a modest but meaningful way for the visual harm caused by the height and detail of the fencing.

Brick walls with stone copings to match the materials and detail of the existing gate piers are proposed to either side of the gates. The proposed walling will ensure a comfortable relationship between the ornamental gate and gate piers and the utilitarian railings. Samples of the materials to be used in the construction of the proposed walls would be required by condition.

Security

A secure boundary treatment around the garden is required for two reasons:

- To restrict public access into the garden whilst private functions such as wedding receptions take place.
- To restrict access into the gardens and house as a number of intrusions / break-ins have occurred in the past.

In regard to the second reason, a security survey report from a Sussex Police Crime Prevention Officer dated 25/09/2007 has been submitted. This report details that anti-social incidents occurred where members of the public had intruded upon private functions, and motor vehicles had driven across the gardens causing a safety risk. It is recommended that the erection of a boundary fence would clearly indicate the boundary between the park and the garden. Whilst no further evidence of incidents occurring in the last three years has been submitted, it has been stated by the applicant that break-ins into the House have occurred, and further incidents of members of the public disrupting private functions have also taken place.

Overall, it is considered that there are valid security concerns which the proposed fencing and walls would address to some extent.

Trees and landscaping

The proposed works include the planting of additional landscaping, in the form of native tree and shrub planting, to the western side of the lawn. The design of this landscaping has been formulated following discussions with the Conservation and Design Officer, with the intention of drawing the eye away from the fencing alongside when viewed from the west. The landscaping proposal is considered appropriate by the Arboriculturist / City Parks who will be responsible for the ongoing maintenance of the landscaping following its

planting by the applicant. The planting of the proposed landscaping within a reasonable timescale can be secured by condition.

Conclusion

Whilst the proposals are the same as those refused in January 2011 under application BH2010/0200, the approval of application BH2007/01206 at the same Committee meeting for the fencing around the remainder of the garden area south east of Stanmer House and the formation of an alternative access route is a material consideration. The height and design of the fencing in both applications are identical.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings will split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause material harm to the House and the park; it could be removed in the future if no longer required. The proposed walls alongside the Italian gates are considered to be of an appropriate design in keeping with the gates and the historic park setting. Overall, the proposed works are considered to be acceptable in compliance with local and national planning policies.

9 EQUALITIES IMPLICATIONS

None identified.