

Report to	Planning Committee
Date	9 March 2017
By	Director of Planning
Local Authority	Brighton and Hove City Council
Application	SDNP/16/05558/FUL Retention of marquee structure and ancillary landscaping works (Retrospective)
Applicant	Mr and Mrs Proud
Address	Stanmer House, Stanmer Village, Stanmer Park, Brighton, BN1 9QA

Recommendation: That, subject to any outstanding representations that may be received by the expiry of the consultation date of 2 March 2017, planning permission be approved subject to conditions set out in Paragraph 10.1 of this report.

Executive Summary

The application seeks retrospective consent for the retention of a marquee and associated landscaping works within the fountain garden of Stanmer House for use for weddings and other private functions. The marquee currently situated on the site has replaced a previous marquee which was granted a certificate of lawful existing development in a different location and which has since been removed.

The application site is in a sensitive location in landscape and heritage terms. Stanmer House is Grade I listed and is therefore a heritage asset of the highest significance and important to the cultural heritage of the South Downs National Park. The site is also within a Grade II Registered Park and Garden and a Conservation Area.

The siting of the proposed marquee on the site introduces an incongruous feature to this sensitive location and causes less than substantial harm to the setting of Stanmer House, its fountain garden and the wider parkland and Conservation Area. However, despite this identified harm, the applicant has demonstrated that the marquee generates a significant financial contribution towards the ongoing running and maintenance of Stanmer House, and is therefore important in sustaining the viability of this heritage asset. Officers are satisfied that, at this point in time, there are sufficient public benefits of the development to outweigh the harm caused to heritage assets. The test under paragraph 134 of the NPPF has therefore been met.

It has been considered as part of this application process however, that there may be a less harmful position for the marquee further to the south of its current position on the site of the temporary car park. A temporary consent for three years only is therefore recommended in order for the Authority to re-evaluate the need, position and design of the marquee in the future. A temporary consent would also allow for monitoring of the required noise management plan in order to ensure neighbouring residents and the tranquillity of the area is suitably safeguarded during events.

At the time of writing this report, a consultation exercise with the neighbours on the amended noise assessment report has not yet expired. This will expire prior to the Committee meeting and any comments received will be taken into account and updated to members in the update papers and at the Committee meeting. Any associated amendment to the recommendation will also be updated to Committee in the same manner.

The application is placed before Committee given earlier Committee involvement in applications at Stanmer Park. The application should also be considered in the context of applications SDNP/16/05602/FUL and SDNP/16/05603/LIS which are also being considered by this Committee under agenda item 12.

I. Site Description

- I.1 The application site, Stanmer House, is located within Stanmer Park on the north-east fringe of Brighton City, approximately 5km from the City Centre. It lies within a dry chalk valley on the dip slope of the South Downs, approximately 3.5km to the south of Ditchling Beacon and the South Downs Way.
- I.2 Stanmer Park is designated as a Grade II Registered Park and Garden and comprises a mixture of buildings, farmland, woodland and amenity grassland. Stanmer village is located in the northern portion of the park comprising around 20 dwellings, village café, Home Farm complex, church and pond. To the southwest of Stanmer village are various business uses including Stanmer Rural Museum, Plumpton College horticultural facilities, Brighton and Hove City Council (BHCC) nursery and the South Downs National Park Authority (SDNPA) offices. Much of Stanmer Park, including the application site, is designated as a Conservation Area and is also an Archaeological Notification Area. The Registered Park and Garden and the Conservation Area are both on Historic England's 'Heritage at Risk' Register.
- I.3 Stanmer Park is owned and managed by Brighton and Hove City Council (BHCC) with extensive public access across the park and various public car parks. Planning permission has recently been sought by BHCC for a major overhaul of the parking facilities and landscaping across Stanmer Park and has a Committee resolution to approve although a decision has not been issued (Ref: SDNP/16/03927/FUL and SDNP/16/03928/LIS).
- I.4 Stanmer House is located centrally within Stanmer Park and forms a focal point for the historic estate and surrounding parkland. The house is a Grade I listed Palladian style mansion built between 1722 and 1727. The house originally comprised four wings although two of these were deemed beyond economic repair and demolished in 1961. The main remaining elevation of the house faces east with eight bays. .
- I.5 To the northwest of Stanmer House is the Grade II* listed 18th century stables which once served the main house. Planning permission was granted to convert the stables into residential dwellings in 2012. Applications in relation to retrospective conversion of the remaining stable to a dwelling were deferred at Committee in February to allow further information to be gathered about the original elements within the stables.
- I.6 Stanmer House has a long history with many years of neglect and decay. In the mid 1960s the house was leased to the University of Sussex but become vacant when the University relocated to its new campus to the east. The house and associated stables remained unoccupied for many years which lead to their significant deterioration. In 1995 the Stanmer House Preservation Trust was founded with the aim to secure the immediate restoration and long term future of the house. In 1999 the current owner, on a long term lease, undertook major renovation works. A series of planning consents were granted in 2001 and 2004 for a mixed use of the main house including art gallery and private and public function space. The northwest wing of the house has been converted into dwellings (The Courtyard).
- I.7 Today the main house has planning consent for use of the ground floor as a restaurant, bar and café (A3/A4 use classes). The first floor has consent for use as D2 function space (currently used for weddings and other private functions) and ancillary office space. The second floor is used as a combination of office space and ancillary staff accommodation and the basement is used as ancillary storage space. Planning consent is currently being sought for the change the use of parts of the house to provide 22 hotel bedrooms and additional function space in the basement (to be considered under Agenda item 12 of this Committee meeting).
- I.8 Immediately to the south of Stanmer House is the 18th century formal fountain garden. Today the fountain garden, as well as an area of lawn immediately to the south, are enclosed

by estate railing. The area immediately to the south of the fountain garden has consent for use as a temporary car park for the main house, providing 18 parking spaces. This consent expires on 31 August 2019.

- 1.9 In January 2015 a certificate of lawful existing development was granted by this Authority for a marquee within the fountain garden. This was located along the eastern edge of the fountain garden and the certificate concluded that the marquee had been in place for a minimum of four years, and most probably since 2007/8. The marquee that was the subject of the certificate has since been removed and now replaced with the marquee which is the subject of the application.

2. Relevant Planning History

- 2.1 Stanmer House and its gardens have a long planning history and those most relevant are listed in paragraphs 2.7 – 2.16 below.
- 2.2 The current applications should also be considered in the context of the following four applications which are also currently pending decision by this Authority and which are of relevance:
- 2.3 **SDNP/16/05602/FUL.** Proposed internal alterations and refurbishment to implement an additional new use class C1 (hotels) to an existing mixed use building incorporating use classes D2 (assembly and leisure), A3 (restaurants and cafes), A4 (drinking establishment) and ancillary use. Pending decision. To be considered at this Committee meeting under Agenda item 12
- 2.4 **SDNP/16/05603/LIS.** Proposed internal alterations and refurbishment to implement an additional new use class C1 (hotels) to an existing mixed use building incorporating use classes D2 (assembly and leisure), A3 (restaurants and cafes), A4 (drinking establishment) and ancillary use. Pending decision. To be considered at this Committee meeting under Agenda item 12
- 2.5 **SDNP/16/03927/FUL & SDNP/16/03928/LIS-** Restoration of the historic Lower Lodges entrance arrangement with gate posts and improved pedestrian access; Internal extension of the Lower Lodges car parks to increase the number of spaces without affecting the historic parkland; Provision of a new kiosk building with toilets, cycle hire and a takeaway café; Recreation of the historic Green Drive to provide a pedestrian and cycle way through the park; Restoration of the Frankland monument (listed); Restoration of the historic tree layout with clumps of trees in the parkland; Improvements to the village pond and local drainage; Works in the Walled Garden to recreate an attractive working garden environment with a cafe, garden centre and education facilities, including works to listed and curtilage listed buildings and walls, as described in detail in the application; Removal of depots from the Patchway to create a car park and meadows, improving the setting of Stanmer Village and Church.
- Committee resolution to approve subject to the satisfactory receipt of further information on the lower lodge car park at Planning Committee on 8th December 2016. Decision not issued yet.
- 2.6 Pre-application advice was given on the current applications (Reference: **SDNP/16/03058/PRE**). The SDNPA case Officer and Conservation Officer considered that the relocated marquee was a better arrangement than the previous marquee.
- Works to Stanmer House
- 2.7 **SDNP/13/00463/FUL.** S73A application for the change use of from a mixed B1 and D2 use to a mixed D2, A3/A4 use and ancillary office use (ground and first floor). Approved. 19/06/2013.
- 2.8 **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. Approved. 24/01/2007.

- 2.9 **BH2001/01173/FP & BH2001/01174.** Restoration/refurbishment for residential use on upper floors and art gallery open to public at ground floor. Reconstruction of north west wing to provide terraced houses (9 units total). Demolition of existing detached toilet block and erection of new public toilets/changing room facilities in north corner of site. Approved. 26/06/2003.

These applications were subject a S106 agreement to secure guaranteed public access to the ground floor rooms of the house.

Works to the fountain garden/land to the south of Stanmer House:

- 2.10 **SDNP/16/03173/FUL.** Temporary change of use of land to car parking including the construction of a honeycomb reinforced grass surface. Approved. 18/08/2016. Temporary consent granted until 31/08/ 2019.
- 2.11 **SDNP/15/01174/FUL.** Shipping container to be used for storage. Refused. 10/03/2016.
- 2.12 **SDNP/14/05896/LDE.** Permanent siting of a marquee and container used for weddings and corporate functions. Split decision. 20/01/2015. Certificate issued for the marquee but refused for the shipping container.
- 2.13 **SDNP/13/00547/FUL.** S73A application for the change of use of land to a car parking including the construction of a honeycomb reinforced grass surface. Approved. 19/06/2013. Temporary consent granted until 03/06/2016.
- 2.14 **BH2007/01206** - Proposed fencing to the garden area south east of Stanmer House and formation of alternative access route. Approved. 08/03/2011.
- 2.15 **BH2006/00068.** Installation of bollards and timber posts around parking area to front of building (Retrospective). Approved. 12/05/2009.
- 2.16 **BH2006/00063.** Installation of lighting posts and fences to the garden area at the side of the building. Approved. 25/06/2009.

3. Proposal

- 3.1 As outlined above, in 2015 a certificate of lawful existing development was granted for the siting of a marquee within the grounds of Stanmer House. This marquee is understood to have been on the site since 2007/8 and was used by Stanmer House as a venue for private functions, predominantly weddings, but also private parties. The marquee measured approximately 30 metres by 6 metres, with an additional wing at its southern end. The marquee was sited immediately to the south of the main house on the eastern edge of the fountain. This marquee was recently removed however (June/July 2016) and new marquee erected without permission on the southern half of the fountain garden. The new marquee has been in place since 14th/15th July 2016 and is also used for weddings and functions in the same manner as the previous marquee.
- 3.2 The applicant is now seeking planning permission to regularise the new marquee and to retain it on site all year round. The application is not expressly seeking consent for a temporary period but rather permanently. The main body of the marquee measures 24 metres in length with a 3 metre canopy extension on its western elevation to accommodate a toilet block. A further 3 metre wide canopy extension is proposed on the eastern elevation, although this would only be erected on a temporary basis when a portable kitchen is required. The marquee is a white PVC structure with clear PVC inserts. The marquee has a pitched roof measuring 4.58 metres in height. The two central bays of the marquee however have peaked roofs which extend up to 6.58 metres in height. At the time of writing the marquee currently on site is not in complete conformity with the submitted plans (i.e. there is currently an additional smoking tent to the north of the marquee and the toilet block is not covered with a canopy). The applicant has confirmed however that the smoking tent is to be removed and the marquee installed in line with the submitted plans and elevations.
- 3.3 Planning consent is also sought to regularise landscaping works which have been carried out without consent within the fountain garden. This includes the provision of a stone paving

walkway around the perimeter of the fountain garden and through the centre around the fountain itself.

- 3.4 In terms of the use and operation of the marquee, the applicant states that the marquee has capacity for 150 people and the applicant indicates that 150 to 200 functions are hosted within the house and marquee combined each year. Generally events take place in the afternoons and evenings, and around 50% of the functions continue beyond midnight. No amplified music is permitted by the applicant within the marquee beyond 23:30 hours. The ratio of DJ to live music functions within marquee is approximately 10:1.
- 3.5 The applicant states that the marquee is required to support the continued viability of the business at Stanmer House. 60% of events held by the business are currently through the marquee, with the revenue from the marquee accounting for 30% of the total business revenue on the site and 50% of the business profit. The business at Stanmer House is currently operating on a loss of £100,000, and apparently it is understood that this was larger (£200,000) under the previous tenant. The applicant therefore maintains that the marquee is central to the continued operation of the business. The applicant is also proposing a change of use of parts of Stanmer House to provide hotel accommodation, including a bridal suite. The applicant envisages that this hotel accommodation would cater for guests attending weddings and other functions in the marquee.
- 3.6 The applicant has explained that due to the restricted size of the rooms within the main house, functions such as weddings are unable to be accommodated entirely within the main building. In contrast, the marquee with its large open plan interior allows for large events to be held. The applicant has stated that limiting events to within the house itself would limit the type of functions that can be offered and reduce the revenue potential of the site.
- 3.7 The applicant confirms that there is a consistent demand for the marquee all year round and therefore limiting its use to specific seasons would limit its revenue potential and the financial viability of the business.
- 3.8 In terms of parking provision, no additional parking is proposed as part of this application. The applicant states that the marquee would be served by the existing temporary car park up until 2019, as well as the 10 spaces to the front of Stanmer House and the surrounding public car parks. Moving forward, it is anticipated that Stanmer House parking would be met by the new car park proposed to the north at the Patchway as part of the Stanmer masterplan (SDNP/16/03927/FUL).

4. Consultations

- 4.1 **Brighton and Hove Highways Authority:** No objection.
- Given that there was a pre-existing marquee and the proposed marquee replaces that one, there is not considered to be an increase in trip generation above pre-existing levels as a result of this application.
- 4.2 **Brighton and Hove City Parks:** No comment received.
- 4.3 **BHCC Environmental Health:** Recommend approval subject to conditions.
- With potentially 15 events a month and 200 a year at the site, there is a clear requirement for pro-active management and a need to manage events responsibly
 - The department has received historic complaints from the site, but have not substantiated a statutory noise nuisance. Recommend approval subject to conditions to secure a noise management plan.
- 4.4 **ESCC Archaeology:** No objection.
- Although this application is situated within an Archaeological Notification Area, significant below ground archaeological remains are unlikely to be affected by these proposals.
- 4.5 **Historic England:** Latest comments received 13 February 2017.

- Some concerns regarding the siting of the marquee but it is recognised that this is an important part of the existing business model that it provides a sufficiently large space to accommodate guests at weddings, private functions and parties.
- There needs to be a clear and convincing justification for its siting all year round, as required by paragraph 132 of the NPPF.
- If this case is made on viability grounds, Historic England feel that a less harmful position for it could be achieved, in the longer term, by locating it further south to where the temporary car park is positioned, once the Stanmer Restoration project is complete.

4.6 SDNPA Historic Buildings Officer: No objection.

- A sensible option would be to allow the business to carry on and allow the works to the house to be undertaken, whilst also leaving open the option of moving it to a more suitable location in the future, thereby addressing some of the concerns expressed by Historic England and the Garden History Society.

4.7 SDNPA Landscape Officer: Comments:

- The applicant should respond to the comments of the Gardens Trust.

4.8 The Gardens Trust (statutory consultee for historic parks and gardens): Objection.

- The application does not make reference to the 2003 Restoration Management Plan. The proposal would cause substantial harm to the setting and significance of the Grade I listed house and Grade II listed park. The Gardens Trust strongly endorse the comments of the Sussex Gardens Trust.

4.9 Sussex Gardens Trust (County level charity, supported by The Gardens Trust): Objection.

- The replacement marquee is substantially larger and in a much more prominent position. Approval would cause substantial harm to the setting and significance of the Grade I listed House and Grade II listed Park.
- There are no overriding public benefits. Approval would conflict with the Restoration Management Plan 2003.

5. Representations

5.1 Three letters of objection received (including from the Stanmer Residents Committee).

- Appreciate that Stanmer House needs to hold successful events and support their endeavours as much as possible.
- Noise levels and disturbance to residential properties, including Stanmer Farmhouse and Stanmer courtyard and stable properties.
- Rethink should be given to the angles of the speakers, facing them south, and a noise survey involving band performances rather than DJ.
- Noise survey is inaccurate and misleading. The survey does not recognise the presence of residential properties in the courtyard and stable block adjacent to the house. The survey did not take measurements within residential property boundaries.
- Complaints have been made on a regular basis about Stanmer House and noise issues.
- The marquee will harmfully disrupt the historic view of the house, block the view of the lower Georgian windows and divide the historic garden.
- An alternative solution would be to site the marquee at the very southern end of the garden further away from the house, and to strengthen the vegetation screening. This would also remove the visually harmful car park and return this area to original garden. This would also move the marquee further away from residential properties and therefore help with noise issues.

- 5.2 Several of the neighbour comments received related to noise concerns, with several raising concerns about the methodology of the noise assessment report. A 14 day re-consultation exercise has been undertaken with neighbours and contributors on the amended noise assessment report. The consultation period will expire on the 2nd March. Any representations received will be taken into account as part of the final assessment of this report and committee will be updated via the update sheet and verbally by Officers at committee.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the saved policies of the Brighton and Hove Local Plan 2005. The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.4 Paragraph 28 outlines that support should be given to sustainable economic growth in rural areas to create jobs and prosperity.
- 6.5 Paragraphs 131-134 relate to designated heritage assets and how they should be considered in the planning process.

South Downs National Park Partnership Management Plan

- 6.6 The South Downs National Park Partnership Management Plan was adopted on 3 December 2013. It outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications and it has some weight pending the adoption of the South Downs National Park Local Plan. The following policies are particularly relevant to these applications:
- Policy 1 aims to conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures;
 - Policy 3 aims to Protect and enhance tranquillity and dark night skies;
 - Policy 9 aims to protect the significance of the historic environment from harm, new discoveries are sought and opportunities to reveal its significance are sought;
 - Policy 43 aims to support the development and maintenance of appropriate recreation and tourism facilities, including a mix of quality accommodation which responds to market demands and supports a sustainable visitor economy.

Legislation for Heritage Assets

- 6.7 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “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.”

- 6.8 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states when granting planning permission for development within a Conservation Area “attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

7. Planning Policy

- 7.1 The following saved policies of the Brighton and Hove Local Plan 2005 are relevant:

- NC6- Development in the countryside/downland
- QD1 - Design - quality of development and design statements
- QD15 – Landscape Design
- QD27- Protection of amenity
- TR1- Development and the demand for travel
- TR2 – Public Transport accessibility and parking
- TR4 – Travel Plans
- TR7- Safe Development
- TR19 - Parking standards
- 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 ancient monuments and other important archaeological sites

- 7.2 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs Local Plan: Preferred Options

- 7.3 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2 September to 28 October 2015 and the responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation, the policies within the Preferred Options Local Plan are currently afforded limited weight.

- 7.4 The following policies from the Preferred Options plan are particularly relevant to this application: SD5 (Landscape character), SD6 (Design), SD8 (Relative Tranquillity), SD11 (Historic Environment), SD20 (Sustainable tourism and visitor economy), SD22 (Development Strategy), SD44 (Car and cycle parking provision).

Other Documents and Guidance:

- 7.5 The following material is also of relevance to this application:

- Stanmer Conservation Area Appraisal (BHCC, 2010)- This was adopted by BHCC in 2010 and is a material planning consideration when assessing development within the Conservation Area.

- 7.6 The following documents are also mentioned for information purposes:

- Stanmer Park Historic Landscape Survey and Restoration Management Plan (Colson Stone 2003)
- Stanmer Park Conservation Plan (LUC, July 2016)

These documents were prepared on behalf of BHCC and form part of the evidence base

leading up to the masterplan applications SDNP/16/03927/FUL & SDNP/16/03928/LIS. These are not adopted planning documents however and therefore must be viewed in that context. There is no adopted Conservation Management Plan for Stanmer Park.

8. Planning Assessment

Principle

- 8.1 Stanmer House is within the designated countryside where development is strictly controlled. The proposal would provide an ancillary facility to support the existing wedding and events business at Stanmer House, which operates in a rural area and therefore benefits the rural economy and rural tourism. The proposal therefore broadly complies with policy NC6 of the Brighton and Hove Local Plan 2005, as well as paragraph 28 of the NPPF and the second purpose of the National Park.
- 8.2 The acceptability of the development in principle however, does not override the conservation purposes of the National Park, the need to ensure that development conserves the significance of Stanmer House and its setting, or the normal planning considerations such as any potential impact upon the amenity of neighbouring properties or highway safety. These are considered in turn below.

Impact on the character of the local area and heritage assets;

- 8.3 The proposed marquee is in a very sensitive location within the setting of the Grade I listed house, within the Grade II listed Registered Park and Garden and within the Stanmer Conservation Area. Policies HE3, HE6 and HE11 of the Brighton and Hove Local Plan 2005 seek to prevent harm to these heritage assets. The purposes of the National Park confirm that great weight must be given to conserving and enhancing the natural beauty and cultural heritage of the area and this is also highlighted in paragraph 115 of the NPPF.
- 8.4 When considering the impact of the proposed marquee on the significance of the heritage assets, paragraph 132 of the NPPF states that great weight must be given to the heritage assets conservation and that the more important the asset the greater the weight should be. It goes on to say that since heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss to Grade II listed assets should be exceptional, and substantial harm to assets of the highest significance, including Grade I listed buildings, should be wholly unacceptable. Paragraph 134 of the NPPF states that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.5 In this instance, the white PVC walls and roof of the proposed marquee would introduce an incongruous structure into the historic landscape which is visible from multiple vantage points around Stanmer Park, including from the south where the marquee sits within the foreground of views towards the main house. These views are partly screened by surrounding vegetation although the visibility of the marquee is increased by the two peaked roof bays which measure up to 6.58 metres in height. Concerns have also been raised about the truncation of the fountain garden.
- 8.6 As such, if retained, the siting of the proposed marquee in this location is considered to cause some harm to the setting of Stanmer House and the character of the Registered Park and Garden and Conservation Area. While the view expressed by The Gardens Trust and Sussex Gardens Trust are noted, this harm is considered by Officers to be less than substantial given that there would be no loss of the heritage assets involved and the marquee would be reversible.
- 8.7 In accordance with paragraph 134 of the NPPF, the less than substantial harm identified above needs to be weighed against any public benefits of the scheme. The NPPG advises that 'public benefits' may include, amongst other things, sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage assets; and securing the optimum viable use of a heritage asset in support of its long term conservation.
- 8.8 In terms of the justification for this marquee, it has been demonstrated that the marquee currently makes a significant contribution to the revenue of Stanmer House and therefore

delivers notable public benefits by assisting in keeping Stanmer House in a viable use which also has conservation benefits. Regard is also given to the fact that Stanmer House has sat empty for many years and that this proposal would help to reduce the risk of this happening again. It is considered that these public benefits outweigh the less than substantial harm identified, and therefore that the test under paragraph 134 of the NPPF has been met.

- 8.9 Historic England have advised that there should be a genuine need for the marquee to be sited on the site all year round, rather than just seasonally. In terms of the option for a seasonal consent, the applicant confirms that there is a consistent demand for the marquee all year round. While a seasonal consent would limit the visual harm caused of the marquee by restricting it's presence to a more limited number of months, Officers are mindful that imposing a seasonal restriction could have implications for the viability of Stanmer House.
- 8.10 In terms of whether a permanent consent should be granted for the marquee, this is discussed in further detail in paragraphs 8.21 and 8.25 below. However, as outlined in consultee comments and representations, views have been expressed that an alternative location for the marquee may be more acceptable in the long term. In particular, Historic England have advised that a less harmful location for the marquee would be to the south where the temporary car park currently is, and aligned north-south and tucked under the trees.
- 8.11 In summary, the proposed marquee would cause some harm to the setting of Stanmer House and park. This harm however is considered to be outweighed by the public benefit the marquee use currently brings to the site in terms of supporting a viable use of the house. In terms of the proposed landscaping works to the fountain garden, no objection is raised to these.

Traffic and Parking:

- 8.12 The applicant states that between 50 and 150 people typically attend an event in the marquee, with a capacity of 150 people. This has implications in terms of vehicles movements to and from the site and also parking requirements. Stanmer House currently has access to 10 car parking spaces at the front of the house and 18 spaces to the south within a temporary car park. There are also a number of other public car parks around Stanmer Park which visitors could use.
- 8.13 Weddings and other events have been held within a marquee on the site since 2007/8, and although the new marquee is slightly larger than the previous structure, it is considered unlikely that this marquee would generate an increase in visitor numbers and traffic beyond that created by the previous marquee. The Highways Authority have assessed the proposal and consider the existing parking provision to be adequate and have raised no objection to the development. The applicant states that when the new masterplan parking arrangements at Stanmer Park are implemented (which will involve the loss of all parking immediately around Stanmer House), the house and marquee uses would be served by the proposed Patchway car park to the north. The provision of the new Patchway car park is scheduled for approximately 2020, which would align closely with the expiration of the temporary car park consent in 2019.

Noise impact and tranquillity

- 8.14 Stanmer Park is located in open countryside where noise levels are generally low. The tranquillity of the site and surrounding landscape is one of the valued characteristics of the historic landscape which members of the public visit this part of the National Park to enjoy, and therefore needs to be protected. There are also a number of residential properties near to the proposed marquee including the Stanmer Courtyard residences, Stanmer Stable residences and Stanmer farm and village which need to be protected.
- 8.15 Marquee events have been held on the site since approximately 2007/8. A number of noise complaints have been received by the BHCC Environmental Health team on the site dating from June 2007, May and July 2011 and December 2015. None of the complaints resulted in any further formal action however and the complaints have not substantiated a statutory noise nuisance from the site.

- 8.16 The applicant has submitted a noise assessment report. This has been updated during the course of the application in response to comments from the Environmental Health Officer. The noise assessment confirms that events in the marquee can operate anywhere between 10:00 and 02:00 hours but that no amplified music is allowed within the marquee beyond 23:30. It states that a noise limiter was installed in the previous marquee following local resident's complaints but that there is no evidence of a limiter currently in place in the new marquee. The noise assessment report advises that a noise limiter should be fitted to the new marquee, and advises that a noise management plan should be agreed in writing with the Local Planning Authority. A detailed noise management protocol has not been submitted at this stage, although the noise report outlines the information that this would need to include. This includes the times of operation of events (including time limits for amplified music), a monthly/yearly limit on the number of functions per year which can continue beyond midnight, details of speaker alignment, a management plan for guests and procedures for reporting noise issues. The Environmental Health Officer has assessed these recommendations and is satisfied that provided these can be secured by planning condition, the amenity of the local residents and tranquillity of the wider area would be suitably safeguarded. Conditions are therefore recommended, should members be minded to issue a temporary approval (Conditions 5 and 6).
- 8.17 As outlined in paragraph 5.2 of this report, at the time of writing the consultation period with neighbours on the amended noise assessment report has not expired. This section will therefore be updated accordingly to the Committee.
- 8.18 In terms of noise disturbance within the application site itself, the marquee would have an impact on the proposed hotel rooms of the south façade of Stanmer House due to noise disturbance through both open and closed windows. This disturbance could not be easily mitigated. The applicant however envisages that users of the proposed hotel rooms are also likely to be those attending weddings and other functions within the marquee. A condition is recommended to ensure the marquee is only used in connection with the business at Stanmer House, therefore ensuring that this type of noise disturbance remains within the applicant's control.
- 8.19 In summary, it is recognised that the use of a marquee in this location poses a risk to the amenity of neighbouring residents and the tranquillity of the area if events are not properly managed. Based on the advice of the Environmental Health Officer, it is recommended that suitable conditions would mitigate this risk although not suggested by the Environmental Health Officer, given the sensitivity of the area, it is also recommended that a temporary consent should be considered to allow the success of the noise management plan to be monitored.
- Temporary or permanent consent
- 8.20 The applicant is seeking consent for permanent siting of the marquee. A main consideration is therefore whether it is appropriate to grant a permanent consent for the marquee.
- 8.21 On the one hand it is acknowledged that up until July 2016 there was a permanent marquee on the site, covered by a lawful development certificate. It is also acknowledged that the applicant has put forward a strong business case for the marquee in order to support the continued operation and viability of the business at Stanmer House. A degree of permanence is also likely to be required to enable long term business planning as many weddings can be booked two years ahead.
- 8.22 However, on the other hand, the marquee would cause identified harm to the setting of Stanmer House and a temporary approval would allow the opportunity to explore alternative solutions for accommodation in less harmful locations.
- 8.23 Balancing up the various considerations, it is therefore recommended that a three year temporary consent is granted at this stage. This would take the consent up until just beyond the time when the temporary car park uses ceases and when the replacement parking at the Patchway is anticipated to be delivered. At this point in time, the Authority will be able to re-evaluate the need, position and design of the marquee and how this would fit with the re-landscaping of the temporary car park back into garden/parkland. A temporary consent of

three years would also allow a period of time for the Authority to monitor the success of the noise management plan.

- 8.24 The applicant has raised concerns about a 3 year temporary consent and would like assurances on the permanence of the marquee given the importance of this to the business revenue, especially given the financial outlay that would be incurred through the proposed establishment of the hotel business. While these concerns are noted, at this point in time, for the reasons outlined above a three year temporary consent is considered reasonable.

9. Conclusion

- 9.1 Whilst the marquee introduces an incongruous structure to the historic landscape, it is recognised that the marquee use is currently important to the financial viability of the existing business and contributes to the continued upkeep of Stanmer House. The marquee would continue to sustain the existing business and reduce the risk of the heritage asset falling into disrepair. At this point in time, Officers are therefore satisfied that the tests set out under paragraph 134 of the NPPF are met.

- 9.2 A temporary consent of three years is recommended in order to allow alternative options for the siting and design of the marquee to be explored, and also to monitor the implementation of the of the noise management plan and other mitigation measures.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for approval on a temporary basis, of three years, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".
(Appendix 2)

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

2. The development hereby permitted is granted for a limited period only, expiring three years from the date of this consent. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site, and the land shall be restored to its former condition in accordance with a scheme which shall have been previously submitted to and been approved in writing by the Local Planning Authority.

Reason: The development is approved on a temporary basis in order to allow the Local Planning Authority to re-evaluate the impact of the development on the setting of the listed building, the Registered Park and Garden and Conservation Area and the amenities of the neighbouring residents and local area in general, having regard to policies QD1, QD15, QD27, HE3, HE6, HE11, TR1 and TR7 of the Brighton and Hove Local Plan 2005, the National Planning Policy Framework 2012 and the Purposes of the National Park.

3. The marquee and associated ancillary structures (including the toilet block) hereby approved shall only be used for weddings and other private hire functions carried out in connection with the business enterprise at Stanmer House, and for no other purpose.

Reason: In order to protect the setting of the listed building, to prevent overdevelopment of the site, to minimise the amount of additional traffic to the site and to protect the amenities of the neighbours and local area in general, having regard to policies QD1, QD15, QD27, HE3, HE6, HE11, TR1 and TR7 of the Brighton and Hove Local Plan 2005, the National Planning Policy Framework 2012 and the Purposes of the National Park

4. No external lighting shall be installed on the marquee or associated ancillary structures hereby approved, unless details have first been submitted to, and approved in writing, by the Local Planning Authority.

Reason: To protect the amenities of neighbouring properties and to prevent harmful light pollution within the setting of the listed building and National Park, having regard to policies QD27, HE3, HE6 and HE11 of the Brighton and Hove Local Plan 2005, policy 3 of the South Downs Partnership Management Plan 2014- 2019, the National Planning Policy Framework 2012, and the first Purpose of the National Park.

5. The marquee hereby approved shall utilise a tamper proof, in circuit noise limiter which will manage all live and amplified music played from inside the marquee. Full details of the noise limiter and its operation shall be submitted within six weeks from the date of this consent and approved in writing with the Local Planning Authority as part of condition 5. Once approved the use of the noise limiter for all subsequent events shall be strictly in accordance with the approved details.

Reason: To protect the amenities of neighbouring properties and the tranquillity of rural area and setting of listed building, having regard to policies QD27, HE3, HE6 and HE11 of the Brighton and Hove Local Plan 2005, policy 3 of the South Downs Partnership Management Plan 2014- 2019, the National Planning Policy Framework 2012, and the first Purpose of the National Park.

6. Within six weeks from the date of this consent, a Noise Management Plan shall be submitted in writing to the Local Planning Authority for approval. It shall contain, but not necessarily limited to, the following details:
 - i) Times of operation – including time limits for amplified music;
 - ii) A monthly/yearly limit on the number of functions per year which continue beyond midnight;
 - iii) Noise limiter details, including how this has been set and arrangements in place to ensure that this may not be bypassed or tampered with;
 - iv) Details of speakers including number and alignment, and instructions not to alter speaker alignment and no additional speakers to be used (excluding small monitor speakers for live performance events);
 - v) Instructions to guests when congregating outside during late events;
 - vi) Details of signs to be placed near exits asking guests to leave quickly and quietly;
 - vii) Method by which management plan will be passed on to people holding functions in the marquee;
 - viii) Commitment to regularly check boundaries to monitor noise levels during late events;
 - ix) Details of a log book which will record any issues raised either by the operators of Stanmer House/the marquee or by the neighbours. The book should be made accessible to the BHCC noise pollution team and Local Planning Authority; and
 - x) Staff procedures for reporting noise issues.

Thereafter the approved noise management plan shall be implemented in full for each event held in the marquee.

Reason: To protect the amenities of neighbouring properties and the surrounding area having regard to policies QD27, HE3, HE6 and HE11 of the Brighton and Hove Local Plan 2005, policy 3 of the South Downs Partnership Management Plan 2014- 2019, the National Planning Policy Framework 2012, and the first Purpose of the National Park.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims

sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included discussions and an opportunity to provide further information.

TIM SLANEY
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Appendices 1. Site Location Map

2. List of Plans

SDNPA Legal Services & Development Manager.

Consultees

Background Documents [All planning application plans, supporting documents, consultation and third party responses:](#)

[National Planning Policy Framework \(2012\)](#)

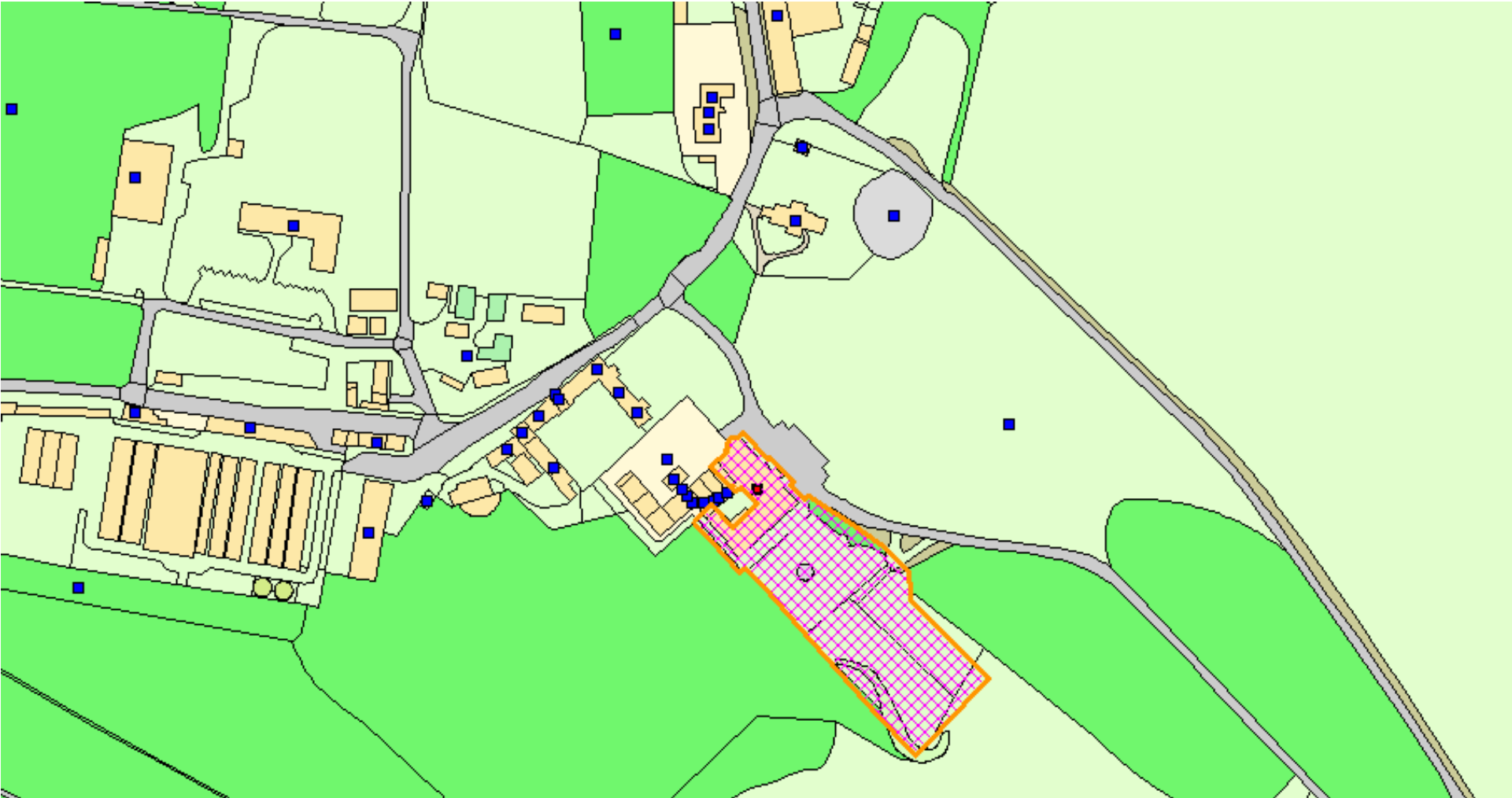
[South Downs National Park Partnership Management Plan 2013](#)

[Brighton and Hove Local Plan 2005:](#)

[Stanmer Park Conservation Area Appraisal and Restoration Plan 2003:](#)

Stanmer Park Conservation Plan (LUC, July 2016):

Agenda Item 11 Report PC19/17 Appendix I Site Location Map



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List of Plans

Recommended list of approved plans for application **SDNP/16/05558/FUL**

Plan type	Reference	Version	Date on plan	Recommended Status
Site Location Plan	16197 200	P2	25.10.16	Approve
Existing and proposed block plans	16197 201	P3	19.1.17	Approve
Marquee: Proposed roof plan and elevations	16197 202	P1	05.1.17	Approve