

Agenda Item: 6.4

07/00692/P

20/02/2007

Heathfield

Application for full planning permission

Agent:

Howard Sharp & Partners LLP
79 Great Peter Street
Westminster
London
SW1P 2EZ

Applicant:

Addington Palace Ltd
Airport House
Purley way
Croydon Surrey
CR0 0XZ

Location: Addington Palace, Gravel Hill, Croydon, CR0 5BB

Description: Retention of temporary marquee

Drawing No(s): AL(0)10

Recommendation: Grant Permission, subject to the prior written conclusion of a Section 106 Agreement within a period of six months from the date of this resolution, or such longer period as may be agreed in writing by the Head of Planning Control

Subject to the following condition(s) and reason(s):-

1. This permission is granted for a limited period expiring on 31st December 2011 when the use shall be discontinued, the structure removed from the site and the ground where the structure is positioned returned to its original condition prior to the marquee having been erected.

Reason: To allow the Local Planning Authority to reconsider the proposal in the light of circumstances existing at the expiry of the limited period

2. Except with the prior written consent of the Local Planning Authority the marquee shall be used only in connection with the main Addington Palace building as a conference and entertainment venue.

Reason: To protect the amenities of adjoining and nearby occupiers and to safeguard the free and safe flow of traffic on the Borough Distributor Road

3. Unless otherwise previously agreed in writing with the Local Planning Authority the marquee shall not be used except:-

- (1) between 0800 hours and 2300 hours on Mondays to Saturdays
- (2) between 0800 hours and 2230 hours on Sundays and Bank Holidays

Reason: To protect the amenities of adjoining occupiers

4. Except with the prior written consent of the Local Planning Authority there shall be no use of fireworks in connection with the functions held at the marquee

Reason: To protect the amenities of adjoining and nearby occupiers

In granting permission the local planning authority had regard to the following policies:-

- . The relevant policies of the Adopted Unitary Development Plan (the Croydon Plan) are SP1-3, UD1-3, UD6-8, UD9, UD11-14, SP4, UC5-6, UC8, UC10, UC11-14, SP5-7, RO1, RO3-4, RO6, RO11, SP8, NC1, NC3-4, EP1, SP14, T2, T3-4, T8, T11 and SP24 and H1.

The development is considered to be satisfactory in relation to the following:-

- . (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the relationship of the development to trees to be retained
- (f) the safety of pedestrians and motorists on the adjacent highway
- (g) the safety and security of buildings and the spaces around them
- (h) accessibility to buildings
- (i) the archaeology policies of the development plan
- (j) the preservation or enhancement of the conservation area
- (k) the character, quality and setting of the Local Area of Special Character
- (l) the setting of the nearby listed building
- (m) the character and appearance of the listed building
- (n) maintaining the open character of the Metropolitan Green Belt
- (o) the open land and outdoor recreation policies of the development plan
- (p) the urban design policies of the development plan
- (q) the nature conservation policies of the development plan
- (r) the environmental protection policies of the development plan
- (s) the hotels and tourism policies of the development plan
- (t) the transport policies of the development plan
- (u) the urban conservation policies of the development plan

and having regard to all other matters raised.

Informative(s) :-

- 1 The applicant's attention is drawn to the Council's Environmental Health requirements in respect of noise emanating from the use of the marquee.

Ward: Heathfield

PLANNING COMMITTEE

Lead Officer: Head of Planning Control

19th June 2007

07/0692/P – ADDINGTON PALACE, GRAVEL HILL, CROYDON

1. SUMMARY

- 1.1 This report concerns an application for full planning permission for the retention, for a temporary period, of the marquee located to the rear of Addington Palace. The marquee is necessary to ensure continuity in the use of Addington Palace as an entertainment venue during the restoration and new phases of development works. These works will ultimately help safeguard the long term future of one of

the Borough's most important Listed Buildings.

- 1.2 An earlier temporary permission has expired, a subsequent application has been refused permission and an enforcement notice seeking the removal of the marquee has been served because works on the restoration of the main building and the other new developments had ceased. An appeal against the enforcement notice is due to be heard at a Hearing scheduled for 3rd July 2007.
- 1.3 A report and renewed recommendation in respect of Phases 2 and 3 of the longer term works to Addington Palace will be presented to Committee shortly.

2. RECOMMENDATION

- 2.1 That temporary planning permission be granted subject to conditions and a legal agreement to ultimately secure the phased removal of the marquee and to ensure that the other phases of the development for the main building progress for the period that the marquee is in place.

3. BACKGROUND

a. Site Description

- 3.1 The declared application site consists of an area immediately to the rear of Addington Palace within the terraced garden. It has an area of approximately 1230 sq.m. The applicant has indicated that the Addington Palace and its forecourt and remaining terraced garden are 'blue land', for which they have a leasehold interest, and therefore these areas are under their control.
- 3.2 Addington Palace is an 18th Century, Grade 11* Listed Building, previously leased to the Royal School of Church Music by this Council between 1953 and 1995. A separate lease has been granted to Addington Palace Golf Club for much of the remaining grounds. In the past ten years the building has been largely restored and the ground floor has been used as a conference and entertainment venue and the basement as a leisure club. The building has a parkland setting, originally designed by Capability Brown much of which now forms part of the Addington Palace Golf Course. Addington Palace is a predominantly three storey building with basement. It has a hard surfaced area used as a car park at the front of the building and lawns to the rear. A large Cedar Tree dominates the terraced rear garden and is protected by Tree Preservation Order 2, 2004.
- 3.3 Gravel Hill (A212) and Kent Gate Way are Borough Distributor Roads, comprising a dual 2-lane carriage way. A pedestrian footbridge previously located to the west of the access to the application site has recently been dismantled. There is a Tralink crossing and stop near the Gravel Hill site entrance.
- 3.4 Residential occupiers to the west, Stable Lodge and the Golf Club share the access onto Gravel Hill with Addington Palace.
- 3.5 Beyond the Addington Palace Golf Course to the north-west, west and south-west lie two storey houses in Bishops Walk, Abbots Green and Gravel Hill respectively.

To the east lies Addington Park and to the south side of the tennis courts, either side of the access drive, lie the golf clubhouse and Stable Lodge.

- 3.6 Levels fall gradually from west to east and continue to fall down through Addington Park towards Kent Gate Way.
- 3.7 The site is within the Metropolitan Green Belt and an Archaeology Priority Zone. It is adjacent to a Nature Conservation Area and close to the Tramlink route. Bishops Walk is a Local Area of Special Character and the Addington Village Conservation Area lies to the east.

b. Historic Recognition

- 3.8 The site, Addington Park and parts of the Golf Course are all included on English Heritage's Register of Parks and Gardens of Historic Interest due largely to the fact that it was designed by Capability Brown. It is one of 1300 such registered gardens nationally. In 1996 Colson Stone were commissioned to prepare a Historic Landscape Survey and Restoration Management Plan for the site. It concluded that the reintroduction of the historic drive would create a more appropriate approach to a building of such importance as Addington Palace. A driveway across a parkland setting is typical of the great houses of England and would greatly enhance the setting of the Palace. English Heritage and the Council's specialist landscape consultants have both stated that the gate lodge sits in isolation, without any meaning or purpose since the original drive was closed. The re-introduction of the drive has the support from both the Garden History Society and English Heritage as it appears to have only closed in recent history, around 1920.
- 3.9 In order to achieve the objectives set out in the Colson Stone Historic Landscape Survey and Restoration Management Plan, which are proposed as part of the other planning application due to be heard shortly, it is necessary to illustrate a little of the history of Addington Palace.
- 3.10 In 1768 the Manor of Addington was purchased by Barlow Trecothick who decided to replace the old medieval house with a more imposing mansion in the centre of what was to become Addington Park. His architect, Robert Mylne, designed a Palladian style house, in Portland stone, having a central square, pedimented, with low single storey wings that terminated in identical pavilions. The setting of the building was designed by Capability Brown who confined his landscaping to the planting of trees.
- 3.11 In 1808 the house and manor were purchased by the See of Canterbury as a country residence for the Archbishops until the end of the century. During this time a variety of alterations were carried out. More substantial reconstruction took place at the end of the 19th Century when the premises were purchased from the Ecclesiastical Commissioners. During the 20th Century Addington Palace was sold again and part of the land converted to Addington Park Golf Course, with the club house in the main building and the remainder converted to a country club.

c. Relevant Planning History

- 3.12 There have been a variety of temporary permissions since the new occupier

leased the premises in 1996. These have included the use of the ground floor of the main building as a conference and entertainment venue (96/0231/P and 98/1475/P) and the lower ground floor as a health club (98/1321/P). Permission (including Listed Building Consent - 99/1566/P) was also granted under 99/1699/P for internal alterations to the first and second floors to provide bedroom accommodation to form a country club (Class C1 - Hotel) and ground floor alterations to provide a restaurant (Class A3 - Food and Drink)(now Class A3 – Restaurants, snack bars and cafes), together with the retention of a canopy and access ramp.

- 3.13 98/1435/P - Listed Building Consent was granted for a disabled persons lift.
- 3.14 01/0392/P - A decision to re-issue a permission for the temporary use of the ground floor as a conference and entertainment venue has not yet been made and is currently outstanding.
- 3.15 01/0497/P (01/0498/LB) - A resolution to grant permission subject to a S106 Agreement was made in March 2002 in respect of the demolition of the former music practice rooms and tennis courts, the use of Addington Palace as a hotel/country club containing 19 bedrooms, alterations, the erection of 2 four storey extensions at the rear, construction of hipped roofs and their conversion into three bedrooms, the erection of gates, formation of an access road from Kent Gate Way, alterations to the access road and alterations to the parking arrangements. The S106 was not completed and so the planning permission has not been issued. A report on this proposal will be submitted shortly.
- 3.16 In terms of the marquee the relevant planning history is:-

98/1442/P - In December 1998 permission was granted for a limited period for the siting of a temporary marquee at the rear of the Addington Palace to be used in connection with the main building as a conference and entertainment venue. This has now expired and the structure was removed. A larger replacement structure was erected without planning permission and is the subject of this current application.

03/0620/P – In March 2007 permission was refused for the retention of the marquee. The grounds of refusal were the harm to the Green Belt, the setting of the Listed Building and neighbouring occupiers. At this stage it seemed that there was no prospect of the other phases of development progressing and works on the restoration of the main building had ceased. Authority was given to issue an enforcement notice to secure the removal of the marquee. The enforcement notice has been served and is the subject of an appeal in July 2007.

d. Proposal

- 3.17 This proposal is for the retention of a marquee having a floor area of 1230 sq.m. It is positioned to the south-east side of Addington Palace in the terraced garden. It comprises "glazing", aluminium cladding and fabric covering.
- 3.18 The applicant states "It [marquee] is essentially enabling development to create an income stream while the repair and maintenance of the main Palace continues." They say "Already £2 million has been invested in the development

fund and the income from the marquee is an essential element in maintaining this finance from the institutions.” The proposed phases of development at Addington Palace are:

- Phase 1 Construction of spa, changing rooms and swimming pool
- Phase 2 North wing to provide additional hotel bedrooms, the construction of the historic drive and landscape works
- Phase 3 Internal works within the main building

3.19 Addington Palace employs 12 full time and 25 part time local staff. In 2006 it accommodated over 70 major events ranging from large wedding receptions to corporate launches, gala dinners and award ceremonies.

3.20 In terms of disabled access there is a side drive around Addington Palace that enables disabled people to approach the marquee on the level and once within the structure its floor is on one level. Disabled toilets are included within the marquee and further toilets are available in the main building via a ramp so that people can move between the marquee and Addington Palace.

3.21 Through the provisions of a legal agreement, the applicant has indicated that they will remove the marquee in its entirety by no later than 31st December 2011 and that 40% of the marquee would be dismantled within 6 months of the first occupation of phase 2 of the development works to Addington Palace. The applicant has prepared an Outline Phasing Programme setting out each of the stages of the proposed works in the context of a timetable.

3.22 The applicant has indicated that the bar within the marquee closes at 11pm and all guests are expected to have left by 12 midnight. On Sundays these hours change to 10.30pm and 11pm respectively. Whilst there is evidence that fireworks have been used at events run from the marquee, and the applicant would prefer the option to allow fireworks to be used in the future, it has been accepted that if necessary there could be a restriction on fireworks except on 5th November. The applicant advises that the marquee has an automatic noise control system that cuts in when noise reach a certain agreed level. In addition there are two hand held noise meters available.

3.23 In terms of the extant enforcement notice the applicant has indicated a preference that this be withdrawn if planning permission for the marquee is granted. The applicant states:

“Once the legal Section 106 Agreement is completed in relation to the marquee and the planning permission has been granted for its retention, the marquee will no longer be unlawful and therefore the Council should withdraw the enforcement notice. This is because the enforcement notice is no longer necessary as the legal position in relation to the marquee will be regularised. The Council will have a legally binding commitment from Addington to remove the marquee as the various phases of the development of the palace progress. In any event, there is a "guillotine date" of 31 December 2011 by which the marquee must be removed in its entirety if Phase 3 of the development has not been occupied by that date.

In any event, if Addington breach a condition of the planning permission or a covenant in the Section 106 Agreement, the Council could not "reactivate" the enforcement notice in relation to those breaches as the enforcement notice would not be relevant to those breaches. If such breaches occurred in future, the Council would need to serve either a breach of condition notice or exercise its enforcement powers under Section 106, depending on the nature of the breach.

In addition, the rationale for the retention of the marquee is that the income received from the marquee is necessary to fund the various phases of the development of Addington Palace. The Council has been informed by the applicant that if the enforcement notice is not withdrawn by the Council, the existence of the notice on the public register will create significant difficulties for Addington in obtaining funding for the development. Whilst the notice remains in place lenders will feel a degree of uncertainty about the ability of the borrower to service the debt. The applicant has informed the council that at least three banks have pulled away from funding the project solely because of the enforcement notice (while they were satisfied with all other financial aspects).

For these reasons, I recommend that the enforcement notice should be withdrawn on the grant of planning permission.”

- 3.24 The applicants have also submitted a Design and Access Statement with the application.

4. PLANNING POLICIES

- 4.1 The relevant policies of the Replacement Unitary Development Plan (the Croydon Plan) are SP1-3, UD1-3, UD6-8, UD9, UD11-14, SP4, UC5-6, UC8, UC10, UC11-14, SP5-7, RO1, RO3-4, RO6, RO11, SP8, NC1, NC3-4, EP1, SP14, T2, T3-4, T8, T11 and SP24 and H1.

5. CONSULTATIONS

- 5.1 The occupiers of 145 adjoining and nearby properties, together with others that have previously shown an interest in the proposals, have been notified. Eight individual replies have been received objecting on the following grounds:

- (a) size and position of the structure is excessive
- (b) noise from the disco, from firework displays and from the use of the site for helicopter landing/taking off
- (c) the appearance of the structure is inappropriate in this location
- (d) harm to views
- (e) effect on the setting of the Listed Building
- (f) out of keeping with the character of the area

One resident has stated that despite the long range view of the marquee they “do not find the view an eyesore”. They hear the music sometimes and see the fireworks and have no objection provided that the music and

fireworks finish at 11pm, or 1am on New Years Eve.

- 5.2 Transport for London (Street Management) have indicated that the proposal is unlikely to affect their road networks and raise no objection.
- 5.3 The Bishop Walk Residents' Association consider that the applicant is making a mockery of the planning laws and of the Council.
- 5.4 The Environment Agency has registered "no comment" on the application.

6. CONSIDERATIONS

6.1 The principal issues to be considered are:

- (1) The use of the marquee for the proposed purposes
- (2) the effect of the development on
 - the Grade II* Listed Building
 - the Metropolitan Green Belt
 - the Historic Garden
- (3) the effect of the development on
 - the character of the area and views of the site
 - the amenities of the occupiers of nearby properties
- (4) the parking and highway implications
- (5) nature conservation and trees

Proposed use of the marquee

- 6.2 The use of the marquee is linked to the main use within Addington Palace as a hotel/country club and entertainment venue. Whilst it is usually expected that such uses would be directed to central locations well served by public transport the intended size of the hotel/country club would be less than 50 bedrooms and would therefore be categorised as a 'small' hotel. In policy terms there are five criteria that should be considered, namely: the scale and intensity of the use proposed; the anticipated demand for car parking; the potential for noise generation from both traffic and activities within the hotel; the likely amount of traffic generated, and cumulative impact. Having regard to the criteria the permissions for entertainment, leisure and hotel/country club use of the size now proposed have been considered to be acceptable.
- 6.3 It follows that a temporary marquee to help support these uses and a more permanent use of the site would be acceptable.

The effect on the Listed Building

- 6.4 PPG15 – Planning and the Historic Environment – Within the document there is a broad encouragement for new uses within Listed Buildings. It states:

“2.18 New uses may often be the key to a building’s or area’s preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life.

- 6.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also applies to the Listed Building status of Addington Palace. It states that in considering whether to grant planning permission for development which affects a Listed Building the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. There are two main aspects to be taken into account when evaluating the effect of the development on the Listed Building. The first is in respect of the proposed use and the second the desirability of the physical works to the Listed Building.
- 6.6 There are no works proposed directly to Addington Palace as a result of the marquee proposal. In terms of its setting Policy UC6 indicates that the Council will preserve the setting of the Listed Building. In looking at the original and proposed uses it is worthy of note that during the 20th Century, at the time the golf course was established, Addington Palace was converted to a country club.
- 6.7 Some of the existing building has already been restored to a very high standard in accordance with earlier permissions and Listed Building Consents. The standard of the work has been acknowledged by English Heritage.
- 6.8 The issue is concluded in paragraphs 6.23 to 6.28 below.

Green Belt

- 6.9 The marquee is ‘inappropriate development’ in the Green Belt. Planning Policy Guidance 2 ‘Green Belts’ states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved, except in very special circumstances. The Guidance continues “Inappropriate development is, by definition harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.10 Officers consider that in the Green Belt context, very special circumstances could exist to grant planning permission for this proposal due to the objectives set out in the Historic Landscape and Restoration Management Plan together with the benefits arising from the long term proposals to secure the future of the Listed Building.
- 6.11 The issue is concluded in paragraphs 6.23 to 6.28 below.

Historic Garden

- 6.12 Addington Palace and Addington Park are on the English Heritage, Register of

Parks and Gardens of Historic Interest. It is one of two in the Borough of Croydon. Policy UC10 of the Replacement UDP states that the Council will protect and enhance the parks and grounds of Addington Palace.

- 6.13 The main development proposals for Addington Palace (described earlier as Phases One, Two and Three) would be consistent with the objectives set out in the Colson Stone Management Plan and have been welcomed by English Heritage and the Garden History Society. Bearing in mind that the marquee is temporary there is no objection to a short term permission to allow for the enhancement of the historical gardens.
- 6.14 The issue is concluded in paragraphs 6.23 to 6.28 below.

The effect on the character of the area

- 6.15 Having regard to its prominent and conspicuous position there is also harm caused to the wider character of the area.
- 6.16 Bearing in mind that the circumstances of the site and the restoration plans are exceptional, the broader issues concerned with the character of the area have to a large extent be dealt with earlier in this report. Addington Palace is a significant distance from the Gravel Hill, Kent Gate Way and Bishops Walk street scenes, although it is closer to the golf course and to Addington Park.

The effect on the amenities of adjoining and nearby occupiers

- 6.17 During the course of its existence there have been a number of complaints from local residents that the use of the marquee has caused disturbance and nuisance.
- 6.18 Bearing in mind the distances between Addington Palace and the nearest residential properties and the Golf Club, and the nature of the proposed use, there would not be significant harm caused to neighbouring occupiers. Previous complaints by residents about noise, primarily from the marquee can be managed through planning conditions, lease arrangements and the legal agreement.

Parking and Highway Implications

- 6.19 Whilst the use of the marquee results in large numbers of people visiting the site, it is difficult to distinguish between those that attend just the marquee, those that attend Addington Palace in connection with the entertainment venue and leisure facility and others associated with golf visiting the grounds generally. Previous use of the marquee has not generated a traffic or parking problem and the applicant has indicated that they work with the Addington Place Golf Club to ensure that parking facilities are shared and that they do not both have major functions on the same day. Furthermore, the applicant has in place a travel plan to help reduce the reliance on cars and therefore minimise vehicle movements to and from the site.

Nature conservation and trees

- 6.20 Parts of the grounds are currently within a Site of Metropolitan Importance for Nature Conservation purposes. Bearing in mind that the marquee has been in existence since 1998, it is not likely to give rise to harm to additional nature conservation interests.
- 6.21 The protected Cedar tree next to the marquee was damaged at the time the structure was erected. There is no sign that there has been any further damage as a result of the use of the marquee. Nevertheless the position of the marquee so close to the tree does detract from its appearance and some long range views of the tree.

Other Matters

- 6.22 Whilst the site lies within an Archaeology Priority Zone, given the temporary nature of the proposal there would be no harm caused to interests of archaeological importance. This issue is considered in more depth in the context of the long term proposals at the site.

Overview

- 6.23 From the above paragraphs it is clear that there are concerns about the harm caused by the marquee to the setting of the Listed Building and Historic Gardens, the open character and appearance of the Green Belt, the protected Cedar tree, the wider character of the area and neighbouring property owners.
- 6.24 Notwithstanding the support for the retention of the temporary marquee its existence has been prolonged because there has been no meaningful progress in recent years on the remainder of the restoration and building works. Phase One of the proposed works was the subject of a Committee resolution in March 2002 but the accompanying legal agreement has not been signed and the planning permission not issued. Recent undertakings by the applicant to progress matters have not been fulfilled. Phases Two and Three have not therefore progressed either. The lack of progress led to enforcement proceedings to secure the removal of the marquee. More recently, the applicant has secured a long term lease for the premises, has prepared a business plan, has drafted the legal agreements designed to progress the works to a timetable and to secure the removal of the marquee in the medium term.
- 6.25 The applicant has indicated that the Phase One works (new swimming pool) would start in January 2008, Phase Two (north wing extension to provide additional bedrooms and historic drive) would start in May 2009 and Phase Three works (the final conversion of the remainder of the interior of the main building) would start in July 2010. All with a view to completion of all works by December 2011. It is at this stage that through the requirements of a legal agreement that the applicant could be committed to the removal of the marquee.
- 6.26 In this context the marquee provides a revenue source essential to help fund the improvements to Addington Palace and these will effectively safeguard the future of the Listed Building and the pave the way for the restoration works to the Historic Gardens. On this basis, given the importance of the Historic

Gardens restoration works and the need generally to find new uses for Listed Buildings, there has previously been an in principle support for the temporary siting of the marquee. An earlier smaller marquee received a temporary planning permission.

- 6.27 Conceivably, the applicant could utilise the temporary permission for the marquee, if granted, keep the structure in place until December 2011 and not then progress the phases of other works to the Historic Gardens and listed Building. Clearly it would be unacceptable to have the marquee in place for another 4 years without the promised benefits being accrued. As such the wording of the legal agreement is critical.
- 6.28 In conclusion, the only circumstances under which a temporary planning permission for the marquee could be granted would be with the assurance that the three phases of other works would be undertaken.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 Whilst the proposals would have some environmental effects as listed above these must be weighed with the benefits arising from a secured use for this Listed Building and the implementation of the Historic Landscape Survey and Restoration Management Plan.

8. EQUALITIES CONSIDERATIONS

- 8.1 The applicant has indicated that there is a side drive around Addington Palace that enables disabled people to approach the marquee on the level and once within the structure its floor is on one level. Disabled toilets are included within the marquee and further toilets are available in the main building via a ramp so that people can move between the marquee and Addington Palace. There are also disabled persons parking spaces nearby.

Case Officer: Andrew Day

Background Documents: Letters from Transport for London and the Environment Agency

Letter from Bishop Walk Residents' Association
Representations from 8 adjoining and nearby residents

Contact Officer: Mr P Mills, Tel: 0208 760 5419.