

<b>Application Number and Registration Date</b>	<b>MO/2019/0484 (Detailed) 14-Mar-2019</b>
<b>Applicant</b>	<b>C/O Mr P Edwards, Longshot (Cherkley Court) Ltd</b>
<b>Case Officer</b>	<b>Sherelle Munnis</b>
<b>Amendments /amplifications</b>	
<b>Committee Date</b>	<b>5 June 2019</b>
<b>Ward(s)</b>	<b>Leatherhead South</b>
<b>Proposal</b>	<b>Construction of a chalk sculpture in the form of a Spitfire to the South east of the entrance to Beaverbrook, Reigate Road, Leatherhead.</b>
<b>Site Description</b>	<b>Cherkley Court, Reigate Road, Leatherhead, Surrey, KT22 8QX</b>

**RECOMMENDATION: Approve subject to conditions**

**Summary**

The application seeks permission for a chalk sculpture of a Spitfire aircraft to be formed near the entrance to the Beaverbrook estate. The sculpture would represent a piece of public art as required under the Section 106 Agreement relating to the hotel and golf course development at the Beaverbrook estate (planning reference MO/2011/1450). It would be visible from Reigate Road and its design is linked to the site's history.

The proposal is considered to be appropriate in terms of its impact on the Green Belt, landscape, ecology, listed buildings and neighbour amenity and satisfies the 'public art' element of the Section 106 Agreement attached to the main permission at the Beaverbrook estate. It has been assessed against the Council's Development Plan policies and national Government Policy and found to be acceptable. Permission is therefore recommended.

## 1. Development Plan

- 1.1. Metropolitan Green Belt
- 1.2. Area of Great Landscape Value

## 2. Relevant Planning History

MO/15/1143	Variation of Condition 3 of approved planning permission MO/2011/1450 for hotel, health club, spa, cookery school 18 hole golf course and associated facilities and works to allow changes to the golf clubhouse, the reconfiguration of the underground maintenance area, and reconfiguration of the forecourt in front of Garden House in accordance with submitted drawings.	Approved 26/02/16
MO/15/1141	Change of use of Upper Lodge to a security office and golfers halfway hut facility with associated internal and external alterations; internal and external alterations to Garden House; removal of greenhouse and relocation of consented plant enclosure/chiller; internal alterations to Garden House Cottage; alterations to Garden House Cottage ancillary buildings; reconfiguration of access footway to Garden House Cottage and provision of a new stepped access footway to the adjacent ancillary buildings.	Approved 30/09/15
MO/15/1140	Conversion of former pigsty attached to Garden House Cottage to additional guest bedroom with associated internal alterations including replacement roof, sash windows and door (application for Listed Building Consent)	Approved 30/09/15
MO/15/1139	Conversion of former pig sty attached to Garden House Cottage to additional guest bedroom	Approved 30/09/15
MO/15/1138	Erection of an orangery on the west elevation of Garden House (application for LBC)	Approved 30/09/15
MO/15/1137	Erection of an orangery to the west elevation of Garden House	Approved 30/09/15
MO/11/1451	Work to Cherkley Court house (listed Grade II) and buildings within its curtilage associated with the application for planning consent. These works comprise alterations to the main house by forming internal openings and construction partitions, insertion of a mezzanine floor in the kitchen in the service wing, installation of a DDA compliant lift. Installation of new services including	Approved 08/05/12

bathrooms, new openings and adaption of existing openings in internal walls. Alterations at roof level to allow for access and escape. Works affecting the setting of the listed building and curtilage buildings include – the creation of the new forecourt and steps to the car park, additions and alterations to the coach house and stable complex, garden house and garden house cottage in association with their conversion to hotel accommodation and ancillary uses, the creation of a new underground indoor swimming pool and spa and the provision of an indoor pool and spa and the provision of an outdoor pool. Painting of the rendered surfaces of the Coach House Complex in an appropriate mineral paint. Works relating to sustainable energy measures are also proposed, including provision of photovoltaic panels to the Coach House and stable block roofs only

MO/11/1450

The use of Cherkley Court and its existing outbuildings as a hotel comprising guest accommodation, health club, spa and cookery school. Provision of additional floor space to accommodate further guest rooms, underground plant and leisure uses, including an outdoor pool. Provision of an 18 hole golf course, practice facilities, clubhouse and maintenance area (underground). Revisions to the existing internal access and servicing arrangements, the creation of an attenuation/irrigation pond and associated hard and soft landscaping. Demolition of existing greenhouses, Garden House garage, Garden House shed and barn

Approved 21/09/12

### **3. Description of Development**

- 3.1. The application site is located at the entrance to the Beaverbrook estate off Reigate Road and forms part of a raised embankment on the northern boundary of the golf course. Due to its elevated position, the site is visible from Reigate Road to the north.



**Figure 1 - Location of proposed chalk sculpture (shown in orange)**

- 3.2. The current application seeks permission for the formation of a chalk sculpture in the shape of a Spitfire airplane on the embankment to the east of the main entrance to the Beaverbrook estate. The sculpture would measure 25.5m in length (from propeller to tail) and 30.25m in width (wing tip to wing tip). Three 'ribbons' would extend outwards from various parts of the aircraft giving the impression of movement.

### Background

- 3.3. The application has been submitted in order to comply with an element of the Section 106 Agreement that accompanied the main planning permission at the Beaverbrook estate (MO/2011/01450) for the formation of the hotel, golf course and cookery school etc. One of the requirements of the Section 106 Agreement was for the applicants to:
- Commission a piece of art to the value of £40,000
  - Provide evidence to the Council that the artwork has been commissioned within 6 months of occupation and
  - Install the artwork within one year of occupation in a location to be agreed with the Council either on or adjacent to the site
- 3.4. The application is for the formation of a chalk sculpture as described above.
- 3.5. The reason for the choice of a Spitfire is due to Lord Beaverbrook – a former owner and resident of Cherkley Court - who was a significant politician during war time. In 1940, Lord Beaverbrook was made Minister of Aircraft Production and then in 1942, Minister of Supply and Minister of War Production. During this time Lord Beaverbrook was responsible for increasing the production of the Spitfire aircraft.
- 3.6. The sculpture when complete would be directly visible in views from outside the site (on Reigate Road) and at the main entrance to the site. The estate owners would ensure the long term visibility of the artwork by maintaining the hedge alongside Reigate Road at a maximum height of 1.5m and relocating 6 trees to nearby locations.

The proposal would therefore meet with the requirements of the S106 Agreement in that it would be capable of being seen and enjoyed by the wider public, not just guests of the Beaverbrook hotel, spa, golf club and cookery school.

- 3.7. The sculpture would be constructed and maintained by the estate's ground staff team. Its outline would be formed using steel edging with the area within protected by a geotextile membrane below a 100mm gravel base overlaid by a 200mm layer of crushed chalk. The surrounding grass would be mown to a length of 100mm to ensure the outline remains clear.
- 3.8. The artwork has been designed by Brian Clarke – an internationally renowned artist who worked closely with the developer at Beaverbrook and has already been commissioned and produced various other pieces of art that has been installed within the new buildings in the estate.
- 3.9. The supporting letter from the applicant dated 11 March advises that the artwork will cost in excess of £40,000 including design fees, materials, construction man hours and professional fees.

#### **4. Consultations**

##### **SCC Highways:**

- 4.1. As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the Highway Authority was not consulted on this application.

##### **Principal Conservation Officer:**

- 4.2. *In the pre-application discussions that have taken place with the applicant the objective has been to select a form of public art that would reflect both the landscape in which it sits and the history of Cherkley Court.*
- 4.3. *The decision to install a chalk sculpture reflects a tradition of chalk figures that goes back hundreds of years and, in one or two cases, possibly thousands of years. There are well-known examples in Dorset, Wiltshire, East Sussex and Oxfordshire. These are counties, like Surrey, with significant areas of chalk downland. The installation of a new chalk sculpture at Cherkley can be seen to be a continuation of this artistic tradition in a county that does not have significant examples of this type of art form despite the prevalence of chalk geology. Most of the existing examples are of human figures or animals. The Cherkley proposal is different in that it is an object, namely a Spitfire.*
- 4.4. *The choice of art form therefore reflects the geology, and therefore, the landscape in which it sits.*
- 4.5. *In terms of the history of the site and the Cherkley estate, the Spitfire image reflects the links with Lord Beaverbrook. The Design and Access Statement describes the links between Beaverbrook, who during the Second World War was Minister of Supply and Minister of War production, and the Spitfire. The image of the Spitfire has been adopted by the operators of the various enterprises using the buildings on the estate and there are, therefore, commercial reasons why the Spitfire image has been chosen. But the iconic shape of the aircraft, the links with Beaverbrook who lived at Cherkley longer than anyone else, and the significance of the aircraft at a critical time in the history of this country makes it a suitable subject for the art work.*

- 4.6. *Brian Clarke, who created the image with its distinctive ribbons, is an internationally renowned artist who has collaborated with the current owners of Cherkley on other projects within the estate. Separately from Cherkley and before his involvement with this art work, he produced a number of works based on the Spitfire. The chalk image reflects this work, albeit in a different medium.*
- 4.7. *In the pre-application discussions, one of the issues was the requirement to fulfil the requirement for the art work to be publically visible. The Design and Access Statement shows the lines of visibility and the steps to be taken to preserve these views through the relocation of trees and the management of hedges. I am satisfied that the brief to ensure the art work is visible has been fulfilled.*
- 4.8. *The art work forms part of the setting of the main house and the lodge, both of which are listed buildings, although it would not be visible from these buildings. I do not consider that the setting of the estate buildings would be compromised by the proposal.*
- 4.9. *The construction management plan indicates that care will be taken to avoid damage to the surrounding grassland flora and that there are arrangements in place to maintain the sculpture.*
- 4.10. *For these reasons I would have no objection to the proposal.*

**Historic Environment Officer:**

- 4.11. No objection

**5. Representations**

- 5.1. None received

**6. Main Planning Policies**

6.1. Government Guidance

NPPF (Feb 2019)

Section 13 – Protection Green Belt Land

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

6.2. Mole Valley Core Strategy

CS13 – Landscape Character

CS14 – Townscape, Urban Design and the Historic

CS15 – Biodiversity and Geological Conservation

6.3. Mole Valley Local Plan

ENV4 – Landscape Character

ENV22 – General Development Control Criteria

ENV23 – Respect for Setting

ENV31 – Art in the Environment

ENV43 – Alterations and Additions to Listed Buildings

**7. Main Planning Issues**

- 7.1. The main issues for consideration are whether the proposed development would (1) conflict with Green Belt policy (2) cause any harm to the landscape character and

ecology of the area (3) whether it would have any impact on the setting of the listed buildings on the Beaverbrook estate and (4) whether there would be any significant harm arising to neighbour amenity

### Impact on Green Belt

- 7.2. The site is located within the Green Belt and Area of Great Landscape Value. A CGI of the proposed art work as seen from the entrance to the Beaverbrook estate is shown in Figure 1.



**Figure 2: CGI of the proposed art work as seen from Reigate Road**

- 7.3. Section 13 of the NPPF is concerned with protection Green Belt land. Paragraph 134 sets out the five purposes of the Green Belt. Paragraph 146 sets out the various forms of development that are not considered to be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 7.4. The artwork would be formed on rising ground on the northern edge of the golf course. This would ensure that it would be visible from Reigate Road and to those people entering the Beaverbrook estate.
- 7.5. The works associated with the formation of the chalk sculpture would represent an engineering operation. Paragraph 146 sub paragraph b) of the NPPF states that engineering operations are not considered to represent inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 7.6. Given that the proposed chalk sculpture is an art form that would be created on existing ground levels, the works would not conflict with any of the five purposes of the Green Belt as set out under paragraph 134 of the NPPF. The sculpture would be flush with the ground and so would have no impact on the openness of the Green Belt. As such, the formation of the chalk sculpture is considered to be appropriate development in the Green Belt and would not therefore conflict with the advice in the NPPF.

### Landscape and Ecology

- 7.7. Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and minimising impacts on biodiversity.
- 7.8. Core Strategy policy CS15 seeks to ensure that all hedges and trees within development site be, as far as practicable, retained. Local Plan policy ENV4 states that development proposals in the countryside should conserve and not detract from the character of the local landscape.
- 7.9. The underlying geology in this part of the District is one of chalk and so a chalk sculpture is considered to be an appropriate choice of artwork. The location of the sculpture is currently mown grass and does not form part of the ecologically managed part of the estate. The formation of a chalk sculpture is therefore considered to reflect both the geology as well as the landscape character of the area and would not give rise to any significant harm to ecology.
- 7.10. The visibility of the artwork in the longer term would be secured by the maintenance of the hedging alongside Reigate Road at a maximum height of 1.5m and the relocation of a number of trees to other locations within the estate. This is referred to in the covering letter and the Design and Access Statement both of which are included in the list of approved documents referred to under Condition 2 below.
- 7.11. The applicants have explained the historic links between the Spitfire aircraft and Lord Beaverbrook – a former owner and resident of the Beaverbrook estate. It is accepted that the historic connection to wartime makes the formation of the Spitfire aircraft sculpture appropriate at this location.
- 7.12. In summary, the sculpture would be formed on an existing area of grass that is regularly mown on the outer edge of the golf course. The site has therefore limited ecological value. A number of nearby trees would be relocated within the site and the hedging alongside Reigate Road would be retained and maintained at a height of no more than 1.5m. The works would not therefore give rise to any significant harm to ecology and so are considered to be compliant with the advice in the NPPF and with Local Plan policy ENV4 and Core Strategy policy CS15.

### Setting of listed buildings

- 7.13. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Policy ENV43 of the Local Plan seeks to ensure that alterations to the setting of a listed building should not detract from its setting.
- 7.14. The artwork would be located a significant distance from the main house and any of the associated listed buildings on the Beaverbrook estate and would not therefore be seen in conjunction with them. Both the Historic Environment Officer and the Principal Conservation Officer have confirmed they have no objection to the proposal on heritage grounds.
- 7.15. As such, it is considered that the formation of the chalk sculpture would not conflict with the aims of policy ENV43 of the Local Plan and the advice set out in the NPPF.



### 7.16. Neighbour Amenity

- 7.17. Local Plan policy ENV22 states that development should not harm the amenities of the occupiers of neighbouring properties.
- 7.18. There are no residential properties in immediate vicinity of the site. The nearest neighbouring dwellings in Tyrells Wood are separated from the site by Reigate Road and intervening woodland to the north. Properties further east, west and south of the site were also notified of the application but no representations were received.
- 7.19. The purpose of the artwork is for it to be visible in public views so that it is capable of being enjoyed by those travelling past the site as well as those entering the site. This will be achieved as part of the proposal.
- 7.20. It is considered that the artwork would not give rise to any harm to the amenity of neighbours and would therefore comply with the aims of Local Plan policy ENV22.

### Conclusion

- 7.21. A piece of public artwork was a requirement of the planning permission for the redevelopment of the Beaverbrook Estate (MO/2011/01450). The proposal seeks to discharge that obligation. The sculpture is large enough to be seen by the public, thus achieving its aim, and is of a design that has direct associated with site's history.
- 7.22. The proposal is an acceptable form of development in this location, has no detrimental impact and complies with the Council's Development Plan and national Government Policy.

## **8. Recommendation**

Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents including the Planning Statement, Design and Access Statement and Construction Management Plan, and plan number(s) Drg No. 1267.S.101 Proposed Spitfire Sculpture Location Plan, Drg No. 1267.S.104 Site Set-Up, Drg No. 1267.S.105 Metal peg details, Drg No. 1267.S.102 Landform Section and Edging detail, Drg No. 1267.S.106 Metal edging schedule, Drg No. 1267.S.107 Proposed view cones from Reigate Road contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.