

## Planning Committee

31 March 2010

**Reference:**  
**APP/10/00214**

**Area Team:**  
**North Team**

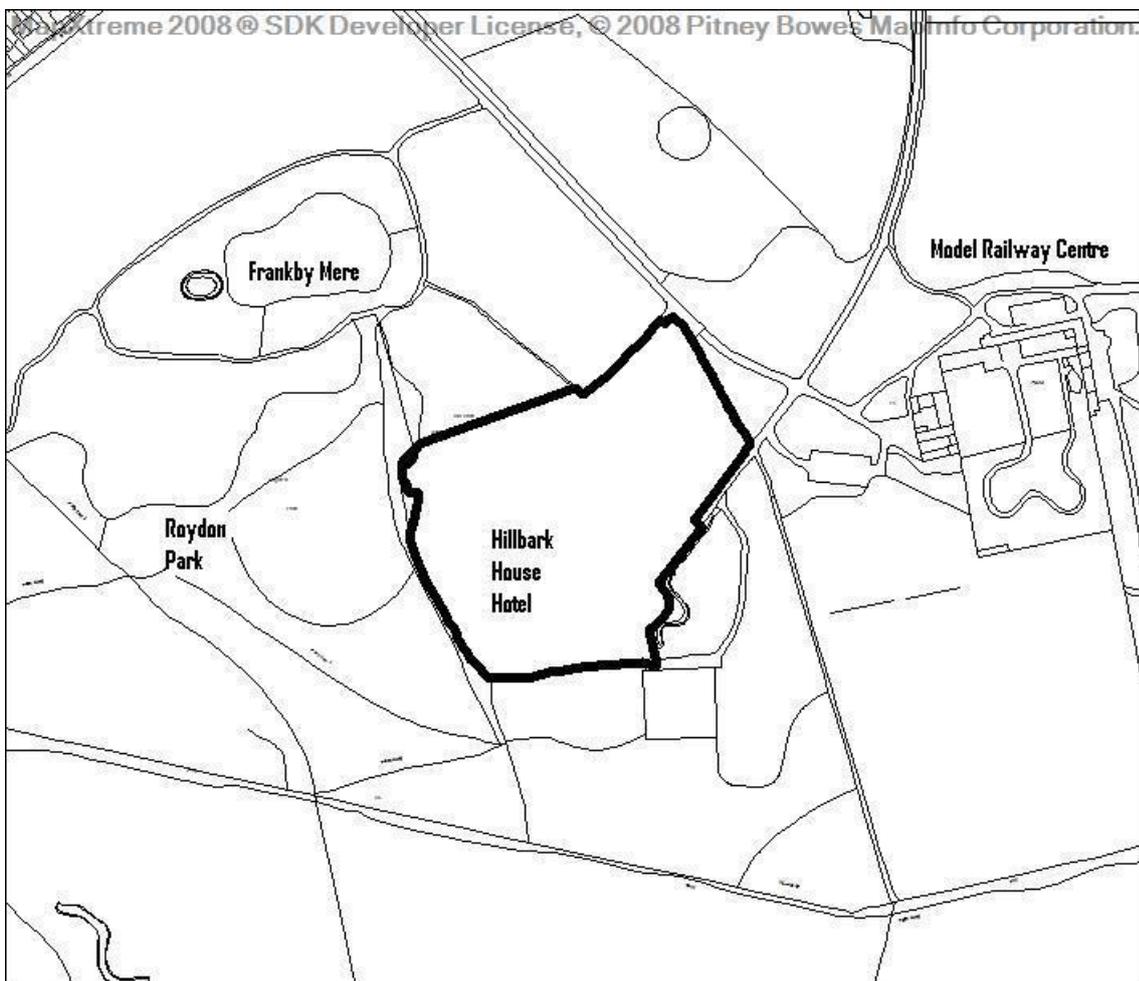
**Case Officer:**  
**Mr M Davies**

**Ward:**  
**Greasby Frankby  
and Irby**

**Location:** Hillbark Hotel, HILL BARK ROAD, FRANKBY, CH48 1NP  
**Proposal:** Erection of a marquee

**Applicant:** Count C Barker  
**Agent :** Paddock Johnson Associates

### Site Plan:



© Crown copyright. All rights reserved. Licence number 100019803. Published 2010.

### Development Plan allocation and policies:

Green Belt  
Site of Biological Importance  
Area of Special Landscape Value  
Countryside Recreation Site

### Planning History:

APP/2005/7749 - Siting of temporary marquee for 12 weeks (max) per year and enclosure of existing bridge link - Refused 01.05.2009

LBC/2005/7750 - Siting of temporary marquee for 12 weeks (max) per year and enclosure of existing bridge link - Refused 01.05.2009

APP/2005/5375 - Addition of marquee and enclosure of existing bridge link - Refused 15.07.2005

LBC/2005/5391 - Addition of marquee and enclosure of existing bridge link - Refused 15.07.2005

APP/2004/5355 - Erection of internal staircase and removal of window to form escape door - Refused 08.04.2004

LBC/2004/5142 - Erection of internal staircase and removal of window to form escape door - Refused 07.04.2004

APP/1997/6440 - Erection of a 3-storey extension to side of existing hotel - Withdrawn

LBC/1996/5044 - change of use from C2 Residential institution to C1 hotel, external and internal alterations and to form hotel facilities - Approved 02.08.1996

APP/1996/5045 - change of use from C2 Residential institution to C1 hotel, external and internal alterations and to form hotel facilities - Approved 02.08.1996

#### **Summary Of Representations and Consultations Received:**

The application was advertised in the local press with a Press Notice and Site Notices were also erected at the site.

#### **Consultations:**

Director of Technical Services (Traffic Management Division) - No objection. The proposal may increase traffic movement on the access of Royden Park with Hillbark Road, however, these times are likely to be outside of peak times and are unlikely to cause a traffic safety issue. Car parking is contained entirely within the site and would not impact on the highway.

Wirral Wildlife - view the application with concern because of its size and the amount of disturbance to wildlife that may entail. Night-time disturbance is of particular concern. Wirral Wildlife would object to the proposal unless any external lighting is kept to a bare minimum (for safety), that noise levels are controlled, that no fireworks are let off at any time and that the number of events & usage of the marquee is restricted to no more than 2 nights per week.

#### **Representations:**

An objection has been received by The Planning Consultancy, instructed by their clients at Thornton Hall Hotel. The objections are as follows:

1. The proposals are inappropriate development in the Green Belt and that as such if permission were granted, then the only basis for such a decision would be that very special circumstances justify that grant of permission;
2. The applications give no indications that alternative uses have been considered or that the property has been marketed at a realistic price reflecting the condition of the place;
3. No evidence has been submitted to suggest that the building is at risk & in fact, it is clear that Hillbark is in generally good condition;
4. The applicants have made it clear that their objectives are not simply to address unspecified maintenance costs but also to enable them to build sufficient funds so as to enable them to construct a permanent banqueting suite in the future;
5. Although the proposed marquee is smaller than the recently refused marquee, with different external detailing and at a slightly increased distance from the main house, fundamentally the scale and appearance of the marquee in relation to the house remains the same;
6. Whilst the applicants have argued that the northern elevation of the house was not designed to be viewed, the house is, of course, no longer where it was originally erected and so whether or not it was originally intended that this elevation was visually important is no longer relevant to its present location

- the proposals also totally ignore the impact on the main south-western elevation of the building in relation to which it would appear as a totally unacceptable, discordant element.

#### **Director's Comments:**

#### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application involves the erection of a marquee within the Green Belt. As such, the proposals constitute a departure from the adopted Unitary Development Plan and therefore need to be considered by the Planning Committee.

#### **INTRODUCTION**

The proposals seek permission for the erection of a marquee on the lawn to the north west of the existing Hillbark House Hotel, which will be linked to the main building via a 10 metres long glazed link. The proposed marquee measures 25 metres in length by 15 metres in width with a maximum ridge height of 5.4 metres (with the eaves height measuring 3 metres). Having regard to the recent Inspector's Decision relating to the previous proposals for a marquee, this application seeks to soften the hard lines and panel rhythms of the refused marquee by substantially dressing the external elevations of the proposed marquee with shaped canvass fabric.

#### **PRINCIPLE OF DEVELOPMENT**

Within the Green Belt there is a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Policy GB2 of the adopted Wirral Unitary Development Plan states that such development shall not damage the visual amenities of the Green Belt by virtue of its siting, materials or design. Development within the Green Belt has long been restricted to that appropriate to a rural as opposed to an urban area. Whilst the range of development that could be considered appropriate is often restrictive, to prevent unnecessary and intrusive development, the latest advice from Government allows for a positive role in providing access to the open countryside for the urban population. PPG2 states that it is for the applicant to show why permission should be granted within the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations. Therefore, it is for the Local Planning Authority to determine whether or not those other considerations put forward by the applicant outweigh the inappropriateness of such development in the Green Belt. In addition to this, the main building is a Grade II\* listed building and as such, these proposals should also be considered for any potential impact on the setting of the listed building and should be considered in light of advice contained within Planning Policy Guidance (PPG) Note 15: Planning and the Historic Environment.

#### **SITE AND SURROUNDINGS**

The existing building and its grounds sit within an extensive area of Green Belt. The application site lies to the immediate north of Hillbark House Hotel. It comprises of a flat area of land formerly laid out as a lawned garden. The main site is accessed through Royden Country Park, which surrounds the site. The park consists of semi-natural and planted woodland, heathland and open parkland, and is used for informal recreation via an extensive network of footpaths, popular with walkers and dog-walkers. Thurstaston Common lies to the south of the site. The site is enclosed to the north and east by woodland, whilst to the west, the site is more open and can be viewed from a public footpath that runs adjacent to this part of the site.

#### **POLICY CONTEXT**

The starting point and main issue in considering this application is the Green Belt. The application seeks planning permission for the use of the land immediately north of the main house for the siting of a marquee which will be used to provide banqueting facilities and cater for such occasions as weddings, birthdays, charitable events and use by third parties for various events. Proposals for development within the Green Belt must be assessed against the overriding principles (contained within UDP Policy GB2) of ensuring that the openness of the Green Belt is maintained. It is the view of the Local Planning Authority that the proposals constitute inappropriate development in the Green Belt and must consider whether the very special circumstances set out by the applicant outweigh the inappropriateness of the development. The applicants have argued that the additional business line created by the marquee would create a vital income stream which is crucial to the applicant's ability to secure the future upkeep of the Grade II\* listed building, which is considered to be one of Wirral's most important heritage assets. The applicants have been asked to set out the reasons why such

events cannot be held within the main building. The single largest (existing) function room within the main building holds in the region of 80 people, and figures have been provided by the applicant which shows that the revenue generated by this means would be insufficient both in terms of the applicants needs and the upkeep of the main house. Supporting documents have also been submitted with the application that demonstrate that in order to make the main house offer more viable, then substantial alterations to the interior would be necessary, including the removal of walls to create bigger spaces, which would result in harm caused to the fabric of this historic building. This in itself is a situation that the local planning authority would not be able to support. The Inspector in his recent decision noted that the operation of the hotel is "modestly profitable" even in lieu of a marquee. However, he also accepted that there was no reason to doubt that all of the profit from the previous marquee had been directed to the repair and maintenance of the original building and that this would also be the case in the future. As with any business, it is reasonable for that business to operate at a profit. However, the applicant has provided information that shows that profit to be moderate and within accepted limits of guidance set out by English Heritage. Further information has been provided to the local planning authority in terms of the initial restoration costs (totalling £1.5 million, in addition to the original purchase price of a little over £1 million) together with details pertaining to year on year maintenance costs for the main building, totalling some £875,000 between 2004 and 2008. The applicant anticipates similar costs in the period applied for and the revenue raised from the use of the marquee will be used to continue the upkeep of the main building and maintenance works. The Inspector queried why the other means by which the desired objective could be achieved, such as borrowing, had not been explored with the previously refused application. The applicant has provided details that shows that the hotel is already subject to existing borrowing and therefore, further borrowing is not a viable option for the hotel.

PPG15: *Planning and the Historic Environment* advises that regular maintenance and repair are key to the preservation of historic buildings. Modest expenditure on repairs keeps a building weathertight, and routine maintenance (especially roof repairs) can prevent much more expensive works becoming necessary at a later date. The PPG continues that "the lifespan of a building may be indefinite provided that timely maintenance and repairs (such as the renewal of roof coverings and other features) are regularly undertaken. The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important in maintaining and preserving the fabric of historic buildings. The applicant has provided details that set out that revenue generated from the use of the marquee will be used to provide maintenance and key repairs to the main building. Policy CH1 of the Wirral UDP requires the local planning authority to have special regard when granting planning permission for proposals that affect the setting of listed buildings, and that such matters for consideration not only ensure that any new development is in keeping with the setting of that building but also relate to the practical considerations related to the effective preservation of the building in the longer term. As the key to the effective preservation of any listed building is keeping them in active use, Policy CH1 provides for instances where changes or alterations proposed are necessary or desirable in order to secure an appropriate and viable long-term use for the building. The local planning authority considers that the revenue from the marquee will provide for the short to medium upkeep of this important heritage asset for the Wirral, but will also allow the applicant the time to achieve the longer term objective of securing a more suitable and permanent solution to the business and long-term viability of Hillbark House.

### **APPEARANCE AND AMENITY ISSUES**

The marquee has been amended from that which was refused by the Planning Committee in 2009 and subsequently dismissed on Appeal. The marquee has been reduced in length by some 5 metres which has allowed for a greater distance from the main house, giving a feeling of separation. The marquee will be linked via a fully glazed link measuring 10metres in length. The Inspector's recent decision stated that the previous 5 metres fabric link had no design merit and formed an inelegant projection from the listed building. The revised glazed link introduces a minimalist & contemporary design which will be less apparent when viewed from a distance, in particular, from the adjacent parkland, giving the impression of a stand-alone structure separated from the main house. The marquee is also proposed to be clad with fabric allowing for the fluidity and softer lines alluded to the Inspector's report which would result in the softer lines of a more traditional tented structure. The insulated panel that will sit behind the fabric and therefore will not be visible from outside of the marquee will allow for noise attenuation as with the earlier proposals for a marquee. Therefore, the applicant has taken considerable steps to ensure the hard lines and panel rhythms of the previous structure have been softened with the dressing of the external facades with canvas fabric drapes.

The main view of the marquee from outside of the site will be from the adjacent parkland which is set at a lower level from the application site. A substantial hedgerow was planted along the south-western perimeter of the site was planted several years which is beginning to now take effect and will further screen the marquee from view as the vegetation takes hold. English Heritage acknowledge that change to a significant building (such as Hillbark House) is inevitable, if only through the passage of time, but that such changes can actually be beneficial or neutral in their effect on heritage values. Their publication on Conservation Principle Policies and Guidance acknowledges that it is the potential of significant places (buildings) to be used and enjoyed that generates value in the market place or to the community. Very few significant buildings can be maintained at either public or entirely private expense, unless they are capable of some beneficial use. This is true in the case of Hillbark House which was turned into a hotel some years ago in order to preserve this heritage asset for the future. Keeping such significant buildings in use is likely to require continual adaptation and change. Owners and managers of such buildings should not be discouraged from adding further layers of potential future interest and value, provided of course, that recognised heritage value is not eroded or compromised in the process. The current proposals allow this significant building to retain its own heritage values whilst securing a programme for future maintenance in the short to medium term through generated revenue from the use of the proposed marquee. The local planning authority considers that the steps taken to amend the application from that previously refused, in terms of the softer fabric dressings, the shorter length and increased separation between the marquee and the main building are acceptable. As outlined above the application is justified on the basis of need, that is to say the need to establish a viable income stream to ensure the main building can be maintained and repaired to a high standard and to provide the funds to build a more suitable, permanent function room capable of accommodating 300/400 people. This would give the hotel the balance to revenue stream to ensure that a profit is made.

In summary then, and as described above, the proposals have been materially altered in response to the Inspector's decision by amending the size, position, scale and materials for the marquee now proposed. The softening effect of canvas drapes will result in the softer and more fluid lines of a more traditional tented marquee, whilst the separation between the main building and the proposed marquee has now been increased from 4.2 metres to just short of 10 metres, giving the impression of a separate building and allowing the north-west elevation to be opened up and more visible. The Inspector also commented upon the link between the marquee and the main building, and the need for such a link. The need is threefold and has been clarified by the applicant in terms of firstly, to gain access through to the main building and the facilities (bedrooms) provided, secondly to provide access to toilet facilities and thirdly, to provide access to and from the kitchens for food service. The link is required to be enclosed for health and safety reasons. The local planning authority accepts the Inspector's arguments that the previous link resulted in an inelegant and pastiche style of development but considers the amended link with fully glazed walls now provides an elegant intervention between the marquee and the main building.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no adverse highway or traffic implications associated with these proposals. The proposals may increase traffic movements on the access from Royden Park from Hillbark Road, however, the use is likely to be outside of peak times and are unlikely to cause a traffic safety issue. Car parking generated by the proposals is unlikely to impact on the highway.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **SECTION 106 AGREEMENT**

The proposals would be subject to a Section 106 Agreement, should Members be minded to approve the application. The Agreement will be signed on the basis that funds will be secured and used to finance essential repairs and maintenance to the main listed building of Hillbark House, thereby

securing the short to medium term future of this important building, whilst allowing the applicants the time to secure a more suitable and permanent solution in the near future.

## **CONCLUSION**

The application constitutes amended proposals to those refused by the Council in May 2009 and subsequently dismissed at Appeal in December 2009. The proposals relate to the need for a banqueting facility for between 300 and 400 people, on the basis that revenue generated from such a facility would ensure essential repairs and maintenance to the main Hillbark House and fund a more suitable, permanent function room in the longer term. The basis for the calculation of size for the marquee is based on approximately 1.2 sq.metres per person - therefore a space for between 300 and 400 people would need to be between 360 sq.metres and 480 sq.metres. The proposed marquee is some 375 sq.metres and would therefore be able to accommodate in the region of 312 people. The size of the existing rooms within the main building provide for a maximum of 90 people - this is in the Great Hall and also using some of the adjacent drawing room. To accommodate the numbers needed to provide the generation of revenue needed for the repair & maintenance of the main building, together with funds for a more suitable and permanent alternative would require the opening up of spaces within the main building, requiring the removal of internal walls and thereby altering the fabric of the main listed building. This is not an option that either the applicant or the local planning authority wishes to pursue as this would have a fundamental impact on the integrity of this important heritage asset. Alternative locations for the marquee have been considered, most notably the south lawn, which is the only other area of flat ground that could accommodate a marquee. However, having considered this option, the local planning authority agrees with the applicant that this solution would in fact be unacceptable as it would adversely impact on long and short views of the main house from the south and south west, making any visual appreciation of the main building unacceptable.

The applicant has provided the local planning authority with detailed information of the costs of maintenance and repairs already accrued since 2004, together with details of the likely future costs for maintenance and essential repairs in the intervening time until a more permanent solution can be agreed with the local authority and built. The long term viability and preservation of this important heritage asset is considered to be a key material consideration in outweighing any short term harm to the Green Belt. The marquee, by nature of its materials, structure and fixing, is not a permanent solution to the hotels long term aspirations and an approval of the proposals would represent a sustainable approach to the long term security of the main buildings long term historic heritage.

The local planning authority is also satisfied that the applicant has considered the Inspector's recent decision with regard to the previous proposals and amended the proposals accordingly. The local planning authority is satisfied that the methods that have been employed to reduce the scale and positioning of the marquee will reduce the potential impact of the marquee from that previously proposed and is also satisfied that reasonable efforts have been made to explore alternative possibilities for the provision of need and accommodation as set out above. The proposed use of canvas fabric to dress the external elevations of the proposed marquee will create softer lines more akin to a traditional tented structure and the temporary nature of the marquee will allow the applicant the time to properly explore the design of a permanent solution in a style that is acceptable in historic interpretations when assessed against the listed building, working closely in partnership with the local planning authority and other key partners.

A Barn Owl Survey has been submitted with the application which has confirmed that there is no sign of any owl activity at the site and it is the considered opinion of the ecological consultant who carried out the survey that the site has not been used by any owl species for a period of at least 12 months and therefore the proposals would have no affect on owl activity in the vicinity. The Inspector in his recent decision also did not consider that the proposals would impact on any wildlife to warrant refusing planning permission on that basis.

Whilst the local planning authority considers there will be an impact on the openness of the Green Belt, it has considered all other factors in relation to the preservation of Hillbark House, which is an important historic asset for the Borough and a significant destination in terms of the Borough's tourism pull, and this together with the temporary nature of the marquee and the financial information provided with the application outweighs in favour of supporting the proposals as presented. This means of a regular source of income to maintain the upkeep of the main building provides the very special circumstances to override normal presumptions against inappropriate development in the Green Belt.

The application is therefore recommended for approval subject to a Section 106 Agreement and conditions.

**Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Whilst the local planning authority considers there will be an impact on the openness of the Green Belt, it has considered all other factors in relation to the preservation of Hillbark House, which is an important historic asset for the Borough and a significant destination in terms of the Borough's tourism pull, and this together with the temporary nature of the marquee and the financial information provided with the application outweighs in favour of supporting the proposals as presented. This means of a regular source of income to maintain the upkeep of the main building provides the very special circumstances to override normal presumptions against inappropriate development in the Green Belt.

**Recommended Decision: Approve**

**Recommended Conditions and Reasons:**

1. This permission shall be for a limited period of 5 years only expiring on 1 April, 2015 when (unless a further application has been submitted to and approved by the Local Planning Authority) use hereby approved shall be discontinued and the marquee and/or works hereby approved shall be removed and the land reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** The building is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its location in the Green Belt and its effect on the visual amenity of the area and having regard to its proximity to a Grade II\* listed building.

2. Within one month of the permission hereby granted, details of a boundary hedge to be planted along the south and south-western perimeters of the site shall be submitted to and approved in writing by the local planning authority. Such details shall include the precise location and species to be used in the hedgerow and the scheme shall be implemented and maintained in accordance with a timescale to be approved in writing with the local planning authority.

**Reason:** In the interests of the visual amenities and character of the area.

3. Before development commences, full details (including material and colour) of the drapes to be used for dressing the external elevations of the proposed marquee shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance of the development having regard to Policy GB2 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By: 31/03/2010 14:32:40**

**Expiry Date: 19/04/2010**