

## Planning Committee

22 April 2010

Reference:  
**APP/10/00214**

Area Team:  
**North Team**

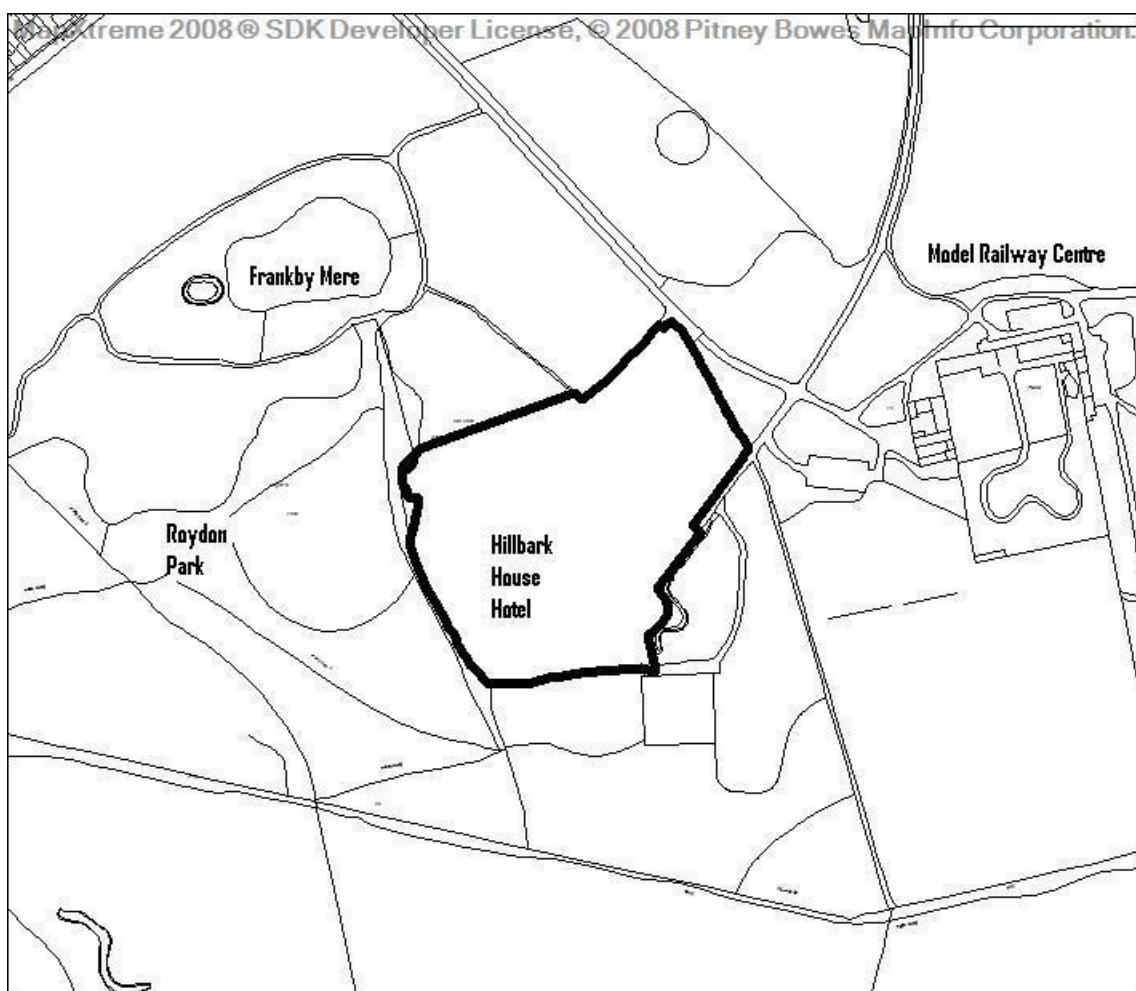
Case Officer:  
**Mr M Davies**

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:



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APP/1997/6440 - Erection of a 3-storey extension to side of existing hotel - Withdrawn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

Wirral Green Belt Council - Object to the proposals due to the intrusion into the Green Belt.

#### **Representations:**

An objection has been received from Mrs McIlhatton of 2 Kirby Park Mansions, Ludlow Drive in West Kirby stating that she understands this application affects a definitive footpath. If this is correct, then no way should it be allowed. Definitive footpaths in Wirral belong to the public of Wirral and as such should be retained at all times for their use. At no stage should they be taken over by someone for private use. Consequently, she strongly objects to this application and hopes it will not receive approval. The same comments apply to application 00215.

An objection has been received from Mr Beazer of 189 Hillbark Road, Frankby stating that the erection of a marquee will cause noise pollution to the neighbourhood of Royden Park. During the summer months of 2009, the entrances and exits to the then existing marquee were left open to increase ventilation. The volume of music being played caused discomfort for ourselves, especially as our windows were open because of the warm weather. We phoned the Hillbark Hotel to ask for the volume to be turned down 11 times between April 25th and 19th September at various times up to 11:40pm. A formal complaint was made to a council officer about noise pollution. We wish to avoid repeating the experience.

Two letters of objection has been received by The Planning Consultancy, instructed by their clients at Thornton Hall Hotel. The objections are summarised 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 in 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.
7. Lack of reference to policy guidance to enabling development as set out by English Heritage;
8. No evidence that the building has been marketed before enabling development is considered;
9. No basis in policy for an approach to enabling development which is not only sufficient to provide for the restoration of the building but which also seeks to provide an income stream to fund future development;
10. Setting of an unwelcome precedent.

Irby, Thurstanston & Pensby Amenity Society wishes to formally object to the proposals on the grounds that:

1. The application constitutes inappropriate development within the Green Belt;
2. The application is not "permitted development;"
3. The application is incompatible with the design of the historic building;
4. Under English Heritage guidelines in respect of Grade II listed buildings, Hillbark House does not appear to be 'at risk' and therefore should be preserved in its current state;
5. No special circumstances exist under current application;
6. The proposed application would be visually damaging to the surrounding area, harmful to the style and outlook of this historic building and would ruin the open aspects of what is a well known structure of historic importance which can be viewed from several directions by visitors to neighbouring parkland as well as visitors to the hotel itself.

Councillor Peter Reisdorf also believes that these applications should be looked at by the Planning Committee bearing in mind the problems for the amenity of local residents when a marquee has been sited at the Hillbark Hotel in the past.

#### **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. It was originally proposed to link the marquee to the main building via a 10 metres long glazed link. Following a site visit by English Heritage and Council Officers on 7 April, 2010 that element of the scheme has now been deleted. Instead, following advice from English Heritage it is proposed to improve and enhance the existing bridge link structure (which has been in place for many years) and this would result in the marquee being a completely separate and stand-alone structure. 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 and its replacement, the recently issued PPS5.

Objections have been raised by a planning consultant representing Thornton Hall. Much of the objection received on behalf of Thornton Hall relate to the lack of justification for enabling development when assessed against the criteria set out by English Heritage in their publication "*Enabling Development and the Conservation of Significant Places*." Reference has also been made by the same objector to an objection by English Heritage to this proposal. This is not the case. English Heritage stated in a letter to the Council on 23 March, 2010 that they were "not necessarily opposed to the principle of siting a suitable structure within the grounds of Hillbark on the understanding that a legal commitment is made by the applicant to the long-term management of the listed building." English Heritage also set out a number of concerns relating to the more permanent elements of the scheme, specifically the proposed glazed link between the main building and the proposed marquee.

English Heritage and the Council consider that the case for the current proposals in terms of enabling development has not been made and that essential information required for considering the application against the criteria set out for enabling development is absent. Both the Council and English Heritage, therefore, have not assessed this proposal as one of enabling development and have assessed the application against the background of inappropriate development within the Green Belt, as highlighted above. Whilst it is agreed that the proposed marquee does not constitute enabling work, the applicant has provided the Council and English Heritage with detailed quotes for the maintenance work as an illustration of likely costs associated with restoration, repair and maintenance of the main house. Officers from the Council and English Heritage also carried out a joint site visit to the application site on 7 April, 2010 and agreed that in fact, the marquee would largely be obscured from view from the adjacent parkland/woodland, although it was noted that it would be more visible from certain vantage points. However, the officer from English Heritage did not feel that this would significantly detract from the setting of the listed building and could be mitigated against with suitable planting proposals.

### **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* advised that regular maintenance and repair are key to the preservation of historic buildings. Modest expenditure on repairs keeps a building weather-tight, 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.

On 23 March, 2010 the Department for Communities and Local Government published the new Planning Policy Statement (PPS) 5: "*Planning for the Historic Environment*." This PPS sets out the Government's objectives relating to our historic environment. Its over-arching objective is one of conserving heritage assets so that they may be enjoyed by this and future generations. In achieving this, decisions concerning the historic environment should take account of the wider social, cultural, economic and environmental benefits of heritage conservation and recognise that managed change may sometimes be necessary if heritage assets are to be maintained for the long term. The PPS advises that in reaching decisions, local planning authorities should seek expert advice in order to understand the significance of any particular heritage asset, and in this instance, the Council has sought the expert advice and opinions of English Heritage, which are set out within the body of this report. When considering applications for development that affects the setting of a heritage asset, local planning authorities must weigh any potential harm caused by proposals against the wider benefits of securing the long-term future of the heritage asset and its inherent needs.

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 proposals for a marquee have been amended from those 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 (approx 10 metres in total), giving a feeling of separation. The marquee will be linked to the main house via the existing bridge link which is to be replaced. The existing structure is dilapidated and in need of significant repair, therefore the new bridge link will be a considerable visual improvement in this part of the grounds. The deletion of the proposed glazed link from the scheme will now give the marquee 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 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.

In addition to the advice and guidance sought by officers from English Heritage with regards to this proposal for a marquee, the advice and guidance from the Council's own Senior Conservation Officer has also been sought. It is his view that tented structures (including marquees) have been part of the life of great houses for centuries and has referenced the use of large tents being part of regattas since the Middle Ages. Whilst primarily concerned with the design and visual appearance of the proposed marquee, conservation officers have also had regard to the need to support a successful hotel business that has and proposes to continue investing significant revenue into the maintenance and upkeep of this exceptional building. In their view, this revenue is necessary to fund critical repairs. Both English Heritage and the Council's own internal Conservation officers consider the use of the decking area at the north-western end of the marquee will assist in 'blurring' the interface between the structure of the marquee, which will be draped in canvass material, and the wider surrounding landscape. It is accepted that whilst the marquee will challenge the architectural unity of this part of a landmark, Grade II\* listed building, conservation officers take the view that there are clear historical

precedents for the use of marquees in grand country houses and that fundamentally, the increase in revenue at the hotel will be put to use in terms of providing much needed funds for the repair and upkeep of this important buildings fabric, most notably the stone slate roof and leadwork. Through a Section 106 Agreement to secure the necessary funding is tied in the maintenance and repairs set out by the applicant in documents and quotes submitted in support of the application and through the imposition of suitably worded conditions with regards to the materials used for the proposed canvass-drapes, additional landscaping and hours of operation, the Conservation officers support the proposals and would recommend that these application be approved.

#### **GREEN BELT & VERY SPECIAL CIRCUMSTANCES**

It has already been set out that the Council does not consider the proposals to constitute 'enabling development' in the terms set out by English Heritage in their document "*Enabling Development and the Conservation of Significant Places*." As outlined above, inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission for such development should be granted. In view of the presumption against inappropriate development, it is Government policy that when considering proposals concerning such development, the main issue is whether the harm to the Green Belt is clearly outweighed by other considerations amounting to very special circumstances. The Council considers, therefore, that the main issue relating to this proposal is whether very special circumstances can be found to which the Council can attach substantial weight in determining this application. 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 the applicant has provided considerable financial documentation which demonstrates that the marquee would give the hotel the balance to revenue stream to ensure that a profit is made to sustain the programme of repairs, upkeep and maintenance. Whilst the applicant has alluded to the need to provide funds to build a more suitable, permanent function room capable of accommodating 300/400 people, the Council has not attached much weight to this as it should be properly considered on its own merits should such proposals be brought forward in the future. A significant programme of repair and restoration works (in addition to those that have already taken place) are proposed for the Hillbark. Information has been prepared and submitted to the Council on behalf of the Hillbark to illustrate works that need to be carried out on the roof alone, but also include works to the timber frame, lead light windows, external painting and timber treatments, lead gutters and rainwater ducts, external fire doors, restoration of internal panelling and the completion of Room 100. These works will be carried out over a phased 5-year period along with other scheduled routine maintenance. Works to the roof alone include the replacement of existing stone slates that have diminished in quality and/or usefulness and the replacement of all lead work forming the flat roof areas, valley flashings etc. The specification for such works has been drawn up by a conservation architect and is estimated to cost in the region of £1.5 million. English Heritage and internal Conservation officers acknowledge that whilst this is a substantial amount of money it is a reasonable estimation bearing in mind the stone slating and leadwork involved. Works to the roof alone is something that both the Council and English Heritage had previously identified with the last application. Works required to the lead lined gutters are estimated to cost between £160,000 and £180,000 whilst repairs to the timber frames are estimated to cost around £120,000. Other costs relating to additional maintenance and repair works have been identified and supported with additional information in the region of £438,000. As Members will note, these costs are substantial but are considered to be a fair representation of the works required, having been viewed on site by Council officers and English Heritage, and supported with considerable financial statements and quotations submitted with the application.

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 to a distance of approximately 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 originally proposed glazed link has now been deleted from the scheme and the existing bridge link will be repaired and significantly enhanced in terms of its visual appearance.

It is proposed that the marquee will be in place for 5 years. Costs associated with its erection and fit-out are substantial and would therefore erode some of the revenue generated from the use of the marquee as outlined above. Furthermore, the quality of the proposed marquee is such that it will provide a truly 5\* facility and elevate the hotel offer at Hillbark which will not only benefit the hotel itself but also the wider tourism offer in Wirral. This is a view that is supported by the Council's own Tourism Team. The location of the hotel and the proposed marquee within the Green Belt is acknowledged. However, the temporary nature of the marquee (albeit for a 5 year period) does go some way to negating the impact of the marquee. Both Council officers and English Heritage officers carried out considerable landscape and visual impact assessments of the proposed marquee whilst on site on 7 April, 2010 and concluded that for the most part the majority of the marquee would not be visible outside of the hotel grounds, most notably from within Royden Park itself. It was noted that the existing boundary hedgerow offered substantial screening and it was also noted that more would be afforded during the summer months when the surround vegetation was in leaf. However, it was also acknowledged that there would be points within the surrounding parkland where more of the proposed marquee would be visible and as such, it is proposed that additional landscaping proposals be conditioned for further approval.

### **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 future of this important landmark building and significant heritage asset for the Borough.

### **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 to generate additional revenue from such a facility which would ensure essential repairs and maintenance to the main Hillbark House. The basis for the calculation of size for the marquee is based on approximately 1.2 sq.metres per person. 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 future costs for maintenance and essential repairs to be carried out through a programme of works over a 5-year phased period. Whilst a more permanent solution has been alluded to by the applicant, this has not been considered as part of this proposal which has been assessed purely on its own merits. Key to the recommendation of approval is the long term viability and preservation of this important heritage asset, which the Council believes sets out the substantial 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 main buildings long term maintenance and upkeep, and 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 also believes 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 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 significantly outweighs in favour of supporting the proposals as presented. This means of a regular source of income over a 5-year period 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 subject to a Section 106 Agreement.**

**Recommended Conditions and Reasons:**

1. This permission shall be for a limited period of 5 years only expiring on 1 May, 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.

4. The marquee hereby approved shall not be open to customers or visitors or used for events outside the hours of 0800 and 0030.

**Reason:** In the interests of residential amenity and to comply with Policy PO3 of the adopted Wirral Unitary Development Plan.

5. No live music, amplified music or live entertainment shall take place within the marquee outside the hours of 0900 and 0000.

**Reason:** To prevent noise and disturbance to nearby residents and to prevent the emission of noise above a level which would be detrimental to the rural amenity of the area and to comply with Policy PO3 of the adopted Wirral Unitary Development Plan.

**Further Notes for Committee:**

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

Expiry Date: 19/04/2010