

Planning Committee

10 August 2010

Reference:
APP/10/00445

Area Team:
South Team

Case Officer:
Mrs S Day

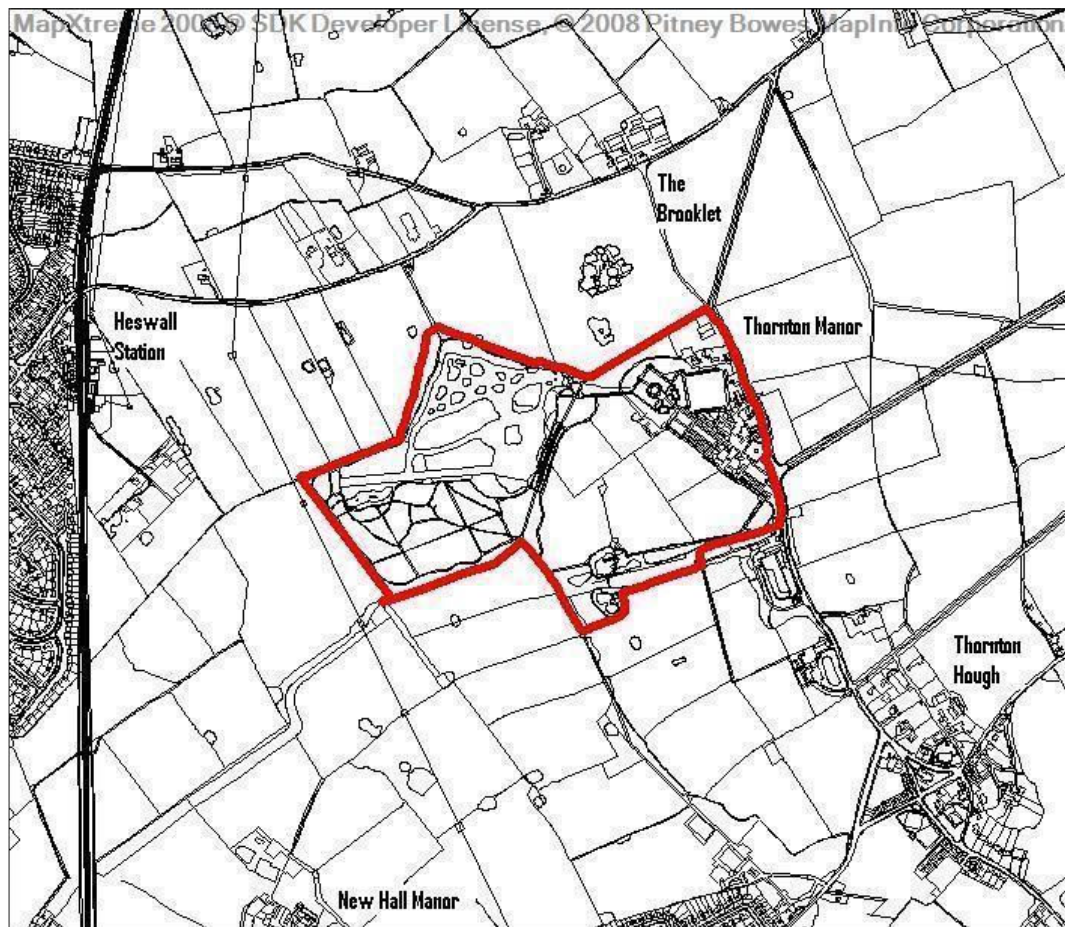
Ward:
Clatterbridge

Location: Thornton Holdings Ltd, Thornton Manor, MANOR ROAD, THORNTON HOUGH, CH63 1JB

Proposal: Proposed erection of three marquees within the Thornton Manor Estate at The Dell, The Walled Garden and at the Lake to be used for private functions and conferences

Applicant: Thornton Manor Holdings
Agent : Edmund Kirby

Site Plan:



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Development Plan allocation and policies:

Site of Biological Importance
Green Belt
Historic Park or Garden
Area of Special Landscape Value

Planning History:

LBC/2001/7262 - Change of Use to hotel and spa – Approved 05.04.2002

APP/2001/7257 - Change of use to hotel and spa – Approved 28.07.2003

LBC/2003/7381- Change of use to form self contained apartments – Refused 20.08.2004

APP/2003/ 7373 – Change of use to form self contained apartments – Refused 20.08.2004

APP/2005/7610 – Change of use of part of dwelling for wedding ceremonies – Approved 01.03.2006

APP/2006/6015 – Change of use of part of gardens to be used for wedding ceremonies - Approved 18.07.2006

APP/2006/6424 – Erection of a marquee - Withdrawn

APP/2007/6599 - Erection of a marquee - Refused 06.07.2009

APP/2007/6642 - Erection of a marquee - Refused 06.07.2009

APP/2007/6600 - Erection of a marquee - Refused 06.07.2009

Summary Of Representations and Consultations Received: CONSULTATIONS

Director of Technical Services (Traffic Management) - No objection subject to conditions

Director of Law, HR and Asset Management (Environmental Protection) No objections subject to conditions relating to noise attenuation.

Wirral Green Belt Council - Object to the proposals which would result in a permanent intrusion in the green belt, creating noise and disturbance. Not justified by very special circumstances.

English Heritage - Cannot accept the proposal as Enabling Development as the whole estate is not taken into account. Support the erection of the marquees to generate income to restore gardens subject to the extinguishment of the extant hotel and spa consent.

Wirral Wildlife - Express concerns over the accuracy of the ecological survey but accept the proposal is an improvement on previous ones. Suggest the use of conditions to mitigate harm to wildlife from noise and lights from fireworks but express concern over their effectiveness given the sites history of unauthorised activity.

Cheshire Gardens Trust - support the restoration of the gardens.

REPRESENTATIONS

The application has been publicised with Site Notices (displayed outside the site and adjacent to the public footpath) and in addition, individual letters have been sent to surrounding properties. Objections have been received from 13 individuals including Cheshire and Wirral Ornithological Society and The Bromborough Society. Two qualifying petitions of objection have also been received.

Objections listed in these representations are on the grounds of:

1. Insufficient difference from previous proposals
2. Detrimental effect on the Green Belt
3. Unauthorised activity has already taken place for some time
4. Harm and disturbance to a site of biological importance
5. Visual intrusion from the Dell marquee
6. Proposal does not constitute very special circumstances
7. Proposal does not pass the test for enabling development
8. Additional traffic will result in noise and pollution particularly late at night
9. Harm to protected species

10. Increase in traffic on quiet country roads will be detrimental to highway safety
11. Financial case is selective and does not justify development
12. Fireworks have been let off outside permitted times.

In addition to the above objections 889 individual letters of support have been received. Whilst a number of these are from within the locality, the vast majority appear to be from further afield and from outside of the Borough, mainly from people who have attended functions in the marquees. Five qualifying petitions of support have also been submitted stating the following:

1. Proposals will attract tourism and income to the Wirral and will create jobs
2. Nice location
3. Generation of income to restore gardens is welcomed
4. Proposal supports conservation
5. Proposals are not noisy

Director's Comments:

This application was deferred from Planning Committee on 21 July, 2010 for a Committee Site Visit by Members.

REASON FOR REFERRAL TO PLANNING COMMITTEE

The proposal constitutes inappropriate development within the Green Belt. It is a major application which has petitions of opposition and support.

INTRODUCTION

The current proposal is for the erection of three marquees to be located at three sites within the grounds of Thornton Manor. A similar proposal was previously considered and refused as three separate applications for individual marquees. The current proposal is for marquees in similar locations at the Dell, The Lakeside and in the walled Garden. The marquees are of differing sizes, with the smallest marquee of 360m² at the Dell, 720m² at the Lakeside and the largest at 1950m² in the walled garden. Permission for the marquees is being sought by the applicant for a period of 25 years. The applicant has set out why it is considered necessary to have the marquees in situ for so long, which is essentially to ensure sufficient funding for the restoration and maintenance of the lake, lakeside and woodland landscape which form part of the Grade II* Registered Park and Garden. The lakeside Marquee is currently erected without planning consent and is the subject of an enforcement notice. This notice has been appealed and a hearing is scheduled for October 19th.

PRINCIPLE OF DEVELOPMENT

The proposal constitutes inappropriate development, which is unacceptable in the Green Belt unless very special circumstances can be demonstrated that would outweigh any harm caused

SITE AND SURROUNDINGS

Thornton Manor is a grade II* listed building set in a grade II* registered park and garden. The grounds includes lakes, wooded areas and a site of biological importance. The entire site is located within the green belt and an area of special landscape value. A public footpath cuts across the north western part of the site adjacent to the Lake

POLICY CONTEXT

Any proposals within the grounds of Thornton Manor must be assessed against national and local green belt, landscape and conservation policies. The most significant weight must be given to the proposals relationship with green belt policies contained in PPG2 and the Councils own policy GB2. In addition, the recent appeal decision relating to the enforcement appeal for the lakeside marquee is material to the determination of this application. Within the green belt, commercial development, which does not preserve the openness of the green belt, is considered to be inappropriate development which is contrary to green belt policy. Inappropriate development can in some circumstances be acceptable if it can be demonstrated that very special circumstances exist which would override the normal presumption against inappropriate development. Even within the Green Belt, the planning system allows some flexibility to consider proposals which may safeguard the future of an important building or landscape. This assessment must also weigh the benefits in relation to harm caused to the green belt.

National and local conservation policies generally support proposals which promote the significance and enhancement of historic assets and are of a scale which is appropriate to retain their character. In considering the proposals for marquees, their impact on the setting of the listed building and registered gardens is important as well as the impact from increased use and activity.

The application has been submitted as an enabling development, which would generate an income stream for funding the restoration of the registered landscape. The supporting information includes a programme of landscape works and detailed cost estimates and income projections contained in a business plan. The information has been submitted to satisfy English Heritage's Enabling Development policy. However, English Heritage do not accept that the proposals constitute enabling development because the proposals relate only to the gardens and do not look at the estate as a whole. The applicant has submitted a further letter reiterating their case but this has not changed the view of English Heritage. It should be noted that a previous application for the marquees which was submitted as enabling development to provide funding for the upkeep of the Manor was also rejected by English Heritage as the Manor was not deemed to be at risk. The justification for the marquees then became the restoration and upkeep of the registered gardens. However, notwithstanding their view on enabling development, English Heritage do generally support the provision of marquees as a device for funding the restoration of the gardens and no longer take the view that the structures will be obtrusive. This support is however conditional to the revocation of the extant consent for a hotel and spa and a legal agreement to tie income to restoration. In the absence of an enabling argument, the proposed planning gain to the improvement of the gardens could be considered as very special circumstances if a sufficiently robust financial case is put forward.

The business plan and financial evidence has been considered by The Director of Finance who has advised on its accuracy. Following on from this advice, the local planning authority believes that the financial case put forward by the applicant in support of this application fails for two reasons:

1. The applicant has now submitted additional confidential information which indicates that the Manor is not operating at sufficient profit to support the restoration of the gardens. The applicant however still declines to revoke the extant hotel and spa consent and as such it is not known if the works to the gardens could be achieved through use of a potential income stream from the hotel and spa consent.
2. Secondly an assessment of the financial information put forward indicates that there is insufficient information to form an accurate assessment of the income or costs.

APPEARANCE AND AMENITY ISSUES

The visual impact of the marquee on the openness of the green belt and the area of Landscape value must also be considered. All three marquees are located some distance from Thornton Manor and the formal registered gardens however, they are within the registered park and woodland and the marquee at the Dell it is partially visible from the public footpath. The materials proposed are particularly obtrusive and the design of the marquees are bland and utilitarian, however as they have limited visual impact from outside the site, the visual harm is limited.

The Inspector in her consideration of this issue at the lakeside enforcement appeal, did not consider the proposal sufficiently obtrusive to warrant a refusal on this basis. In addition English Heritage no longer object to any of the marquees on this basis. The applicant, as part of landscape proposals, has indicated that mature planting could take place at the site of the Dell marquee and its car parking area. This will increase the screening at this point. It is considered that the noise from use of the marquees could be adequately controlled through noise attenuation within the structures and limits on the frequency and hours of functions.

SEPARATION DISTANCES

Separation distances do not apply in this instance due to distance to nearest dwellings.

HIGHWAY/TRAFFIC IMPLICATIONS

The applicant has submitted an updated transport assessment. Whilst the figures attending functions seems a conservative estimate, this would not result in traffic management or highway safety concerns and the proposal could be acceptable with conditions to safeguard directional signage and internal road widening to allow coach access and turning.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Marquee at the lakeside is adjacent to a site of Biological importance, which in particular refers to an established Heronry. Policy NC5 states that development, which affects such habitats will only be permitted where the LPA is satisfied that the continued ecological viability of the habitat can be safeguarded by means of appropriate conditions/legal agreement. The applicant submitted an updated ecological report which addresses the issue of the Heronry and bats. It is considered that conditions could be imposed which would limit the use of fireworks and lighting to mitigate the impact of the development on wildlife. The proposed landscape works will on the one hand improve the landscape which has been neglected but may also make sensitive areas more accessible and could have a greater impact on wildlife than currently exists.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed development constitutes inappropriate development which is by definition harmful to the openness of the green belt. The lack of visual impact from outside the site does not reduce the harm which occurs as a result of the proposed marquees and parking areas. The proposal would result in three large structures in the green belt for a period of up to 25 years and it is the considered view of the local planning authority that the proposals are not accompanied by sufficient very special circumstances which would justify approval and outweigh the harm to the green belt. This is supported by the Director of Finance's assessment that the financial arguments presented with the application also do not provide sufficient detail or information that would support a recommendation of approval. The proposal is therefore contrary to PPG 2 Green belts and Wirral Unitary Development Plan Policy GB2.

Recommended Decision: Refuse

Recommended Conditions and Reasons:

1. The proposed development would constitute inappropriate development in the green belt and is unaccompanied by very special circumstances which could justify an approval. The proposal is therefore contrary to PPG2 Green Belts and Wirral Unitary Development Plan Policy GB2.

Further Notes for Committee:

Last Comments By: 04/06/2010 16:13:04

Expiry Date: 16/07/2010