



Report to the Secretary of State for the Environment, Transport and the Regions

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TOWN AND COUNTRY PLANNING ACT 1990

STAFFORD BOROUGH COUNCIL

TRENTHAM LEISURE LIMITED

Inquiry opened on 11 January 2000

Land at Trentham Gardens, Trentham, Staffordshire

File Refs: APP/D3450/V/99/000046,
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Land at Trentham Gardens, Trentham, Staffordshire

- The application is made under section 62 of the Town and Country Planning Act 1990.
- The application is made by Trentham Leisure Limited to Stafford Borough Council.
- The application (ref: 35257) is dated 22 August 1997.
- The application is for leisure and retail development, as set out in Section 2.c and Appendix A of this report.
- The application was called in for decision by the Secretary of State by a direction made under section 77 of the 1990 Act on 23 July 1999.
- The reason given for making the direction was because the Secretary of State considers the proposal raises important issues in relation to national planning policy on the Green Belt, retail development, transport, nature conservation and tourism and leisure.
- On the information available at the time of making the direction the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:-
 - (a) the impact of the proposals on the Green Belt in relation to Planning Policy Guidance Note 2 (PPG2) and whether or not very special circumstances exist;
 - (b) the sustainability of the location for retail development, and whether or not it meets the criteria for out-of-centre sites set out in PPG6;
 - (c) the accessibility of the site, and any traffic impact on the surrounding road network with reference to PPG13;
 - (d) the environmental issues arising from the proposed development, in particular the impact on the historic gardens and the Site of Special Scientific Interest, in relation to PPG9 and PPG15, taking account of the Environmental Impact Assessment already undertaken;
 - (e) any issues arising from planning policy on recreation and tourism development with reference to PPG17 and PPG21; and
 - (f) any other issues which the Inspector considers relevant to the determination of the application.
- The inquiry sat for 25 days on 11-14, 18-19, 25-28 January 2000; 1-3 February 2000; and 5-8, 12-15, 19-21, 26 September 2000.

Summary of Recommendation: The application be approved.

1. PRELIMINARIES

1.a The Application

1.1 The application on 22 August 1997 was for outline planning permission, with all detailed matters reserved for later approval. The wording of the application and the specific nature of the proposals, as well as various modifications subsequently made or requested by the Applicant, are set out in Section 2.c and Appendix A. During the course of the inquiry the Applicant also asked that siting and means of access be dealt with at this stage as part of the application. The Summary of Recommendation set out above is based on this modified form of application and the modified proposals (Docs GEN/9, CD/A/1-33).

1.b The Inquiry

1.2 An objection was made during the early stages of the inquiry based on the appropriateness of the outline form of application and the adequacy of the environmental assessment, with reference to the case of *R v Rochdale MBC ex parte Tew* (Docs 134-135, 214-218). Having heard relevant evidence, I decided that for proper assessment to be made of the proposals and their environmental effects, additional material was needed to supplement the documents comprising the environmental statement (Docs 2, 37, 57, 66, 74, 117, 122).

- 1.3 A formal requirement for further information was therefore made pursuant to Regulation 21 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (Doc GEN/7). This necessitated a lengthy adjournment of the inquiry, during which the proposals were developed and advertisements and consultations were carried out, including an exhibition on the site at Trentham Gardens (Docs CD/A/25-33, CD/J). At the request of local residents, an evening session of the inquiry was later held at Trentham Gardens and was well attended (Docs GEN/2, 258).

1.c The Report

- 1.4 The remainder of this report contains:- background information, with a description of the site and its surroundings and factual statements regarding the proposals, relevant policies and planning history; the gist of the submissions made at the inquiry and in written representations; followed by my conclusions and recommendation. Lists of appearances and inquiry documents are appended.

2. BACKGROUND INFORMATION

2.a The Application Site and its Surroundings

- 2.1 The application site extends over some 285 ha of land comprising much of the Trentham Gardens estate and is located in the northern part of the Stafford BC administrative area, on the south-western edge of the Potteries conurbation (Docs CD/F/3, 5, 8). The north-east boundary of the site is close to the urban developed area of Stoke-on-Trent and is less than 7 km from the centre of Hanley and 6 km from the centre of Newcastle-under-Lyme.
- 2.2 The site is bounded to the east by the A34 trunk road and beyond that a golf course and the residential area of Trentham. To the west there are fields and the M6 motorway. Adjacent to part of the northern boundary is Trentham Park golf course and the residential area of Park Drive and Whitmore Road. To the south there are fields and the village of Tittensor.
- 2.3 The principal points of vehicular access into the site which are currently in use are via Park Drive from the north and via the A34 from Ash Green roundabout into the north-eastern part of the site. There are other vehicular accesses from the A34 which are not now in use. There are also several pedestrian access points around the estate, with a statutory footpath route through the northern part of the site and another just inside the northern boundary.
- 2.4 The site itself comprises an historic parkland which includes mature woodlands to the west and south, historic buildings and structures mainly in the northern part, a large central lake occupying some 34 ha, formal gardens between the remains of the former hall and the lake and various associated leisure facilities. The River Trent runs through the site from north to south, close to the eastern bank of the lake.
- 2.5 The site lies wholly within the North Staffordshire Green Belt and is affected by several formal designations (Doc CD/F/3). It comprises much of the Trentham Conservation Area and much of an area that is included in Grade 2* in the English Heritage register of parks and gardens of special historic interest (Doc CD/E). Twenty structures are listed in Grade 2 or 2* as buildings of special architectural or historic interest. These are mainly in the northern part, with the exception of lodges and the Sutherland monument, situated towards the southern boundary. Most of the site also lies within a defined Special Landscape Area and is affected by a number of tree preservation orders. The King's Wood and Fernybank area, lying between the lake and the M6, is a designated Site of Special Scientific Interest. The statutory footpaths crosses the site from the Park Drive area towards the M6.

- 2.6 The more detailed characteristics of the site may conveniently be described by reference to the Applicant's inquiry master plan, which divides the site into 6 areas, and a plan showing existing uses and activities, which is accompanied by photographs (Doc 5).

Area 1 – Hall and Pleasure Ground

- 2.7 The bulk of this area is located at the northern end of the lake and overlaps the lake for a short distance on its western side and for most of its length, alongside the River Trent, to the east. The area includes the site of the former Trentham Hall and its remaining associated buildings, which include the grand entrance, orangery, sculpture gallery, dairy building and former stable block. Immediately to the north of the hall site is the Grade 2* listed church of St Mary and All Saints. Although in effect enclosed by the application site, the church and its immediate surroundings are not part of the site.
- 2.8 The church is in use and appears to be in good order, but the nearby historic buildings within the application site show signs of neglect over many years. However, at the time of my inspections, measures were being taken to seek to prevent further deterioration. Some of the buildings are in limited use, but most are unoccupied. The formal Italian gardens, between the site of the hall and the lake, are also in need of attention and there is evidence of vandalism.
- 2.9 On the western side of Area 1 is a large, comparatively modern shed-like structure known as the exhibition hall, and nearby entrance buildings to the caravan park and the former zoo and amusement park. Within the strip alongside the eastern shore of the lake is a group of boathouse buildings and an area used to obtain access to the lake by water skiers.

Area 2 – East of the River Trent

- 2.10 This area extends between the River Trent and the A34 and includes the mainly 2-storeyed Grand Hall. It is a 1930s building with later extensions and also incorporates part of an earlier structure. It includes a ballroom and other facilities and has large adjoining parking areas. It is approached via the main site access off the A34 Ash Green roundabout. To the north of this is Longton Brook, a former garden centre, estate buildings and cottages, including the listed "children's cottage" and a currently unused length of Park Drive which meets the A34 next to the Poacher's Cottage restaurant and tavern.
- 2.11 To the south of the existing main access is a bowling green, pitch and put course, golf driving range and extensive partly hard-surfaced parking areas. There are areas of long-established tree and shrub planting, with considerable growth in the vicinity of the river and with more scattered growth along the boundary with the A34. In the southern part of the area there are meadows and wetland habitat.

Area 3 – Trentham Park

- 2.12 Area 3 is located to the west of the site of the former Trentham Hall, south of Trentham Park Golf Course. It extends from the area of the hall and pleasure ground up to the M6, which in this part is in cutting. Area 3 includes a sizeable caravan park and its associated buildings and infrastructure, which includes access roads and a large number of hardstandings. The area comprises heathland but is well-treed in parts and includes conifer plantations and long established specimens as well as more recent natural growth. A former quarry appears somewhat bare. This part of the site is traversed by 2 public footpaths which, as I saw during my inspection, are well used for recreational purposes by local people, especially by those walking dogs. Barriers have recently been introduced in several places to seek to deter unauthorised entry by motor-cyclists.

Area 4 – West Woodland

- 2.13 To the south of the park area and west of the lake there are extensive areas of woodland and steeply rising ground. These divide roughly into 3 broad bands parallel to the lake, separated by driveways. There is a band of diverse growth along the shores of the lake, then a central band of mainly conifer plantation and natural growth and then the broad belt of Kings Wood and Fernybank which comprises the SSSI. The SSSI contains ancient semi-natural woodland with a high forest structure and considerable mature timber and dead wood, which supports a variety of beetles as well as moths and breeding birds (Doc CD/A/23). There is some encroachment of alien growth, such as rhododendron.

Area 5 – South Park

- 2.14 This area at the southern end of the site includes the steep slopes of Monument Wood, with the Sutherland monument at its summit and the listed monument lodges at the access point into the Fernybank area. There are fields to the south and to the east, extending up to the A34, with a wetland area at the end of the lake. For the most part, the area retains a rural parkland character. There are a number of mature trees along the boundary with the A34, and on the opposite side of the trunk road in this part is a commercial garage and a line of residential properties.

Area 6 – Trentham Lake

- 2.15 The lake is an impressive feature in the landscape, extending for about 1.4 km in length. It connects with the River Trent via a weir at its southern end. There are several islands which support herons and other wildlife and serve as points of interest in views from around the estate. Current uses of the lake include fishing, mainly at the southern end, and water skiing, mainly in the northern part.

Activities on the Site Generally

- 2.16 The estate is a visitor attraction and continues to be used for a variety of purposes. The Grand Hall provides restaurants and licensed bars and its uses include activities such as exhibitions, functions, conferences, weddings, shows and competitions. The estate as a whole accommodates a range of leisure and recreational facilities including car boot sales, the caravan park, bowling green, pitch and put course and golf shop and driving range. As well as angling and motorised water sports on and around the lake, activities within the wider estate include clay pigeon shooting, off-road driving events and major outdoor events including country fairs, the Potteries' marathon and a hot air balloon festival.

2.b Brief Relevant History of the Site

- 2.17 The site has been the nucleus of an estate since at least the C11, when a royal manor and church were recorded and subsequently an Augustinian priory (Doc CD/A/4a). By the late C16, Trentham Hall was at the centre of a thriving estate. The "old hall" was recast in the early C17 and a series of walled gardens and orchards laid out. Formal gardens were established by the early C18 and the hall was rebuilt as the focus of a series of rides and avenues. During the latter half of the C18 the landscape of the park was reshaped under the direction of Lancelot "Capability" Brown, including the creation of the lake. In the first half of the C19, the hall was restructured by the Duke of Sutherland under the direction of Sir Charles Barry, the monument to the 1st Duke was erected and the Italian gardens were laid out, together with experimental kitchen gardens. By the middle of the C19, Trentham was considered to be one of the most celebrated and influential gardens in the country (Doc CD/A/4b).

- 2.18 During the late C19 the estate went into decline, due partly to problems of pollution of the river and lake caused by the effluent from the industrial towns upstream. The hall was offered to the County Council and to Stoke-on-Trent to use for public benefit, but the offers were declined. In 1907 the Sutherland family left Trentham and in 1911 the hall was demolished, with its materials being sold for use by other contractors (Doc 13).
- 2.19 The pollution difficulties were subsequently overcome and the grounds were opened to the public. In 1931 Trentham Gardens Limited was established and the Grand Hall was built, incorporating part of a Barry designed screen wall, followed by a swimming pool complex on the south-western side of the lake (demolished in 1985). The M6 was constructed in 1970, truncating the western side of the estate, and the exhibition hall was erected in the mid-1970s, followed by the opening of the caravan park.
- 2.20 In 1979 the estate was sold by the Trustees of the 4th Duke of Sutherland to John Broome, already actively involved at Alton Towers, for development into a leisure park (Doc CD/A/4b). Outline planning permission was granted in 1982 for a leisure, conference and exhibition development on land comprising the current application site and land and property to the north (Docs 81, 123). The permission was not implemented, although the service buildings to the north of the site have now been restored under later consents.
- 2.21 In 1984 the estate was purchased by the National Coal Board, due to possible subsidence problems caused by deep drift mining beneath the site. Full planning permission was granted for hotel development adjacent to the Grand Hall ballroom in 1986, but was not implemented. Over the next 10 years or so, permissions included the extension of caravan activity and renewal of consent for a Sunday market (Docs 157, 158). The land was put on the market by British Coal and acquired by the Applicant in 1996, subject to a restrictive covenant imposed at the time of British Coal's acquisition which, amongst other matters, prevented use as a theme park so as to safeguard the interests of Alton Towers (Doc 4).

2.c The Proposals

- 2.22 It was stated on the planning application form, dated 22 August 1997, that the "proposed scheme includes tourist/ leisure shopping/ hotel facilities/ holiday lodges/ garden centre/ model working farm/ restoration of classical buildings & Italian gardens/ monkey park/ expansion of existing facilities/ restaurants/ public houses/ leisure & exhibition buildings & enhancement of caravan park (Doc CD/A/1).
- 2.23 The application was modified prior to consideration by the Council, including omission of the model working farm (Docs CD/A/16, CD/A/19, CD/A/22). At the time of the Council's resolution on 4 June 1999 and at the opening of the inquiry the proposals were as described by the Applicant in Section 1 of Appendix A to this report. They were shown on illustrative master plan TREN12/PL001, revision "A", and supported by other documents, including:- summary report, planning study, landscape and ecological appraisals, tourism/ leisure/retail appraisal, traffic impact and noise assessment, archaeological evaluation, junction capacity analysis and public transport report (Docs CD/A/1-21).
- 2.24 Additional material provided prior to the opening of the inquiry included a further detailed ecological assessment, with mitigation proposals and a management plan, and a transport statement as agreed by the Applicant, Staffordshire County Council, Stoke-on-Trent City Council and the Highways Agency (Docs CD/A/23-24). At the outset of the inquiry, an indicative coloured inquiry master plan was submitted as a more convenient version of the original master plan (Doc 5). The further information in relation to the environmental statement, first advertised in June 1998, was advertised from 21 January 2000 (Doc 74).

The Proposals as Considered by the Council and at the Opening of the Inquiry

- 2.25 For convenience the proposals, set out more fully in Appendix A Section 1, may briefly be described in terms of the various parts of the site previously identified and as marked on the indicative inquiry master plan (Doc 5). The more detailed aspects of the scheme are also explained further in Section 3 of the report, the Case for the Applicant. The proposals as considered by the Council and at the start of the inquiry were as follows.
- 2.26 *Area 1:* A 4 star hotel, with associated facilities and car parking, would be built on the site of the hall and would include restoration and use of the adjacent listed buildings. A new pool complex would be built within the existing courtyard. Vehicular access to the hotel would be via Park Drive. The hotel would face the Italian gardens, which would be restored as a paid visitor attraction. The exhibition hall and other buildings to the west would be removed and the land reinstated as gardens. The boathouse buildings on the eastern side of the lake would be replaced by a new boathouse restaurant, to be approached via a footbridge over the river and, for limited use only, via the drive along the east bank of the lake from a new access junction with the A34 in the southern part of the site.
- 2.27 *Area 2:* The Grand Hall would be demolished, except for the Barry screen wall, and would be replaced by an outdoor pursuits/sports retail building of some 6,038 sq m with associated car parking and an access from an improved A34 Ash Green roundabout. The cottages and other listed buildings to the north would be retained and restored. A family hotel and restaurant would be provided close to the A34 access and a group of "premium brand" retail units would extend to the south, set amongst the trees. These units would provide a total floor area of 7,433 sq m, with restrictions on their sizes and would be limited to non-food retail sales by traders who were either manufacturers, brand owners or designers. At the southern end of the units would be a garden centre of 2,323 sq m. Car parking would be provided between the retail units and the A34, with a coach park next to the garden centre. Further to the south would be a vineyard and winery building.
- 2.28 A visitor information centre would be incorporated together with facilities such as a special interest museum and there would be restaurant/café/bar facilities on the site with a total floor area of 2,787 sq m. The total retail area (in Areas 1 & 2) would be 18,580 sq m, with provision for about 2,500 car parking spaces and for secure bicycle parking.
- 2.29 *Area 3:* The caravan park and its associated buildings and infrastructure would be removed and the area would be reinstated as parkland, with improved public pedestrian access.
- 2.30 *Area 4:* Holiday lodges would be provided within the band of diverse growth along the shore of the lake at its southern end. North-west of these, a monkey park enclosure of about 20 ha would be created within the Fernybank part of the SSSI to accommodate a colony of Barbary Macaque monkeys as a paid visitor attraction. Walks would be provided and ancient rides reinstated in the remainder of the woodland.
- 2.31 *Area 5:* The monument lodges would be restored and used as the management and reception centre for the monkey woodland. An existing fishing lodge would be replaced with a new fishing centre and shop and an additional fishing area would be formed at the southern end of the lake. Parking areas would be provided for these facilities, with access via new entrance lodges and a driveway from a new roundabout to be created on the A34. The northern part of the area next to the river would be restored and managed as wetlands.
- 2.32 *Area 6:* Motorised sports would be removed from the lake and it would be used for improved fishing, sailing and rowing and a waterbus would provide access around the site.

Modifications to the Proposals

- 2.33 As stated in Appendix A Sections 2 & 3, the requirement during the inquiry to supplement the submitted information comprising the environmental statement led to provision of additional material and some modifications, with particular regard to the proposed 4 star hotel, the outdoor pursuits/sports retail building, the premium brand retail units and garden centre, the family hotel, the holiday lodges, boathouse restaurant, overall car and coach parking provision and landscape planting (Docs GEN/7, CD/A/25-31).
- 2.34 Much of this more specific information was shown on plan TLL/INQMP/PHJ/B/09, which comprised an updated version of the coloured inquiry master plan and was not marked illustrative. The proposed siting of retail and leisure facilities and parking in the area east of the Trent was shown at a larger scale on plan PHJ/B/10 (Doc CD/A/28). As discussed during the earlier part of the inquiry, the Applicant asked that siting of most elements and means of access be dealt with as part of the application, rather than as reserved matters, with the new master plan and PHJ/B/10 being read together with the other relevant submitted documents, including the agreed transport statement (Docs CD/A/25, CD/A/26, CD/A/31). These matters were widely advertised and no serious objection was raised in principle to the modifications or to the change in the form of the application.
- 2.35 In *Area 1*, the additional information included a number of potential designs, with one worked up in some detail to demonstrate the feasibility of providing a hotel with about 100 bedrooms based on the footprint, size and massing of the former hall, with associated spa and pool accommodation to the rear. Hotel parking only would be provided with access from Park Drive, and additional staff and spa parking would be located on the eastern side of the area with an access across the river from the A34 (CD/A/27, CD/A/28).
- 2.36 In *Area 2*, the sports retail building would be re-sited so that its smaller dimension would face towards the restored Italian gardens and its service yard would be placed at the north-east corner of the building. Some 480 hard-surfaced parking spaces would be provided to the south and east of the building with a further 153 informal spaces to the north, in addition to the 60 or so spaces for the hotel staff and spa. It is proposed that the sizes of the individual premium brand units be adjusted, but that their total overall floor area remain the same. The visitor information centre would occupy one of the units. Some 1000 hard-surfaced parking spaces would be provided with a further 440 informal overflow spaces. There would be a rolled stone/gravelled parking area for 100 coaches in a screened location south of the garden centre. The size of the family hotel would be reduced to 80 bedrooms (from the 120 previously envisaged) with 65 parking spaces. In total, with the winery, there would be an overall car parking provision of some 2,300 (from the 2,500 previously indicated).
- 2.37 In *Area 4*, no more than 75 holiday lodges would be provided within the defined zone and the specific location of each lodge would be fixed by guidelines, taking account of the need to retain existing trees (Doc CD/A/29). A parking area would be provided, not far from a reception building. The monkey park would extend over 11 ha, with its perimeter fence in general alignment with that shown on the master plan.
- 2.38 Further modifications were made to the proposals, also during the inquiry adjournment, to take account of the grant of planning permission by the Stoke-on-Trent City Council for development including a factory outlet centre at Tunstall (Doc CD/A/32). These further modifications related mainly to a proposed constraint on sales within the premium brand retail units so as to seek to afford reasonable safeguards for the Tunstall development as well as other nearby town centres.

The Modified Plans

- 2.39 The inquiry master plan TLL/INQMP/PHJ/B/09 was modified by revision "A", to take account of adjustments to the monkey park boundary and to the proposed southern roundabout, and revision "B" to take account of adjustments to the siting of the 4 star hotel (Docs 85, 94). Plan PHJ/B/10 was modified by revision "A" to add a key and amend colours (Doc CD/A/33). It is these plans, together with Mr Blissett's TLL/DB7, plans of the lower ground floor and ground floor of the proposed hotel (Doc CD/A/27), which the Applicant wishes to comprise the application in respect of "siting"; and plans Halcrow KW/8507/014 & 017/B, the Strongford and Ash Green roundabouts respectively (Doc CD/A/24) in respect of "means of access".

Section 106 Obligations and Conditions

- 2.40 The Applicant provided a signed Section 106 unilateral undertaking dated 14 September 2000 (Doc 101). Briefly, this sets out constraints for a certain period on the type of goods that may be sold from the premium brand retail units, the sports retail unit and the garden centre; provides that the sports retail unit will be occupied by a single operator; and limits the size of premium brand units that may be formed by amalgamations. Particular reference is made to the Tunstall development and, on the basis of the document in preparation, Norcross Estates Ltd and H & R Johnson Tiles Ltd decided on 12 September 2000 not to continue with their objection at the inquiry (Doc 195).
- 2.41 A completed Section 106 agreement was also provided, dated 26 September 2000 and signed by the Applicant, Barclays Bank, Stafford BC and Staffordshire CC (Doc 116). This makes provision for:- preparation and implementation of public transportation and green travel plans; improvement of Walton roundabout at Stone; phasing of the small retail (premium brand retail) units related to the construction of the 4 star hotel and to construction of the Castle Walk shopping centre scheme in Newcastle-under-Lyme; and constraints on goods to be sold from the premium brand retail units in similar terms to the undertaking. The agreement also provides for:- the preparation, agreement by the Council (in consultation with English Heritage), and implementation of a restoration and management plan; makes similar provisions in respect of a woodland and ecological conservation management plan; requires the cessation of certain activities on the land; and imposes constraints on disposal of the land by the owner.
- 2.42 The Council asked that if planning permission were to be granted it should be subject to some 47 conditions, as agreed with the Applicant (Doc 131). Briefly, these aimed to:- define the permission, ensure highway safety, provide for pedestrians and cyclists, safeguard town centres, safeguard the heritage asset, ensure proper archaeological investigation, protect the ecology of the site and the SSSI, maintain watercourses, protect against flooding, prevent pollution, protect sewers and mains, maintain holiday use of the lodges and ensure appropriate siting, co-ordinate the various elements, prevent disturbance from construction work and ensure temporary uses and activities would not be detrimental to the site and its restoration. Draft conditions 2 & 9, set out in Section 4 of Appendix A to this report, define the built elements of the proposals as agreed at the end of the inquiry

- 2.43 Comments made by other parties are dealt with as part of their Cases or representations.

2.d Development Plan and Other Policy Considerations

- 2.44 The statutory development plan for the area comprises the Staffordshire Structure Plan 1986-2001, adopted 13 March 1991, and Stafford Borough Local Plan 2001, adopted 20 October 1998 (Docs CD/F/1, CD/F/3). Reference was also made to the draft Staffordshire

and Stoke-on-Trent Structure Plan 1996-2011 (Docs CD/F/2, 144, 154), as well as to relevant national and regional guidance (Docs CD/F/4-18). The following lists of policies generally follow the Plan order.

Staffordshire Structure Plan 1986-2001

- 2.45 Policies referred to include:- 18-21 which aim to secure large scale retail development in urban areas but not in the Green Belt; 30-33, 35, 36 encouraging tourist attractions which reflect the character and special features of their location, promote public transport links, are compatible with landscape, wildlife and heritage features and meet other criteria; 38 supporting use of historic buildings for suitable employment creating activities; 46-48 which require adequate car parking and seek to improve the operation of the road network; 69, 70A which seek to safeguard the Green Belt; 80, 83 allowing conversion of rural buildings for tourism and other suitable uses and aiming to conserve trees and woodland; 84-87 protecting ancient woodland, habitats, rivers and watercourses; 89-91 aiming to safeguard archaeological interests; 92-94 protecting listed buildings and their settings; 95, 97 which set criteria for new buildings; 103A-105 seeking to protect historic landscapes and conservation areas; 106, 107, 109 promoting sport, recreation and improved public access in the countryside; and 111, 113, 115 which encourage use of country parks, footpaths, bridleways and cyclepaths and appropriate use of water areas and rivers.

Stafford Borough Local Plan 2001

- 2.46 Attention was drawn to the Introduction and its references to environment and ecological issues, reducing the need to travel, and need to protect, conserve and enhance the Green Belt, sites of nature conservation value, historic buildings and the physical environment; and to Policy INT 1 which encourages planning obligations in appropriate circumstances.
- 2.47 Other policies referred to include:- E&D1-2 seeking to ensure developments respect their settings, landscape and historic features; E&D5 setting out noise attenuation requirements; E&D7, E&D9 which set criteria for development in the countryside and aim to prevent prominent buildings; E&D10-11 providing safeguards and setting criteria for re-use of buildings in the Green Belt ; E&D17 setting criteria for re-use of rural buildings; E&D18-19, E&D23-25 aiming to protect conservation areas and listed buildings; E&D28, E&D30 which seek to protect the landscape; E&D32 regarding development in Special Landscape Areas; E&D33-34 concerned with archaeological remains and ensuring proper evaluation; E&D35 which aims to safeguard historic parks and gardens; E&D36, E&D38, E&D40 concerned with nature conservation, sites of national importance and mitigation measures; E&D42-43 aiming to protect trees subject to preservation orders and in conservation areas; E&D45 seeking to safeguard ancient woodland; E&D47-49 which aim to secure good landscaping; E&D50 concerned with flooding; and E&D52 concerned with development and safeguarding the ecological interests of water-based environments.
- 2.48 There were also references to policies:- SHO1 which reflects the importance of locating shopping primarily in Stafford and Stone town centres; SHO14 setting out criteria for durable goods retailing on retail warehouse parks or elsewhere; SHO16 requiring well designed retail development; RLT4-5 aiming to ensure that recreation, tourism and leisure development in the countryside is acceptable and that ancillary development is associated with the main recreational use; RLT8 seeking to ensure water based recreation does not harm ecological interests; RLT11 which protects areas of high scenic value; RLT13 which encourages appropriate tourist and visitor attractions related to local heritage; RLT 14 setting criteria for the location of hotels and guest houses, normally in Stafford or Stone or residential areas in selected settlements; RLT17 setting criteria for the location of

holiday chalets and static caravans; (RLT19, RLT20 see below); MV3 aiming to ensure adequate provision for the movement of pedestrians, the less mobile and cyclists; MV10 which seeks to avoid harm to the highway network; and MV12 which applies parking requirements outside town and settlement centres.

- 2.49 Particular attention was given to Section 6.8 of the Local Plan and to Policies RLT19 and RLT20 which relate specifically to the Trentham Estate.
- 2.50 Policy RLT19 relates to the estate as a whole and is concerned with accommodating new development. The policy states that the estate is identified as a recreation, leisure, tourism, and visitor attraction. It advises that in assessing proposals against set criteria a balance of advantage is expected to be demonstrated. The criteria are concerned with conservation of the historic buildings, gardens, landscape and natural environment; enhancement of recreation/leisure facilities; impact on the highway network; Green Belt considerations; economic benefits; and consistency with other policies of the Plan.
- 2.51 Policy RLT20 is concerned with the northern part of the estate, defined on the Inset Map and referred to during the inquiry as the northern core. This area includes the former hall site and its immediate surrounds, amusement buildings, Italian gardens, former garden centre, Grand Hall/ballroom and surrounds, the bowling green, the car park immediately to the south and the area west of this up to the lake. Within this defined area, subject to RLT19 criteria, RLT20 allows for development and appropriate infilling to accommodate uses comprising outdoor sport and recreation, indoor leisure and entertainment facilities, hotel-conference centre, exhibition facilities, heritage/recreation/craft related retailing, garden centre, and visitor facilities.

Draft Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

- 2.52 The following references are to the Plan as it is proposed to be modified, deposit copy dated August 2000 (Doc 154). Relevant provisions referred to include:- Paragraph 4.18 and Policies D5A&B regarding the Green Belt and the exceptional circumstances where boundary redefinitions and development may be considered; E11A, E11B which support tourist attractions, subject to certain criteria and possible ameliorative measures in the case of major attractions; NC2, NC5, NC7B, NC7C, NC8, NC11, NC13-19 which provide safeguards in respect of the landscape, habitats and species, sites of nature conservation importance, trees and woodlands, archaeological interests, historic parks and gardens, listed buildings and conservation areas; TC3B referring to need and a sequential approach to shopping proposals; R1, R2A, R3, R4 concerned with criteria for recreation and leisure developments, intensive recreation, facilities in the countryside and public access land.

National Planning Policy and Other Guidance

- 2.53 National and strategic guidance referred to includes:- PPG1, PPG2, PPG6, PPG7, PPG9, PPG13 (and draft PPG13), PPG15, PPG16, PPG17, PPG21, RPG11. References were also made to Ministerial statements including those dated 5 November 1998 and 11 February 1999 by Mr Caborn; to the White Paper "A New Deal for Transport: Better for Everyone" July 1998; and to English Heritage's policy statement "Enabling Development and the Conservation of Heritage Assets" (Docs CD/F/4-18).
- 2.54 Other documents referred to include:- Provisional Local Transport Plans for Staffordshire and for Stoke-on-Trent, 1999 (Docs CD/F/19-20); Stoke-on-Trent development briefs for Unity House, 1999, and City Centre East and West Precincts, 1998 (Docs CD/F/21-22); City Centre West Land Use Strategy 1998 (Doc CD/F/23); and Action 2000-2003, a Stoke-on-Trent City Centre Business Plan (Doc CD/F/24).

3. THE CASE FOR THE APPLICANT

The material points are:

3.a Introduction

- 3.1 This is an application of considerable complexity (Docs 3, 115). The Secretary of State requires to be informed on 5 separate issues and the Inspector added further topics at the pre-inquiry meeting (Docs GEN/5, GEN/6). Matters referred to by the Inspector included those concerned with:- need in relation to restoration costs; consequences of refusing the development in whole or in part; sites elsewhere for all or parts of the development and potential benefits; public footpaths and rights of access; traffic, noise and other possible local impacts; and the duties in respect of the conservation area and listed buildings.
- 3.2 During the course of the inquiry, changes occurred in the employment position in North Staffordshire, including major job losses in the traditional ceramic and steel industries and at other major local employers such as Michelin (Docs 3, 7, 32-34). Such is the level of concern in central government that a task force has been set up to arrest the local decline (Doc 138). Early meetings of the task force have identified the need to change the traditional image and public perception of the area and to raise the profile of North Staffordshire. Tourism is seen as playing a role in that process.
- 3.3 Because of the complexity of the application and the multiplicity of inter-related issues, the approach to the proposals must be on the basis of benefits against disadvantages. Strong contrary views have been expressed in respect of most issues, but the worthiness of the aim and the value for the area and the nation of restoring Trentham Gardens and its parkland to its former splendour have not been disputed.
- 3.4 The planning application consists of a package of measures whereby this universally acclaimed end result can be achieved. The application represents an holistic approach to a problem that can only be approached in a comprehensive manner and for which an answer must be found not only to provide initial capital for restoration but also income to ensure continuing maintenance.
- 3.5 Great weight should be placed on the support which has been given to the scheme from those who have a special interest in it and fulfil duties in assessing applications of this nature, namely Stafford Borough Council, Staffordshire County Council and the statutory consultees English Heritage and English Nature (Docs 31, 133, 161, 170, 246).
- 3.6 It should also be noted that the main opposition at the inquiry comes from other developers whose commercial interests might be affected (Docs 172-194, 206, 226, 229-233). They express concern for the well-being of town centres, but the local authorities responsible for the areas in which those town centres are located do not share this degree of concern. The City of Stoke-on-Trent and Newcastle-under-Lyme welcome the intended restoration of Trentham Gardens and do not object to the proposals, subject to certain safeguards which would be met (Docs CD/G, CD/I, CD/J, 3).
- 3.7 St. Modwen Properties plc, who are managing the development proposals on behalf of the Applicant, are very experienced in fields relevant to the situation at Trentham Gardens, including considerable experience and investment in the area (Docs 4, 96). They own 75% of Trentham Leisure, with Mr Willi Reitz as backer of British Coal Management owning the other 25%. The Applicant company is committed to delivering a scheme of the highest quality that would give a major boost to the hard-pressed North-Staffordshire economy.

3.b The Development Plan

- 3.8 The case of *Houghton v Secretary of State and Bromley LBC* establishes that even within the Green Belt the first question to be asked is not whether the development is appropriate or inappropriate but what is the relevant provision in the development plan (Docs 31, 42). This is especially important in this application because of the provisions of the Stafford Borough Local Plan (SBLP) Policies RLT 19 & RLT20 (Doc CD/F/3).
- 3.9 Great weight should be accorded to Policies RLT19 & RLT20 and the relevant supporting text which represent the Council's statement of intent to achieve change for the better at Trentham Gardens (Doc 31). Important principles emerge from the text:- (i) the area is expected to be the subject of major recreation, tourism and leisure development; (ii) although of sub-regional significance, the site requires upgrading and improvement, and has a potential for a wide range of leisure uses; (iii) the SBLP expects a comprehensive development strategy which also addresses the issues of conservation of the historic built and natural environment; (iv) in assessing proposals against the RLT19 criteria the LPA expects a balance of advantage to be demonstrated; (v) although the site is not allocated as a major developed site in the Green Belt under Policies E&D12-13, it enjoys greater development opportunities and is not restricted to either infilling or redevelopment as are the sites designated under E&D12-13; (vi) within the northern core of the site, as defined on the Inset Map there is a presumption in favour of development, for uses including hotel, retailing related to heritage/recreation/craft, garden centre, and visitor facilities.
- 3.10 It should be noted that the SBLP does not require removal of:- the caravans or the areas allowed for their storage; inappropriate activities such as clay pigeon shooting, scrambling, 4x4 vehicles; or the exhibition hall, fun fair, etc (Docs 5, 158). All these benefits would accrue from the application as part of its comprehensive development strategy and would be secured through conditions and the Section 106 agreement (Docs 116, 131). These are material considerations in the Section 54(A) sense and assist in achieving the overall objective of the SBLP.
- 3.11 Also, the Local Plan Inspector, in deciding to agree with the objection lodged by the Coal Board and to recommend inclusion of the policies to provide for development in a defined northern core area, did not have the necessary information to judge what extent or type of development would be necessary fully to restore and maintain the built and natural environment (Doc 78). That evidence is now available and is a material consideration.
- 3.12 A further shortcoming in the SBLP is the blanket approach to the northern core area. Not only is there no mechanism for the removal of obviously harmful development, but no distinction is drawn as to the differences within the northern core which do exist in terms of sensitivity to additional development (Docs CD/A/4a, CD/A/4b, 9-11).
- 3.13 In respect of the principles referred to above, not only does the SBLP expect development within the Green Belt but it clearly expects that development to be a major tourist and leisure destination. There must therefore be travel implications. The Applicant proposes to prepare and implement a green travel plan and public transport plan and is committed to this in the Section 106 agreement (Docs CD/A/24, 116). This means that the development would apply traffic management and control measures which would not be available in the event that permission were refused and the existing activities on site continued.
- 3.14 It should also be noted, in the context of the SBLP support for leisure development at the site, that leisure development is a key town centre use as indicated in PPG6 paragraph 2.18. Also, the location accords with PPG6 paragraph 2.2 and the draft Structure Plan

Policies E11A and R2A, read with paragraphs 6.36 and 11.5 respectively. Support is also derived from draft Structure Plan Policies R3 & R4 (Doc 154).

- 3.15 It is also important to bear in mind the commitment to tourism (for instance SBLP Policy RLT13) when considering PPG13 and PPG6 guidance and aspirations to reduce the length and number of journeys. Clearly many and long journeys are regarded as desirable in this case, and the planning issue is to minimise reliance on private motor vehicles to make the journeys. The green travel and public transport plans would help to achieve this.
- 3.16 As to the principle of a comprehensive development strategy and balance of advantage, the proposed development clearly meets this requirement. There is no legal duty to provide a financial justification for enabling development, as made clear by *R v West Dorset D.C. ex parte Searle* (Doc 43). However, in this case the evidence identifies the cost of the restoration works, the cost of their future maintenance, and the means by which these capital sums could be provided through the development proposed (Docs 9, 12, 27-30). This level of detail was not available to the Local Plan Inspector; had it been, he may have reviewed the area of the northern core. In any event the "trade off" of abandoned uses in the west balances the encroachment beyond the northern core in the east.
- 3.17 It is unfortunate that the Georgian Group in objecting to the proposals do not assess the financial consequence of the product they seek. There was no detailed financial material at the application stage so the complaint in "Rescued or Ruined" had some justification (Doc 186). However, the Georgian Group do not properly address the financial consideration and nor do they suggest an alternative method of achieving the same end.
- 3.18 As regards the individual parts of the proposals and compliance with the SBLP, the hotels comply since both are within the northern core. The garden centre complies with the SBLP commitment to provision of the facility but does not comply in terms of its location outside the northern core. The outdoor pursuits/sports retail building complies, in that it provides recreational related retailing. By condition and agreement it would be restricted to a sole occupier. It is intended that this would be "Decathlon", a company with unusual trading characteristics which are consistent with recreation related retailing (Doc CD/C/3).
- 3.19 The small retail units would include A3 uses, comprising visitor facilities. The other small retail units would be controlled by the Section 106 agreement, unilateral obligation and conditions to ensure they were closely allied to heritage and craft retailing (Docs 36, 89, 101, 116). Some units would lie outside the northern core. The lodges, monkey park, vineyard and boathouse restaurant would also be outside the northern core but they are all constituent parts of the scheme for comprehensive development and are consistent with the plan's aspiration for the estate to be a tourist/leisure/recreation destination.
- 3.20 Other development plan policies are considered at appropriate points later. Nevertheless, it is clear that there is substantial compliance with the means identified in the SBLP to regenerate Trentham Gardens. In so far as the proposals do not comply, it must be stressed again that the end result aspired to by the SBLP was not costed or evaluated in the plan preparation process. The Applicant has done so and although the evidence has been criticised, no alternative evidence has been provided.
- 3.21 The proposals are substantially in conformity with the objectives of relevant policies of the development plan, including those such as SBLP Policy MV10 which are concerned with highways and transportation. In particular, the heritage and tourism aspects of the scheme support and further the aims of the plan, as do the landscaping and ecological proposals in respect of the raft of environmental protection provisions (Docs CD/A/2, 24, 31).

3.c . PPG2, Green Belt

- 3.22 As regards other Green Belt considerations, as already discussed "appropriateness" is of secondary importance to the relevant provisions of the development plan. There are, however, other important considerations. Even within the northern core, Policy RLT19 requires an assessment to be made of the extent to which new development would have an effect on the purposes and objectives of Green Belt policy, always bearing in mind that a balance of advantage is expected.
- 3.23 The purposes of including land in the Green Belt are set out in PPG2 paragraph 1.5. As regards unrestricted sprawl, this is an out of town location. Sprawl would not occur and it would in any event not be unrestricted because of the control exercised by Policies RLT19 and RLT20. The question of neighbouring towns merging is not relevant. Safeguarding of the countryside from encroachment has potential relevance, but the SBLP commitment to the Trentham Estate would be nugatory if this safeguarding prohibited all development. A balance has to be struck between protection of the countryside against the development necessary and appropriate to secure regeneration and maintenance of the estate.
- 3.24 Preserving the special character and setting of historic towns is not relevant; or, if it is, the scheme should be regarded as enhancing the setting of Stoke-on-Trent and in particular its historic heritage. As to urban regeneration, to the extent that the conclusion is drawn that some part of the development should be located within the urban area and potentially on a brownfield site, then this criterion would not be met. However, because of the benefit provided by the unilateral obligation for regeneration at Tunstall, the concern previously expressed by the developer leading the opposition to the current proposals for Trentham Gardens no longer exists (Doc 195). There would be no unacceptable adverse impact on town centres or town centre related schemes, as demonstrated in Section 3.d below.
- 3.25 As regards the use of land and its role in meeting Green Belt objectives as set out in PPG2 paragraph 1.6, the proposals would deliver opportunities for access to open countryside for the urban population in a spectacular way. The public would have free access throughout the estate, with the exception of the Italian gardens, vineyard and monkey park, for which there would be an entry fee (Doc 94). Without the scheme, despite the efforts of Trentham Park/Gardens Rural Action Committee and others, public access would be restricted to 2 footpath routes in the northern part of the estate (Docs CD/J/28, 55, 56, 234-236).
- 3.26 As to outdoor sport and recreation, noisy sports would be removed and replaced by quiet water-based uses and informal recreation. The objectives of retaining attractive landscapes and enhancing landscapes near to where people live, improving derelict land around towns and securing nature conservation interests would all be assisted. The development in these respects complies with PPG2 and would also deliver benefits which would not otherwise accrue. As to retaining land in forestry, agriculture and related uses, the parklands are probably a related use and, if so, the comments in respect of nature conservation apply.
- 3.27 In summary therefore, having regard to the purposes and objectives of Green Belt policy, whilst there are disadvantageous aspects of the proposals, in the round, a clear balance of advantage is found. The Applicant accepts that the new built development would affect openness. In terms of footprint, some 9710 sq m of existing buildings would be removed and 23,786 sq m of new building provided (Doc 5). But, the bulk of new development (16,951 sq m) would be inside the northern core, as allowed for in Policy RLT20 (Doc 5). And, the inappropriateness and harmful visual impact of the existing built development that would be removed by the proposals, some in exposed and sensitive locations, must also be considered (Docs 5, 9-11).

3.28 In so far as it may be considered the proposals go beyond what the SBLP intended, the effect on Green Belt policy taken in the round is acceptable. In particular, if it were thought necessary to prove that very special circumstances exist to justify inappropriate development, these are truly exceptional circumstances. The site presents problems and opportunities which can be dealt with only by a comprehensive scheme and co-ordinated action, immediately and in the long term. The Applicant welcomes the fact that the Council and County Council believe that very special circumstances do exist in this case.

3.d PPG6 and Mr Caborn's Clarification, Retail Development

Need for the Development

3.29 SBLP Policy RLT20 allows for retail provision at the estate (Docs CD/F/3, 31). The Caborn statement of February 1999 in its reference to need must be considered in this light (Doc CD/F/17). There is an up-to-date plan strategy, which provides for the estate to be enhanced as a tourist/leisure/recreation destination, including retail provision. It is not therefore necessary for the Applicant to show need to the extent that the proposal addresses the plan strategy.

3.30 In so far as the proposal goes beyond the plan strategy (i.e. location outside the northern core and/or retail which is not within the compass of recreation/craft/heritage retailing) then need is widely defined in Mr Caborn's statement, which indicates that .."The significance in any particular case of the factors which may show need will be a matter for the decision-maker". The fulfilment of the SBLP aspirations for the site with this proposal relies upon the retail "engine" of the scheme which both secures capital for the initial works and provides equally important revenue to guarantee continuing maintenance (Docs 27-30). Therefore, even if the SBLP were not up-to-date, it is appropriate to conclude that the special demands of Trentham Gardens form part of the need issue in this instance.

3.31 Also, as discussed later, separate assessments carried out on behalf of the Applicant, the County Council, City of Stoke-on-Trent and Newcastle-under-Lyme BC, demonstrate that there is capacity and demand in terms of sufficient available expenditure to support the proposed retail provision (Docs CD/A/3, CD/C/3, 31, 139-143).

Sequential Approach

3.32 The sequential approach does not apply if the view is taken that the proposals accord with an up-to-date plan strategy. However, even if the view were taken that the proposals go beyond what the SBLP intended, it is clear that some retail development is intended at the estate. In those circumstances a sequential test for the residue would not be sensible if it is accepted that the totality of the development is committed to the restoration of the historic fabric. As the County Council state .."the purpose of the retail element of the Trentham Gardens scheme is to ensure that the regeneration is viable. Therefore it must be located at Trentham Gardens as it is an integral part of the scheme" (Docs CD/A/3, 31, 143).

3.33 However, St. Modwen has wide knowledge of land availability in North Staffordshire and investigations were carried out at a number of alternative locations, including 3 sites in Hanley, 2 in Longton, 2 in Tunstall and one in Stoke (Doc 31). With the possible exception of one site at Tunstall, the Norcross site, none of the other sites provided realistic alternative locations, either because they were not readily available and/or not suitable for the types of retail operation envisaged at Trentham Gardens. The Norcross site now has planning permission for major retail development of a type not now proposed at Trentham.

- 3.34 This review of sites in the area was not undertaken because it was felt necessary to meet any requirement in respect of demonstration of need or adoption of a sequential approach. The overall conclusion to be drawn, however, is that the shopping proposals at Trentham Gardens would cause no significant harm to the development plan strategy in respect of retail provision and town centres.
- 3.35 Even if it were considered that need had to be demonstrated and had not, and that a sequential test was appropriate and had not been properly applied, the Caborn statement still allows for "weighty additional material considerations" to be taken into account. These clearly exist in this instance, as already discussed.
- 3.36 Finally, the Section 106 obligations provide a 5 year constraint on the type of goods to be sold from the small units, to be followed by an independent retail assessment (Docs 101, 116). It is not consistent with Mr Caborn's statement to suggest, as do Capital Shopping Centres, that a fresh planning application should be undertaken in addition to these safeguards (Doc 205). That could only be appropriate if development were envisaged which would create additional floor space. Any such application would require full consideration within the planning process, against the background of the Applicant's evidence as to the quantum of development required to secure regeneration of the estate.

Retail Impact

- 3.37 The proposed total overall amount of gross retail built floorspace is limited to a maximum of 18,580 sq m and comprises 4 main parts, these being:- the outdoor pursuits/sports retail building (6,038 sq m); garden centre (2,323 sq m); restaurants, cafes, bars (2,787 sq m); and small premium brand units (7,433 sq m) (Appendix A to this report).
- 3.38 These figures have remained unchanged since the Council's resolution and are the same overall as those taken into account in the retail impact assessments by GL Hearn, April 1998, for the Applicant and by Drivers Jonas, November 1998, for the County Council and the Councils of Stoke-on-Trent and Newcastle-under-Lyme, referred to in paragraph 3.31 (Docs CD/A/3, CD/C/3). At that time the sports retail building was assessed at 4,645 sq m and the small units at 8,826 sq m, but the other retail elements and the overall retail gross floorspace figures were the same as now proposed.
- 3.39 Because of the nature of the mixed leisure/tourist/retail attraction, GL Hearn considered a wide 90 minute drivetime catchment area divided into 3 bands (Doc CD/A/3). Population and comparison goods expenditure growth figures were derived using URPI Drivetime and Illumine programmes from 1991 up to 2001, at 1995 prices. Overall turnover of the proposed retail development at Trentham Gardens (not including the restaurants, cafes and bars) was estimated at some £38.5 million; with 55% of the trade drawn from within the 30 minute isochrone, representing just over 10% of the available 1996-2001 expenditure growth within that band, and diminishing in impact with increased drivetime.
- 3.40 The various town centres that might be affected by the proposed retail development were discussed with the local authorities and appraised using GOAD plans. This indicated a total turnover of £650 million, which is about 50% of the comparison goods expenditure available within the 30 minute isochrone. Turnover at the garden centre was excluded from calculations as to impact on the basis that such outlets are not found in town centres. Making an allowance for the attractions of other retail facilities, the estimated trade draw as a result of the proposals varied from less than 1% of the 2001 turnover at some of the centres, with an upper level effect of 3.03% at Hanley. It was concluded that the level of impact would be unlikely to affect the vitality or viability of any of the centres.

- 3.41 The Drivers Jonas November 1998 assessment had regard to the GL Hearn appraisal, and also had regard to their own Stoke Retail Study, which they were undertaking on behalf of the Councils of Stoke-on-Trent and Newcastle-under-Lyme (Docs CD/C/3, CD/H). For the purpose of assessing the Trentham Gardens proposals, Drivers Jonas adopted the base data and assumptions used in the Stoke Retail Study, which was presented in draft form in June 1998 and in its final version in December 1998.
- 3.42 Drivers Jonas accepted GL Hearn's estimates in respect of turnover at Trentham and the likely level of trade draw from within 30 drive time. They also accepted the likely level of trade diversion, but did not agree in respect of the estimated total turnover of the centres. They considered the impact on Hanley would be less than GL Hearn's estimate in terms of the proportion of total turnover that would be diverted, at 2%, whilst towns such as Longton, Stoke, Burslem and Newcastle would be more than estimated, at 5%-7%.
- 3.43 The study concluded that there would be sufficient expenditure within the Stoke Retail Study area to support the proposals, although it would reduce other development options in or on the edge of town centres. The only centre which it was thought might be seriously affected, by the impact of the Freeport factory outlet centre at Talke together with the full retail component of proposals at Trentham Gardens, was Newcastle.
- 3.44 Drivers Jonas suggested a number of conditions and arrangements to offset the possibility of material harm and to make the most of spin-off benefits likely to accrue from successful development at Trentham Gardens, for which Newcastle is well placed. St. Modwen has control of the key development site in Newcastle town centre and has undertaken through the Section 106 agreement to ensure that construction on that site would be properly coordinated with phased development at Trentham, as well as agreeing to safeguards to be provided by conditions (Docs 116, 131).
- 3.45 Further retail evidence was provided by consultants at the inquiry, these being Donaldsons for the Applicant and GVA Grimley for the County Council and Stafford BC (Docs 31, 139-143). Figures were agreed between the consultants, adopting the same floorspace/turnover conversion factors as GL Hearn, and Donaldsons presented updated assessments of turnover at Trentham Gardens (£35.78 million), retail capacity and trading impact. The turnover reflects the reduction in floorspace of the small units and is a robust assessment, bearing in mind the restraint on sales imposed by the planning obligations and the likely consequences for Trentham Gardens of the Freeport Talke and Norcross developments.
- 3.46 These revised assessments showed that within the Stoke Retail Study area, which is somewhat smaller than the Trentham Gardens 30 minute drivetime area, there would be a residual surplus in comparison expenditure in 2006 of about £41 million, after taking into account the Trentham Gardens proposals, Freeport Talke and town centre developments likely to come forward within the period. The Norcross, Tunstall application showed that development would require a further £24.8 million to be deducted from the residual surplus, indicating that there would be sufficient expenditure growth within the study area to accommodate the current proposals and supporting the need for the additional provision.
- 3.47 Donaldsons also agreed with GVA Grimley cumulative impact figures for Freeport Talke and Trentham Gardens as at 2001 (Doc 31). The assessment showed that the largest combined trade draw would be £19.79 million and £5.14 million from Hanley and Newcastle centres respectively, resulting in an impact of 9% in each case. It was pointed out, however, that identified town centre schemes and the Trentham Park development would be unlikely to be trading until 2003 at the earliest, when levels of turnover in existing centres would be greater with consequent proportional reduction in impact.

- 3.48 Both Hanley and Newcastle town centres have buoyant economies and this level of impact would be sustainable. Hanley in particular has experienced substantial investment recently in the evening and leisure economies of the town and investment confidence is high. The development planned by Farringford for the town centre would not be suitable for most of the retail activities proposed at Trentham Gardens (Docs 207-213). Approval of the current proposals would have no material harmful effect on the Farringford scheme and could be beneficial for Hanley in raising the profile of the area.
- 3.49 Similar considerations apply to Newcastle where St. Modwen's development, amounting to a total of 10,000 sq m, will raise the critical mass of turnover in the town centre as a whole so that it would withstand the predicted levels of trade diversion without seriously undermining its future wellbeing. Elsewhere the cumulative retail impact of Trentham and Freeport Talke would range from 1.4% at Nantwich to 5.7% at Crewe and would not have a deleterious effect on any of those other centres within the 30 minute isochrone.
- 3.50 GVA Grimley's conclusions, on behalf of the local and strategic planning authorities, were also that the proposed development for Trentham Gardens would be acceptable (Docs 139-143). In summary it was found that:- there is capacity; need must be satisfied at the application site; cumulative impact is acceptable; investor confidence should not be harmed elsewhere; and the development of Trentham Gardens would bring spin-off benefits which would offset adverse impacts.
- 3.51 Of the objectors, Norcross are satisfied that their interests are afforded adequate protection by the unilateral undertaking and IM Properties have confirmed in terms that the proposal would not adversely effect their present or future proposals at Longton (Docs 195, 229-233). The objections of Farringford and Capital Shopping Centres, both centred on Hanley, are based on the protection of commercial interests and not on matters which PPG6 Section 4 requires to be taken into account (Docs 200-206, 207-228).
- 3.52 It should also be noted in the present context that, as well as the garden centre, the proposed outdoor pursuits/sports retail building is unsuited to a town centre location. As recognised in the Drivers Jonas report on the Trentham proposals, operations such as this incorporate participatory and training elements as well as retail and require considerable space in order to be successful (Doc CD/A/1, CD/C/3). Trentham Gardens on the other hand, with the lake, park and woodland, provides an ideal location. The same applies to the small units and type of occupants envisaged, as discussed further in Section 3.j.

3.e PPG 13, Site Accessibility and Traffic Impact

- 3.53 In considering the traffic implications of the proposals, substantial weight should be given to the fact that Trentham Gardens already has about 2000 car parking spaces and is capable of generating considerable traffic, particularly during special events (Docs 5, 24, 26). During 1998 it is estimated that there were nearly 0.5 million visitors to the site, excluding those using the golf driving range. Nevertheless, because of the neglected condition of the estate, the number of daily visitors is known to have declined over the years. Clearly that trend must be reversed if the objectives of the SBLP are to be met and Trentham Gardens is to succeed as a major leisure, recreation and tourist destination.
- 3.54 Even if the current application were refused, therefore, the position is that the site would continue to generate substantial levels of traffic, without the advantages that would accrue from the current proposals. These advantages would include the measures to improve the accessibility and sustainability of the site through the public transport plan and the green travel plan, which are secured through the Section 106 agreement (Doc 116).

- 3.55 The May 1998 traffic impact assessment submitted in support of the application was on the basis that visitor numbers would increase from 0.5 million to 2 million over a development period of 4-5 years, operating as a regional and national destination (Doc CD/A/5). Bearing in mind that Alton Towers attracted 2.7 million visitors in 1996, this is considered a realistic figure for traffic assessment purposes.
- 3.56 Having regard to English Tourist Board data for the Heart of England region which indicated that 75% of tourists made their visits by car, and to observations at nearby Wedgwood where 36% of visitors travelled by coach, a modal split was adopted for visitors to Trentham of 75% by car, 25% by coach and 5% by other modes including foot, cycle, bus and train. Again, these figures are appropriate for traffic purposes, taking account of the favourable location of Trentham Gardens between the M6 and A34 trunk road, with good links to the East Midlands via the A500 and A50 trunk roads.
- 3.57 The initial traffic impact assessment, appraising the proposal as a leisure/tourist attraction, demonstrated that the full development scheme as proposed, with identified improvements to certain off-site junctions, would operate with no adverse effect on the highway network and would offer planning gain in terms of safety and capacity (Doc CD/A/5). This was supplemented by further reports at the request of the highway authorities, considering traffic on the basis of a predominantly retail development (Docs CD/A/11, CD/A/15). Other relevant documents included a statement and executive summary, outlining the component elements of the scheme as a year round visitor attraction (Doc CD/A/10); a preliminary noise assessment (Doc CD/A/8); a detailed appraisal of the likely operation of the A500/A34 Hanford junction following proposed improvements (Doc CD/A/13); and other junction analyses sensitivity tests (Doc CD/A/17).
- 3.58 Discussions between the Applicant and the highway authorities (the County Council, Stoke-on-Trent City Council and the Highways Agency) led to the completion of an agreed transport statement in December 1999, clarified by a supplementary note in January 2000 (Docs CD/A/24, 63). The statement summarised the agreed position on the transport and traffic effects of the development proposals as at June 1999, when the Council's resolution was made, with an addendum dealing with any changes since then. It set out:- the existing highways and traffic situation; the site access proposals; proposed total car parking provision of 2,500 spaces; traffic distribution and assignment; forecast traffic flows at 2012; junction assessments; and agreed mitigation measures.
- 3.59 The junction analyses were based on trip rates derived from the TRICS database and made no allowances for reductions due to the promotion of coach and other public transport modes to the site and consequently comprised a worst case scenario. It was agreed that the Applicant would fund the necessary works to improve the A34/A500 Hanford roundabout and the Ash Green A34/A5035 roundabout, which provides the main access into the site. The Applicant would also fund the creation of the new secondary site access into the site off the A34 south of Strongford Bridge and would pay a contribution of 14.35% of the cost of the works to improve the A34/A520/B5026 Walton roundabout at Stone. The impact of the proposals at other junctions was shown to be not significant.
- 3.60 The agreed statement acknowledged publication of the Government White Paper "A New Deal for Transport: Better for Everyone", and included a December 1998 statement of public transport strategy for Trentham Gardens (Doc CD/A/14, CD/A/24). It noted that changes in public transport provision had occurred and stated that the public transport and green travel plans would reflect the up-to-date position. The matter of sustainability is taken very seriously by the Applicant and the Section 106 agreement ensures that such plans would be provided prior to commencement of the development (Doc 116).

- 3.61 Notwithstanding the nominal 5% allocation for visits to the site by modes other than car or coach, which was adopted for traffic impact assessment purposes, there is a substantial residential population within walking and cycling distance of the site (Docs 24, 25). Walking and cycling links would be improved, with a new A34 crossing point north of the Ash Green roundabout and with covered, secure on-site cycle storage facilities. Bus links are also reasonable, with 4 services operating along the A34 past the site and other services operating within the residential areas to the east (Doc 25). There is obvious scope to improve public access to the site by bus, including improved links with the regular inter-city railway services at Stoke-on-Trent station, and these would be secured through the public transport and green travel plans.
- 3.62 In addition to improved bus services, including high quality on-site facilities, 100 coach parking spaces would be provided and there would be appropriate marketing and promotional arrangements to ensure the considerable potential for visits by coach was fully met. Other possible initiatives would include:- the linking of Trentham Gardens with other leisure attractions and the extension or adaption of the "ChinaLink" service; packages for longer distance public transport users arriving at Stoke station by rail; local ticketing initiatives; internal shuttle services linking the various zones within the site; and staff shuttle bus services for travel to and from the site. The Applicant would retain ownership of the estate and the role of travel co-ordinator would be fulfilled by a senior member of the management team (Doc 24).
- 3.63 The highways and transportation measures that would be involved in bring about the restoration and promotion of Trentham Gardens as a major leisure and tourist attraction are fully in accord with relevant provisions of the development plan, in particular:- Structure Plan Policies 19, 30, 32, 48; SBLP Policies RLT19, RLT20, MV3, MV4, MV10, MV12; and emerging Structure Plan Policies E11A, E11B, T18A (formerly T19). By facilitating wider access for all and more sustainable travel in connection with an established major destination, they would also comply with fundamental aims of the Staffordshire and Stoke-on-Trent Provisional Local Transport Plans 1999, which were prepared following the Transport White Paper (Docs CD/F/19, CD/F/20).
- 3.64 As regards PPG13 objectives, given its situation and need to succeed as an important visitor attraction it would be unrealistic to expect any effective comprehensive scheme to lead to a reduction in the length and number of motorised journeys. The transportation strategy to be adopted however would meet the other key aims of PPG13 by encouraging alternative means of travel which have less environmental impact and seeking to reduce reliance on the private car (Doc 24). The strategy would also comply with aims of the draft revised PPG13 which seek to promote more sustainable transport choices and to reduce the need to travel, especially by car. The comprehensive nature of the proposals in itself would assist with the latter aim, by encouraging multi-purpose trips and providing a wide range of on-site facilities, include hotels and holiday lodges.

3.f PPG15 and PPG9, the Historic Environment and Nature Conservation

- 3.65 Prior to the opening of the inquiry, the Applicant provided substantial information as to the characteristics of the site and the environmental effects of the proposals (Docs 2, 57, 74). This was properly advertised and gave rise to no adverse comment as to its adequacy or the appropriateness of the outline form of planning application. The additional material provided at the request of the Inspector to supplement the environmental information previously submitted has also been widely advertised. It has ensured that the scheme is well thought out in all respects and it is appropriate that access and siting of most of the proposed buildings should no longer be reserved matters (Docs CD/A/25-31).

- 3.66 The additional material relating to environmental impact included:- revisions to the landscape impact appraisal; identification of trees to be lost in the retail area; ecological details and monkey park fence design; air quality report; Park Drive traffic review; effects of construction works; and illustrative design approaches to the 4 star hotel, retail buildings, family hotel, holiday lodges and boathouse restaurant.
- 3.67 The fixing of access arrangements and siting of buildings at this stage enables conclusions to be reached with confidence as to the likely effects of the proposals in terms of the historic environment and nature conservation. It is intended that siting should include:- the 4 star hotel, sports retail building, small premium brand retail units, garden centre, family hotel, boathouse restaurant, vinery, replacement fishing reception centre and shop, and the entrance lodges by the proposed southern access (Doc CD/A/26, 88). The extent of the areas designated for use in connection with the holiday lodges and the monkey park are also fixed and guidelines have been submitted for use on site in determining the precise siting of individual lodges and the precise alignment of the monkey park enclosure.
- 3.68 PPG1 sets out the Government's commitment to sustainable development with the aim of achieving .."economic development to secure higher living standards while protecting and enhancing the environment", which is what the proposals seek to achieve. PPG1 also identifies conservation of the cultural heritage as part of a sustainable planning framework and encourages consultation with those who have an interest in such schemes. In this respect the dialogue between the Applicant's expert advisers and bodies such as English Heritage and English Nature has been of great importance and should be accorded weight.

The Historic Environment

- 3.69 The support of English Heritage is particularly valuable when the statutory duties in respect of the historic environment are being addressed (Docs 163-165). It reinforces the conclusion that the listed buildings and their setting, the registered garden and the conservation area would be preserved and enhanced. The appraisal involves "plusses" and "minuses" but overall the scales come down convincingly in favour of the development.
- 3.70 Despite the deprivations that have occurred on the Trentham estate, it is still a landscape of great historic significance and fully merits its Grade 2* status in English Heritage's Register of Parks and Gardens of Special Historic Interest (Docs CD/E/2, 9). The estate has been very carefully appraised in terms of its landscape and features of historic and architectural interest, including an archaeological desk-based assessment and aerial photographic appraisal (Docs CD/A/4a-c, CD/A/9). All parties are satisfied that archaeological interests can be safeguarded by conditions (Doc CD/A/12).
- 3.71 Largely because of the renown of the architects and designers involved with the estate and the public access permitted by the Sutherland family, the historic features of the buildings and gardens are very well recorded by plans and photographs, including features which have now disappeared (Docs CD/A/4b-c, 13-16). It would therefore be possible to ensure that restoration of the historic buildings and gardens would be implemented and managed in an appropriate manner, in full consultation with English Heritage and other bodies.
- 3.72 With regard to the Applicant's team of expert advisers, it should be noted in particular that Dr Blissett is a leading authority on the works of Sir Charles Barry and has had personal involvement with Trentham Gardens for some 20 years. His expertise has been invaluable in identifying the works needed to safeguard the buildings, to secure their appropriate restoration and re-use and to ensure the new development would relate well to its historic setting, especially the proposed 4 star hotel (Docs CD/A/27, 12, 17-20, 68-70, 91, 103).

- 3.73 St. Modwen have experience in restoring listed building and bringing them into new uses, including the conversion into a hotel of Crewe Hall, a Grade 2* listed building designed by EM Barry, son of Sir Charles (Docs 13, 72, 97). Mr Glossop confirmed at the inquiry on behalf of St. Modwen that Dr Blissett or someone like him would continue to be involved with the project during its implementation. Mr Glossop also gave his personal assurance that everything that could reasonably be done to prevent further deterioration of historic fabric would be done, and that to this end the works recommended by Dr Blissett were being implemented (Doc 91). Nevertheless, it must be recognised that the size of the estate and the desirability of allowing public access makes it difficult to protect against vandalism. The best way to ensure the future wellbeing of the historic fabric is to bring the estate into a properly restored and managed condition in the manner now proposed.
- 3.74 *Area 1:* Approval of the application would lead to one of the largest landscape restoration programmes in the country (Doc 9). Central to the concept are the proposals for Area 1, as defined on the master plan (Doc 94). The 4 star hotel would occupy the same footprint as the former hall and be of similar scale (Doc CD/A/27). Four approaches to its design have been explored and the final design would be prepared in consultation with all relevant authorities. Also of critical importance are the proposals to restore all the gardens in front of the hotel, including the land on the western side, and to recreate historic views across the western parkland towards the distant woodland (Doc 10). The boathouse restaurant would provide a focal point of interest, as always envisaged by Barry (Docs CD/A/30, 12).
- 3.75 *Area 2:* The land east of the Trent historically included the reserve garden and working parts of the estate (Doc 9). North of Longton Brook, unsightly nursery buildings would be cleared away and informal gravelled parking areas created in a way which would respect the setting of the "children's cottage" and other listed buildings. The Grand Hall is not of intrinsic merit and its replacement by a high quality sports retail building, of lower height and modern design, would enhance the conservation area. Additional planting would ensure adequate screening in important views, especially from the restored gardens (Docs CD/A/28, 11, 50, 71). The former arboretum area south of the main entrance still contains many trees of merit, and the size, siting and approach to the design of the small retail units, garden centre and family hotel, and their associated parking areas, have been carefully considered so as to minimise visual impact and tree loss (Docs 48-54, 58, 59, 104, 105). The winery building further to the south would have a barn-like appearance and the overall effect in this part would be a considerable visual improvement.
- 3.76 *Area 3:* Removal of the caravans and associated structures, as well as inappropriate tree growth, to reveal the carefully designed tree groupings and vistas of Capability Brown's landscape, would be an enormous benefit to the special interest of the estate.
- 3.77 *Area 4:* The west woodland area would be properly managed and ancient rides and pathways would be opened where possible. The monkey park fence would be designed and aligned to minimise visual intrusion. It would be about 3.5 m high, with a galvanised steel frame and green plastic coated wire link fencing and with an 1150 mm deep strip of polycarbonate sheeting along the top to ensure it could not be climbed by the monkeys (Doc CD/A/26, 22, 75). A sample of this fence was erected, with the polycarbonate sheeting both in transparent form and painted green, to assess its visual impact. Whichever form were selected, the fence would not be especially noticeable within the woodland beyond 30 m or so. More screening could be provided by planting outside the enclosure if that were thought desirable. The holiday lodges would also be well screened within the woodland and would not be seen as intrusive, as English Heritage now agree (Doc 23). The parking areas would also be well screened by new planting.

- 3.78 **Area 5:** Inappropriate tree growth would be cleared in Monument Wood to restore the setting of the monument and improve views over the estate from the hill. The proposed retail buildings and parking areas would be screened in these views below the tree canopy which would be retained and reinforced (Doc CD/A/28(ii)). Some 12 mature park trees would be lost in order to create the new southern access into the site (Doc 11). Their loss is regrettable, but would be mitigated by the planting of new trees within the site and potential planting on the eastern side of the road.
- 3.79 **Area 6:** The lake would be restored to its traditional visual and recreational role, undisturbed by power boats or other noisy activities. The concern of the water-ski club is understood, but its activities are not compatible with the current proposals (Docs 248-250).
- 3.80 As regards other objections, Mr Butterworth's statement on behalf of Norcross considers only disadvantages of the proposed development (Docs 183-185). The more balanced approach of those in favour of the proposals should be preferred.
- 3.81 As to the Georgian Society, events have overtaken their early comments and their concern now relates more to the scale and extent of enabling development, rather than the principle of its requirement which is acknowledged (Docs CD/B, CD/J, 241-243). The Applicant has responded in writing to all the points raised (Doc 114). The substance of the response is that:- the location of the proposed development is compatible with the "best" area for this identified by the Group; the 4 star hotel is compatible with their identified need for a focal point; financial justification for the extent of development has been undertaken, excluding the purchase price from the analysis (Docs 27-30); the scheme is the minimum necessary to ensure that viability and profit would be below English Heritage's guidelines as set out in their policy statement on enabling development (Doc CD/F/15); the 5 and 10 year periods for restoration included in the Section 106 agreement are appropriate; and further delay would be contrary to the wishes of most concerned parties and would prejudice successful implementation. It is surprising, given their interest, that the Group chose not to comment on the most recent design options, especially those for the hotel.
- 3.82 The proposals also satisfy the tests in English Heritage's policy statement (Docs 164, 170). As regards the page 2 criteria:- (1) The effect of the proposal is a matter of judgement for the decision maker assisted by the views of the statutory consultees. (2) The proposals avoid fragmentation of the estate. (3) The Section 106 obligation ensures the proposal is acceptable to English Heritage and ensures long term maintenance, which capital outlay for restoration alone would not accomplish. (4) The purchase price has been excluded from the 'enabling' calculation. (5) English Heritage consider there is no reasonable prospect of alternative funding. (6) In cross examination English Heritage confirmed that the proposals, including the holiday lodges, satisfied the tests with appropriate allowance for profit. (7) The same comment applies as in item (1).
- 3.83 As regards the criteria on page 3 of the policy statement:- (1) In a development such as this, fully detailed consent is not appropriate. (2), (3) & (4) English Heritage are satisfied and implementation is ensured through conditions and the Section 106 agreement.

Nature Conservation

- 3.84 The application provides an opportunity to benefit nature conservation across the estate as a whole by implementing the significant habitat restoration measures that comprise part of the proposals (Doc 21). Detailed studies have revealed the extent of habitat degradation and neglect (Docs CD/A/6, CD/A/23). A "do nothing" scenario would lead to further and almost certainly irreversible decline in the nature conservation and ecological interests of

the estate. This is acknowledged by English Nature and the County Council, who welcomed the proposals and expressed only certain limited reservations, concerned with the SSSI and Jervis Wood, which have now been addressed (Docs 245, 246, 137).

- 3.85 A total of 8 reports comprise the baseline assessment of the ecological quality of the estate, including:- the preliminary ecological assessment and conservation management plan; a study of the distribution of dead wood, extended phase 1 vegetation survey, and badger survey, all in King's Wood, Fernybank and Monument Wood; bird, bat and invertebrate surveys in the woodlands; and vegetation, habitat, amphibian, reptile, bird and mammal surveys of the wider estate (Doc 21).
- 3.86 The following proposals would increase nature conservation value and mitigate impacts of the development in less sensitive areas of the estate:- restoration of the ancient semi-natural woodland SSSI by removal of alien plants; regeneration of the woodland SSSI through planting of saplings and seedlings; encouragement of dead wood build-up in the woodland SSSI; potential increase in extent of broadleaved woodland; restoration of the wood pasture currently the caravan park; restoration of heathland (seriously damaged by off-road eventing) by removing conifers and scrub and encouraging heather seed germination; retention of the wetland fen swamp; management of the lake and island vegetation, particularly to retain and enhance the colony of breeding herons; and maintenance, enhancement and management of woodlands in the River Trent corridor.
- 3.87 The County Council were initially concerned about the effect of locating holiday lodges in Jervis Wood, which is included within the ancient woodland inventory but does not form part of the SSSI. However, vegetation in the area is overgrown and rank in places and bare in others where shading from larch and beech occurs. The ground flora is poor and the woodland is degraded as a result. A set of guideline principles have been produced in association with the County Council to ensure the sensitive location of holiday lodges, and this has enabled the objection to be withdrawn (Doc CD/A/23, 23).
- 3.88 Objections were made by English Nature and others to the proposed location of a monkey park in the SSSI. However, King's Wood and Fernybank within the SSSI have degraded ground flora as a result of the invasion of alien plant species and lack of regeneration of oak, creating an open over-mature condition to the woodland. Bracken has also become invasive. Fernybank has a poorer dead wood invertebrate community than King's Wood and is not notified for its woodland community. The introduction of Barbary Macaques into Fernybank as proposed would be unlikely to affect the integrity of the invertebrate communities living in the SSSI. Mitigation measures including appropriate alignment of the enclosure would provide safeguards and the quality of the woodland, within the SSSI and throughout the estate would be enhanced by effective management. English Nature accept this and have now confirmed that their concern has been met and that their objection is withdrawn, subject to final detailed alignment of the fence (Doc 246).
- 3.89 Macaques are not dangerous and are highly sociable creatures. It would be quite safe for visitors to have limited access along part of an existing path within the enclosure so as to view the monkeys from the path. Similar free-living colonies have been established in France, with success as tourist attractions and with scientific and educational benefits (Doc 28). With the fence alignment as agreed with English Nature, no existing trees need be lost and only 3 or 4 trees within the compound need have branches lopped to ensure monkeys could not bridge the fence (Docs 22, 23). For the same reason, an anti-climbing screen, similar to the polycarbonate device at the top of the fence, would need to be clipped around 8-10 trees. The lattice wire of the fence itself would be carried down into the ground to prevent escape by the monkeys or entry by foxes or badgers.

Conclusions in Respect of the Historic Environment and Nature Conservation

- 3.90 The proposals would fully accord with the provisions of the development plan which seek to safeguard the historic and natural environment and which in these respects reflect national objectives as set out in PPG15 and PPG9.
- 3.91 Even if there were any matters of concern in respect of environmental effects, it should be born in mind that as well as the reserved matters some aspects of detailed design would also be the subject of future listed building consent. There would therefore be a supplementary layer of control over future development, in addition to the:- restoration and management plan; architectural master plan; archaeological field evaluation; scheme for archaeological monitoring and recording work; ecological and landscape conservation management plan; scheme of habitat and species monitoring; and landscaping scheme. All of these are provided for in the agreed conditions and Section 106 agreement.
- 3.92 It should be concluded that:- (i) The measures proposed in the round are of overwhelming benefit to the built and natural environment both in the short term and in the long term. (ii) Support for the proposal by the two statutory consultees is appropriate and to be afforded considerable weight. (iii) The quantum of built development is justified on the financial information disclosed. (iv) Without this proposal the prospect is of Trentham Garden continuing to fail to achieve its potential and be the subject of management to avoid decay of the fabric but subject to inevitable vandalism that vacant unused buildings attract. (v) In respect of any outstanding reservations, as indicated in the case of *R v West Dorset DC ex parte Searle* - pursuit of the perfect should not be the enemy of achieving the good (Doc 43).

3.g PPG17 and PPG21, Recreation and Tourism

- 3.93 SBLP Policies RLT19 & RTL20 set out a clear framework under which Trentham Gardens are expected to develop as a major tourist/recreation/leisure destination. The proposals comply with this and also accord with other policies of the development plan concerned with recreation and tourism, which themselves reflect national guidance as set out in PPG17 and PPG21. This includes SBLP Policies RLT4, RLT5, RLT11, RLT13, RLT17, Structure Plan Policies 30-32, 35, 36 and emerging Structure Plan Policy E11A, E12 (Docs CD/A/3, 31).
- 3.94 The benefits of the scheme in affording opportunity for public access to open land on the urban fringe have already been assessed in respect of PPG2. Quieter recreational pursuits such as walking, cycling, fishing, riding and boating would replace more noisy existing recreational activities such as water-skiing and scrambling. There would be scope for many internal and external recreational activities in connection with sales, instruction and demonstrations generated through the proposed outdoor pursuits/sports retail building.
- 3.95 As a tourist attraction, the restored Trentham Gardens would offer a unique blend of high quality historic landscape and buildings, commercial and educational features of interest such as the Macaque colony, the vineyard, a wide variety of flora and fauna, interpretation centres, hotel and holiday lodge accommodation, restaurants, bars, and heritage/leisure/lifestyle based retailing. In this latter respect it is expected that with the development as now envisaged, the garden centre with its close relationship to the restored historic gardens would be a key element of the proposals. The group of small retail units would sit well with the horticultural attractions, with a "walk in the woods" atmosphere and occupants including craft related activities such as pottery and furniture making, as well as premium brand units. Such developments have proved to be highly successful elsewhere (Doc 36).

- 3.96 The development would depend for its success on the blend of all the component parts. The scheme is the result of wide consultation, experience and intensive work over a long period of time and the Applicant has no doubt that it would succeed and bring considerable benefits to the area. The extent of development now proposed is sufficient to allow flexibility and variation in the tourist offer, which is necessary to maintain success in the longer term. For instance, the history of the estate and its relationship to the nearby towns and manufacturing industries offers considerable scope for the joint packaging of visits and exploration of the social and economic background of the area.
- 3.97 North Staffordshire has traditionally been reliant on industries which are now declining and tourism is recognised as making an increasingly important contribution to the economy of the area (Doc 32). Staffordshire Tourism advise that Trentham Gardens has potential to become one of Britain's most visited attractions generating in the region of 2 million visitors a year (Doc CD/A/7). Together with the Potteries, Alton Towers and the Peak District, they consider the proposals would provide Staffordshire with a formidable shorts break package, likely to appeal to the more affluent class A, B, C1 domestic socio economic groups, which account for some 60% of visitors to the area.
- 3.98 The total costs of the scheme during the construction period would be about £40 million. There would be an annual turnover of the site as a whole of almost £50 million and a payroll of £8.8 million (Docs 27, 108). Additional off-site turnover would be in the order of £25-35 million. In addition to temporary construction workers, about 933 jobs would be created on the site, comprising 400 full-time and 533 part-time (ie about 666 full-time equivalent jobs) and up to 650 jobs off-site. The profile of the area would be raised and there would be considerable direct and indirect benefits to the economy and image of the area. It may be expected that visitors to the site, together with other tourists attracted by the profile of Trentham Gardens, would spend in the order of £8 million a year in the local area, in addition to the on-site turnover.

3.h Need for the Development Related to Restoration Costs

- 3.99 The issue of need has been addressed in the retail context in Section 3.d and referred to in Sections 3.b and 3.f in terms of the requirement for enabling development to meet the aims of the SBLP and secure restoration of the built and natural environment. These key elements of the proposals would not be self financing and the costs involved would have to be met from funds generated by the revenue features of the scheme, which would themselves benefit from the heritage attractions.
- 3.100 Despite the reservations of Mr Martin, for Norcros (Docs 180-182), it is considered that there would be significant cross-flow between the retail units and leisure activities and the scheme as a whole would comprise an integrated package, with interdependent parts. However, for simplicity, assessments of the likely costs and contributions of the various elements were made separately (Docs 27-30, 108).
- 3.101 The residual or net present value of each element was calculated by subtracting from the discounted value of the future revenues or costs associated with that element the capital costs incurred in its development. The discounted rate used was 13.1%, which is St Modwen's estimated weighted average cost of capital. The financial analysis, made by Mr Weldon of Deloitte & Touche, made use of cost estimates provided by other expert witnesses (Docs 9, 12, 28). The capital costs used in the analysis excluded the acquisition cost of the site, as this is a sunk cost which remains constant whether or not the proposed development is undertaken (Doc 27). All the figures are given at 1999 values.

- 3.102 On this basis, the residual values of the various elements, updated following the long adjournment and modifications to the proposals, include negative values for the heritage and infrastructure elements, Italian gardens and 4 star hotel of minus £4.94 million, £5.39 million and £2.26 million respectively, giving a total negative value for these elements of £12.59 million (Docs 27, 108). These figures take account of ongoing woodland maintenance and other estate management costs, and also take account of potential revenue from entrance fees at the Italian garden and the premium likely to be paid by a third party hotel operator.
- 3.103 The monkey park, vineyard, holiday lodges and family hotel are estimated to have positive residual values respectively of £0.46 million, £0.11 million, £0.48 million, and £0.59 million. These together total £1.64 million towards offsetting the negative value of the heritage and infrastructure elements, Italian gardens and 4 star hotel. It is the retail and catering activities which would provide the bulk of necessary financial underpinning with an estimated positive residual value of £12.04 million.
- 3.104 The analysis shows that the overall scheme, therefore, would have a positive residual value of almost £1.1 million when evaluated on the basis of the 13.1% discount rate. To the extent that any such positive residual value exists in practice once the scheme has been completed, it would provide the return that would justifiably be expected, having regard to the acquisition related and other sunk costs associated with the site which are estimated to be in excess of £3.3 million.
- 3.105 These figures have not seriously been challenged by evidence from any party. Although Mr Martin's statement represents a different approach to the capital and revenue costs, it does not actually challenge the Applicant's estimates, except for an inexplicable failure to accept the 'over' costs of the 4 star hotel. On any reckoning therefore the capital costs of restoration are very considerable indeed, as is the continuing demand for subsidy to fund the shortfall between income and expenditure.
- 3.106 Income from the Italian garden, for instance, would be about £420,000 a year, estimated on the basis of an entrance fee of £4 a head, with an average achieved admission price after VAT of 70% of the quoted adult tariff, and 150,000 visits a year, which is considered challenging but achievable given the other attractions (Doc 27). Expenditure on the garden would be over £590,000 a year, indicating that the garden would make a loss of at least £170,000 a year and resulting in a negative residual value of the order indicated above (Docs 27, 108).
- 3.107 In summary, the Applicant has shown how the valuation is sufficient to provide a financial justification for the scheme. Some parties regard the scheme as too profitable (Docs 180-182) and others doubt its viability (Docs 209-213). Regard must be had to the experience of St. Modwen in producing viable schemes locally including the redevelopment of Crewe Hall (Docs 72, 96, 97). On the evidence, although the possibility of providing fewer small retail units could be considered, it would prejudice the scheme's ability to carry out the full restoration and maintenance programme along with the appropriate level of management in perpetuity.

3.i Consequences if the Development or Specific Elements were Refused

- 3.108 It was explained in cross-examination that, if planning permission were refused outright, the Applicant would seek to maximise income from existing activities on the site. This would involve continued use of the caravans and storage area, golf driving range, exhibition hall and other activities (Doc 5).

- 3.109 Historically these activities have been shown to generate insufficient income to maintain the fabric of the buildings and the environment and it was for this reason that SBLP included Policies RLT19 & RLT20. In this respect, therefore, refusal of planning permission for the whole development would be a retrograde step.
- 3.110 Briefly, the consequences of refusal of planning permission outright would include:- (i) continuation of inappropriate development within the conservation area, with retention of the exhibition hall, fun fair, caravans, etc; (ii) no green travel or public transport plans to promote sustainable transport to the site; (iii) no restoration of the Italian gardens; (iv) no restoration of the historic parklands; (v) limited employment opportunities; and (vi) no focal point building on the footprint of the former Trentham Hall.
- 3.111 The Applicant has made it clear that the proposal is holistic and that a split decision is not sought. However, the decision-maker has power not to grant permission for an element of the development. The only two elements of the proposal which have come under widespread criticism are the small retail units and the holiday lodges.
- 3.112 **Small retail units:** It is clear from all the evidence that a financial engine is required to drive the scheme. Mr Glossop in cross-examination ruled out the alternatives of cinema development and housing. As an experienced local developer he took the view that the prospects of these forms of development supporting the restoration were so minimal as not to be worthy of detailed analysis. In the absence of some enabling development, the restoration as promoted in the SBLP will not take place, and nobody has suggested a better 'engine'. In particular the retail element is required both to provide a continuing fund for ongoing maintenance costs but also to help create a year-round attraction.
- 3.113 It should be noted that the covenant imposed on the site at the time of Mr Broome's sale to British Coal, precluded use as a theme park, amusement or entertainments park or centre, funfair, fairground, pleasure fair as existed at Alton Towers at that date, other than use for purposes and within areas as at the acquisition date or for uses as in the 1982 planning consent. The installation of fairground equipment or rides was also forbidden, save on an occasional basis [Doc 4]. The covenant still applies, but in any event such uses would probably not create a year round attraction, as would be the case with the proposed retail units. That earlier approved scheme does illustrate, however, the extent of development seen to be essential to regenerate Trentham Gardens, even in 1982 [Docs 81, 123]. It included housing provision and over 5000 parking spaces.
- 3.114 **The holiday lodges:** These caused English Heritage some concern, but they now agree that the lodges could be accommodated without detriment to ecological interest and without visual disturbance to the character and appearance of the historic park (Doc 165). If this is accepted, then financial justification is not required. However, in cross-examination English Heritage also accepted that the Applicant had proven a need for the lodges which satisfied the tests of their policy statement (Doc CD/F/15).
- 3.115 If it the lodges were nevertheless not permitted, there would be adverse consequences in that there would be a small but important loss of revenue and there would be loss in the cross-fertilisation effect of self-catering accommodation within the site. This would be especially regrettable in view of the removal of caravans from the site.
- 3.116 It should be concluded that there is considerably more to gain from granting permission for the development than by refusal. There is no apparent benefit in excluding any particular element. The argument in favour of alternative sites for elements of the development, particularly the retail element, is considered below.

3.j Alternative Sites and Potential Benefits of this Development Elsewhere

- 3.117 This matter has already been addressed to a large extent, including retail considerations in Section 3.d. In this respect the independent retail impact evidence commissioned by the County Council and Stafford Borough Council is crucial (Doc 143). It should be noted in particular that:- continued development at Newcastle is secured through the Section 106 agreement; firm evidence was given by I M Properties that the current Trentham Gardens proposal would not adversely affect their present or future plans for redevelopment at Longton; and Norcros are satisfied that their interests at Tunstall are protected by the unilateral undertaking (Docs 101,116).
- 3.118 As regards Hanley, it is a thriving centre and the impact of a possible Trentham Gardens factory outlet centre, including clothing, was judged acceptable by Drivers Jonas in reporting to the relevant authorities (Docs CD/C/3, CD/H). However, a new Drivers Jonas proof of evidence commissioned by Farringford suggests that even the limited development now proposed would adversely affect Farringford's interests, and this despite accepting that most of the protective measures recommended in Doc CD/C/3 at paragraph 10.20 were now secure by the Section 106 agreement and/or the conditions.
- 3.119 The key elements in the Farringford scheme for Hanley are a department store and medium to large retail units (Docs CD/H, CD/F/22), and the current Trentham Gardens scheme does not compete in either category. Furthermore, since the SBLP promotes retail activity at Trentham Gardens, subject to impact, there is no conflict with planning policy if Trentham Gardens were to compete with Hanley to accommodate small craft/heritage/leisure retail units. And, the overlap of over-provision in units sized 232-372 sq m alleged by Farringford (Doc 213) is necessarily restricted in that only limited units of that size are proposed at Trentham Gardens (Doc CD/A/32).
- 3.120 Overall, there would be little benefit to any nearby town centre by making available to it the potential occupiers of Trentham Gardens (Doc 36). The proposed garden centre would be a regional attraction and, since it provides the anchor to the craft/gift/heritage retail offer, there is a real doubt that those potential occupiers would go to nearby town centres if planning permission were refused. There is no evidence from potential occupiers that they will not entertain a location in say Hanley, until the position at Trentham Gardens is resolved. Similarly there is no evidence of a location other than Trentham Gardens to which an operator such as Decathlon would be likely to go.
- 3.121 The benefits of placing the type of retail development which are proposed in the small retail units, at a rental rate of £15 per sq ft, at a location other than Trentham Gardens are limited. The precedent argument promoted by Capital Shopping Centres and Farringford is fanciful and ignores the very special circumstances of this case and the provision made by the SBLP for retail development at Trentham Gardens.

3.k Public Footpaths and Rights of Access

- 3.122 The rights of public access to the application site are limited to 2 statutory footpath routes (Doc CD/E/4). The response by the County Council to Mr Randall's application for additional footpaths is comprehensive, as is the result of his appeal (Docs 45, 100). The outcome is that at present public access to the site as of right is limited. For this reason the greatly improved public access due to the development proposal is welcomed by Mr Randall and Trentham Park/Gardens Rural Action Committee (TRAC) since it gives them what they have not been able to achieve through the formal statutory procedures.

3.123 Whilst appreciative of this benefit, TRAC asks for some guarantee of future public access. The Applicant company confirms its intention that the public should have access to the site with the exception of the Italian gardens, the monkey enclosure and the vineyard (exclusions which are accepted by TRAC). It is not reasonably possible, however, to provide public access as a right in a legal agreement. Of greatest practical importance, the Applicant understandably wishes to restrict access to the site after dark. For similar operational reasons, to create rights of public access could have adverse effects on management aspects of the scheme. If, for example, it were necessary to close off part of the woodland during felling operations there could be difficulties if the public had access to these areas as of right.

3.k Traffic, Noise and Other Adverse Effects

3.124 There is a strong but localised objection to the continued use of Park Drive for access to the site. The empirical evidence shows that future use as a hotel access only, as proposed, is likely to be less than its current level of use (Docs 25, 26). The water ski club said that both their members and the anglers used the Park Drive entrance. With the proposals, water skiing would no longer take place and anglers would use the new southern access. Local residents must accept that in reaching a decision, in law, regard must be had to the fallback position. The application, if approved, would result in less rather than more traffic on Park Drive. Traffic signing would seek to ensure that vehicles used the major routes to the site, thereby avoiding as far as possible residential areas along Whitmore Road.

3.125 The air quality consequences of the proposals have been fully addressed, using the DETR's DMRB model which assumes limited wind conditions and tends to overestimate pollutant concentrations (Doc CD/A/26). The existing situation is typical of urban background locations in the UK. The increase in road traffic would bring about small increases in air pollutants at all assessed locations but would cause the annual average NO₂ standard to be exceeded only at one location, near the main access point into the site at the A34 Ash Green roundabout. The increases in the vicinity of the main access and in the vicinity of the new southern access would be minimised through good design.

3.126 Construction traffic and its movement on site are capable of control by condition as proposed, which is accepted by the Applicant as appropriate and necessary. There is some local concern about additional activity on site but this clearly is the aspiration of the SBLP for the site. The green travel and public transport plans would have the effect of reducing the amount of reliance on the private motor vehicle. The overall noise climate should improve with the removal of the noisy activities such as clay pigeon shooting and motor cycle scrambling (Doc CD/A/8).

3.1 Conclusions

3.127 In relation to this complex application the benefits associated with the development outweigh the disadvantages. This is clearly and decisively the view of the local and strategic planning authorities along with the relevant statutory consultees. It is requested that planning permission be granted, subject to conditions as are deemed appropriate and in the knowledge that the agreement and undertaking under Section 106 are necessary and appropriate and will safely control the future development of the site, and protect adjacent town centres from material adverse impact (Docs 101, 116). The conditions suggested by the Council have been discussed at some length with relevant parties and are considered acceptable by the Applicant (Doc 131).

4. THE CASE FOR THE LOCAL PLANNING AUTHORITY

The material points are:

4.a Introduction

- 4.1 Stafford Borough Council, as local planning authority, have assessed these proposals in considerable detail after carrying out a full consultation exercise and taking into account all the information submitted to them (Docs CD/B-D, 118). PPG15 advises that local planning authorities will often need to ask for detailed plans and drawings of proposed new development in a conservation area. The Applicant in this instance therefore was very specific in setting out the contents of the outline application and included an illustrative master plan, which formed the basis for the environmental impact assessment.
- 4.2 The Council took the view that the level of detail provided was sufficient to judge the impact and acceptability of the proposals, which are of a very wide ranging nature. The Development Control Committee considered the application on 26 May 1999 and on 4 June 1999, following a Committee site visit, resolved to grant planning permission subject to appropriate conditions and a Section 106 agreement (Docs CD/G, 118, 133). The application was referred to GO-WM by letter dated 14 June 1999 as a departure from the development plan and under the Shopping Directive 1993.
- 4.3 Following the objections on the basis of the *R v Rochdale MBC ex parte Tew* case and the Inspector's requirement for additional information, the Development Control Committee considered the additional material and the proposed modifications to the application at a meeting on 5 July 2000 (Docs 119, 134, 135). The further consultation replies were also taken into account (Docs CD/J/1-49, 120). The application for approval of siting and means of access was welcomed as providing further certainty and the revised proposals were considered to include significant improvements. The Committee resolved to continue its support for the project, and requested that the Borough Archaeologist prepare a brief for archaeological evaluation, which has now been done (Doc 119).
- 4.4 The descriptions of the development proposals and amendments to the application, the characteristics of the site, the various designations which apply and relevant planning history are adequately dealt with elsewhere and need not be repeated here.

4.b The Development Plan and Green Belt

Policies RLT19 & RLT20

- 4.5 There are 2 site specific policies within the development plan, namely SBLP Policies RLT19 & RLT20. They are contained in section 6.8 of the SBLP which deals specifically with the Trentham Gardens estate. Paragraph 6.8.4 of the written justification describes the estate as a significant leisure resource, not only within the Borough but in the sub-region. The SBLP also states that the estate is not currently meeting its full recreational potential, requires upgrading and improvement, and has potential for a wide range of leisure uses and expansion of its historic buildings, gardens and landscape.
- 4.6 It is abundantly apparent from the evidence and from visiting the site that the estate is in a worrying state of decline which has occurred over many years. Following demolition of the former hall, many features were removed from the gardens and later developments have included the caravan park, fun fair, golf driving range, exhibition hall, parking areas east of the Trent, alterations to the ballroom and the demolition of historic buildings, none of which benefited the character of the estate.

- 4.7 More recently, the leisure activities and the revenues they brought have gradually declined. As a result, the estate and its historic features are also now in an accelerating state of decline. The areas where former uses have been abandoned have a dilapidated appearance and many of the listed buildings and structures are in a very poor state of repair. This picture is particularly alarming given the inherent value of the estate, which is described as being of "major heritage" significance in the SBLP and subject to numerous statutory designations (Doc CD/E).
- 4.8 It was with a view to arresting and reversing the decline that the Council included Policies RLT19 & RLT20 in SBLP. The Council acknowledged in paragraph 6.8.1 that the intended development would comprise "major" recreation, tourism and leisure proposals. Paragraph 6.8.6 emphasised the need for a "comprehensive development strategy" which would also address the important issues of conservation of the historic buildings and natural environment.
- 4.9 It is within that context that SBLP Policies RLT19 & RLT20 are set and provide the basis for assessment of the application.
- 4.10 **Policy RLT19** sets out the criteria against which all applications for development at the site will be assessed, stating that an assessment should be carried out against such criteria and that a "balance of advantage" should be demonstrated. In the Council's view, the balance of advantage against those particular criteria has very clearly been established.
- 4.11 The proposals have met the first two criteria in their entirety, namely the conservation of the historic buildings, gardens and landscape and of the natural environment. They include the making of a detailed restoration and management plan covering all such areas which would restore, regenerate and maintain them as governed by the Section 106 agreement. It also requires appropriate phasing to be agreed to ensure that such works would be implemented prior to completion of various elements of the development. The Council are satisfied, as are English Heritage, that the effect of the agreement would be to ensure that the vital and much needed requirements would be fully met, including future maintenance.
- 4.12 The third criterion, namely the enhancement of recreation and leisure facilities within the district/region would also undoubtedly be met and, indeed, there has been no evidence to the contrary. The comprehensive development proposals are centred around such facilities as would return Trentham Gardens to a significant leisure resource in the sub-region.
- 4.13 As to the fourth criterion, the various highway authorities are satisfied with the highway implications and that there would be no unacceptable impact on the highway network resulting from the proposals.
- 4.14 On the fifth criterion, the Council have assessed the proposals against the purposes and objectives of the Green Belt. The main purpose of the Green Belt, its openness, must necessarily be affected by the range of development that is regarded as acceptable by Policy RLT20 and assessment of the proposals must be made in that context. Also, the impact of the proposals on the Green Belt's openness would be significantly mitigated by the removal of a number of unsightly structures and unsympathetic uses from the site, all of which are harmful to the openness of the Green Belt. Therefore, it is the Council's view that the proposals overall would not have an unacceptable impact on the openness of the Green Belt nor on any of the other purposes of the Green Belt, especially given that the development is contained, siting no longer being a reserved matter.

- 4.15 Not only do the proposals have no harmful impact in terms of the PPG2 objectives for the Green Belt but, rather, they enhance those of relevance. The estate is within reach of a substantial urban population and development would result in significant benefit by way of providing increased opportunities for access to the open countryside. At present, free access through the body of the application site is afforded only via one main public right of way. By definition, the implications of the development would be to provide opportunities for outdoor sport and recreation of varying forms near urban areas. The management plan would ensure the landscape would be enhanced and nature conservation interests would be secured. Hence, each of those relevant objectives would be fulfilled to a very significant extent.
- 4.16 The sixth criterion of Policy RLT19 concerns the scale of economic benefits to the district and, again, the balance of advantage falls heavily in favour of the proposals. The scheme comprises a comprehensive form of development which would return the site to a significant leisure and recreation attraction in the sub-region at no expense to the public purse bringing tourists into the area who would otherwise not be there.
- 4.17 As to consistency with other policies in the Plan, Green Belt policy is particularly relevant and is discussed further shortly. However, given the Council's conclusions on the acceptability of the proposals in Green Belt terms and given the very special circumstances that apply, it is the Council's view that the scheme is consistent with such policies. And, although the provisions of Policy RLT20 are not entirely met, they are in large part. Therefore, weighing all the criteria in Policy RLT19, it is the Council's considered view that the balance of advantage has without doubt been demonstrated and the development would be in accord with that policy.
- 4.18 *Policy RLT20* allows development within the northern area of the estate for a specified range of uses. Notably, they include retailing related to heritage, recreation and craft. Given the current nature of the application where in particular the retail element is leisure based, the uses proposed fall largely within the range set out in the policy.
- 4.19 The development, however, is not confined to the defined northern area of the estate. Nonetheless, it is important to note that when SBLP was prepared and, indeed, adopted by the Council, there was no proposal before them nor had any costings been undertaken to assess the amount of development needed to meet the fundamental conservation aims. On the basis of the detailed evidence of the various components of the scheme and the need for the enabling development proposed, it could not all be acceptably located within the northern area. Therefore, although Policy RLT20 is not met in respect of certain aspects of the proposals, the Council regard the limited non-compliance as acceptable.
- 4.20 Consequently, the Council conclude that in terms of the site specific policies, the proposals are for the most part in accordance with the SBLP to which the weight of Section 54A must be applied.

Green Belt

- 4.21 The other particularly relevant policy of the SBLP is Policy E&D10 relating to the Green Belt. That policy reflects current national guidance in PPG2. The first issue is whether the proposals are appropriate or inappropriate development in the Green Belt. Although some aspects are appropriate, such as those relating to outdoor sport and recreation, others are inappropriate in Green Belt terms, particularly the new built development. In respect of those elements, the Council have taken the view that it is necessary to assess whether very special circumstances have been established to justify the development.

4.22 One very special circumstance is the existence of Policies RLT19 & RLT20 which have already been considered and to which the general Green Belt policy must be subject. Despite the estate falling within the Green Belt, Policy RLT20 sets out various development as being "appropriate" on the site, even though these comprise inappropriate development in Green Belt terms. As the proposals significantly meet those site specific policies, that is in itself a very special circumstance justifying the development.

4.23 In addition, the Council regard as a further very special circumstance the uniqueness of the site and the extensive regeneration benefits its proposed development would bring. Its uniqueness is demonstrated by its separate consideration in the SBLP, where it is regarded not merely as a district resource but a sub-regional one in terms of North Staffordshire as emphasised in evidence by Chief Officers of the Borough and County Councils (Docs 118, 119, 136-138). If the site were developed as proposed, it would regenerate the North Staffordshire sub-region, raising its profile significantly, thereby encouraging further investment in the area as well as providing significant numbers of jobs. There is no similar site in the area with such potential, making it unique, and its regeneration implications are themselves a very special circumstance in the Council's view.

4.c PPG6, Retail Location

4.24 Expert retail evidence is given on behalf of the Council as part of the County Council's case (Docs 139-143). The Council consider the proposals represent a comprehensive package of refurbishment, visitor attraction and retail development, with the retail in itself being a visitor attraction. The potential synergy of retailing, the other visitor attractions and refurbishment and ongoing maintenance of the gardens and parkland make this a suitable location for retailing (Doc 118).

4.25 The criteria for out-of-centre sites and the sequential approach as set out in PPG6 are acknowledged; but, if retailing is to provide the major investment required for the revitalisation, it has to be recognised that the location of the heritage resource represented by the Trentham Gardens estate is fixed. No proposals have been brought forward which could generate the investment required for Trentham Gardens on alternative locations and it is difficult to see how this could be achieved. The sequential test is therefore of limited relevance in this particular case. It is also considered that the nature of retailing proposed, together with the restaurants, cafes and bars are well suited to this location.

4.26 In reaching their decision, the Council took full account of the views of the neighbouring local planning authorities and the County Council who did not raise objection in principle to the retailing element, subject to a number of safeguards (Docs CD/B, CD/C). Most of these safeguards are met in the suggested conditions and/or the Section 106 agreement (Docs 116, 131).

4.d PPG13, Site Accessibility and Traffic Impact

4.27 Trentham Gardens currently functions as a low key visitor destination. If the heritage resource is to be revitalised and play its proper role in North Staffordshire it will by definition generate more visitors. The issues of accessibility to the site and traffic impact have been the subject of extensive discussions and negotiations between the Applicant and the highway authorities.

4.28 The highway authorities have raised no objection in principle subject to certain conditions, including public transport and green travel plan considerations as well as highway improvements, phasing and linkages to cycle and pedestrian routes in the area, which are provided for in the Section 106 agreement and suggested conditions.

4.e PPG15 and PPG9, Environmental Issues

- 4.29 There are significant environmental gains to be secured from the proposed development. The Trentham estate has suffered from neglect and it is important that the downward spiral be halted. A number of aspects of the proposals are supported particularly strongly by the Council:- including repair and refurbishment of the listed buildings and structures on the site; refurbishment of the historic gardens and landscape of the park; enhancement and management of the ecology of the site; and enhancement of the SSSI.
- 4.30 The grand west entrance to the former hall is on the English Heritage register of buildings at risk (Doc 17) and the long gallery and many other historic features are declining rapidly. The proposals would not only repair and refurbish these features but would also provide an appropriate use for them, enhance their setting and secure their long term future.
- 4.31 It is considered that the proposed 4 star hotel would be a major asset to securing enhancement of the estate. It should be provided at an early stage in the development process. The Council's preference is for Dr Blissett's design approach No.2 (Docs CD/A/27, 119), but clearly its detailed design would need to be considered with very great care bearing in mind the importance of its setting and its potential impact on the character and appearance of the estate. The Applicant expects hotel facilities to reflect the AA and RAC classification system (Doc 132).
- 4.32 The other new buildings would be mainly located on the eastern side of the Trent. It is important that these also should be well designed, of high quality and complement their setting. To assist with this it is intended that an architectural master plan be submitted for the whole site, expanding on the material already provided, and seeking to ensure there would be a unity of concept and design.
- 4.33 The landscaping proposals are comprehensive and integrated and would need to be of high standard to reinforce the quality of the visitor's experience as well as to contribute to the wider regeneration objectives of the sub-region. The proposal to retain Trentham Gardens in one ownership is greatly welcomed and would facilitate management of the estate in a sensitive and comprehensive manner. The removal of uses which are not compatible with this approach and reinstatement of the important west park is also welcomed.

4.f PPG17 and PPG21, Recreation and Tourism

- 4.34 The Council consider that the proposed removal of some of the existing facilities and their replacement by a new range of leisure activities as proposed would be of significant benefit to the recreational use of the estate.
- 4.35 Trentham Gardens has a very significant role to play in tourism for Stafford Borough, the North Staffordshire sub-region and beyond. The proposed development would produce a steep change in the range of tourist facilities available, to the benefit of local and sub-regional economic activity.

4.g Need for the Development

- 4.36 The issue was raised as to the need for the proposed development, or elements such as shops, related to the costs of restoring the gardens and buildings or of developing in a satisfactory manner (Doc GEN/5). There is a need for development to halt the decline of Trentham Gardens. Refurbishment is a key issue, as is maintenance, of this important heritage resource. The application is for a comprehensive package, with interdependent parts, and that is the basis on which the Council has considered it.

4.h Consequences of Refusal

4.37 The Council and others are concerned about the decline of Trentham Gardens as a heritage resource. Previous activities at the site have not produced such enhancements as are now proposed and have involved activities which have brought their own adverse planning and wider impacts. The Council, therefore, have real concerns about the future of the estate if the proposals were refused in whole or in part. This would leave unresolved the halt of the decline of Trentham Gardens, its refurbishment and the benefits which would derive from its full use thereafter.

4.i Other Potential Sites and Benefits

4.38 Potential sites elsewhere in North Staffordshire are more "traditional" regeneration sites, many of which have access to external funding sources. These sites will have an important role to play in regenerating the sub-region and are being pursued. The Trentham Gardens estate, however, is unique in character and clearly very different from those other sites. Its refurbishment and enhancement has a complementary role to play for such sites by raising the profile of North Staffordshire, changing its image and perception and by adding to its attractiveness. This complementary role would potentially encourage further investment into North Staffordshire which would in turn realise benefits through other regeneration sites which may come forward.

4.j PPG13, Wider Sustainability Considerations

4.39 These matters have been addressed as part of the highways and transportation issues. The wider issue of the sustainability of the heritage resource also needs to be considered. The proposals are a way of maximising and revitalising the historic investment which has been made at Trentham Gardens, in a manner which by virtue of the management proposals would thereafter be sustainable.

4.k Conservation Area and Listed Buildings and Their Settings

4.40 These designations recognise and underline the significance of Trentham Gardens. The comprehensive proposals would involve restoration of the listed park and gardens and the listed buildings and structures. This is a major benefit of the scheme.

4.l Public footpaths and Rights of Access

4.41 The existing public footpaths crossing the site have been recognised and safeguarded as part of the application. Wider issues of access to the area have been the subject of consideration by the Applicant. It is recognised that they are matters of local concern, but they involve issues which fall to be dealt with outside the planning application process. The current proposals would result in far greater public access than exists at the moment, to an enhanced environment.

4.m Traffic, Noise and other Potential Local Impacts

4.42 There have been representations regarding elements of local impact (Docs CD/D, CD/J). However, many of the objections of those responding to the original proposals related to golfing opportunities, which no longer form part of the scheme. Some of the outstanding reservations would be addressed by the suggested conditions and Section 106 agreement and the benefits of the scheme secured without undue detriment in respect of the matters of concern to local residents. Bearing in mind the nature and scale of the proposals, the objections from local residents have been relatively limited.

4.n Overall Conclusion

- 4.43 The proposed development is of strategic significance, representing a major long term investment which would generate a substantial number of jobs and revitalise an important heritage resource. It would have implications for North Staffordshire, the sub-region and beyond. The key issues are Green Belt and retailing, which can be satisfactorily dealt with by the suggested conditions and Section 106 obligations and as part of implementation, as can the other identified issues.
- 4.44 There are exceptional circumstances which are sufficient to warrant departure from Green Belt policy in this case, and the retail proposals are an integral part of the comprehensive package for the restoration and management of a major heritage visitor attraction.
- 4.45 The proposals have been the subject of extensive discussion since August 1997. Both Stoke-on-Trent and Newcastle-under-Lyme authorities welcome the proposals in principle and the Applicant has satisfied the relevant highways authorities. There is now little significant objection from most quarters. The application represents a major opportunity and should be allowed, subject to the suggested conditions and the Section 106 agreement.

4.o Section 106 Agreement

- 4.46 The Section 106 agreement was discussed at length with the Applicant and others, and a number of drafts were made available (Docs 60- 62, 83, 84, 98, 101, 107, 109, 124, 126, 128) before completion of the final document prior to the close of the inquiry (Doc 116).
- 4.47 The Council are satisfied that the agreement meets the requirements of Circular 1/97 and provides reasonable safeguards in respect of:- the need to encourage travel by means other than the private car; highway improvements; sale of certain types of goods; phasing of development; restoration; ecology; management; and disposal of land.

4.p Suggested Conditions

- 4.48 Drafting of conditions was a lengthy process, involving many consultations (Docs CD/G, CD/I, 41, 46, 102, 118, 125, 127, 130) before preparation of the final list (Doc 131).
- 4.49 The Council consider the suggested conditions are reasonable and necessary for the proposals to be acceptable and meet the requirements of Circular 11/95.
- 4.50 The following conditions are needed for the purposes indicated:- 1 - to require future approval of reserved matters; 2, 9 - to precisely define the proposals and the location and extent of the various elements, with references to application plans; 3-6, 24 - for reasons of highway safety and convenience; 7-8 - to make satisfactory provision for pedestrians and cyclists; 10-17 - to ensure the retail proposals would not be unacceptably detrimental to nearby town centres; 18-22 - to ensure the historic gardens, park and buildings would be restored in a phased manner and thereafter satisfactorily managed; 23, 31, 36-42 - to protect the character of the conservation area and the historic garden and park; 25-27 - to afford proper archaeological investigation, recording and protection; 28-30 - to safeguard and enhance the ecological resources of the site and to protect the SSSI; 32 - to ensure watercourses can be maintained; 33 - to ensure new development is not affected by flooding; 34 - to prevent pollution; 35 - to protect public sewers and pumping mains; 43, 45 - to ensure holiday lodges are used as holiday accommodation and are appropriately sited; 44 - to co-ordinate implementation of the various elements of the permission; 46 - to ensure construction work does not give rise to nuisance and disturbance; 47- to ensure temporary uses and activities do not cause harm to the site and its restoration.

5. THE CASE FOR STAFFORDSHIRE COUNTY COUNCIL

The material points are:

5.a The Vision

- 5.1 The condition of much of the development in Trentham Gardens is the result of 50 years of under-investment, unsympathetic development and neglect (Docs 136, 161). The decline in the condition of the historic buildings and the impact of inappropriate structures on the setting of listed buildings and the Grade 2* listed gardens is regrettable. Management and development at the estate in the past has been carried out on an ad hoc basis which has greatly contributed to the present position.
- 5.2 The County Council has for years encouraged successive owners of Trentham Gardens to produce a new plan for the estate so as to transform its image and fortunes. There is still time, whilst the estate remains in single ownership. The Applicant's photomontage, with a new hotel, restored gardens and boathouse restaurant shows how this "vision" of a restored Trentham Gardens could be achieved (Doc 162). Such a "flagship development", with a restored historic and natural environment, would provide many jobs on and off site, boost tourist facilities and be likely to attract other projects and investment, which are much needed in the Potteries particularly in the service sector (Docs 136-138).

5.b The General Background of Trentham Gardens

- 5.3 Trentham Gardens was one of the most outstanding country houses of the C19 and early C20 and Barry's work here was described by Pevsner as "...spectacular and had a spectacular following...(and) in its way architecturally as important as the houses of Parliament." The interrelation of the architectural form with the Italian gardens, parkland and woodlands marked out Trentham as a truly exceptional estate.
- 5.4 With the demolition of the main house in 1911-12 the estate lost its focus. There is a general consensus of informed opinion that the recreation of a new "main house" would recreate that focus and is highly desirable. Those holding this view include Dr Blissett, English Heritage, the Georgian Group, Clare Askwith, Ancient Monuments Society, Victorian Society, Association of Gardens Trust, and even Mr Butterworth for Norcross (Docs 12-20, 165, 183-186, 242).
- 5.5 Only Mr Tweedale for I M Properties expressed a view contrary to the general consensus and he declined to present oral evidence following the cross-examination of his colleague (Doc 231). Mr Tweedale's evidence is so out of step with those of others with particular knowledge of Trentham Gardens that it should not be preferred.
- 5.6 The Italian gardens and parkland are outstanding and it is significant that the gardens merit a Grade 2* rating, even in their neglected condition. The Grand Hall and its associated extensive areas of car parking now comprise the major development east of the River Trent. The Grand Hall has little architectural merit and detracts from the special interest of Trentham Gardens. Mr Butterworth's claim that the significance of the Grand Hall has not been assessed in accordance with generally accepted methodology is misguided (Doc 183).
- 5.7 The statutory authorities have an in-depth knowledge of Trentham Gardens over many years and there is a small library of drawings, photographs and narrative of the estate dating back 160 years. It is inconceivable that English Heritage were unable to properly assess the impact of the Grand Hall. The claim that the Grand Hall contributes positively to the conservation area and should be treated as a listed building is wholly unconvincing.

- 5.8 East of the River Trent, the area is largely developed from Longton Brook in the north to the end of the golf driving range in the south. That development has not integrated in any meaningful way into the former landscape. The result is a thoroughly degraded area with an urban feel. The area west of the formal gardens has fared little better, with the array of development and activities including the exhibition hall, funfair, caravan park/storage, four-wheel vehicle driving, clay shooting, "paintball"/ war game activities, and car boot sales. And the water skiing and jet skiing activities on the lake are incongruous in the setting and do not assist in the conservation of the fauna on the lake, especially the herons.
- 5.9 The overall picture of Trentham Gardens today is therefore depressing; but work necessary to regenerate the grand remains of the historic buildings, the gardens and the landscape as a whole, though demanding, lengthy and costly, is far from impossible. Much detail is extant and there are the extensive documentary records to aid the task.

5.c The Caravan Uses

- 5.10 There is an implemented planning permission for caravan use over some 20 ha of parkland in Area 3, west of the formal gardens. The northern boundary is a public footpath just to the south of a reservoir (Doc 94). From the northern boundary the ground falls towards the formal gardens and lake (Doc 103). The permitted areas are both extensive and highly visible in the landscape and conspicuous from the public right of way.
- 5.11 Two current permissions are for caravan storage, 300 caravans (ref. 28337) and touring caravans, 250 caravans (ref. 26459) (Docs 157, 158). Caravan storage is permitted along the boundary with the footpath. This is a different use in nature than use of land as a caravan site. Moreover, the permission is unconnected with the caravan use on site. The breadth of the consent extends to touring and residential caravans and, by virtue of the Use Classes Order 1987 Class B8, to open storage unrestricted in nature or height (Doc 162).
- 5.12 Caravan storage at present is damaging both in terms of its visual impact in this sensitive location and also because of its effect on openness. Furthermore, because of the absence of any significant controls it is potentially of considerable value to the landowner. The only control, Condition 3 limiting access to Park Drive only, is one which might result in considerable disturbance should the permission be used as intensively as it might.
- 5.13 The caravan site consent does not limit use of the site to any particular part of the year, although Condition 3 limits occupation to short stay, touring caravans only. Condition 3, however, does not require the removal of caravans from any particular location, merely that the caravans should be genuine touring caravans. Those caravans may themselves be substantial and modern touring caravans are equipped with central heating. It would therefore be wrong to conclude that because only touring caravans are permitted they could not be stationed on site throughout the year. The Tourism Study noted that the caravan and camping site "...is a well used and profitable facility" (Doc CD/A/7). There is no reason why this use should not intensify and become better used throughout the year, bearing in mind its proximity to the M6 and A50, and increase the harmful visual effect.
- 5.14 Some 550 caravans in the parkland of Trentham Gardens would be removed if the current proposals were implemented, which would be a substantial benefit to the character and appearance of the area. Moreover, each of the 250 touring caravans are likely to be accompanied by a motor car. In addition, in respect of the storage use, the nature of the consent would permit ancillary plant to be kept on site e.g. trailers in connection with the movement of caravans and the parking of tractor units. In assessing the benefits of removing the caravan uses, these additional factors should also be taken into account.

5.d National Planning Guidance

- 5.15 *PPG2* aims to safeguard the Green Belt from inappropriate development and highlights the following points:- the most important attribute of the Green Belt is its openness; the positive role of the Green Belts in providing access to the countryside, opportunities for outdoor recreation near to urban areas and enhancing landscapes close to where people live; visual amenities should not be injured by development in the Green Belt; and, in Annex C, the special case that may be made for major development sites in the Green Belt.
- 5.16 *PPG6* sets out key features:- a plan led approach and promotion of development in town centres; importance of the sequential approach; and key tests for assessment of retail proposals. "Need" is seen as a material consideration, as clarified by Mr Caborn in subsequent guidance.
- 5.17 *PPG12* in paragraph 3.12, restating earlier approaches, advises on the form and purposes of local plan policies, including site specific and criteria approaches, to provide a positive lead for development.
- 5.18 *PPG13*, together with "A Guide to Better Practice 1995", provides advice on what may be considered to be issues of transport sustainability.
- 5.19 *PPG15* recognises that the historic environment cannot be preserved unchanged; notes the particular importance of the historic environment for tourism and leisure uses; states that the development plan is the main vehicle for co-ordinating and integrating conservation policies with other planning policies; advises that local authorities may encourage the satisfactory re-use of neglected historic buildings; and highlights the need to retain the historic environment whilst encouraging economic growth.
- 5.20 *PPG17* highlights the importance of the urban fringe and countryside in contributing to civilised life, noting that over 80% of the population visit the countryside for recreational or sporting purposes at least once a year and that informal recreation, including walking, is the most popular activity.
- 5.21 *PPG21* outlines the importance of tourism in economic and land use planning terms and supports tourism which contributes to the quality of the environment. It also recognises the significance of larger scale tourist development, which "can bring many benefits to the regional economy", with specific guidance as to hotels. Annex B notes that caravan sites may be particularly intrusive in the open landscape, that 13 million people a year take holidays in caravans in Britain, and that there is growing demand for in-land sites.

5.e The Development Plan

- 5.22 Many provisions of the Structure Plan afford support for the proposals, including Policies 30-33, 35, 38, 45-48, 80, 83, 84-87, 89-91, 92-94, 103A-105, 106, 107, 109, 111, 113, 115 (Doc 136). The proposals would conflict with Policies 18, 19 in respect of out of town retail development, but derive some support from 21 concerned with regeneration. There would also be conflict with 69, 70A Green Belt policies, but this would be warranted by the "very special circumstances", as tested through the SBLP inquiry (Docs 136, 137).
- 5.23 The main relevant SBLP provisions, which relate directly to Trentham Gardens are SBLP Policies RLT19 & RLT20. These two policies were proposed on behalf of British Coal and the Local Plan Inspector recommended their inclusion. It is inconceivable that the Inspector considered the policies without having in his mind PPG's 1, 2, 6, 13, 15, 17, 21, notwithstanding that he heard the British Coal objection in June 1995 (Docs 77, 78).

- 5.24 The Inspector had the planning history of Trentham Gardens before him and details of the then current uses. He perceived the estate as a significant tourist/recreation attraction. He knew the estate was up for sale, and its historic importance and potential, and took the view that there should be a site specific policy .."to provide a framework to facilitate the continued realisation of the recreational and tourism potential of the estate, but in a manner which ensures that its historic and natural attributes are safeguarded".
- 5.25 It is clear that the Inspector had in mind the PPG12 guidance discussed above. He rejected the Council's approach at that time on the basis that "...the area identified by the Council is too restrictive to provide scope or encouragement for appropriate development compatible with a major leisure facility, albeit located within a most important historic setting".
- 5.26 It is not a requirement of Policies RLT19 & RLT20 that the existing uses and activities having a harmful impact on the historic setting should cease, although it is clear from the supporting text that the northern core area was to be considered for major recreational, tourist and leisure development proposals. The policies were clearly designed to provide a positive lead and create certainty, whilst retaining flexibility. They were drafted in the knowledge that Trentham Gardens needed extensive improvements to its natural and built fabric, but quite how expensive restoration would be was not understood.
- 5.27 Policies RLT19 & RLT20 obviously envisaged major development, that would otherwise be inappropriate in the Green Belt. In the light of the evolution of the policies it would be curious to construe their application so as to require proposals to meet the usual tests for development in the Green Belt. That cannot be "joined up" policy analysis. Policies RLT19 & RLT20 were "sui generis" for the very reason that Trentham Gardens was in every way a "very special circumstance" in PPG2 terms and in many other ways.
- 5.28 Which is not to say that anything is permissible, and that has not been the approach of the local authorities. Initially the County Council had reservations about the monkey park and the holiday lodges and withdrew its objections on those grounds only upon being satisfied that no harm to the environment would result (Docs 145-149). The drive has been to secure this immensely valuable heritage asset in perpetuity and remove the incongruous uses and buildings on site whilst protecting other interests of acknowledged importance.

5.f Appropriate Development within SBLP Policies RLT19 & RLT20

- 5.29 It is important that neither Policies RLT19 & RLT20 nor the reasoned justification identify the existing uses/buildings as inappropriate and so require their removal as a precondition to permitting further development.
- 5.30 The policies do contemplate, for example, that a hotel-conference centre is appropriate development. This must mean that the Council could not, on the basis of Policies RLT19 & RLT20, permit a new hotel only upon condition that the fairground be removed. The present northern core area includes the pleasure ground to the west of the Italian gardens, implicitly indicating that use would continue. The same point might be made with regard to the garden centre. The circumstances in this instance are very different to those more frequently met of seeking to replace one structure in a Green Belt location with another.
- 5.31 Heritage/recreation/craft related retailing is appropriate within the northern core. With the current proposal part of the retail development would be outside the northern core, including the garden centre and perhaps one third of the small retail units. That element is necessarily inappropriate development in terms of Green Belt policy. It is also doubtful if it was envisaged at the SBLP inquiry that retail provision on the scale now proposed would be promoted through Policies RLT19 & RLT20.

- 5.32 However, substantial development was envisaged, including indoor leisure facilities which could include 10 pin bowling, a cinema and bingo/family entertainment centre. In terms of impact on openness, therefore, there may be little difference between the current proposals and such a leisure/entertainment-based operation, except that the latter would probably require larger and taller structures and have greater impact on openness.
- 5.33 Policies RLT19 & RLT20 seek to promote Trentham Gardens, develop its tourist potential, and conserve its historic and natural heritage. The current proposal would achieve those objectives and provide wide public access to a major part of the estate, which properly constitutes very special circumstances. The scheme would also remove existing activities and development from the western part of the northern core. That area alone is more than the area of the small retail units and garden centre which would be otherwise appropriate.
- 5.34 Even if the condition of the area between the A34 and the River Trent were disregarded, as well as the 30 bay golf driving range extending well beyond the boundary of the northern core, it is still highly significant that use of some 20 ha of land accommodating up to 550 caravans and several hundred cars in a sensitive area west of the Italian gardens would be discontinued. The benefit in terms of increased openness and reduced visual impact would outweigh the proposed retail provision and landscaped parking beyond the northern core.

5.g Retail Impact

- 5.35 It is now clear that the Trentham Gardens scheme would not detract from the regenerative potential of the Norcross scheme at Tunstall (Doc 195). It was also shown that, as a worst case, if Trentham Garden's retail element were able to open in 6 months time, the adverse impact on Hanley centre would be 1.7% (Docs 141, 159).
- 5.36 The impact would in fact be less, since the nature of goods to be sold from the small units has changed since the early part of the inquiry. For at least 7-8 years in realistic terms, even if the Applicant were so inclined, the retail offer could not be that of a typical fashion-led factory outlet centre as originally considered. It would therefore be much less likely to compete with centres such as Hanley, Newcastle, Stoke or Longton. This is especially significant when considering the advice of Drivers Jones, which expressed some concern about the impact of a fashion-based factory outlet centre (Docs CD/C/3, 207).
- 5.37 Also, there are concerns regarding the evidence given by Mr Adams of Drivers Jonas, for Farringford. Paragraph 15.13 of the Drivers Jonas December 1998 Stoke Retail Study states that "...Until the successful implementation of the redevelopment is assured (75% pre-let and pre-funded) further out-of-centre comparison retail development should be resisted to retain investor confidence in this scheme" (Doc CD/H). "This scheme" refers to the proposed development of the East and West Precincts in Hanley. The draft Stoke Study issued 6 months earlier in June 1998 had a similar provision (Doc 224).
- 5.38 Mr Adams' evidence for Farringford to the inquiry was that retail provision at Trentham Gardens was included in the comparison retail development which should be resisted to safeguard the proposed development in Hanley, a position that he claims he held in 1998. With the greatest respect to Mr Adams, that is not credible. Nowhere in the Drivers Jonas Trentham Gardens Study completed in November 1998, 5 months after the draft Stoke Study, is there any mention of it, including the section which proposes in detail conditions and obligations in respect of the Trentham Gardens scheme (Doc CD/C/3).
- 5.39 Moreover, Mr Adams did not subsequently write to any of the local planning authorities to address the point. Neither is there mention of it in the letter to the County Council when Mr Adams discovered that he had a conflict of interest in November 1999, or indeed in his

main proof of evidence (Doc 160). Mr Adams' reliance on paragraph 15.13 of the Stoke Study is not only unfair but plainly wrong. The proposals at Trentham Gardens were considered to be a special case which on Mr Adams' own detailed analysis was not linked to paragraph 15.13 of the Stoke Study (CD/H).

- 5.40 There are a number of other factors that it is helpful to note prior to consideration of retail impact. As regards Newcastle town centre, the Newcastle East scheme is now under way, with St. Modwen being confident in the prospects in Newcastle and happy to make the large commitment necessary, underpinned by the planning obligation and conditions.
- 5.41 As regards Hanley, the East and West Precincts scheme now owned by Farringford was promoted by Mr Adams in the Stoke Study, but the floorspace mentioned was 25-30,000 sq m (Doc CD/H). Since then planning permission has been issued for some 40,000 sq m of retail floorspace in the East and West Precinct and 5,000 sq m of complementary uses. Mr Burton, also for Farringford, noted both in his original evidence and his further statement .. "a large pent up demand for Hanley from retailers" (Docs 211, 212).
- 5.42 The Trentham Gardens development would produce positive spin-offs, particularly the attraction of socio-economic groups A/B/C1 shoppers/tourists. And, it would comprise a flagship development which would raise the profile of North Staffordshire and bring in expenditure that would not otherwise come to the Potteries.
- 5.43 The retail evidence given by Mr Morley of GVA Grimley for the County Council and Stafford BC essentially builds on that of Mr Adams (Docs 139-143, 207-210). Differences are mainly concerned with capacity analysis, with Mr Morley adopting both the 1996-2006 expenditure growth method used by Mr Adams and a more complete assessment relating total expenditure in 2006 in the Stoke Study Area to total likely turnover. Both methods show there would be capacity to support the current proposals, with the second assessment indicating capacity in 2006 of £287 million. There is no evidence that Mr Morley failed to take into account in his analysis all schemes that may come forward by 2006, although there is doubt as to whether they would all be completed and trading by then.
- 5.44 Farringford disputed the second assessment of available expenditure. If Mr Adams is correct that there is a net leakage, improbable though it might seem in the Stoke Study Area (not the Hanley catchment area), then there may be opportunity to claw some of it back as Mr Adams advocated in the case of Newcastle in both the 1998 Studies (Docs CD/C/3, CD/H). However, if Mr Morley is correct and there is additional capacity beyond that indicated by the expenditure growth analysis, then it is likely there is capacity now. The planning application for a scheme of 40,000 sq m of retail floorspace as opposed to 25,000-30,000 sq m together with Mr Burton's references to pent up demand must surely be good evidence of it. In any event by 2007, on whichever analysis is adopted, there would be capacity even in the unlikely event that all proposals were completed.
- 5.45 Attention was drawn to cumulative effects of the Talke, Tunstall and Trentham Gardens developments, with a combined impact on Hanley of 13% in 2001. Mr Morley had some reservations about approval of 3 factory outlet centres, but not with the constraints now to be applied at Trentham. Also, Tunstall and Trentham are a considerable time away from commencement. Both are at outline stage and much work has to be done before a shop could open. The impact of Trentham Gardens would not be greater than 1.7% and if the units were to open by 2005 the effect would be to reduce that figure to 1.2%-1.3%.
- 5.46 Moreover, there would be positive spin-off benefits, which would mainly benefit Hanley. In his evidence to the inquiry, Mr Adams considered they would be small, although he

took a different view in his study in November 1998 (Doc CD/C/3). If it were assumed that Mr Adams was correct and that the benefit would be 0.5% the result is that the impact of Trentham Gardens on Hanley would be about 0.75%. This would be imperceptible, all the more so in respect of a strong vibrant centre like Hanley which has the benefit of a strong gravitational pull because it is a sub-regional centre. It is highly unlikely that such an impact would deter investment in the East and West Precincts scheme.

Overall Conclusion with Respect to Retail Impact

- 5.47 Whilst Trentham Gardens is an out-of-centre retail development and need for such retail provision has not been demonstrated in terms of PPG6 and the Caborn statement, there are exceptional circumstances in this case. These include the following:- Trentham Gardens has its own development plan Policies RLT19 and RLT20 which envisage retailing within the northern core area; there is demand and capacity for the proposal; some elements of the scheme, the garden centre and A3 uses, are unobjectionable; the impact of the scheme on Hanley town centre would be very small and diminishing; and it provides the principal financial engine to drive the restoration process.

5.h The Holiday Lodges

- 5.48 It is now proposed to provide 75 lodges within Jervis Wood, which is not part of the SSSI but is recorded in the Staffordshire inventory of ancient woodland. The overall extent of Jervis Wood is some 4.59 ha but only about a third of the wood is of ancient semi-natural origin, the rest is plantation. About 1.02 ha of woodland would be cleared and main trees (over 200mm diameter) would be retained. Having regard to the location of the trees, the control over construction materials and the existing planting along the lakeside, it is apparent that the visual impact of the lodges would be small. The County Council have agreed development guidelines with the Applicant and are now satisfied that the long term integrity of Jervis Wood would be maintained and improved (Doc 136-138).
- 5.49 The lodges are inappropriate development in the Green Belt in policy terms, and so there must be very special circumstances to justify their provision. In this case these include:- the promotion of tourist accommodation; £480,000 contribution towards the cost of restoration; the spin-off envisaged in the November 1998 Trentham Gardens Report, the principal beneficiary being Hanley town centre; and compensation for the loss of the caravan site. Cumulatively, those factors amount to very special circumstances and demonstrate the balance of advantage referred to in SBLP Policy RLT19.

5.i Enabling Development

- 5.50 English Heritage's policy statement concerning enabling development provides advice to reinforce that in PPG15 (Doc CD/F/15). The main points are that permission for enabling development should only be granted if the heritage asset would not be materially harmed, benefits clearly outweigh any disbenefits and such enabling development is necessary.
- 5.51 The document sets out criteria which are not ranked in any order of importance and which should all be met. At Trentham Gardens it is of the greatest importance that the proposals would not result in fragmentation of the estate. Avoiding a break-up provides scope for a coherent development scheme, comprehensive management of the estate, public access to a beautiful place and restoration of heritage assets and landscape, with the future secure.
- 5.52 The enabling development would not detract from the heritage assets and it should be noted that:- the garden centre was envisaged specifically by Policies RLT19 & RLT20; the small retail units would be relatively unobtrusive; the sports retail unit would be

somewhat lower than the Grand Hall and less intrusive; the parking areas, with careful attention to the use of materials and landscape together with the use of natural contours, especially in respect of the coach park, would be an improvement on the present unsightly arrangement and would also result in the cessation of the exposed temporary markets and associated parking; the new boathouse restaurant would appear elegant in its setting (Doc CD/30); and development at the southern end of the lake would be unobtrusive.

- 5.53 As already discussed, the 4 star hotel in place of the former hall would be of great benefit to the character and appearance of the estate. Because of the important role to be played by this building, it may well be thought desirable to seek the views of the Commission on Architecture and the Built Environment on the design approaches provided by Dr Blissett as to which could most appropriately form the starting point for a detailed design (Docs CD/A/27, 138). There is a shortage of bed spaces for tourists, including self-catering and 3 and 4 star hotels, which the 2 proposed hotels would help to meet.
- 5.54 As to whether the enabling development is the minimum necessary to secure the future of the heritage asset, the County Council consider the financial analysis shows that it is at about the right level. It is necessary for a development to achieve a critical mass if it is to succeed. The analysis by Drivers Jones in November 1998 indicated that the retail proposals, in terms of factory outlet centres, were small (Doc CD/C/3). Considered strategically, the retail element was at the lower end of the scale and the advice of Drivers Jones was that for the vision for the estate to succeed, all the elements that comprise the application needed to be in place. Viewed in a common sense way the scheme is the minimum necessary. No funding is available from other sources and there is no cost to the community in providing the enabling development (Doc 138).
- 5.55 As to the requirement that the problem should arise from the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid, that criterion is satisfied. Policies RLT19 & RLT20 proceeded to a degree on that basis.
- 5.56 After the criteria, the policy statement provides advice on the circumstances upon which permission should be granted. English Heritage are satisfied with the current position in virtually all respects.

5.j Conclusion

- 5.57 The application seeks to recreate to a large extent the built and natural environment that was previously so much admired. Nearly 1000 jobs would be created on site and as many again in the Potteries. Tourism would be boosted and the profile of Stoke-on-Trent raised by the introduction of this flagship development. The target visitors would be the A/B/C1 customers which Stoke-on-Trent has had difficulty in attracting. Accessibility to the estate would be greatly widened.
- 5.58 Set against this, critics complain about inappropriate development in the Green Belt, impact on Hanley, and access via Park Drive. In the overall balance the impact on openness would be substantially reduced and the attractiveness of the complex would be enhanced. Access via Park Drive would be unlikely to create any significant problems. Access near to the "Poachers Cottage" from the A34, as suggested by TRAC, is not a practical alternative in the opinion of the Highways Agency and the County Council's highway engineers. Retail impact on Hanley because of this development would be inconsequential. The balance to be struck unequivocally falls on the side of the proposals. Planning permission should be granted subject to the suggested conditions (Doc 138).

6. THE CASE FOR ENGLISH HERITAGE

The material points are:

6.a Introduction

- 6.1 English Heritage has appeared at the inquiry in its capacity as a statutory consultee in order to give its views upon the proposals (Doc 170). Mr Taylor, who is an Inspector of Historic Buildings with English Heritage and gave evidence on their behalf, was formerly Principal Building Conservation for Staffordshire County Council and has had detailed professional involvement with Trentham Gardens since the early 1980's (Docs 150-153, 163-165). The application and subsequent additional material and modifications and the English Heritage response to these as presented at the inquiry have been considered by the Advisory Committees on Historic Parks and Gardens and on Historic Areas and Buildings.
- 6.2 There has been concern about the decline of the estate for many years and at the time of sale by the Coal Board, efforts were made by interested parties to ensure the importance of the heritage asset was fully understood (Doc 166). It was widely seen as vital that the estate should remain in single ownership, to ensure effective restoration and long term management. The possibilities of purchase by the National Trust or English Heritage were actively, but unsuccessfully, pursued. Many potential purchasers were known to be interested solely in the development possibilities of the northern core and so acquisition by the Applicant, with the intention of retaining the estate as an entity, was welcomed.
- 6.3 In the absence of significant funding from other sources, it was recognised that some income-generating development would be needed in order to fund the necessary works of restoration and regeneration. English Heritage have been impressed by the willingness of the Applicant to seek and respond to informed advice and to modify the proposals, even with commercial disadvantage. Whilst fully detailed proposals might normally be sought in such a sensitive location, it is reasonable in this case to determine the application on an outline basis, especially now that siting and means of access are part of the application and additional illustrative material has been provided.
- 6.4 The importance of Trentham Gardens is recognised by its inclusion in English Heritage's Register of Historic Parks and Gardens at Grade 2*. This grading is based on the present condition of the estate and incompatible uses and it will warrant Grade 1 status following restoration. The need for repair and restoration is plainly urgent, given the condition of the various historic structures. All 20 listed buildings on the site are included on the local authority or English Heritage Buildings at Risk registers in the extreme "at risk" categories (Doc 164). The evidence is that the buildings and their surroundings can be repaired and restored as proposed. There is a wealth of recorded information about the estate and the necessary techniques and skills are available. This may well be the last chance to rescue Trentham Gardens and it would be unfortunate indeed if it were not to be taken.

6.b English Heritage Policy on Enabling Development, June 1999

- 6.5 PPG15 issued in 1994 has a conspicuous lack of guidance on enabling development. In June 1995 English Heritage published "Development in the Historic Environment", a guidance note concerned with the undertaking of development involving listed buildings. Enabling development is dealt with in section 3.4 and cautions against "*a solution where the setting of an important listed building will be hopelessly compromised*". For reasons discussed below, this would not apply at Trentham Gardens where the proposed layout gives high priority to safeguarding and enhancing the settings of listed buildings.

6.6 In June 1999 the current English Heritage policy statement was issued and reflects the considered approach of English Heritage to enabling development (Doc CD/F/15). This policy should be applied in this case, and English Heritage do not countenance relaxation of the important tests embodied in the document.

6.7 The current proposals may conveniently be assessed against the 7 criteria set out on pages 2 and 3 of the policy statement (Docs CD/F/15, 163-165, 170).

The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the asset, or materially harm its setting.

6.8 As regards archaeology, English Heritage is satisfied with the Council's consideration of the archaeological implications of the development and the safeguards provided by draft Conditions 25-27. This complies with the guidance of PPG16 paragraph 30.

6.9 The 4 star hotel is a key feature of the proposals. It would link and make use of the former grand entrance and the service block, providing a suitable architectural context for them and the Italian gardens and associated listed structures. It would also provide a focus in views from the south. The church of St. Mary would be overshadowed, but that would be the case with any satisfactory replacement for the hall. Of the 4 submitted designs, scheme 2 is a free interpretation of the Barry design and English Heritage consider it the preferred approach. Scheme 1 is not supported and schemes 3 & 4 are opposed. There are no objections to the main parking provision, which should be well screened within shrubs and trees to the north-west, but the proposed health spa parking area east of a service range would need significant additional planting to screen it from views across the river.

6.10 As to the retail buildings, English Heritage have always taken the view that any new development needed to support regeneration of the estate would best be concentrated east of the river, because of its relative isolation and degraded condition. The sports retail building would replace the existing Grand Hall, which is of indifferent character, with a building of lower height and less visual impact. The effect of the parking area to the east is somewhat harsh, but it would be screened to an extent by a hedge at the site entrance. Additional planting would probably be required to ensure satisfactory screening to the new building and its parking areas in views from the western side of the river. The impact of the small retail units and garden centre and their parking areas would be acceptable having regard to the bowl-like effect of the topography in this part and screening by existing trees, to be reinforced by additional planting along the river and the boundary with the A34.

6.11 The family hotel would occupy a neglected corner of the park and the principal existing feature, the crown bowling green, would be retained. The cranked plan form of the building and additional planting would help minimise any visual impact. The effects of the winery and new south lodges would be acceptable. The new boathouse restaurant would replace a random collection of sheds and form an attractive eyecatcher in views up, down and across the lake. It is now accepted that up to 75 holiday chalets could be accommodated in the woodland as proposed without material ecological harm and without being visible either from the lakeside or elsewhere in the historic park.

6.12 English Heritage are also satisfied that it would be possible in principle to provide a fence to the monkey park along the route proposed without damage to historic parkland interests; but consider the present fence design and materials are too clumsy and the colour too bright. Car parking for the monkey park encroaches too close to the Grade 2 listed south lodges and parking for the fishing area is too close to the lake. The Applicant has agreed that these locations should be adjusted and additional landscape screening provided.

- 6.13 It is English Heritage's view that siting of the new buildings has been carefully chosen to minimise its impact on the heritage asset and is acceptable. Additional landscaping would be provided to mitigate any potential intrusion. Design of the buildings would be subject to further detailed planning control and, in some respects, listed building consent. Additional safeguards would be provided by the suggested conditions. Demolition of the Grand Hall would require conservation area consent, and any grant of permission could prevent demolition until a contract for redevelopment of its site in a wholly satisfactory manner had been agreed. Much of the proposed development is provided for within the SBLP. Apart from the acceptability of the proposals in terms of their effect on the listed buildings and the benefits for the conservation area and registered park, the scheme could bring significant economic and employment benefits to the wider area. PPG15 indicates that such matters of public interest may be taken into account.

The proposal avoids detrimental fragmentation of management of the heritage asset.

- 6.14 As already explained, this has been a matter of great concern since British Coal's decision to sell the estate in 1995. English Heritage want to see Trentham Gardens retained as a single entity for the heritage asset, the buildings set within the garden and wider parkland, to survive. The Applicant's scheme encompasses the restoration, regeneration and long term management of the whole estate. Mr Glossop, for St. Modwen, indicated that if the scheme were not be implemented in its entirety the quality and potential benefits of the finished product would be diminished (Doc 4).

The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose.

- 6.15 English Heritage accept the Applicant's long term commitment to the site and consider the proposed comprehensive scheme and the requirements of the suggested conditions regarding preparation of a restoration and management plan would provide a framework to ensure long term security for the heritage asset. In contrast to the immediate past the proposed uses of the park and garden, together with the new hotel on the site of the now demolished hall, would be sympathetic to the heritage asset.

The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid.

- 6.16 The need for significant expenditure to secure Trentham Gardens has nothing to do with the present owner or the purchase price paid. It has been caused by many years of under investment and ineffective or unsympathetic management leading to the current condition of neglect. St. Modwen, as the major owner of the Applicant company, are experienced and successful developers and have never sought to justify the proposals on the grounds of purchase price paid for the estate or their financial circumstances.

Financial assistance is not available from any other source.

- 6.17 English Heritage can offer grants to assist with repairs to Grade 1 and 2* buildings at risk or in historic parks, but its funds are limited (£1 million in 1999-2000) and it is most unlikely that grant aid would be made available in this case to the Applicant as a public limited company. Help could not be offered towards future upkeep of the estate. Similar difficulties would arise with Heritage Lottery Funding and the site lies outside the area supported by European Community Structural Funds. MAFF can offer assistance with landscape works; but, even if available, the sum would be small in relation to costs. In this case, English Heritage consider there is no realistic expectation of public funding to meet or support the restoration and regeneration of Trentham Gardens.

it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits.

- 6.18 This was a matter of dispute between the Applicant and objectors from the outset of the inquiry, but English Heritage has not called evidence on this. Page 12 of the 1999 policy statement indicates that this is a matter for the Applicant, stating that "The onus is on the applicant to provide the options and development appraisals." This should then be subject to critical assessment by the planning authority.
- 6.19 As made clear in evidence and cross-examination, Mr Taylor appeared as an Inspector of Historic Buildings and not as an expert upon financial viability and development options. He had considered the Applicant's cost estimates and financial rationale of the scheme based on the synergies between the various elements, and not simply on an arithmetical formula. He saw no reason to differ from those views (Doc 164). He explained that, having been involved in discussions with the Applicant company since their purchase of the site, English Heritage had come to understand and appreciate the rationale.
- 6.20 The form and amount of proposed development is considered acceptable in terms of its impact on the heritage asset, for the reasons already given. Despite the conclusions in respect of the ecological and visual effect of the holiday lodges, however, English Heritage remain open to demonstration that the holiday lodges at the south end of the lake are wholly necessary.

The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.

- 6.21 The potential disbenefit is the development of retail units and leisure and other commercial buildings, including the holiday chalets, within the estate. However, these are located to avoid visual impact and the retail units particularly are within an area of the estate that is degraded. Other uses are considered to be beneficial, including the 4 star hotel and the boathouse restaurant. But the overall compelling benefit is the restoration, regeneration and survival of 20 Grade 2 and 2* listed buildings, the Grade 2* registered park and the conservation area in respect of a heritage asset of national importance, as well as possible wider benefits to the North Staffordshire economy.
- 6.22 The policy statement advises that if a scheme of enabling development meets all 7 criteria, and so on balance is acceptable, planning permission should only be granted if 4 further tests are met, as follows.

The impact of the development is precisely defined at the outset, normally though the granting of full rather than outline planning permission.

- 6.23 Early definition of the impact of development proposals is important and the guidance on this is mirrored in the 1995 Policy Advice at paragraphs 5.3-5.4. However, what is needed is adequate information. PPG15 paragraph 2.11 advises that developers should expect to "assess the likely impact of their proposals on the special interest of the site or structure in question, and to provide such written information or drawings as may be required". This is carried forward in the 1995 Policy Advice at 5.3 .."describe fully the nature and extent of the works ... and should be accompanied by sufficient detailed drawings to establish the nature and quality of the proposals" and 5.4 .."outline applications ... are generally likely to be unacceptable unless the illustrative material demonstrates beyond doubt that the nature and scale of the development could be accommodated without detriment to any material consideration."

- 6.24 English Heritage expressed no view on the issue as to whether the application should have been detailed, and not submitted in outline; but in any event matters have moved on. Whilst English Heritage would normally in accordance with its policy advice expect to see a full planning application, in this particular case it is satisfied that sufficient information has been submitted as part of the outline application, supplemented by the additional material provided in connection with the environmental assessment and other information before the inquiry, for the proposals to be properly assessed.

The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 1/97, Planning Obligations.

The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.

- 6.25 This is a matter of vital importance. It would be a conspicuous failure if whilst part of the enabling retail development were constructed, the very rationale for its existence, the restoration of the heritage asset, was not completed. English Heritage has expressed its views to the Applicant and the Council on the framing of appropriate suggested conditions and on the legal agreement, as discussed below.

- 6.26 A fourth test concerns monitoring implementation and is for a later stage in the process.

6.c Conditions and Section 106 Agreement

- 6.27 Where a proposed development is justified wholly or partly upon the basis of the heritage benefits it will bring, it is very important that arrangements are in place to ensure that the promised heritage benefits materialise. Such arrangements will normally be found in a planning agreement or in appropriate cases in planning conditions or both.
- 6.28 Usually, English Heritage expects such planning agreements to contain a clear sequence of events linking the provision of specifically identified heritage improvements with the construction, use or occupation of specifically identified elements, normally the commercial elements, of the enabling development permitted. It is not usually acceptable so far as English Heritage is concerned for the sequence to be agreed at a later stage once permission has been granted.
- 6.29 English Heritage acknowledges, however, that although the Section 106 agreement in this case does not wholly conform to this general requirement, the Trentham Gardens site and the proposals before the inquiry for its development are exceptional in a number of respects, not least of which are its scale and complexity, the diverse range of significant heritage benefits proposed, the historic importance of the Trentham Gardens estate and its seriously dilapidated condition at present. English Heritage nonetheless believe that agreements of this kind should contain a sequence of events as described above. This was put to the Applicant in meetings but no such sequence has been provided. However, other specific amendments put forward by English Heritage to the Applicant have been incorporated into the document.
- 6.30 So far as the suggested conditions are concerned, English Heritage has commented on the draft versions. Its concerns are that any conditions should adequately secure the provision of heritage improvements in tandem with the commercial elements of the scheme permitted. To this end and in the interests of certainty English Heritage has suggested adjustments to the wording of draft conditions 19-21 (Docs 130, 131, 168, 169, 171).

7. THE CASE FOR NORCROSS PLC AND H & R JOHNSON

The material points are:

7.a Introduction

- 7.1 Norcross plc is the parent company to a number of businesses, whose interests include ceramics (Doc 176). The company own the H & R Johnson Tile Works at Tunstall. In order to maintain its position in the ceramic tile industry, Norcross propose a major investment in the Johnson works, as part of a larger mixed development (Doc 177, 178).
- 7.2 Of particular relevance to this inquiry, is the inclusion within the proposal of a factory outlet centre of some 17,656 sq m of Class A1 and A3 floorspace, together with 1,487 sq m of retail exhibition floorspace and 9,890 sq m of non-food retail warehousing.
- 7.3 The Trentham Leisure application, by virtue of its retail provision, was seen by Norcross as a threat to the success of their Tunstall proposals. Norcross opposed the application on the basis that, if granted consent, it would prejudice the important regeneration package proposed for Tunstall. Amongst other matters, it was pointed out that the Norcross scheme was in a location appropriate for retail provision, on a brownfield site adjacent to a town centre, in a more sustainable and sequentially preferable location, and would not involve incursion into the Green Belt (Doc 191).
- 7.4 Norcross submitted a statement of case, appeared at the inquiry as a major objector, carried out cross-examination, submitted proofs of evidence and other documents, and presented part of the transportation evidence orally, with the relevant witness Mr Bird himself being subject to cross-examination (Docs 172-194).
- 7.5 During the long adjournment of the inquiry, however, the City of Stoke-on Trent granted planning permission for the Tunstall development, the Secretary of State having decided not to call in the application (Doc 179). Modifications were also made to the proposals for Trentham Gardens and the Applicant, Trentham Leisure, entered into a planning obligation by way of a Section 106 unilateral undertaking to restrict the proposed retail operations (Docs 98, 101).
- 7.6 Norcross announced on 12 September 2000 that, by virtue of the planning obligation, they were satisfied that Trentham Leisure's proposed retail development, were it permitted, would not have a material adverse retail impact upon the approved retail proposals at Tunstall (Doc 195). They therefore decided not to continue with their objections at the inquiry although, as subsequently confirmed, they wished the evidence given orally and in written form to stand and to be taken into account (Docs 196-199).
- 7.7 As well as the likely consequences for the Tunstall development, the proposals for Trentham Gardens are considered unacceptable on their own merits and would involve serious conflict with the development plan and with regional and national policy guidance with regard in particular to the Green Belt, retail development, accessibility and conservation.

7.b Planning Policy

- 7.8 In relation to the Green Belt, the development plan and national and regional guidance as set out in PPG2 and RPG11 all contain the presumption against inappropriate development. The application proposals generally do not fall into any of the categories identified as being acceptable in the Green Belt. Indeed under the terms of the adopted

Structure Plan, large-scale retail development in the Green Belt is specifically prohibited. In such circumstances, it is for the Applicant to demonstrate very special circumstances why planning permission should be granted.

- 7.9 In terms of retail policy, Trentham Gardens can be classified as an out of town site and based on the latest national guidance, PPG6 and the related Ministerial statements, it is incumbent upon the Applicant to demonstrate that it has undertaken a sequential assessment and found there to be no town centre or edge of centre sites available that could accommodate the retail proposals. It is also necessary for the Applicant:- to demonstrate need for the proposals; to demonstrate that they would not undermine the retail strategy in the development plan; to show they would be highly accessible by a choice of means of transport; and to indicate their likely effects on overall travel patterns and car usage.
- 7.10 The policy objectives in terms of transportation and accessibility are set out in PPG13 and are reflected in the deposit draft Structure Plan and SBLP. The draft revision to PPG13 is founded on the July 1998 Transport White Paper and since it sets out current Government thinking it should be accorded substantial weight (Docs CD/F/18, 172).
- 7.11 PPG1 sets out a fundamental aim of the Government that the cultural heritage, including landscape, be preserved and requires that sufficient information be submitted with planning applications to show how good design and relevant policy has been taken into account (Doc 183). PPG15 advises that the historic environment should not be sacrificed for the sake of short term, often illusionary gains and provides detailed guidance to assist in meeting the statutory requirements in respect of development affecting listed buildings and conservation areas. The policy guidance is reflected in the SBLP. Additional advice is set out in English Heritage guidance notes and a policy statement on enabling development (Doc 184).
- 7.12 The proposals would conflict with the aims of national and regional policy guidance in respect of the matters identified, ie Green Belt, retail development, accessibility and conservation. Specific development plan policies which would be breached by the proposals include Structure Plan Policies 21, 70a, 103a, 105; and SBLP Policies E&D10, E&D18, E&D19, E&D35, SHO14, RLT19, RLT20. The proposals would also conflict with Policies D5B, TC3B, NC15 of the emerging Structure Plan (Doc 176). It should be noted in respect of Policy TC3B in particular that its current wording was specifically recommended by the Panel to accord with PPG6 and, given that the emerging plan is reaching its final stage, it should be accorded very considerable weight (Doc 179).

7.c Green Belt Issues

- 7.13 Whilst the SBLP does contemplate a certain amount of development at the application site under Policies RLT19 & RLT20, the purpose of these policies is to recognise the importance of Trentham Gardens, the level of uses and buildings already on the estate, and the need to provide limited opportunities for further development in order to secure the future of Trentham Gardens.
- 7.14 The application proposals, however, breach a number of elements of Policies RLT19 & RLT20 as well as PPG2. In particular:- the range of proposed uses extend far beyond those considered appropriate in Policy RLT20; the scale of development greatly exceeds what is envisaged by Policy RLT19; the development would extend well beyond the defined northern core area; the proposals would lead to a major increase in the developed proportion of the site; and the proposals would have a much greater impact on the purposes of including land in the Green Belt than the existing development.

7.15 Assessments of the likely impact of the proposed development on the openness of the Green Belt indicate that the application would substantially alter the character of parts of the estate by introducing built development into areas previously undeveloped (Docs 176, 179, 183-185). This would impact upon the openness of the area and cause serious harm to the Green Belt. As a consequence, the proposals as a whole constitute inappropriate development and it is for the Applicant to demonstrate very special circumstances to outweigh the conflict with Green Belt policy. Those very special circumstances also need to outweigh the conflict with all other established planning policies.

7.16 The Applicant's asserted justification for the proposals is to ensure that funding for investment is secured in order to allow for the necessary repairs and future maintenance at Trentham Gardens. However, for such a justification to be given any credence, it is necessary for the Applicant to substantiate it by demonstrating that the enabling development is the appropriate way of maintaining the gardens and is also the minimum that is necessary to achieve this.

7.17 The Applicant in submitting the proposals made no attempt to undertake such an exercise and relied instead upon unsubstantiated assessment that appears to have been accepted at face value by Stafford BC. Even if such an attempt were made, the details submitted with the application were so vague as to make the exercise worthless. The matter of enabling development is considered further in connection with conservation issues.

7.d Retail Issues

Need and Impact

7.18 The proposed retail provision at Trentham Gardens was initially seen as operating as a factory outlet centre and, notwithstanding the planning obligations and conditions, it clearly has potential to fulfil that role in the future. Factory outlet centres require substantial catchment areas in order to be viable (Docs 176, 177) and there is already one such development in operation at Talke Pits, an out-of-town location some 12 km north of Trentham (Doc 1). In their December 1998 Stoke Retail Study, Drivers Jonas advised that sufficient in-centre and edge-of-centre sites exist to accommodate future retail warehousing, factory outlet centres and foodstores (Doc CD/H). This conclusion was recently endorsed by the Secretary of State's refusal of proposals for non-food retail warehousing at Etruria (Docs 202, 210).

7.19 The December 1998 Stoke Retail Study also advised against more than one factory outlet centre. Whilst the Drivers Jonas November 1998 report into retail development at Trentham Gardens considered there was available expenditure to support the proposal, it also advised that the development would reduce the potential trade available to support other development options in or on the edge of town centres in the Potteries (Doc CD/C/3).

7.20 The Tunstall proposals were not in the public domain at the time of that report (Doc 176). And, as already pointed out, the Tunstall development is located on a site that can produce significant economic spin-off and urban regeneration benefits. Nevertheless, the studies do demonstrate that there would not be capacity for 3 factory outlet centres in the Stoke-on-Trent area. Mr Morley, for the County Council, agrees with this, and also considers it unlikely that there would be sufficient occupier demand (Doc 139).

7.21 Implementation of the Tunstall scheme and its associated benefits would therefore be seriously prejudiced by approval of the current application, were it not for the modifications and the restraints on the retail proposals which would be ensured by the Section 106 undertaking.

Sequential Test

7.22 It is clear that the Applicant has not undertaken a proper sequential assessment (Doc 176). The reasons given for not doing so being that:- much of the retail development is functionally linked to the estate; retail is needed to subsidise the conservation elements of the scheme; retail is part of the tourist attraction; and where retail is part of a package, the sequential test is not relevant. Such arguments fly in the face of well established planning policy and represent a misguided interpretation of national guidance. Most of the involved authorities seem to recognise this lack of assessment as a weakness of the submission. There are more suitable sites for some or all of the proposed retail provision, including the Norcross site at Tunstall. Had the assessment been made, it would have provided justification for refusing the application.

7.e Site Accessibility

7.23 The application site is not well located in terms of national and local policies which seek to encourage sustainable development, and in particular to encourage modes of transport other than the private car. In these respects it compares very unfavourably with the Norcross site at Tunstall (Docs 172, 173). The Trentham Gardens site:- is located outside the urban area; it is not close to any town centre; it has a very limited walk-in catchment area; there are no pedestrian links to town centres or retail developments; accessibility by cycle is poor; and accessibility by public transport is poor.

7.24 The figures put forward by Mr Goggs, for the Applicant, with regard to pedestrian access are not accepted (Docs 24, 174). Within a 1 km isochrone there are perhaps 450 dwellings or 900 adults, not 9000 people as suggested. Even so, Mr Goggs does accept that the walk and cycle catchment is of little value for visitors. Only 2 regular bus services pass the site, these being on long distance routes from Hanley to Telford. Mr Goggs refers to services along roads to the east, but these are some 600-800 m away from the internal roundabout within the site. The closest railway station with substantial services is Stoke-on-Trent.

7.25 The non-car modal split of 25-30% suggested by Mr Goggs is unrealistic, bearing in mind the retail content of the proposals and the poor accessibility by means other than the car. No details have been given as to how the proposed green travel and public transport plans would operate. This would be a development served almost entirely by car, as is born out by the extent of car parking proposed (Doc 175).

7.26 There would be some 2609 car spaces in total of which about 2071 would serve the sports/leisure and premium brand retail units, giving a ratio of one space per 7.6 sq m of floor-space compared with a normal standard of one per 20-25 sq m. This amount of parking is not consistent with traffic generation estimates and would have the effect of encouraging car use. There would be no scope for linked trips with facilities elsewhere and, because of the layout and lack of synergy between the shopping and leisure activities, very little scope or inducement for combined trips to these facilities within the site (Doc 172). In passing, it should be noted that the internal layout is far from satisfactory from the point of view of access to the retail uses for servicing purposes and access to the boathouse restaurant.

7.27 No comment is made about the traffic and highway analysis, which has been agreed by the relevant authorities, other than to note that the high number of cars to be generated would require the carrying out of costly highway improvements. This in turn contributes to the need for enabling development, which may not be the most suitable in terms of heritage conservation. Also, the layout of the proposed new access into the southern part of the site seems unnecessarily elaborate and capable of provision in a more economic manner.

7.f Conservation Considerations

- 7.28 With the application in its original form it was not possible to assess the likely impact of the proposals on the conservation area or the setting of the listed buildings (Doc 183). Even with the additional material and the amended application there are still difficulties in meeting the statutory requirements in respect of conservation areas. Contrary to English Heritage guidance, no proper evaluation has been carried out or published to define the character of the area or the contributions made by individual features. The description provided during the course of the inquiry is woefully inadequate (Docs 184, 185, 189).
- 7.29 In the absence of a proper appraisal it may be agreed that much of the conservation area is predominantly rural in character. With the possible exception of the Italian gardens, the 4 star hotel, the vineyard and the boat house restaurant, the effect of the other elements of the proposed development would not be to preserve or enhance this rural character. With regard to the recently submitted possible designs for the 4 star hotel, however, it is considered that if these were pursued an opportunity would have been missed to create a suitable building which reflected the architecture of its time.
- 7.30 Some parts of the conservation area, for instance in the vicinity of the Grand Hall, have a different character. Again, this would not be enhanced by the proposals for those areas. The significance of the Grand Hall in the history of the pleasure gardens and its role as a ballroom and major attraction in the region should not be ignored. The Grand Hall is of interest in itself and makes a positive contribution to the conservation area. In accordance with PPG15 paragraph 4.27, therefore, its proposed demolition should be subject to the same paragraph 3.19 procedures as are applied to listed buildings.
- 7.31 As recognised in the "Rescued or Ruined? Dealing with Enabling Development" report, the proposals as a whole go far beyond what is necessary or desirable for such an important historic landscape and conservation area (Doc 186). The advice of English Heritage as set out in their policy statement on enabling development is that, amongst other matters, the amount of enabling development should be the minimum necessary to secure the heritage asset (Doc CD/F/15). Owners have duties to care for listed buildings and it may be expected that this responsibility, as well as the condition of the buildings at Trentham was reflected in the purchase price. Bearing this in mind and also bearing in mind that no alternative measures appear to have been investigated, it is considered that the development now proposed to secure the future of historic asset is excessive.
- 7.32 No information was provided with the application to justify the development (Doc 180). Consideration of the Applicant's evidence presented to the inquiry (Docs 27-30), suggests that the only elements that contribute significantly to any works that ought properly to be funded by enabling development are the hotels, garden centre, cafes, bars, restaurants, and the retailing elements of the premium brand retailing and the sports unit (Docs 181-182). On the basis of the Applicant's own figures, with an income of over £3 m to offset losses of £306,000, the development is excessive.
- 7.33 Detailed analysis reveals unjustified costs, including building repairs, and under-valuation of elements such as the 4 star hotel site and the former estate cottages. There is also disagreement in respect of the calculation of investment values and the rents and values of the sports unit and the premium brand retail units. The analysis shows that, if enabling development is required, it does not justify inclusion of the sports unit, premium brand retail units and the associated cafes, restaurants and bars. On the evidence provided, the conclusion must be that the proposals do not comprise the minimum necessary to secure the future of the heritage asset.

8. THE CASE FOR CAPITAL SHOPPING CENTRES PLC AND PEARL ASSURANCE PLC

The material points are:

8.a Introduction

8.1 Capital Shopping Centres and Pearl Assurance are, respectively, head leaseholder and freeholder of The Potteries shopping centre in Hanley (Docs 200, 201). Their Case concentrates on the main areas upon which it is requested that the application be refused (Doc 206). It reviews the extent to which key points were established during the inquiry and also relies on evidence submitted by way of letters dated 29 June and 19 September 2000 (Docs 202, 205). The first letter clarified the position of Capital Shopping Centres and Pearl Assurance, having regard to the long adjournment and the additional material provided by the Applicant, as well as referring to recent relevant planning decisions in the area. The second letter followed discussions on the conditions, Section 106 agreement and the unilateral undertaking and set out formal comments on those matters.

8.b The Main Issues

- 8.2 It was demonstrated in the original main evidence that this proposal would harm the future enhancement and regeneration of town centres within the identified catchment area of Trentham Gardens, concentrating principally upon the impact it would have on Hanley (Docs 200, 201). The main issue from the perspective of Capital Shopping Centres and Pearl Assurance is that the proposal conflicts with town planning policy guidelines and objectives upon which they base their long-term investment decisions. Other major operators in Hanley have expressed similar concerns (Docs 203, 204). Approval of the application would significantly prejudice future investment within Hanley and thus its continuing regeneration as a major centre serving the Potteries conurbation.
- 8.3 As also indicated within the main evidence, the proposal would conflict with a number of other tenets of central and local government policy, these principally being those relating to Green Belts, sustainable transport and heritage conservation.
- 8.4 On the basis of such policy conflict, there must be a substantial presumption against the grant of permission. It is necessary for the Applicant to demonstrate a case of very special circumstances to justify a proposal that represents significant conflict with planning policy at both the national and local level. In the absence of such overriding justification the application must be refused.
- 8.5 These submissions include an analysis of the current position and also comments on the discussions undertaken with regards to the proposed conditions, Section 106 agreement and the unilateral undertaking by which the Applicant attempts to mitigate the negative effects of the scheme.

8.c Policy Basis for Determination of the Application

Retail Need

8.6 Despite being a fundamental requirement of PPG6 as clarified by Ministerial statements the Applicant has not demonstrated any form of retail need for the proposal. The statement of 11 February 1999 by Mr Caborn indicated that need should not be regarded as being fulfilled simply by showing that there is capacity, in physical terms, or demand, in terms of available expenditure.

- 8.7 Any capacity for a factory outlet centre has been further eroded through the granting of planning permission, following the Secretary of State's decision not to call in, the Norcross application for a factory outlet centre at the H&R Johnson site, Tunstall (Doc 202). There is no need for a third major factory outlet centre within North Staffordshire; a fact recognised by the Drivers Jonas Stoke Retail Study (Doc CD/H).

Sequential Approach

- 8.8 PPG6 requires the undertaking of a sequential test for major out of town retail schemes. In undertaking such a test, PPG6 advocates that a flexible approach must be adopted when considering alternative sites within and on the edge of existing centres. It has been shown that there are sites within existing centres, such as Hanley, which could accommodate either in whole or in part the retail proposals and the hotel elements proposed at Trentham Gardens (Docs 200, 201). The scheme therefore fails the sequential test.
- 8.9 Mr Caborn's statement identifies that failure to demonstrate both need and a sequential approach for site selection, is normally sufficient to justify the refusal of planning permission in its own right unless weighty material considerations exist to outweigh this.

Retail Impact and Controls by Way of Conditions and Section 106 Agreement

- 8.10 There is great concern about the impact the proposal would have upon future investment in the continuing renewal of Hanley town centre; as evidenced by the objections by Capital Shopping Centres and Pearl Assurance who are the principal investors in the centre, by Farringford who propose significant new investment at the East and West Precincts, and by Debenhams and Woolworths who are major operators in Hanley (Docs 203, 204, 226).
- 8.11 The primary concerns of Capital Shopping Centres and Pearl Assurance relate to the fact that the form of retailing proposed would compete directly with the core retailing offer of Hanley. Mr Dowle, on behalf of the Applicant, accepted in cross-examination that control over the sale of goods was necessary to ensure that there would not be an adverse retail impact upon existing centres. We consider that the proposed conditions and legal obligations would not provide effective controls. Therefore, by definition, in the absence of effective controls the proposal must have an adverse impact upon existing town centres.
- 8.12 Concerns about the proposed conditions and planning obligations were presented during discussions at the inquiry and also submitted formally by way of the letter dated 18 September 2000 (Doc 205). The conditions and obligations are written in a way that lacks precision and consistency in the definitions used and effectively undermines the claimed restrictions in the type of goods that the Applicant proposes upon the small retail units and the premium brand retail units. Mr Glossop indicated during discussions on this matter that this was the Applicant's intention.
- 8.13 With respect to the goods to be sold from the outdoor pursuits/sports store no such controls are even alluded to. This store alone would represent significant conflict with retailers within the town centre with the majority of the retail turnover being derived from sales of clothing and footwear where leisure and sports clothing is now the leading edge of fashion offered by town centres.
- 8.14 The wording of the conditions and legal agreement, in respect of the retail impact assessment required after 5 years to remove the 'restrictions' on goods sold, does not allow for public scrutiny of changes proposed to the implemented scheme. Public scrutiny of changes to the scheme subject to this inquiry is paramount in the interests of good planning practice and basic human rights.

8.15 It must be concluded that the proposed conditions and legal obligations do not provide any effective control upon goods that can be sold and, therefore, do not allay the concerns of Capital Shopping Centres and Pearl Assurance, who consider that the proposal would undermine future investment within Hanley town centre and thus have a serious retail impact sufficient to justify refusal in its own right.

8.d Other Town Planning Issues

8.16 The proposals represent inappropriate development within the Green Belt as prescribed by PPG2 (Doc 200). Consequently, again, very special circumstances are required to mitigate this conflict. The Applicant argues that retail elements of the proposal comprise enabling development for the restoration of Trentham Gardens and that the heritage conservation benefits derived from this, provide suitable mitigating circumstances to offset the conflict with Green Belt policy.

8.17 Capital Shopping Centres and Pearl Assurance are not in a position to comment on the weight of the heritage conservation arguments, or whether any such heritage benefit should properly be regarded as sufficient to off-set the harmful impact that has been discussed. They are able to comment, however, on the requirement of the English Heritage policy statement that in such circumstances the amount of enabling development should be the minimum necessary to safeguard the heritage asset (Doc CD/F/15). There is no convincing evidence that the Applicant has tried to demonstrate this. Without evidence of this financial balance, no weight can be given to the claimed heritage benefits.

8.18 The out-of-centre location of Trentham Gardens is not easily accessible by public transport and would encourage an increase in travel by car over a wide area. This conflicts with guidance contained within PPG13.

8.e Conclusions

8.19 The proposals are accepted to be in conflict with major elements of Government planning priorities, in particular Green Belt, sustainability and town centres. The Applicant has made no convincing case that the enabling development which breeches those policies is the minimum necessary to achieve the claimed conservation benefits. The proposal conflicts with planning policy at both the national and local levels and there are no material considerations which suffice to outweigh this conflict. On balance therefore it is considered that the application should be refused.

8.20 With regard to the concern of Capital Shopping Centres and Pearl Assurance to maintain a positive long term set of supportive policies for the regeneration of Hanley town centre, it is accepted that these policies would be undermined unless effective conditions and legal controls were applied. From the evidence on the conditions and obligations, it is evident that the proposed wording of these documents would not be effective in creating a long term stable climate for investment in Hanley. On the contrary, all they would achieve is long term uncertainty due to their vagueness of wording and lack of public scrutiny of the process of monitoring and review.

8.21 The very real cost to Green Belt, town centres and sustainability policies cannot possibly be outweighed by conservation arguments when no convincing evidence is available that the minimum amount of enabling development is proposed. For these reasons, in particular the need to maintain investor confidence in the long term consistency of Green Belt, town centre and sustainability policies, the application should be refused.

9. THE CASE FOR FARRINGFORD LIMITED

9.a Introduction

9.1 Farringford Limited is a company created by Trinity Investments Limited and Northern Trust to bring forward proposals for the redevelopment of the East and West Shopping Precinct in Hanley centre (Doc 207). The proposals are for a new major department store and a range of shop units with a strong emphasis on fashion (Doc 208, 211). The scheme, known as the Hanley Shopping Centre, was granted outline planning permission during the long adjournment of the inquiry into the Trentham Gardens proposals and Farringford is seeking commitment from potential retail occupiers.

9.2 There is a real risk that approval at Trentham Gardens, combined with the existing factory outlet centre at Freeport Talke and the approved Norcross scheme at Tunstall, would jeopardise implementation of the Hanley Shopping Centre and harm the vitality and viability of the centre as a whole (Docs 209, 210, 212, 213). There are in addition other fundamental objections to the Trentham Garden proposals.

Main Considerations in Deciding the Application

9.3 The sensitivity of the application site at Trentham Gardens is beyond dispute, with many features subject to statutory protection (Doc 226). Development proposals must therefore be subject to careful scrutiny. English Heritage accepted at the inquiry that the claimed urgency in arresting the decline of the site does not warrant a less rigorous approach in the application of policy. They agreed that approval should not be granted for anything other than the best development option for the site. This was accepted by the Applicant, and Mr Dowle also confirmed that the scheme should stand or fall as a whole. There was no suggestion that any form of split decision should be made.

9.4 It is clear that the scheme is fundamentally in breach of Green Belt, retail and transport policy and raises important issues of design and conservation of the built heritage and landscape. To offset the breach of normal planning policy, the proposals are advanced mainly as enabling development required to bring about regeneration of the site. English Heritage's policy is that enabling development should be the minimum necessary to restore the heritage asset (Doc CD/F/15). On the evidence, the proposals fail this test in every respect. The Applicant has not demonstrate how any material consideration could provide sufficient reason for disregarding breaches of national and development plan policy.

The Amended Proposals

9.5 During the inquiry, the proposals were amended to include a temporary restriction on the use of the small retail units and the scheme was thereafter considered as not including a factory outlet centre. The County Council accept there is insufficient capacity for an unrestricted retail scheme. Their supporting retail evidence therefore relates only to the restricted proposals. The Applicant's case is also on the basis that the restricted proposals would be sufficient to meet the need in respect of enabling development.

9.6 There is therefore no evidence to support an unrestricted proposal, now or in the future. Given the extent to which the scheme is in breach of retail policy, and the requirement to demonstrate enabling need, there is no justification for making the restrictions temporary. Even on the Applicant's case, any consent must be made subject to permanent restrictions in the terms of the unilateral undertaking. To do otherwise would be unreasonable. The remainder of this Case therefore concentrates on the proposals as restricted.

9.b Green Belt

- 9.7 The scheme is a major speculative development, a substantial amount of which fails to comply with strategic Green Belt policy and constitutes inappropriate development. This must include the hotels, retail buildings, holiday lodges, monkey fence and restaurant uses. Having regard to PPG2, such development is by definition harmful to the Green Belt and there is a clear policy presumption against grant of planning permission (Docs 207, 226).
- 9.8 The proposals involve a considerable amount of development outside the northern core area which is not in accordance with the development plan. The retail proposals outside that area are evidently inappropriate development causing harm to the Green Belt. The retail buildings and holiday lodges, with large expanses of car parking, in particular would cause significant harm to the openness of the Green Belt. So too would the monkey fence. New built development would virtually encircle the lake.
- 9.9 The SBLP policies directly applicable to the site, Policies RLT19 & RLT20 do anticipate particular and limited forms of development within the northern core area (Doc CD/F/3). However they cannot be regarded as generally permissive of inappropriate development, particularly large-scale retail, within that area. Thus Policy RLT20 is expressly made subject to RLT19, which requires the effect on the purposes and objectives of Green Belt policy to be considered. The effect of the proposals, including both the outdoor pursuits/sports retail building and the small retail units and the associated the car parking, on the openness of the Green Belt in this location is substantial and in this sense alone out of accord with Policies RLT19 & RLT20.
- 9.10 Structure Plan Policy 21 provides that large-scale retail development will not be permitted in the Green Belt (Docs CD/F/1, 207). Policy RLT20 does not envisage large-scale retail development, and if it did it would be in conflict with the rest of the development plan. It does not purport to be in conflict with Structure Plan Policy 21, as the Council agreed.
- 9.11 Having regard to SBLP Policies E&D12 & E&D13, this is consistent with not regarding the proposals as infill development on, or redevelopment of, a major developed site in the Green Belt (Doc CD/F/3). PPG2 makes it clear that a major development site must be identified as such in an adopted local plan. The SBLP does not so identify Trentham Gardens and on that basis it would be wrong to treat the site as such. Even if it were so treated, the scheme would fail the test set out in Annex C of PPG2 given the extent of proposed floorspace and the intention to build in currently undeveloped areas of the site.
- 9.12 The result is that there must be very weighty considerations to justify such an extensive effect on openness and significant breach of Green Belt policy. Consistent with the Applicant's approach to determination of the application, the requirement to demonstrate weighty considerations must apply to the proposals as a whole. The Applicant contends that the proposals are enabling development constituting such weighty considerations and accepts that if the argument on enabling development is not successful, the case fails.

9.c Retail Considerations

The Development Plan

- 9.13 The development plan is not up to date in relation to retail policy. The Structure Plan was adopted in 1991 when the 1988 version of PPG6 was current and there was a far more permissive attitude to out of centre retailing. Even so, the proposal does not accord with Policy 21 (Docs CD/F/1, 207). Also, the Structure Plan does not reflect the requirement to demonstrate the need for out-of-centre development or the sequential approach.

- 9.14 The SBLP was produced pursuant to a Structure Plan which was long out of date. The current version of PPG6 was issued after the end of the SBLP inquiry but before the Inspector's report. No amendments were brought forward after the inquiry to reflect the new PPG6, and the Caborn statement was issued after adoption. The retail policies do not reflect current national policy, in that there is no requirement to demonstrate need or adopt a sequential approach. The plan is clearly out of date in substance, for instance Policy SHO14. Whether a plan is up-to-date is not simply a question of age, as PPG1 paragraph 54 makes clear. No assessment of retail need was carried out as part of the plan process, and the sequential approach was not applied in selecting the site for retail development.

Emerging Structure Plan

- 9.15 The emerging plan is up to date and well advanced and should carry significant weight (Docs 154, 209). Policy TC3B requires demonstration of need and application of the sequential approach.

National Policy

- 9.16 Guidance is provided by PPG6 and subsequent Ministerial clarifications (Docs CD/F, 209, 210). Key objectives are to focus investment in town centres and enhance town centres to make them attractive as places for people to shop, particularly for comparison goods. The guidance requires:- demonstration of need for retail development, in proposed locations outside town centres; refusal of proposals if there is no need; application of a sequential approach if there is a need; refusal of proposals if they do not accord with the sequential approach; and application of PPG6 Section 4 tests only if all previous stages are passed.

Preferred Town Centre Locations

- 9.17 Having regard to PPG6 and relevant regional and development plan provisions, Trentham Gardens is not identified as a centre or preferred location for retail development and investment. It is not the sort of location even contemplated in regional guidance as part of the sequential approach, which is unsurprising given the large stock of urban sites available in the area. The location of significant retail development at Trentham Gardens is clearly out of accord with RPG11.
- 9.18 Despite being out of date, even the Structure Plan makes it clear that a location such as Trentham Gardens is an unacceptable location for significant retail development, Policies 18, 19, 21 being especially relevant (Doc CD/F/1). The emerging Structure Plan does not contemplate an out-of-centre site outside the urban area ever complying with the sequential approach, for instance Policy TC3B (Doc 154). It would therefore be contrary to the adopted Structure Plan and the emerging version to make Trentham a preferred location for retail development.
- 9.19 As regards the SBLP, national policy needs to be applied to override those aspects that are not up to date. The SBLP could not possibly be interpreted as properly defining Trentham as a preferred location for retail development. In the shopping chapter, only Stafford and Stone are identified as town centres, ie preferred locations for retail development. Nothing in the shopping chapter identifies Trentham as a retail centre of any sort (Doc CD/F/3).
- 9.20 SBLP Policies RLT19 & RLT20 are not in the shopping chapter but in the chapter dealing with recreation, leisure and tourism. That chapter identifies an area at Trentham Gardens for development described as: major recreation, tourism and leisure development and a recreation, leisure, tourism and visitor attraction. Retail uses are not included in the identification of the nature of the use.

- 9.21 The only reference to retail uses is that in Policy RLT20 to heritage/recreation/craft related retailing being part of the mix of uses. Such uses are limited to the defined northern area, and are subject to the criteria in Policy RLT19. Those criteria include assessment against Green Belt policy and other policies in the plan. Other policies must include retail policy. As retail policy is not up-to-date this has to be read as including up-to-date national policy.
- 9.22 Even on the basis of the out-of-date policies in the SBLP as read with the out-of-date policies of the Structure Plan, Policies RLT19 and RLT20 cannot have contemplated more than small-scale retail development. Large-scale retail development was and is precluded by Policy 21 of the Structure Plan, and the wording of RLT20 is entirely consistent with a contemplation only of small-scale retail development.
- 9.23 When up-to-date national retail policy is taken into account it is even clearer that Policy RLT20 cannot carry significant weight as an endorsement of substantial retail development at Trentham Gardens. Not only is the SBLP out-of-date in relation to retail policy generally, but the site specific policy was not based on a proper assessment of need and the application of the sequential approach.
- 9.24 In the absence of such a process as part of the development plan, Government policy normally requires refusal unless need has been demonstrated and the sequential approach applied. The Applicant and the supporting authorities accept that there is no retail need in Caborn terms and that the site does not accord with the sequential approach.

Need

- 9.25 PPG6 refers to need, in paragraphs 1.10 & 1.17, and Mr Caborn's statement of 11 February 1999 adds to and helps to clarify this (Doc CD/F/17). The application site is not in an existing centre, the development plan strategy not up-to-date; and the test of need and sequential approach were not applied in the preparation of the plan. The Applicant is therefore required to demonstrate both the need for additional facilities and that a sequential approach has been applied in selecting the site.
- 9.26 Need must be primarily retail related and concerned with the objectives of retail policy. The Applicant cannot and has not demonstrated a retail based need for the proposal and relies instead on the enabling argument. That is not a retail need. That is an argument that an exception should be made to retail policy to raise money to secure other objectives. This is a case therefore where, in accordance with Mr Caborn's statement, refusal of planning permission would normally be justified unless there were weighty additional material considerations sufficient to overcome the breach of policy.

Capacity

- 9.27 The Caborn statement makes it clear that whilst capacity may be part of need, it cannot be enough to demonstrate need. Also, it cannot be argued that there is a need for a particular format of retail development, particularly not a factory outlet format. The question is whether the relevant goods could be sold from a town centre, not whether the particular format proposed could be inserted into a town centre.
- 9.28 Given that there is no retail need for the proposals and that the use of the site for retail development does not and could not accord with the sequential approach, capacity is not a key issue. However the matter has been investigated and, for completeness, it should be noted that the planned growth approach used by Mr Adams (for Farringford) and Mr Morley (for the County Council and Stafford BC) is accepted to be a standard approach (Docs 139-143, 207-209).

9.29 Mr Morley's conclusion using the planned growth approach, and following consent for the scheme at Tunstall, is that there is not sufficient capacity to support even the restricted development now proposed at Trentham (Doc 142, 209). Mr Adams's now estimates the deficit in capacity in 2006 at almost £30 million (Doc 210). The difference between the two relates to how certain town centre commitments should be taken into account. Mr Morley argues that because there is insufficient retailer demand for them to come forward before 2006 they should not be taken into account. Mr Adams considers that approach makes a nonsense of Government policy and the sequential approach. It effectively means using lack of retailer demand (i.e. lack of need) to justify out of centre development.

9.30 The main point is that, although there is a range, it is agreed that on the planned growth approach there is insufficient capacity for even the restricted Trentham Gardens proposals. Mr Morley sought to place increasing emphasis on his second set of figures, based on total expenditure and turnover estimates, but these calculations are of little assistance. In particular, leakage from the catchment study area and outflows need to be very carefully analysed, which cannot be done, and allowances also have to be made for expenditure in local shops (Doc 209). The margin for error in what is already an imprecise exercise is greatly increased. It is only if very extensive and detailed survey evidence is available, which it is not in this case, that such an exercise can hope to be helpful.

9.31 Mr Morley accepts that ultimately it comes down to a matter of judgement, taking into account matters such as the level of market demand from retailers (Doc 139). If there were as Mr Morley's table suggests some £287m capacity, then it hardly seems likely that there would be insufficient retailer demand for current commitments or that Mr Morley would conclude that it would be too risky to allow another factory outlet centre (Doc 142). It cannot be concluded that there is capacity even for the restricted Trentham scheme.

The Sequential Approach

9.32 If need is not demonstrated it is not necessary to apply the sequential approach and the proposals should be refused. However, the purpose of the sequential approach is to meet the identified retail need in the best location having regard to the objectives of retail policy. Out of town sites will in general come last in any list of sequential preferences, because they will in principle be least likely to be consistent with the objectives of retail policy in respect of town centres. Such sites are not contemplated in strategic or local policies for the area. The Applicant does not dispute that there are other sequentially preferable sites or that the proposal does not accord with the sequential approach.

Conclusion on Location and Need

9.33 The application site is not a preferred location for significant retail development. No retail need has been demonstrated, as required by national and emerging strategic policy. Use of the application site for retail development would not accord with the sequential approach, and could not do so consistent with regional policy and both the approved and emerging versions of the Structure Plan.

Impact on the Development Plan Retail Strategy

9.34 Because the development plan strategy is not up-to-date, it must be considered together with up-to-date national and regional strategy and the emerging Structure Plan strategy. In addition to PPG6 and Mr Caborn's clarification, there are numerous references in other policy documents to the strategy to provide large scale retail developments within town centres including:- RPG11 paragraph 7.22; Structure Plan Policy 18; Emerging Structure Plan Policy TC3A; and the SBLP at paragraphs 5.1.10 & 5.1.14 (Docs CD/F, 154).

- 9.35 To be successful the strategy of focussing retail activity and investment on town centres has to be a long-term strategy and it has to be applied strictly and consistently. Retailers, investors and local authorities have to be convinced about this. In many cases retailers and investors prefer out-of-centre sites that are easily accessible by car and have large amounts of free car parking, because such locations give them a competitive advantage. They have to be persuaded to go to town centre sites instead. They will be more difficult to persuade if they believe their competitors will be able to secure more favourable out-of-centre sites during the life of their investment.
- 9.36 PPG6 paragraphs 4.2 & 4.15 advise that proposals for new retail provision which would undermine the development plan strategy should be refused and that account should be taken of cumulative effect. Approval in this case would undermine the strategy both generally and specifically in relation to the proposals for Hanley Shopping Centre. Once created, there can be no doubt that the owners of Trentham Gardens would seek to expand their retail attraction, as the temporary nature of the Section 106 restrictions make clear.

Impact on the Vitality and Viability of Existing Centres

- 9.37 PPG6 paragraph 4.3 advises that impact needs to be considered not just in terms of trade withdrawal but also most importantly in relation to the effect on investment. The Secretary of State is entitled to refuse permission for retail proposals after concluding that if the development proceeds there is a real risk of damage to an existing centre (*Bannertown Developments Ltd v. SoS for the Environment [1999] JPL 1016*).
- 9.38 Mr Morley agrees that the risk of impact would be unacceptable if the unrestricted Trentham scheme were permitted (Doc 142). It was agreed in cross-examination that the cumulative impact on Hanley town centre if the restricted Trentham scheme were permitted would be between 11.9% and 13.9%. That is a very significant figure, and is an important indicator of risk to the town centre.
- 9.39 All are agreed that the Hanley Shopping Centre scheme entirely accords with policy at all levels and is a crucial part of the strategy for Hanley town centre. The scheme involves proposals which encourage town centre investment in complete accordance with the aims of policy at all levels (Docs 210-213). If the scheme were not to proceed, or be delayed, or to proceed without the quality of tenants that are needed to enhance the attraction of the centre, then the strategy for Hanley would be undermined and put at risk.
- 9.40 The Hanley Shopping Centre scheme is at a critical stage where anchor tenants, and a suitable department store in particular, have to be secured. Two top choice department stores have already declined to take the allotted space. Negotiations are taking place with others. Confidence has already been affected by the approval of the Norcross scheme at Tunstall and the prospect of a further development at Trentham Gardens is making it more difficult. If the right quality of anchor tenant were not attracted to Hanley Shopping Centre, it would put at risk the quality of the whole scheme and with it the strategy for Hanley as the sub-regional centre.

Conclusions on Retail

- 9.41 The proposal for Trentham Gardens is fundamentally in conflict with all levels of retail policy. There is no retail need, the proposal does not comply with the sequential approach, there is insufficient capacity, there would be significant cumulative impact of up to 13.9%, the development plan strategy would be undermined, and a scheme which is crucial to the strategy for Hanley town centre would be put at risk.

9.d Transport

- 9.42 The proposals breach transport planning policy in every respect. Key aims of PPG13 are to:- achieve a reduced growth in the length and number of motorised journeys; encourage alternative means of travel which have less environmental impact; and reduce reliance on the private car. PPG13 recognises leisure travel as the fastest area of traffic growth, and requires local authorities to ensure that major new attractions are readily accessible by a range of means of transport. It directs retail and leisure development to existing centres which are well served by public transport. PPG6 provides that where out-of-centre developments are proposed, key considerations to be applied include their accessibility by a choice of means of transport and their likely effect on overall travel patterns and car use.
- 9.43 It was accepted by Mr Goggs, for the Applicant, that the proposals do not comply with the aim of PPG13 to reduce the number and length of motor journeys. Current accessibility to the site by modes other than private transport is relatively poor and Mr Goggs accepts that the walk and cycle catchment is of little value to visitors (Docs 24, 25). A number of bus services serve the adjacent area but few pass close to the site (Doc 175).
- 9.44 The Applicant accepts that, in accordance with Circular 1/97, a green transport plan and public transport plan would be required before permission could be granted, but no such plans are before the inquiry. There are therefore no firm commitments on the exact nature of public transport services to be provided by the Applicant nor how any public transport contribution would be spent. It is therefore not possible to judge whether any measures to increase public transport provision would be successful.

9.e Heritage

- 9.45 The information originally submitted with the outline application was not sufficient to allow proper consideration of the environmental effect of the proposals, leading to objections on this basis and provision of additional material (Docs 214-218, 221). The effect of the proposals on the site as a whole clearly needs to be assessed with rigour, in view of the site's sensitivity and statutory designations (Doc CD/E).
- 9.46 As regards the conservation area and the need to have regard to the desirability of preserving or enhancing its character or appearance, neither the Applicant nor the local planning authority prepared any detailed assessment of the existing area against which the proposals might be judged. However, it appears that the conservation area is regarded as predominantly rural in character, with the park and its landscape features being dominant within the site taken as a whole (Doc 185).
- 9.47 In view of this, it may be concluded that components of the proposals, such as the retail buildings, the family hotel, the holiday lodges and the monkey park neither preserve nor enhance that character of the area. It is accepted even by the Applicant that "the installation of the monkey fence, its visual impact and the disruption of historic drives and rides will have a significant negative impact" and that "the fence will cut across several historic rides and drives and will be visible in a number of locations" (Doc CD/A/26).
- 9.48 It is also unrealistic to assume that the escalation of activity on the eastern side of the river, particularly involving vehicles, would go unnoticed by those around the site of the former hall and the Italian gardens. The holiday lodges also could not realistically be regarded as even preserving the character of the area. The proposals would have a significant impact on the character of the parkland setting, not least by reason of the considerable built development and the intensification of activity that would be brought to the site.

9.49 These adverse impacts alone are sufficient to justify refusal of the application. The enabling development argument advanced by the Applicant is reliant on establishing that the components of the scheme add up to the minimum necessary to restore the heritage asset. However there has been no evaluation of options for development which could fund restoration of the heritage asset to differing standards of repair, or of those which might involve less harm to the conservation area. This lack of detail and analysis is fundamental to the determination of this application, and is considered in more detail below.

9.f Enabling development

- 9.50 English Heritage indicate in their policy statement that they have "become increasingly concerned by the damage caused by developments put forward primarily as a way of benefiting heritage assets, but which destroy more than they save" and that this has led them "to conclude that there should be a clearly stated presumption against such enabling development", which on occasion whilst achieving significant benefit to a heritage asset would "normally be rejected as clearly contrary to other objectives of national, regional or local planning policy" (Doc CD/F/15).
- 9.51 The current Trentham Gardens proposal is a stark example of development that is diametrically opposed to fundamental elements of planning policy and the magnitude of these breaches of policy must be accorded significant weight in deciding whether the enabling development is acceptable.
- 9.52 The English Heritage policy statement, published in response to the *Searle* case (Doc 43), advocates that enabling development should be subject to a high degree of scrutiny. In this regard the financial consequences of the granting of permission are not only relevant but fundamental to the decision-making process, because the finance generated by the enabling development is the only reason for allowing it.
- 9.53 In *Searle* the Court of Appeal by a majority decided that a local authority did not act unlawfully by choosing not to evaluate the financial aspects of a proposed development. This decision was predicated on the basis that the relevant developer had told the local planning authority to take or leave the particular development option before it. That is not the situation in the present case. The Applicant has not ruled out returning with amended proposals if permission were refused for the current scheme.
- 9.54 English Heritage's policy statement advises that development is acceptable only when each of the detailed criteria set out in it are satisfied. Amongst other matters, it needs to be demonstrated that "the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits". To show that this criterion has been satisfied, development control decisions "should follow the evaluation of all potential options as part of the assessment process" and there must be "an evaluation of options, leading logically to the selection of that put forward as minimising disbenefits and maximising benefits".
- 9.55 The onus is on the applicant to provide the options and development appraisals and to "justify an assertion that a particular form of development is the least damaging way of achieving what may be a common objective". This detailed and rigorous exercise has not even been attempted with the current Trentham Gardens proposals. Even if the evidence submitted were right, there could not be any justification for allowing a temporary restriction on the amount of retail development on the site. The extent of the restoration required and the development required to achieve it must be established from the outset.

9.56 In other fundamental respects the applicants have come nowhere near satisfying English Heritage's policy test. The following points are of prime importance.

No Evaluation of Other Development Options

9.57 After working up the proposals prior to call-in, the Applicant did not undertake any evaluation of other development options and none has been carried out subsequently. This is particularly important where the extent of the heritage asset allows for alternatives in terms of timing and standard of restoration. A full examination of options could produce a scheme for instance without the holiday lodges or the monkey park, that would not involve such serious breaches of planning policy as the current scheme. There has been no assessment of other permutations of uses which could have less impact on the conservation area and openness of the Green Belt, or of uses which accord with Policy RLT20.

No Rigorous Demonstration

9.58 The submitted evidence does not satisfy the proper evaluation required to demonstrate compliance with the English Heritage policy test. Mr Weldon, for the Applicant, conceded that the intention behind his evidence was simply "to illustrate broadly the financial structure of the proposed scheme" (Docs 27, 28). He explained that he had not done an evaluation of the scheme and had taken the figures from the quantity surveyors, Silk & Frasier, at face value. He pointed out that the proposed development was then at an early stage in preparation and his evidence should be viewed in that light.

9.59 Although further information was recently provided by the Applicant and there was opportunity to prepare a detailed financial evaluation of the scheme or other development options, none has been forthcoming. Mr Weldon's letter of 11 September 2000 states that the limitations and caveats set out in his evidence apply equally to that letter (Doc 108).

No Proper Evaluation from the Councils

9.60 Stafford BC did not seek any proper evaluation before declaring support for the proposals. Mr Pinnock, for the Council, stated that at the time of the committee report, the authority had not seen nor undertaken a financial appraisal and that since then the authority has not had any advice on the financial aspects of the proposals. This is particularly important given the disinterest shown by English Heritage with regard to this matter.

9.61 The English Heritage policy statement provides that "critical assessment by the planning authority...is essential" and "requires the authority to have access to specialist professional expertise, not only in the conservation of buildings and landscapes but also in quantity surveying and valuation, which may fall outside its in-house resources. It should not be assumed that a certain level or type of development is necessary because it has been canvassed or accepted in the past; the market (and indeed planning policy) can change quite rapidly over time" (Doc CD/F/15).

English Heritage Evidence

9.62 The evidence of English Heritage prior to the long adjournment of the inquiry established beyond any doubt that the proposal failed to comply with their own policy statement. Mr Taylor, for English Heritage, accepted that he was unaware of any process of reasoning by which the Applicant had reached the decision to advance these proposals; he was unable to offer any judgement on whether reliance could be placed on any part of Mr Weldon's evidence; and he was unable to say that the evidence of Mr Weldon demonstrated that the amount proposed was the minimum necessary.

- 9.63 English Heritage at least sought to apply their policy to the holiday chalets. Before the adjournment, they considered they "would only find the chalet development acceptable if it were demonstrated the chalets were essential to the economic viability of the scheme". After the adjournment, their position was that "no economic or other justification has been submitted to demonstrate why up to 75 chalets are needed within the overall development. English Heritage's concern in respect of the holiday chalets still stands therefore, on the basis that they are not essential to the viability of the scheme" (Docs 164, 165, 170).
- 9.64 It is difficult to see why English Heritage should apply their policy to the holiday chalets and not to the remainder of the scheme. However, as made clear in cross-examination, Mr Taylor was aware of the implications of the English Heritage approach to the chalets, given the desire of the Applicant that the scheme should stand or fall as a whole.

Amendments to the Proposals and the Dangers Illustrated

- 9.65 The reason for requiring rigorous demonstration in relation to enabling development is to ensure that no more than the minimum is permitted contrary to policy. The Applicant's evidence after amendments to the application shows the dangers. Before the amendment, the evidence was that the premium brand retailing was "felt to be the smallest amount that is commercially viable" (Doc 4). That was in relation to an unrestricted factory outlet centre. With the amendments, the small retail units would be restricted so as to prevent fashion sales and restrict many units to heritage, recreation, craft or tourist retailing.
- 9.66 Mr Dring's evidence for the Applicant demonstrates the difference in value between an unrestricted factory outlet centre and units restricted in the manner now proposed (Doc 36). A traditional factory outlet centre would have 60-70% fashion with sales densities of £300-400 and possibly up to £600 per sq ft. Heritage, recreation and craft retailing would have sales densities of at least half that at about £150-200 per sq ft. Thus the factory outlet centre initially sought would have created at least double the value necessary for the enabling development. Given the scale of this one instance of exaggeration, it is not possible to be confident, without a rigorous analysis, of any of the other figures.

Other Points

- 9.67 The Applicant has under valued aspects of the proposals. Reasoned evidence before the inquiry indicates that the yields adopted by Mr Weldon for the outdoor pursuits/sports retail unit and the premium brand retailing are too high. Even low percentages of differences in yield can have a noticeable effect on the residual value (Doc 181).
- 9.68 The repair costs, which form a significant part of Mr Weldon's calculations, unduly lower the residual value of the heritage asset. These costs should reasonably have been accounted for when the Applicant was agreeing the purchase price of the site. They must be born by the Applicant company as part of its statutory duties to maintain this asset, whether or not permission is granted for the proposals (Doc 181).
- 9.69 The use of figures relating to annual running costs has unduly inflated the capital expenditure required to repair the estate, since annual running costs should be funded from the annual income arising from the development. Disregarding the capital equivalent of the annual running costs for the gardens and woodlands increases the residual value significantly (Docs 29, 30, 181).
- 9.70 There is no evidence before the inquiry as to how alternative designs for the hotel, including the courtyard buildings, might affect the number of rooms and hence value that could be generated by this element of the proposals.

- 9.71 For all these reasons it cannot be asserted with any confidence that the Applicant has examined alternative development options to ensure that the current proposals are the minimum necessary to restore the heritage asset.

9.g Additional Conditions

- 9.72 If it were decided to allow the proposals, it is requested that conditions be attached:- to restrict the range of goods that may be sold from the premium brand retail units; to restrict the amount of premium brand retailing to a maximum of 2230 sq m; and to restrict the range of activities that may take place in the remainder of the small retail units (Doc 226).

10. THE CASE FOR I M PROPERTIES PLC

The material points are:

10.a Introduction

- 10.1 I M Properties plc are the owners of Longton Exchange shopping centre within the town's primary shopping area, Longton being the second largest centre in Stoke-on-Trent (Doc 229). Since acquiring the shopping centre in 1989, I M Properties have carried out extensive works to meet the demands of modern retailers. In February 1999 outline planning permission was granted for a mixed retail and leisure development at an edge-of-centre site in Longton, which was allocated for those purposes in the Local Plan. Land acquisition is now almost complete (Doc 230), and the City Council are carrying out a regeneration study for Longton town centre in order to secure its long term future.
- 10.2 Longton is only 5 km or so to the north-east of Trentham Gardens, and I M Properties are concerned that the Trentham Gardens scheme would seriously jeopardise the investment they have made in Longton, the success of their current project and the health of Longton town centre as a whole. Concern has increased with the approvals that have been granted for the Norcross development at Tunstall and the Farringford development at Hanley; but at least those schemes did not involve serious breaches of established policy, which is not the case with the proposals for Trentham Gardens.
- 10.3 The main objections to the current application are on the basis of the failure of the proposals to comply with established policies in respect of the Green Belt and retail provision and the harm that would arise from the non-compliance.

10.b Policy Background

- 10.4 Relevant national guidance includes:- PPG1, encouraging sustainable development and suitable development in town centres; PPG2, seeking to safeguard the Green Belt from inappropriate development; PPG6, aiming to sustain and enhance the vitality and viability of town centres and applying tests of need and sequential appraisal; PPG7, concerned with environmental quality in the countryside; and PPG13, seeking to reduce the need to travel, especially by private car. Regional guidance in RPG11 repeats the national concerns, especially in respect of the Green Belt and town centres (Doc 229).
- 10.5 Structure Plan Policies 18, 21, 70A are concerned with the welfare and promotion of town centres and the Green Belt; and draft Structure Plan Policies D5B, TC1, TC3A, TC3B reflect up-to-date national guidance in respect of similar concerns. SBLP Policies E&D7, E&D10, SHO14 are concerned with protecting the countryside and Green Belt and with out of town shopping; and RLT19, RLT20 provide for development at Trentham Gardens.

10.c Green Belt

- 10.6 Trentham Gardens is located in the countryside, but has clear links with the conurbation (Doc 229). Many aspects of the proposals, such as the hotels, retail buildings, holiday lodges, and car parking areas are inappropriate in the Green Belt and would detract from its amenities. This applies both to the application as originally submitted and following its modification and clarification (Docs 229-231). The proposals would contribute to urban sprawl and encroachment into the countryside and diminish the sense of openness.
- 10.7 These effects conflict with the aims of local and national Green Belt policy. There would be increased public access to the countryside and improved facilities for sport and recreation, but the test must be how *essential* inappropriate parts of the development are in preserving the openness of the Green Belt. The Applicant's reference to PPG2 Annex C in the context of major Green Belt sites, is not helpful to its case since Annex C relates to sites with elements of built form not comparable to Trentham Gardens (Doc CD/A/3). Even if the estate had fallen in such a category, Annex C only allows for limited infilling and requires new development to have no greater impact on openness than the existing buildings, which would not apply with the current proposals. Although some buildings and activities would be removed, there would still be an overall expansion.
- 10.8 SBLP Policy RLT19 clearly requires that development proposals must have regard to the potential effect on the purposes and objectives of Green Belt policy. This of course accords with the guidance in PPG2, the Structure Plan and the Green Belt policies of the SBLP itself. The development as now proposed, especially the nature and amount of retail provision, is very different to that envisaged in Policies RLT19 & RLT20 and the development extends considerably beyond the defined northern area boundary. The Applicant has not adequately demonstrated the very special circumstances needed to allow such a substantial increase of inappropriate development and its adverse effects on openness in this part of the Green Belt, contrary to local and national policy.

10.d Retail Considerations

- 10.9 It is a key element of national policy guidance that in promoting a retail development outside town or district centres, it is for the developer to demonstrate that there are no suitable sites within or on the edge of those centres by way of a sequential analysis of potential alternative sites. The applicant in this case has not done so, on the basis that the form of retailing is so unique as not to be covered by the requirement (Doc 229). It is evident however that PPG6 and associated guidance does not distinguish in this way.
- 10.10 A recent appeal decision refused a proposal by St. Modwen for a non-food retail park on an out-of-centre site at Longton, because it would threaten the existing town centre and potentially the development of the edge-of-centre site for which I M Properties have permission. The lack of sufficient retailer demand was an important part of the evidence given against the proposal. The same considerations apply here. Neither the sports retail building nor the premium brand units are so firmly linked to the estate or comprise such an integral part of the tourist offer as to override the requirements that are now routinely and rightly applied to retail proposals. To do otherwise would weaken the proper application of policy with harmful consequences for town centres.
- 10.11 The only possible reason for allowing the proposed retail development, as well as other related elements of the scheme, would be if it were shown to be essential as enabling development to secure the future use of the estate in a manner appropriate to its location and special characteristics. Such evidence has not been provided.

10.e Other Matters

- 10.12 As well as the lack of economic justification for those aspects of the proposals which would otherwise be regarded as inappropriate and unacceptable, there are also strong reservations as to the visual impact of certain elements (Doc 231). The proposed design and appearance of the sports retail building would have a considerable harmful impact in its important location. Whilst unfortunate modifications have been made to the Grand Hall in the past, it is still worthy of retention and refurbishment.
- 10.13 As to the 4 star hotel, there is no known operator for this building at present and no evidence that a building along the lines indicated would meet the requirements of the hotel industry. It would be an extremely expensive building to provide and experience of hotel provision in this area demonstrates that it would not be viable. The whole concept also raises fundamental questions as to how the erection of a pastiche building in place of a long-gone hall possibly be justified. Similar concerns arise in respect of other envisaged works of restoration. It should be recognised that any intention to recreate historic features as speculative fakes is fundamentally wrong.

11. THE CASE FOR TRENTHAM PARK/GARDENS RURAL ACTION COMMITTEE

The material points are:

11.a Introduction

- 11.1 Trentham Park/Gardens Rural Action Committee (TRAC) represent a large body of opinion in North Staffordshire (Doc 234). TRAC has campaigned for many years for rights of open access to the estate and the protection of the environment. TRAC support the main theme of the development and consider that the upgraded estate would become a major attraction and also have many beneficial environmental effects. It is considered that the proposed commercial developments are essential to subsidise and give financial support for the restoration work and would provide more employment, an additional appeal for people to visit the area, and boost the revenue of the tourist trade in North Staffordshire (Doc 238).
- 11.2 The main concern of TRAC in respect of the current application is that the development should include the following 2 proposals:- (i) the rights of access to Trentham Parkland should be legally incorporated into documents proving ownership of the property; and (ii) the proposed entry to the 4 star hotel along Whitmore Road and Park Drive should be abandoned, and the approach route which can be made directly from the A34 along the road adjacent to the Poacher's Cottage should be adopted (Doc 234).

11.b Rights of Access

- 11.3 Many people believe there is a right of access to the parkland and over the years this has been the cause of many conflicts between owners and the public. Since purchasing the estate, the Applicant company has declared its intention to return the caravan park to the main parkland and make it an open access area. TRAC welcome this decision but want this access to be recognised as a legal right in all ownership documents.
- 11.4 To date TRAC have been involved in 3 different applications to try and have rights of access to the parkland given legal recognition, so that there can be no misunderstandings in the future as to the respective rights of owners and the public.

- 11.5 The first application in 1991 for 3 footpaths to be adopted as rights of way, was refused by the County Council and rejected on appeal by GO-WM in July 2000. From that decision TRAC have presumed that rights of access to an area do not mean that footpaths in that area can be accepted as dedicated rights of way (Docs 234, 236).
- 11.6 The second application in 1995, for part of the park south of Park Brook to be recognised as a village green, was rejected by the County Council in 1997 on the basis that use was by tolerance and permission and not as of right and that the owners on occasion had exercised their ownership rights by denying access to the public. TRAC have since discovered records of 1911 which provide new evidence, but decided against making a fresh application and appeal in favour of presenting the case at this inquiry.
- 11.7 The third application, in 1995, was by way of petition signed by 7000 people to the authorities of Newcastle, Stafford, Stoke and Staffordshire CC to keep Trentham Park as a free open access area for all the people of North Staffordshire. The petition was accepted and endorsed by all 4 Council leaders. The new evidence which subsequently came to light indicates that the Duke of Sutherland at a meeting in 1911 with Stoke BC offered the right of user in perpetuity of 200 acres of the park. The offer was accepted by Stoke BC and the rights re-affirmed in 1919, 1939 and 1946. When the property changed hands the rights should have been incorporated into any legal documents. The effect is that those owners who sought to limit access had no right to do so.
- 11.8 The evidence shows that there is a right of user access to Trentham Park and it should be legally recognised.
- 11.c Alternative Access Route to New 4 Star Trentham Hotel**
- 11.9 TRAC wish to dispute the recommendation by Halcrow-Fox, accepted by the Highways Agency and the County Council, that vehicular access to the new hotel should be from the north via Whitmore Road and Park Drive (Docs CD/A/26). This is a poor decision. Better access could be provided from the east via a new roundabout on the A34, past Poacher's Cottage restaurant and tavern onto the southern end of Park Drive (Docs 234, 235, 237, 240).
- 11.10 The Applicant argues that that the proposals would lead to a reduction in traffic using Park Drive. That is not necessarily so. The caravan park, which would be closed, at present accommodates perhaps 100 visitors at any one time, mainly in the summer and at weekends. A 100 bedroom hotel would generate up to 100 visitors a day throughout the year. There would be more if it were successful as a conference centre and had evening or weekend events. This would create unreasonable disturbance and increased risk of accidents to residents living along Park Drive, which is not suitable for such traffic movement.
- 11.11 Also, whilst traffic may be directed to approach the hotel from the M6 via A500 and A34, drivers would quickly learn of the shortcut to Park Drive via Whitmore Road from the western end. Again, this is a residential road and unsuitable for such traffic.
- 11.12 The eastern end of Whitmore Road which it is proposed to use from the A34 traffic lights, is itself unsuitable for more traffic. It is busy, with traffic queues in the mornings and evenings, narrow footpaths and sharp bends at either end of a bridge over the River Trent which restrict visibility. HGVs are already barred from the road and by directing heavy traffic such as brewers' lorries along the road, the County Council would be flouting its own rules.

11.13 With regard to the bridges that would be used by access vehicles, neither the bridge at Whitmore Road nor at Poachers Cottage nor the Park Brook Gardens entry bridge meet the County Council's standards, but the Poacher's Cottage bridge could be easily modified by adjustments to footpaths so as to be at least as satisfactory as the Whitmore Road bridge. The bridge over Park Brook into the estate has no footpaths but its characteristics are such that it is not a hazard and it would have to be used whichever of the 2 alternative approaches were selected.

11.14 The whole of Park Drive is in poor repair and needs reconstructing and resurfacing. The section from Whitmore Road to the estate entrance is about 320 m long, plus the length along the triangle to the north. It is privately owned and access is by unrestricted rights of way. For the hotel to present a good image, the road would have to be repaired in association with and after negotiations with owners. The section of road near Poacher's Cottage on the other hand is owned by the Applicant and could easily be improved. It would not be difficult to create a satisfactory roundabout on the A34, including adjustments to the pedestrian crossing and bus lay-by as necessary.

11.d Requests for Inclusion in the Planned Development

11.15 It is requested that the following be included in the planned development:- (i) That the rights of free access to the 200 acres of the parkland are legally incorporated into the planned development, and that it should be a legal requirement in any subsequent transfer of ownership, so that these rights will not be denied, overlooked or misunderstood in the future. (ii) That the access route to the proposed 4 star hotel should be from a new roundabout on the A34 by the Poacher's Cottage along the southern leg of Park Drive, which is owned by Trentham Leisure Limited, thus avoiding directing traffic across a sub-standard main road bridge or through residential areas.

12. THE CASES FOR OTHER INTERESTED PERSONS

The material points are:

12.a Mr S P Jones, Stoke-on-Trent Water Ski Club

12.1 Trentham Gardens has been the home of the water ski club for about 30 years (Doc 248). The club has always been a responsible tenant, provides a service to the local community and holds charitable events. It is regarded as the premier water ski facility in the area, is the home of the West Midlands Water Ski Team and has amongst its membership 4 British Water Ski Squad/Team members. It is strongly supported by the British Water Ski Federation, is an accredited training centre and has many enthusiastic and successful younger members, including the Overall World Junior Barefoot Champion (Doc 249).

12.2 The current proposals do not allow for water skiing to continue on the lake, despite the years of satisfactory experience. The club is the only water ski club within 30 miles of Stoke and, despite a lengthy and thorough search over a wide area, has not been able to find a suitable alternative location. If the application were approved in its present form, the club would probably go out of existence. It is therefore requested either that the application be refused or that conditions be imposed to allow the club to continue its water skiing activities at Trentham.

12.3 In response to a question made on behalf of the Applicant at the inquiry, the club confirmed that the contract with the Coal Board had terminated and that currently the

lease was year by year. It subsequently became known however that an application had been made to the court to apply for a lease for 12 years. The current situation is that the application is within the court system and the club is protected by the terms of the Landlord and Tenant Act 1954 (Doc 250).

12.b Cllr John Russell, Barlaston Ward

12.4 Because the nature of the scheme has changed substantially, it is not necessary to dwell on the likely impact of traffic that would be generated through the inadequate roads in Barlaston village (Doc 251). This is a serious problem to which the Wedgwood visitor centre contributes and which is likely to be made worse by redevelopment of the former Meaford power station. The opening of the Sir Stanley Matthews way as part of the Trentham Section 106 agreement would further increase traffic through Barlaston.

12.5 The principle objection to the proposals, however, is the likely impact of the monkey enclosure and to a lesser extent the holiday lodges on the woodland setting of the estate that can be widely viewed from the higher ground in Barlaston and Trentham (Docs 252, 253). Visual damage has already been caused to the Green Belt by the Wedgwood factory, the Strongford reclamation works and residential developments inside the Stoke boundary. There appears to be no good reason for the monkey park facility, apart from the personal whim of a major shareholder.

12.6 Also, with the alterations that have been made, the question of the caravan park should be revisited. There is a demand for such facilities in the area and the loss at Trentham Gardens would generate proposals within the Green Belt for a replacement site.

12.c Speakers at the Evening Session on 14 September 2000

12.7 Matters raised included:- concern about the amount of parking proposed and likely traffic impact on local roads and on safety and the amenities of residents, especially near the Ash Green roundabout and along Whitmore Road and Park Drive; the effect of construction traffic; the desirability of retaining the Grand Hall as a facility for the community; need to ensure desirable existing facilities are retained, such as the bowling green and pitch and put; need to safeguard wildlife; concern about the monkey park and badgers; need to safeguard against noise pollution, including loudspeaker systems and helicopters; extent of the retail proposals; nature and design of the sports retail facility; visual effect of the family hotel; controls over advertisements and signage; planning conditions; public access; water skiing; and procedure if the proposals were refused planning permission (Doc 129).

13. WRITTEN REPRESENTATIONS

(Any factual material set out in Section 2 of this report and representations subsumed within the Cases are not necessarily repeated here. Representations are generally set out in the order of their receipt)

13.a Representations Made Prior to the Council's Resolution on 4 June 1999

13.1 Many written submissions were received by the Council following receipt of the application in August 1997 and their resolution on 4 June 1999 to grant approval subject to a Section 106 Agreement and conditions. The written material included consultation responses from statutory bodies (Doc CD/B), other organisations (Doc CD/C), and other interested individuals and parties (Doc CD/D).

- 13.2 These written submissions are not summarised here since the material points are generally incorporated within the Cases of the Council and other parties or are repeated in the representations made following the Secretary of State's decision to call in the application, which are dealt with in 13.b & 13.c below.
- 13.b Representations Made Following the Council's Resolution on 4 June 1999 and Prior to the Adjournment of the Inquiry on 3 February 2000.**
- 13.3 Representations made following the Council's resolution included Rule 6 and other statements (Doc CD/I). Again, the matters raised are either incorporated within the Cases and not repeated here or are dealt with under the appropriate headings below.
- 13.4 **The Highways Agency:** The Agency confirmed on 4 October 1999 that they did not intend to appear at the inquiry and that a joint statement would be prepared by themselves, Staffordshire County Council and City of Stoke-on-Trent, as the relevant highway authorities (Doc CD/I/4). An agreed statement was submitted in December 1999 (Doc CD/A/24) and is dealt with in the Case for the Applicant.
- 13.5 **Stoke-on-Trent City Council:** The City Council confirmed on 26 August 1999 that they wished to rely on an earlier comprehensive report submitted to Stafford BC (Docs CD/I/5, CD/I/45). This, in essence, indicated that the proposal could be supported provided the Borough Council and Secretary of State were satisfied that unacceptable policy conflict would not occur in respect of retail provision, Green Belt, historic buildings and gardens, archaeology, tourism, and traffic generation.
- 13.6 The City Council indicated they did not wish to object, subject to the above matters and also subject to the Applicant entering into a Section 106 agreement and acceptance of planning conditions to ensure:- satisfactory phasing of development; restrictions on retail facilities including size, operators and goods; provision of a public transport plan; satisfactory on-site facilities for movement and parking; and provision for necessary off-site highway works, including signage.
- 13.7 **Newcastle-under-Lyme Borough Council:** The Borough Council wrote on 6 October 1999 saying they did not wish to attend the inquiry and referring to their letter dated 4 September 1999 and earlier representations. They asked that their report to Committee on 8 December 1998 and the conclusions on impact set out in the Drivers Jonas report dated November 1998 be taken into account (Doc CD/I/5, CD/I/7).
- 13.8 Briefly, the Council welcomed the proposals to restore Trentham Gardens, noted the policy conflict, expressed concern about the joint impact of Talke Freeport and Trentham Gardens on Newcastle town centre, and asked that:- a Section 106 Agreement tie the timing of Trentham Gardens to development in Newcastle; planning conditions control aspects of the retail provision; and agreed joint marketing promote other centres including Newcastle.
- 13.9 **The Environment Agency:** The Agency submitted a Rule 6 statement dated 27 August 1999 (Doc CD/I/6) and a statement of the consultations that had been carried out, relevant policies and guidance documents and the considerations and conclusions of the Agency, with appendices (Doc 247). The principal considerations identified were floodplain protection, loss of wetland habitat, the possibility of the introduction of non-indigenous ornamental fish (fish farm) to the Trent, the impact of a proposed monkey park on the SSSI, and sustainable urban drainage systems.

- 13.10 The Agency acknowledged the outline nature of the application. They advised that the proposed relocation of the fishing lake south of the wetland habitat and deletion of the fish farm met their concerns in those respects. They were also satisfied that the matters agreed with English Nature adequately met their concerns with regard to the SSSI, subject to appropriate conditions at reserved matters stage. And were happy that concern over the setting of floor levels at least 600 mm above the corresponding 1 in 100 years flood levels, development affecting the flood plain and the desire to see sustainable urban drainage systems, could all be addressed at reserved matters stage.
- 13.11 **English Nature:** English Nature provided a Rule 6 statement dated 2 September 1999 (Doc CD/I/7). They intended initially to appear at the inquiry but later chose to rely on written representations (Doc 244). Although they had no overriding objections to many aspects of the proposed development, an objection was lodged to 2 specific elements on nature conservation grounds. These were:- the proposed siting of the monkey park in King's Wood, part of King's and Hargreaves Woods SSSI; and a failure to fully take into account the likely presence of specially protected species.
- 13.12 Subsequent discussions with the Applicant agreed the measures that would be necessary to ensure that specially protected species were fully taken into account. Additional material was also provided by Ecoscope, for the Applicant, with regard to the Macaque enclosure. On the basis of this, English Nature stated on 28 January 2000 that it was prepared to withdraw its objection to the outline application subject to appropriate conditions or provisions of a Section 106 agreement (Doc 245).
- 13.13 **The Ramblers Association:** The Association submitted a statement dated 25 August 1999 (Doc CD/I/8). They asked that:- as much public access should be created as possible, including preservation of existing and creation of new rights of way; commercial development should be allowed in exchange for restoration of the historic assets; no wildlife unnatural to Staffordshire should be introduced; and the development should enable local housing to have maximum benefit from the appearance of the grounds and minimise traffic impact.
- 13.14 **The Georgian Group:** Mr Neale submitted a proof and attended the early part of the inquiry intending to give evidence (Docs 241, 242). However, he left the Group before giving his evidence and the Group subsequently submitted written evidence dated 19 July 2000, on which they rely (Doc 243). This is reported in Section 13.c below.
- 13.15 **Staffordshire Gardens and Parks Trust:** The Trust wrote on 24 January 2000, enclosing copies of earlier letters to the Council (Doc 254). The Trust does not object in principle to the proposals and takes the view that, after many years of neglect, the scheme seems to represent the best opportunity available to conserve and restore the historic park and gardens. They consider, however, that it would be necessary for the estate to be retained in single ownership and for all commercial activities to fund continuous maintenance and restoration to be carried out simultaneously with, if not in advance of, commercial development. In addition, they point to practical problems posed by the scale of the proposed new work and comment on these in detail.
- 13.16 The Trust state that the Applicant has appointed specialist consultants and incorporated modifications to meet their concerns. They indicate that, should approval be granted, it would be essential to ensure the developers continued to use such specialist advice. They recommend that, amongst other matters, a Section 106 agreement be entered into which provides for approval of a master plan for the conservation, restoration and future maintenance of the historic park and gardens prior to works beginning on site.

- 13.17 **Bill Cash MP, Mrs Llin Golding MP, George Stevenson MP:** Letters were received from these Members of Parliament dated 7, 8, 11 January 2000 respectively (Doc 256). The letters expressed strong support for the proposals, stressing their importance to the regeneration of the area, encouragement of further investment, creation of employment, securing high quality restoration of the historic asset and raising the profile of the area.
- 13.18 **The Body Shop, Andy's Records:** Concern was expressed in letters dated 27 & 28 July 1999 about the potential weakening effect of the proposed retail development on Hanley town centre and the Potteries shopping centre (Docs CD/J/2, CD/J/3).
- 13.19 **North Staffordshire Chamber of Commerce & Industry:** The Chamber wrote on 20 August 1999 supporting the scheme in principle (Doc CD/J/25). They believe it would create employment, stimulate economic regeneration, enhance the environment and improve the image of Stoke. They also consider impact on other centres would be acceptable provided the strict planning conditions proposed by the Council were applied.
- 13.20 **Tittensor Environmental Protection Committee:** Mr Poxon wrote on 30 November 1999 regarding footpaths on the Trentham Gardens estate, enclosing an earlier letter and referring to concern about transport and especially about traffic flows around Tittensor, Trentham and Strongford (Doc CD/J/28).
- 13.21 **Newcastle Natural History Society:** In a letter dated 2 December 1999 the Society recognised the need for capital investment at the estate; expressed the view that public access should be maintained; and opposed any disturbance to the SSSI (Doc CD/J/29).
- 13.22 **Stafford Borough Sports Council:** The Sports Council wrote on 9 December 1999 in support of the water ski club continuing to operate at Trentham Gardens or, failing that, provision of a suitable alternative venue by the Applicant (Doc CD/J/37).
- 13.23 **Local Residents:** A considerable number of letters were received from people living close to the estate or familiar with it (Docs CD/J, 256). The majority of letters supported certain aspects of the proposals, with a few being wholly in favour and a few wholly against. Many people had very fond memories of Trentham Gardens in former years.
- 13.24 Concerns were expressed in respect of various matters, including:- an increase in traffic, in addition to that being created by other developments in the area; noise and air pollution; use of Park Drive and Whitmore Road as a vehicular access route to the hotel; loss of wildlife habitat; impact on views; loss of trade by local shops and centres; need for sympathetic restoration; need to safeguard the bowling club; potential harm to the SSSI from the monkey park; noise from events and helicopters; need for public rights of access; potential harm, including vandalism, from unrestricted public access; need for the proposed new southern access; loss of rural character; over-commercialisation; and loss of the water skiing facility.
- 13.c **Representations made Following the Adjournment of the Inquiry on 3 February 2000 and Preparation of Additional Information by the Applicant**
- 13.25 **English Nature:** Following modifications to the application and provision of additional material by the Applicant in respect of the environmental assessment, including the siting of the monkey enclosure and the principles for the alignment and construction of its fencing, English Nature confirmed on 16 August 2000 its willingness to withdraw the objection made in its letter of 24 May 2000 (Docs CD/J/49, 246). This was subject to the fence being built in accordance with agreed principles of alignment and with the final alignment being subject to the Council's approval in consultation with English Nature.

- 13.26 **The Environment Agency:** In a letter dated 9 June 2000, the Agency indicated that:- they would prefer the footpath north of Fernybank to be located outside the monkey park; native species only should be planted alongside Longton Brook; sustainable urban drainage systems would be required; and consent would be needed before introducing fish or fry. The Agency also indicated that information would be required to ensure future levels would not affect the flood plain (Doc CD/J/49)
- 13.27 **Stoke-on-Trent City Council:** The City Council confirmed on 9 August 2000 that the amended application and additional material had been considered and Members had resolved not to object, subject to a Section 106 agreement and conditions as previously indicated (Doc CD/J/45).
- 13.28 **South Staffordshire Council:** Confirmed on 19 May 2000 that they had no further comments to make (Doc CD/J/49).
- 13.29 **Swynnerton Parish Council:** The Parish Council indicated in a letter dated 7 July 2000 that in their view:- the design, material and style of the proposed sports retail building is unacceptable; designs 1 & 2 are acceptable for the 4 star hotel, with design 1 being preferred; and that all the remaining proposals are acceptable (Doc CD/J/48).
- 13.30 **The Georgian Group:** The Group wrote on 19 July 2000, arguing that despite the demolition of the hall, the bones of the magnificent landscape survive, fully justifying its Grade II* listing (Doc CD/J/49, 243). They consider the proposals would constitute a gross over-development and include elements alien to the character of the estate. They argue that the topography and views that were created within the park would mean that much of the proposed development would be conspicuous, whatever mitigation measures might be considered; and that the result would be the creation of a commercial park full of shops and other attractions set within landscape and woodlands and containing fragments of parkland, restored gardens and a number of repaired historic buildings.
- 13.31 The Group believe that the Applicant paid over £2.5 m for the estate and say that, whilst this might explain the intensity of the proposed development, it does not justify an approval, as English Heritage's policy statement on enabling development makes clear. The Group is keen to see the landscape refurbished and is not opposed to all development. They believe a building on the site of the demolished hall should be fundamental to any scheme, following the scale of the former building and incorporating the existing remains. They consider the present proposals are not acceptable, however, and should be rejected in the hope of securing a smaller and more sensitive scheme.
- 13.32 **The Forestry Commission:** The Commission, in letters dated 1 June & 29 August 2000 made it clear that they were not objecting to the proposal (Doc CD/J/47, CD/J/49). However, attention was drawn to the need to protect woodland or seek compensatory provision where woodland is lost to development. The Commission indicated that evidence has not been produced to show that woodland would not be lost or damaged, and considered there must be questions as to whether monkeys would cause no damage to trees, shrubs and flora.
- 13.33 **Staffordshire Wildlife Trust:** The Trust noted in a letter dated 22 June 2000 that the application paid more attention to nature conservation, but pointed out that:- the monkey woodland should be confined to Fernybank; an appropriate mitigation scheme and management plan would be required if permission were granted; wherever possible veteran trees should be retained (Doc CD/J/49).

- 13.34 ***The Garden History Society:*** In a letter dated 13 June 2000 the Society maintained their objection to the holiday lodges and monkey park and the extent of development east of the Trent. The proposals for the mansion site were welcomed. Attention was drawn to the need to be satisfied as to the extent of enabling development (Doc CD/J/49).
- 13.35 ***The Council for the Protection of Rural England:*** In a letter dated 8 June 2000, CPRE confirmed that their substantive objection was one of principle against commercial development in the Green Belt. They also indicated that certain features of the proposals would emphasise the extension outwards of alien development into the open countryside affecting an area of high landscape value, an SSSI and listed buildings (Doc CD/J/49).
- 13.36 The 4 star hotel is supported by the CPRE, but only in respect of design 1. CPRE argue that:- other aspects of the development, especially the car parks, would have a considerable harmful impact on the landscape; screen planting would be inadequate; the monkey park must be considered dubious because of disease and the slaughter of similar colonies elsewhere in England; there would be significant tree loss in the areas of proposed building/ parking; the holiday lodges would be visible and alien; the outdoor pursuits/sports retail building and its extensive parking area would be conspicuous from the A34, the access road and elsewhere and would be seen as out of place in conjunction with the new hotel and smaller retail buildings; and the small retail units and garden centre would be seen as inappropriate and detract from the river and lakeside walks. CPRE's overall conclusion is that the proposed building groups fail to form a coherent design and fail to reflect anything of the essential qualities of Trentham Park.
- 13.37 ***Sport England:*** Sport England wrote on 7 June 2000, enclosing an earlier letter, objecting to the loss of the water skiing facilities without providing a suitable alternative site. The proposed use of the lake for sailing, rowing and improved fishing was welcomed, but it was argued that with flexible management this could be combined with water skiing (Doc CD/J/49).
- 13.38 ***The Countryside Agency:*** The Agency explained in a letter dated 22 May 2000 that they had decided not to comment since the issues raised were more closely related to the interests of other agencies (Doc CD/J/49).
- 13.39 ***The Highways Agency:*** In a letter dated 11 July 2000, the Agency confirmed its position that access to the proposed 4 star hotel should be via Park Drive and not via the access at the Poacher's Cottage restaurant and tavern (Doc CD/J/49).
- 13.40 ***Staffordshire Police:*** Inspector Dyble wrote on 17 July 2000, with a copy of a letter from a local resident, and expressed some sympathy with the concern expressed about construction traffic using Park Drive (Doc CD/J/49).
- 13.41 ***The Parish Church of St Mary & All Saints:*** Rev'd Nigel di Castiglione wrote on 24 May 2000 and 15 September 2000 expressing strong support for the scheme (Docs 259, CD/J/49). He considered the proposals would help to regenerate the Gardens and the wider area; hoped a satisfactory solution could be found to deal with traffic concerns; and expressed a personal intention to ensure the Church would play an active role in the development. He referred to an inappropriate modern building near the church and to walls that were falling into disrepair. He pointed out that although the 4 star hotel would overshadow the church, that was the historic relationship with the former hall and so did not object. The hall was once linked to the church and there was scope for that close relationship to be re-forged. He also pointed out that the church needed to maintain its vehicular access and that it conducted 30-35 funerals and 15-20 weddings a year.

- 13.42 **Local Residents:** A significant number of local residents wrote having had regard to the additional information provided by the Applicant (Docs CD/J/49, 257, 258) and a number wrote following the evening session of the inquiry at Trentham Gardens (Doc 259). As with earlier letters, concern was expressed about:- traffic along Park Drive, with arguments against the evidence of Halcrow Fox; the superstore retail nature and design of the outdoor pursuits/sports retail building, as an unacceptable replacement for the Grand Hall; inappropriate location for retail provision; loss of green vistas; visual effect of the monkey fence; traffic generation generally and harm from congestion, accidents, noise and air pollution – at the Ash Green roundabout in particular; viability of the enterprise; and the impact of and need for a new southern entrance.
- 13.43 Attention was also drawn to the need to safeguard and make provision for the "Berkoff Statue", commemorating the temporary evacuation of the Bankers' Clearing House to Trentham during World War II (Doc 257). And concern was expressed about the proposed new pool complex building within the Barry courtyard (Doc CD/J/49).

14. INSPECTOR'S CONCLUSIONS

Inspector's Note: References are made, where appropriate, to sources of material in the earlier part of the report by indicating the relevant paragraph numbers, for example [2.4].

14.a Main Considerations in Appraising the Application

14.1 The main areas for consideration in deciding the application, in my opinion, are those identified in the call-in letter. Briefly, these are concerned with:- Green Belt location (PPG2); retail location (PPG6); site accessibility and traffic (PPG13); natural and historic environment (PPG9 & PPG15); and recreation and tourism (PPG17 & PPG21). Other topics identified at the pre-inquiry meeting are largely subsumed within the main areas for consideration and are concerned with:- need for the development and restoration costs; consequences of refusal; alternative sites and possible benefits; wider sustainability issues; conservation area and listed buildings; public footpaths and rights of access; traffic, noise and other potential local impacts [3.1].

14.2 In addressing all these matters, I have regard to possible planning conditions and the Section 106 planning obligations [2.40-2.42]. I also have regard to the development plan for the area, which is fundamental to all the main areas for consideration, and to other relevant planning policy guidance [2.44-2.53]. First, however, I consider the form of the application and modifications made to the proposals after call-in [1.1, 2.33-2.39].

14.b Provision of Additional Material and Alterations to the Application

14.3 The application as submitted in August 1997 was for outline planning permission with all detailed matters reserved for later approval [1.1, 2.22]. Following consultations, the appropriate Committee of the Council resolved in June 1999 to grant permission, subject to a Section 106 agreement and conditions [4.2]. Further information was provided prior to the opening of the inquiry, but there was no material change to the proposals from those considered by the Council [2.24]. The further information which related to the environmental statement was advertised during the early part of the inquiry and I consider there was ample opportunity for those concerned to make their views known.

14.4 Similar considerations apply with regard to the additional material which I later formally required the Applicant to provide pursuant to Regulation 21 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1998 [1.3]. The objection on the basis of the outline form of application and the adequacy of the environmental assessment had merit in the light of the *R v Rochdale MBC ex parte Tew* case [1.2] and in my opinion, despite the necessary adjournment of the inquiry, the requirement that the additional information be provided was in the best interests of all concerned.

14.5 With the provision of the additional material, the Applicant asked that modifications be made to the proposals [2.33-2.39]. These arose partly from more detailed consideration of elements of the scheme and partly as a response to the grant of planning permission for a scheme at Tunstall [2.38]. The Applicant also asked that siting of most components and means of access be dealt with as part of the application, rather than as reserved matters and the relevant plans were defined [2.34, 2.39]. These matters were considered by the Council and were widely advertised [4.3, 13.25-13.43]. No serious objections were raised in principle to the modifications or to the change in form of the application.

14.6 Having regard to the material submitted by the Applicant and the sensitivity of the site [2.5], it is desirable and sensible in my opinion that siting of most components and means of access should comprise part of the application as requested.

- 14.7 As regards the modifications to the scheme, the effect of these would be likely to reduce any adverse impact, in my view, but I consider they do not substantially alter the nature of the proposals. I consider all those with an interest in the application would have been made aware of these changes and had opportunity to make their views known.
- 14.8 The inquiry after the long adjournment dealt fully with the application in its changed form and with the proposals as modified. Suggested draft Conditions 2 and 9, agreed by the Applicant and the Council, define the built and engineering elements of the scheme as modified, with references to the appropriate plans [2.39, 2.42]. I am satisfied that acceptance of the modifications to the proposals and the changed form of the application would not unreasonably prejudice the interests of any party likely to be affected. In the remainder of my conclusions therefore, and in making my recommendation, I shall deal with the application as so modified.
- 14.9 For convenience, the details of the application and modifications and the terms of suggested draft Conditions 2 and 9 are attached to the report as Appendix A.
- 14.c Development Plan and Other Policy Guidance, General Considerations**
- 14.10 Section 70 of the Town and Country Planning Act 1990 requires that in deciding planning applications regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 54A requires that where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. PPG1 paragraph 40 advises that applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission.
- 14.11 The statutory development plan for area comprises the Staffordshire Structure Plan 1986-2001, adopted in 1991, and Stafford Borough Local Plan 2001 (SBLP), adopted in October 1998 [2.44]. More than 80 individual policies were referred to by the parties concerned with a range of topics including Green Belt, retail provision, tourism, historic environment, nature conservation, landscape, highways, transportation, sport and recreation as well as site specific matters [2.45-2.51].
- 14.12 In my opinion, the identified provisions include all those relevant to proper consideration of the proposals. Except in respect of certain matters of retail policy, which I discuss shortly, I consider the relevant policies of the SBLP are reasonably up-to-date and in accordance with current national policy guidance. The Structure Plan is of some age and, whilst its provisions carry statutory force, I consider weight should also be accorded to the Draft Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, which has now reached an advanced stage [2.52].
- 14.13 English Heritage's policy statement on enabling development also provides guidance and an approach which a number of the parties adopted and which I consider appropriate in appraising certain important aspects of the proposals [2.53, 6.6-6.26].
- 14.14 In assessing the proposals in the context of the main areas for consideration identified above, I generally have regard to the underlying objectives of the development plan and national and other planning guidance, and do not necessarily refer in detail to the provisions of specific policies. An important exception to this general approach is made in the case of the related SBLP Policies RLT19 & RLT20, which were incorporated into the plan in accordance with the recommendations of the Local Plan Inspector and which deal specifically with the Trentham Gardens estate [3.11].

14.d Green Belt Location (PPG2)

- 14.15 The application site is located wholly within the North Staffordshire Green Belt, between the M6 motorway and the A34 trunk road [2.1-2.5]. It extends over some 285 ha of land and in its north-eastern part approaches close to the developed area of Stoke-on-Trent. The site comprises the bulk of the present Trentham Gardens estate with most of the remaining historic buildings and formal gardens located in the northern part of the site, as well as more recent buildings, leisure activities and car parking areas [2.6-2.16].
- 14.16 It is long-established national policy as set out currently in PPG2 to safeguard the Green Belt from inappropriate development and this approach is reflected in Structure Plan Policy 70A and SBLP Policy E&D10, as well as draft Structure Plan Policy D5B [2.45, 2.47, 2.52]. The supporting text to Policy E&D10 and draft Policy D5B refer to national guidance and both policies make it clear that inappropriate development in PPG2 terms will not be permitted in the Green Belt except in very special circumstances.
- 14.17 The Trentham Gardens estate was identified for particular attention in the preparation of the SBLP, because of its major heritage significance and its established role as a leisure and recreation attraction. It was recognised as an important resource that was not meeting its potential and was in need of upgrading and Policies RLT19 & RLT20 were included in order to provide guidance as to development [3.9, 4.5]. Most parties at the inquiry took the view that the policies provided an appropriate framework and should be accorded significant weight in appraising the current application. I agree.
- 14.18 Policy RLT19, relating to the estate as a whole, sets out criteria against which proposals are to be assessed and expects a balance of advantage to be demonstrated [2.50]. The criteria include the effect on the purposes and objectives of Green Belt policy and also refer to consistency with other policies in the plan, which must include Policy E&D10.
- 14.19 Policy RLT20 is concerned only with the northern part of the estate as defined on the Inset Map, which was generally referred to as the northern core [2.51]. Within this area, subject to RLT19 criteria, RLT20 states that development and appropriate infilling will be allowed for a specified range of uses.
- 14.20 Since SBLP paragraph 6.8.1 expects the estate to be "the subject of major recreation, tourism and leisure development proposals" and RLT20 refers to uses such as hotel-conference centre and indoor leisure and entertainment facilities, it is very unlikely that the envisaged development and infilling would be of a type or scale that might normally be regarded as appropriate in the Green Belt. As the Council and the County Council indicate, therefore, the SBLP must anticipate some leeway in the application of Green Belt policy at Trentham Gardens if the objectives for the estate are to be achievable, ie in effect regarding the estate and objectives for its development as potentially comprising very special circumstances [4.22, 5.27]. I agree with this, but in weighing the balance of advantage of the proposals as indicated under Policy RLT19 it is clearly necessary to form a view as to the extent of any non-compliance with normal Green Belt policy.
- 14.21 *Purposes:* PPG2 paragraph 1.5 sets out the purposes of including land in the Green Belt. I consider the proposals would not result in material harm with regard to towns merging or in respect of the setting and special character of historic towns. As to assisting in urban regeneration by encouraging the recycling of derelict and other urban land, the proposals would not be of direct benefit; although parts of the application site are degraded and could be enhanced by the proposals and there could also be wider urban regeneration if the scheme succeeded and attracted further investment to the area.

- 14.22 The scheme would also not assist in checking the unrestricted sprawl of large built-up areas or in safeguarding the countryside from encroachment. It would have the opposite effect in that parts of the scheme, including the small retail units, garden centre and holiday lodges, would extend development on the estate further to the south. On the other hand, part of the site that would be occupied is degraded land and used for parking in connection with events, part comprises a golf driving range, and part is neglected woodland. I also consider the proposals to remove certain existing uses and activities from the estate, such as the exhibition hall, amusements, caravan park and storage area, would help to mitigate the harmful effect as would the proposed landscaping [2.9, 2.11].
- 14.23 Similar considerations apply with regard to the openness of the Green Belt. There would be significant loss of openness in terms of the floorspace comparisons of buildings to be removed and new buildings to be provided [3.27]. However the bulk of new provision would be in the northern core and would include buildings widely regarded as desirable in spatial terms such as the 4 star hotel on the site of the former hall [2.26]. Harm arising from loss of openness would also be mitigated to a significant extent, in my opinion, by the characteristics of the buildings and uses to be removed from parts of the estate and the vistas that would then be opened up. It is also very important in this context to bear in mind the possible effects of expansion or intensification of existing approved uses, including caravan storage as highlighted by the County Council [5.10-5.14].
- 14.24 **Objectives:** PPG2 paragraph 1.6 sets out the objectives that may be met by use of land in the Green Belt in a positive way. I discuss some of these matters later, but in general terms I agree with the Applicant and the Council and consider the proposed development would be of great assistance in meeting all the defined objectives [3.25, 3.26, 4.15].
- 14.25 In particular, I consider the proposals would:- provide increased opportunities for access to the open countryside for the urban population; provide opportunities for outdoor sport and outdoor recreation near the urban areas; retain the attractive landscape, and enhance the landscape, near to where people live; and secure and enhance nature conservation interests. There would also be some improvement of damaged and derelict land (and buildings) around towns; and the existing woodland, parkland and grazing land would be enhanced and continue their current function or, in the case of the proposed vineyard, be converted to another agricultural or related use.

General Conclusions on Green Belt Location

- 14.26 My general conclusions on this issue are that much of the proposed development is properly regarded as inappropriate in the Green Belt in terms of PPG2 and the Green Belt policies of the development plan. If the proposals were allowed, I consider there would be harmful consequences for the Green Belt in terms of loss of openness, sprawl and encroachment into the countryside. These would be mitigated by other aspects of the scheme and there would also be significant benefits in the extent to which the proposals would meet PPG2 objectives for the use of Green Belt land.
- 14.27 The SBLP must anticipate that some conflict with normal Green Belt constraints will occur if its aim to restore Trentham Gardens as major heritage/recreation/tourist/leisure destination are to be met. I consider this does constitute very special circumstances so that approval of the proposals need not necessarily be seen as an unacceptable breach in Green Belt policy. It is therefore appropriate in my view that in deciding the application the likely consequences for the Green Belt should be weighed in the balance with other considerations, especially those listed as criteria in SBLP Policy RLT19 [2.50]. I deal with these under the main areas for consideration already identified.

14.e Retail Considerations (PPG6)

- 14.28 The retail content of the proposals gave rise to much concern, with this being expressed mainly by companies with development and business interests in the area [3.6, 7.18-7.22, 8.6-8.15, 9.13-9.33, 10.9-10.11, 13.18]; and by bodies including the Georgian Group and CPRE as well as individual residents [12.7, 13.24, 13.30, 13.36, 13.42].
- 14.29 Support for the retail provision in principle as part of the overall scheme was expressed by bodies including English Heritage, Staffordshire Gardens and Parks Trust, North Staffordshire Chamber of Commerce & Industry and Trentham Park/Gardens Rural Action Committee (TRAC), with the latter stating that it represented a large body of opinion in North Staffordshire [6.4, 11.1, 13.15, 13.19]. Support was also expressed by 3 Members of Parliament for the area, Swynnerton Parish Council, the Parish Church of St Mary & All Saints and individual residents [13.17, 13.23, 13.29, 13.41].
- 14.30 Stafford BC and the County Council support the scheme including the retail element and the nearby Councils of Stoke-on-Trent and Newcastle-under-Lyme do not object subject to certain safeguards, which it is intended would generally be met by the agreed conditions or the Section 106 obligations [4.24-4.26, 5.35-5.47, 13.6, 13.8].
- 14.31 The range of uses which SBLP Policy RLT20 states will be allowed within the northern core, subject to RLT19 criteria, includes heritage/recreation/craft related retailing and garden centre [2.51].
- 14.32 **Outdoor pursuits/sports retail building:** It was generally accepted at the inquiry that use of this building (frequently referred to, for convenience, during the inquiry and in this report as the sports retail building) could appropriately be regarded as recreation related retailing [2.27, 3.18]. I agree. It would be located wholly within the northern core and in these respects would therefore comply with Policy RLT20. Given the stated operational intentions for the building, I also consider it likely that other uses identified as appropriate under Policy RLT20 could be involved, including outdoor sport and recreation and aspects of indoor leisure, entertainment and exhibition facilities.
- 14.33 The Drivers Jonas November 1998 report on the current proposals, on behalf of the County Council and the Councils of Stoke-on-Trent and Newcastle-under-Lyme, explained the concept of "participative" sports retailing developments, functioning as visitor attractions and incorporating training elements and other facilities [3.52]. I agree with the Applicant that the Trentham Gardens estate with its parkland, woods and lake, could offer considerable scope for such activities including demonstration and testing of outdoor pursuits/sports equipment, provided care were taken to avoid conflict with natural and built environmental interests.
- 14.34 **Small retail units:** This term was used to include the premium brand retail units and the restaurants, cafes and bars, including the boathouse restaurant [2.26-2.28]. The latter, Class A3 (food and drink) uses, would comprise visitor facilities which Policy RLT20 states will be allowed within the northern core. Under the terms of the Section 106 planning obligations, the Applicant has confirmed that for a significant period of time the bulk of the remainder of the small units would be occupied solely for the type of uses also regarded as acceptable by Policy RLT20, including indoor leisure and entertainment facilities, exhibition facilities, heritage/recreation/craft related retailing, visitor facilities and tourist-associated retailing. In broad terms, over two thirds of this would be located within the northern core and to that extent, with the time limit considerations which I discuss later, this element would comply with Policy RLT20 [5.31].

- 14.35 *Garden Centre:* Policy RLT20 allows for provision of a garden centre within the northern core. The proposed centre would therefore comply in terms of use, but would be located outside the northern core, immediately south of the small retail units [2.27].
- 14.36 As regards the constraints on location imposed by Policy RLT20, in principal, I consider a good case is made for part of the proposed development to extend beyond the northern core in respect of the small retail units, including the boathouse restaurant and other Class A3 uses, and the garden centre. At the time of the SBLP inquiry, the landscape characteristics of the site had not been recently evaluated in the thorough manner undertaken in preparing the current proposals [3.11, 3.70]. From the submitted appraisal it is evident, in my view, that there would be considerable benefit in landscape heritage terms in extending the development area to the south on the eastern side of the lake, as proposed, and not intensifying development on the western side of the Italian Gardens, as currently allowed for in the northern core [3.74]. I discuss this further in due course.
- 14.37 As to the amount of retail development proposed, the overall area would be limited to a total of 18,580 sq m comprising up to 6,038 sq m sports retail building, 2,323 sq m garden centre building, 2,787 sq m Class A3 uses and 7,433 sq m premium brand retailing [Appendix A]. Leaving aside the garden centre and the Class A3 uses, this is a substantial amount of retail floorspace. SBLP makes no reference to the extent of retail uses that may be considered appropriate at Trentham Gardens, but bearing in mind that Policy RLT20 is a recreation, leisure and tourism policy and that no reference is made to Trentham Gardens in the shopping part of the SBLP, I consider it likely that the amount now proposed is significantly more than was envisaged at the time the plan was adopted.
- 14.38 Structure Plan Policy 21 states that large-scale retail development will not be permitted in the Green Belt and SBLP Policy SHO1 seeks to concentrate retail provision within Stafford and Stone town centres [2.45, 2.48]. Moreover, the development plan at present does not wholly accord with national guidance promoting town centres as set out in PPG6 and clarified in subsequent Ministerial statements. Policy TC3B of the emerging draft Structure Plan does reflect the up-to-date guidance, dealing in particular with matters of need and the sequential approach, and I consider the draft policy as well as the national guidance should be accorded considerable weight [2.52, 2.53].
- 14.39 Having regard to Mr Caborn's statement of February 1999, because the application site occupies an out-of-centre location and because the retail proposals as a whole are not in accordance with an up-to-date development plan strategy, I consider it reasonable that the proposals should be required to address need and sequential approach [2.53].

Need for the development

- 14.40 St. Modwen Properties, who are managing the development proposals on behalf of the Applicant, have considerable experience in The Potteries and are confident that the area is under-provided with modern shopping facilities and that there is ample capacity and demand to support the amount now proposed [3.7]. I discuss this further below in terms of retail impact and conclude that there is likely to be adequate capacity and demand.
- 14.41 Mr Caborn's statement explains that whilst capacity or demand may form part of the demonstration of need "the significance in any particular case of the factors which may show need will be a matter for the decision maker" [3.30]. The essence of the argument to show need in this instance is that the retail provision is a vital part of the scheme to restore the Trentham Gardens estate and ensure its future upkeep as a heritage/tourist/leisure/recreation destination, in accordance with the SBLP objective [3.30, 4.36].

- 14.42 This is a topic which I address again later in connection with enabling development. As the Applicant pointed out, there is no serious objection from anyone as to the desirability of the SBLP objective [3.3]. I agree that the objective is highly desirable and, in general terms, I can see it could not be achieved without the interrelationship of activities and the considerable capital and ongoing financial support that could be generated through the retail facilities [3.99]. I agree with English Heritage and consider it highly unlikely that such support could be made available from known public sources [6.17].
- 14.43 A substantial scheme granted planning permission in 1982 for leisure, conference and exhibition development, also involving housing provision, proved not to be practicable and was not implemented [2.20]. I consider that scheme, incidentally, would have had a significant environmental impact, including well over 5,000 parking spaces to the east of the river [3.113]. Since then the historic fabric of the estate has deteriorated badly, and the difficulties and costs of restoration must have increased considerably [4.7, 5.1].
- 14.44 Covenants on the land, imposed by a previous owner to safeguard the interests of Alton Towers, preclude development as a theme park or similar activities, even if this were considered appropriate bearing in mind the environmental objectives and also the desirability of creating a year-round attraction [2.21, 3.113]. The Applicant considered other development which might be regarded as permissible under Policy RLT20, including indoor leisure and entertainment facilities such as a cinema, but judged these not to be capable of meeting the considerable costs of regeneration [3.112]. I agree with the County Council that such uses could well have had greater environmental impact than the current proposals [5.32]. And, since PPG6 also aims to steer major leisure and entertainment development towards town centres, the policy considerations would be similar to retail. It is also relevant that the County Council tried for many years to bring about satisfactory regeneration of the estate without success [6.2].
- 14.45 No other suitable major generators of finance have been suggested, capable of achieving the SBLP objectives for Trentham Gardens. To succeed in this, in my opinion, the likelihood is that a substantial retail element as now proposed would be needed as part of the comprehensive scheme, both to assist with finance directly and to ensure on-going maintenance of the heritage asset. I also consider the retail element as proposed would be likely to encourage joint visits, to other features at Trentham Gardens and to locations elsewhere in area. In my opinion, this would be of material assistance in meeting the economic needs of The Potteries and would make a significant direct contribution to the need to provide additional employment opportunities [3.2, 3.98].

Sequential Approach

- 14.46 There is some merit in the Applicant's argument that part of the proposed retail provision is allowed for in Policy RLT20; but, other than the garden centre, this is difficult to quantify [3.32]. There is also merit in the argument that if the case is accepted in terms of need, to achieve successful regeneration of Trentham Gardens with interdependent facilities, then the retail provision has to be at Trentham Gardens. No suggestions have been made whereby regeneration at Trentham could be achieved by way of development elsewhere [4.25]. I therefore consider that a sequential approach is of limited value in this case, especially having regard to the nature of elements of the proposed uses.
- 14.47 The Applicant did conduct an investigation, based on St. Modwen's knowledge of the area [3.33]. This revealed no suitable sites that were readily available and sequentially preferable to Trentham Gardens in their relationship to town centres in PPG6 terms, other than the Norcross site at Tunstall. The search was not comprehensive, in my view,

and I consider it likely that sequentially preferable sites do exist that could accommodate elements of the proposals [4.38, 7.22, 8.8]. However, none have been brought forward which would accommodate the various uses individually or collectively as satisfactorily as at Trentham Gardens, in my opinion, or where the benefits in terms of a preferable sequential location would outweigh the potential benefits for the heritage/tourist asset that could accrue from development at the application site, including potential spin-off benefits for town centres in the area [3.98, 3.120, 3.121].

Retail Impact

- 14.48 Although changes were made to details of the proposed retail provision, the maximum total overall amount of gross retail floorspace has remained unchanged at 18,580 sq m, including the A3 uses [2.28, 3.37]. There have been several assessments of the likely impact of the proposals, concentrating particularly on the likely consequences for nearby town centres [3.38, 3.41, 3.45].
- 14.49 It is however difficult to be precise as to likely impact in this instance, in my opinion. This is partly because, if the development were marketed as the Applicant intends, I consider the retail element could well be perceived as part of the wider heritage/tourist/leisure/recreation attraction [3.57, 3.95]. The effect of this would be to draw a relatively high proportion of visitors and expenditure from a wide catchment area and could also generate additional visits to town centres in the area, as already indicated. The nature of the activity proposed for the retail sports store supports this view, as does the envisaged role of the garden centre as a regional attraction [3.18, 3.120].
- 14.50 Overall turnover of the proposed retail development at Trentham Gardens, excluding the A3 uses, was initially estimated by the Applicant at just under £40 million a year at 1995 prices with 55% of the trade being drawn from within a 30 minute drive time area [3.39]. The small retail units were appraised as operating as a factory outlet centre and, when turnover at the garden centre was excluded, it was concluded that the maximum impact would be at Hanley town centre with an effect of just over 3% in 2001[3.40].
- 14.51 Since then, estimates of retail turnover at Trentham Gardens have been reduced to less than £36 million a year [3.45]. This is reasonable in my view, bearing in mind the likely effect of developments that have since been granted planning permission, such as the Norcross scheme at Tunstall and the larger than expected Hanley Shopping Centre scheme, and the limitations on sales at Trentham Gardens imposed by the Section 106 obligations [2.40, 2.41, 5.41].
- 14.52 Revised assessments by the Applicant indicated a worst case effect of about 9% in 2001 at both Hanley and Newcastle-under-Lyme town centres, taking account of both the Trentham Gardens development and the Freeport Talke factory outlet centre which is now operational [3.47]. The assessments also indicated that by 2006 there would be sufficient growth in expenditure to accommodate all current proposals, including the Norcross scheme at Tunstall, and to support additional provision [3.46].
- 14.53 Assessments carried out on behalf of the Council and County Council also support the view that sufficient expenditure would be available to support the proposals, together with Freeport Talke and Norcross, provided sales at Trentham Gardens were subject to the constraints imposed by the planning obligations [3.50, 5.36, 5.43, 5.45]. It is significant in my view that Norcross, who appeared as main objectors, were themselves sufficiently satisfied that their own interests would not be harmed by approval at Trentham Gardens as to withdraw from the inquiry [3.51, 7.6].

- 14.54 My own view, on the balance of the evidence provided, is that there would be sufficient expenditure growth, even within the catchment area considered, to support the amount of retail floorspace now proposed. St. Modwen are confident that approval would not have a material harmful effect on Newcastle town centre and are themselves implementing a substantial scheme there [3.44, 3.49, 5.40]. I consider that, with St. Modwen's town centre development, Newcastle would be able to withstand the predicted levels of trade diversion without serious risk to its future wellbeing. Newcastle would also benefit from other measures recommended in the November 1998 Drivers Jonas report into the Trentham Gardens proposals on behalf of the County Council and the Councils of Stoke-on-Trent and Newcastle-under-Lyme [3.38, 3.44].
- 14.55 Hanley is the only other centre, in my view, which the assessments indicate could be seriously affected by the proposals considered cumulatively with other developments [3.47]. Capital Shopping Centres and Pearl Assurance, with interests in The Potteries shopping centre, and Farringford, who are developing Hanley Shopping Centre, are concerned that Trentham Gardens would have a direct adverse effect on their interests and on the town centre [8.2, 9.2].
- 14.56 Hanley seems to me, however, to be a very busy and buoyant centre which, as the Applicant points out, has recently experienced substantial investment in the evening and leisure economy [3.48]. Even if the cumulative retail impact were between 11.9% and 13.9% as indicated by Farringford, I consider this would not be likely to cause long-term harm to the vitality and viability of the centre [9.38]. Moreover the contribution of Trentham Gardens towards this impact, which is calculated by the County Council at 1.7% in 2001, would be offset to some extent by the higher profile that would be given to the area and the additional visitors likely to be generated, as I have discussed [5.45].
- 14.57 It is a valid concern that investor confidence in town centre development may be harmed by approval of out-of-town retail provision; but in this instance I consider the special circumstances of Trentham Gardens, including the development plan background, should significantly allay such concerns [9.35]. Also, with the planning obligations, apart from sports clothing and some equipment, I consider there would not be great overlap between the type of goods to be sold at Trentham and at Hanley, or other town centres. Nor, in my opinion, would many retailers likely to be drawn to Trentham be the sort who might otherwise have occupied the units planned for Hanley Shopping Centre [3.48, 3.119].
- 14.58 The Applicant accepts the need for the planning obligations to safeguard the interests of Hanley and other town centres and it would be important, if the proposals were allowed, to ensure that the terms of the obligations would be properly met [3.19]. Given the nature and level of overall control and management intended by the Applicant, I consider that would be reasonably practicable. It would also be necessary in my view to ensure that no unacceptable consequences for town centres would occur before the proposed constraints on sales could be lifted, if the Applicant saw advantage in doing so. Again, I consider that would be practicable.

14.f Site Accessibility and Traffic (PPG13)

- 14.59 In considering matters of site accessibility and traffic generation it is appropriate to bear in mind that the site already has around 2000 parking spaces and is capable of generating considerable volumes of traffic [3.53]. If the site is to be successfully regenerated as a visitor attraction in accordance with the aims of the SBLP, the likelihood is in my view that many more vehicular trips would be generated than currently occurs, whatever the details of the project. As already stated, it is of interest in this regard that the previously

approved comprehensive scheme for the site included over 5000 car parking spaces [3.113]. As currently proposed, the development as a whole would accommodate a maximum of 2,800 parking spaces [Appendix A, Section 4), with access to these being provided mainly from the A34 trunk road via an improved roundabout at Ash Green and a new roundabout south of Strongford Bridge [2.27, 2.31].

- 14.60 Calculations as to parking requirements and necessary highway measures were based partly on the assumption that Trentham Gardens could expect to attract around 2 million visitors a year [3.55]. No one seriously disputed this figure and I consider it reasonable. The modal split figures adopted by the Applicant for car and non-car modes of travel are also reasonable, in my opinion, as are the arrangements to accommodate cars and coaches on the site [3.56]. Sufficient parking provision would clearly have to be made both for normal day-to-day operational purposes and to ensure that tail-backs and off-site parking would not occur during special events and other peak occasions. It seems to me the proposals would achieve this, but I also consider there would be scope for emergency parking within the site should the need ever arise.
- 14.61 There have been lengthy discussions between the Applicant and the relevant highway authorities, leading to the production of an agreed transport statement [3.58]. In forming their views on the proposals the highways authorities ensured the scheme was assessed both as a leisure/tourist and as a retail destination [3.57]. The authorities are satisfied that, with the measures to be carried out in accordance with the planning obligation and suggested conditions, the proposals would be satisfactory in principle in traffic access and highways terms [4.28]. I agree.
- 14.62 I have some sympathy with the concern of TRAC and individual residents about the proposed continued use of Whitmore Road and Park Drive as a vehicular access route into the site and their argument that the road from the A34 past Poacher's Cottage could be used instead [11.2, 11.9-11.15, 12.7, 13.24, 13.42]. However, the Highways Agency resists the use of this junction and I can see that it would lead to difficulties in terms of traffic movement greater than those likely to arise from use of Whitmore Road and Park Drive. I consider that suitable signing should help to minimise traffic movement along the predominantly residential roads and, bearing in mind the traffic that does and could use the Park Drive access under the present arrangement, I consider that use to serve only the 4 star hotel as proposed would be acceptable [3.124].
- 14.63 I also consider it very regrettable that a number of trees would be lost within the site to form the proposed new access south of Strongford Bridge [2.14, 3.78]. There would be compensating benefits, however, in the improved access arrangements for properties on the eastern side of the A34 and provided the loss of the trees was adequately mitigated by new planting I consider the proposals for this access would be acceptable. In further support of the proposed alignment of the southern access, as well as improvements to the existing Ash Green access, I can also see the need to facilitate easy movement of traffic so as to reduce the risk of pollutant concentrations from vehicle emissions [3.125]. This is a matter that was raised by residents, but not pursued at the inquiry as a concern by any formal body [13.42].
- 14.64 As regards access by non-car modes, I believe a regenerated Trentham Gardens would be very well placed to attract substantial numbers of visitors by coach, with its easy access from the M6 motorway and A34 trunk road [2.2, 3.56]. Direct access to the site by bus is currently available and I consider significant improvements could be made in improving services, including convenient linkage with the railway station at Stoke-on-Trent, through the proposed public transport and green travel plans [3.61]. Facilities for

cyclists and pedestrians would also be improved. In my view, these would be material benefits in comparison with the situation that could prevail if planned regeneration as proposed did not proceed. I agree with the Applicant and consider the highway and transportation measures would accord with the aims of relevant provisions of the development plan and national guidance [3.63, 3.64].

- 14.65 My overall conclusion on site accessibility and traffic, having particular regard to the provisions of PPG13 (in its earlier and up-dated form, which was available in draft at the inquiry), is that with the safeguards that would be afforded by the planning obligation and conditions, the proposals are acceptable [2.41, 2.42, 2.53, 3.63].

14.g Historic and Natural Environment (PPG15 & PPG9)

- 14.66 It is largely the acknowledged major heritage significance of the Trentham Gardens estate that led to the special provisions for its future in the SBLP. The present neglected condition of parts of the estate is a cause for great regret and I consider the efforts that are now being made to secure the restoration of the heritage asset and bring it into effective use are worthy of strong support.

Historic Environment

- 14.67 Twenty buildings or structures on the site are listed as buildings of special architectural or historic interest, some in Grade 2*, and the site itself comprises most of the Trentham Conservation Area [2.5]. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering proposals affecting a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that, in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 14.68 Relevant policies of the development plan, and the draft Structure Plan, reflect these statutory obligations and also reflect national guidance on planning and the historic environment as set out in PPG15 [2.45, 2.47, 2.52]. They also accord with the guidance of PPG16 in respect of archaeological interests and of PPG15 with regard to the need to safeguard historic landscapes and parks and gardens. This latter consideration is clearly extremely important in the case of Trentham Gardens. English Heritage explained that the inclusion of Trentham in their Register of Historic Parks and Gardens in Grade 2* was based on the present condition of the estate and that following restoration it would warrant a Grade 1 listing [6.4].
- 14.69 As regards the potential archaeological interests of the estate, all parties including English Heritage were satisfied that these could be adequately safeguarded by conditions and I was given no good reason to take a different view [3.70, 6.8].
- 14.70 The principle of restoring and enhancing the estate and bringing the historic buildings into use was generally regarded as a laudable objective although some reservations were expressed about aspects of the proposals [7.29, 9.47, 10.13, 13.30, 13.36, 13.43]. I discuss these further shortly. In general, however, I agree with English Heritage that retention of the estate as an entity for restoration and long-term management purposes is a very desirable aspect of the current proposals [6.2]. It is also relevant that St. Modwen have experience of major landscape and listed building projects in the area and that the Applicant has responded positively to advice from the statutory consultees during the design process and would continue to seek appropriate expert advice during the detailed design and implementation stages [3.7, 3.73, 6.3, 13.16].

- 14.71 I consider the Applicant is taking reasonable steps to prevent further deterioration of the heritage asset, but clearly this would be greatly assisted by approval and implementation of an overall scheme [2.8, 3.73]. All 20 listed buildings on the site are included on the local authority or English Heritage Buildings at Risk registers in the extreme "at risk" categories [6.4]. Extensive works would be required to restore some of the structures, including the Grade 2* listed grand entrance to the former hall [2.7]. I nevertheless consider that all the listed buildings are capable of retention and effective use in the manner proposed.
- 14.72 The historic features of the estate are very well recorded and with skilled advisers and craftsmen I consider satisfactory restoration and regeneration would be achievable [3.71]. Landscape and building restoration would need to be phased and co-ordinated with the new development and it seems to me that satisfactory arrangements could be provided for in this regard, through the Section 106 agreement together with conditions [2.41, 2.42].
- 14.73 Specific aspects of the proposals may conveniently be considered in terms of the various parts of the site identified on the master plan, as follows [2.25].
- 14.74 *Area 1:* Depending on the details of its design, I consider the provision of a new 4 star hotel on the site of the former hall could be very successful in linking and making good use of the remaining historic structures [2.7, 2.26]. This includes the proposed pool complex within the courtyard area. It would not be appropriate nor necessarily helpful for me to comment on the alternative design approaches provided by the Applicant and I note with interest the suggestion of the County Council that, if the application were approved, the views of the Commission on Architecture and the Built Environment should be sought [5.53]. I am satisfied, however, that the siting and general mass and form of the proposed hotel are appropriate and that any adverse effects, such as over-shadowing of the church, would be outweighed by the considerable visual and other benefits [6.9, 13.41]. I am also satisfied that, with additional landscape planting, parking arrangements as proposed would be acceptable.
- 14.75 Replacement of the existing boathouse structures by a suitably designed new boathouse restaurant in the location proposed would also be acceptable, in my opinion [2.26, 3.74, 6.11]. The effect of this combined with restoration of the Italian gardens, removal of the exhibition hall and other uses on adjoining land to the west and reinstatement of that land as gardens, would be to secure significant benefits for the landscape qualities of the estate. I consider that these measures, together with provision of the 4 star hotel, would enhance both the setting of the nearby listed buildings and the predominantly rural character and appearance of the conservation area.
- 14.76 *Area 2:* Many people have fond memories of the Grand Hall, with its ballroom and other facilities, and it is clear that it has played a significant part in activities at Trentham Gardens since its construction in the 1930s [2.19, 13.23, 13.42]. Some features of the building are of interest, in my view, but as a whole I agree with the County Council and English Heritage and consider it is not of sufficient architectural or historic merit in itself or in the contribution it makes to the qualities of the conservation area as to warrant refusal of a suitable development proposal which required its demolition [5.6, 6.10].
- 14.77 The concern expressed about the potential visual impact of the sports retail building is understandable, mainly because of its considerable size and the associated areas of car parking [2.27, 13.36, 13.42]. However, much of the land to the east of the Grand Hall already comprises hard surfaced parking areas [2.10]. The new building would be lower

- in height than the Grand Hall and provided its design was of very high quality and appropriate tree and shrub planting were provided within and around the parking area and alongside the river, I consider its visual impact on the character and appearance of this part of Area 2 could be acceptable [3.75]. The informal parking areas to the north need not appear intrusive, in my opinion, and are arranged so as to safeguard and allow scope for the enhancement of the setting of the listed buildings in that area.
- 14.78 Similar considerations apply with regard to the small retail units and garden centre. Whilst the former arboretum area retains some trees of merit, much of this land east of the river is degraded, with unsightly areas of unmade ground used for car parking [2.11, 3.75]. It seems to me that the size and location of the various units have been well considered in terms of the design concept and their relationship to each other and to the important features on the site, especially the existing trees. I agree with English Heritage and am satisfied that, with suitable additional planting along the river and the A34 and within the parking areas, the impact of the proposals would be acceptable [6.10]. The proposed siting and design concept for the family hotel and winery building, in my view, are also satisfactory.
- 14.79 *Area 3:* As already indicated, I am of the same opinion as the Applicant and consider that removal of the caravans and associated structures as well as inappropriate tree growth to reveal the tree groupings and vistas of Capability Brown's landscape would be a great benefit to the special interest of the estate [2.12, 2.29, 3.76].
- 14.80 *Area 4:* After initial reservations, English Heritage are satisfied that up to 75 holiday lodges could be provided within the wooded area as proposed with no unacceptable harmful impact on views from the lakeside or elsewhere in the historic park [2.13, 2.30, 3.77, 6.11]. I agree. I also consider that, with careful attention to its detailed design, materials and alignment on site and with some additional planting, it would be possible to provide the Macaque enclosure fence without it being seen as unreasonably intrusive. With adequate additional screen planting and with some adjustments to the location of parking spaces near the lodges and the fishing lake, as noted by English Heritage and agreed at the inquiry by the Applicant, I consider the proposed parking provision in this area would also be acceptable in terms of its visual effect.
- 14.81 *Area 5:* I consider it would be beneficial to the setting of the monument to clear away some of the overgrowth in Monument Wood as proposed and the creation of an additional fishing area would be very appropriate in the wetlands at the southern end of the lake [2.14, 2.31, 3.78]. As previously discussed, the loss of trees in connection with the new southern access would be regrettable and would detract from the character of the area in this part, although the harm would be mitigated by new planting.
- 14.82 *Area 6:* The lake is an impressive component of the landscape and I consider its use for quiet recreational purposes as proposed is appropriate to the historic setting [2.15, 2.32].
- 14.83 My conclusion on the proposals as they would affect the historic environment is that, whilst there may be some aspects of the development which would have a neutral or negative impact, the overall long-term effect of the proposals would be very beneficial. In forming this view I have had regard to the likely consequences for the listed buildings, conservation area and the registered park and gardens. I have also taken account of the safeguards to be provided by the Section 106 agreement and conditions and by the need to obtain further approvals [2.41, 2.42, 3.91]. The grant of planning permission in this instance, in my opinion, would accord with relevant statutory requirements and the aims of local and national policy to preserve and enhance the historic environment.

English Heritage's Policy Statement on Enabling Development

- 14.84 In their evidence to the inquiry in support of the proposals [6.4], English Heritage very helpfully followed the approach set out in their policy statement "Enabling Development and the Conservation of Heritage Assets" [6.5-6.26]. This document was published in June 1999 and is intended to supplement the advice of PPG15 and PPG16. Except in respect of the amount of enabling development, about which they were not able to call financial evidence, English Heritage considered that the criteria set out in the document would be met. I agree, for reasons which I have already discussed.
- 14.85 As regards the 7 criteria on page 2 of the statement, in the words of the criteria my conclusions are that taken as a whole:- (1) The enabling development would not materially detract from archaeological, historic or landscape interest of the asset, or materially harm its setting. (2) The proposal would avoid detrimental fragmentation of management of the heritage asset. (3) The enabling development would secure the long-term future of the heritage asset and its continued use for a sympathetic purpose. (4) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid. (5) Financial assistance is not available from any other source. (6) It has been adequately demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits. (7) The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing the enabling development.
- 14.86 As regards the further criteria on page 3:- In respect of (1) having regard to the guidance of PPG15 paragraph 2.11 I consider that in this case, with the additional material provided to supplement the original environmental statement, sufficient information has been submitted to enable the proposals to be properly assessed. Criteria (2) and (3) could also be adequately met, in my view, in that the Section agreement and conditions could ensure the heritage objective of restoration and regeneration would be achieved in accordance with approved phasing of development. (4) would also be likely to be met in due course, since as well as the monitoring of implementation by the Council, English Heritage and other bodies would also be likely to take a keen interest.

The Amount of Enabling Development

- 14.87 As indicated above, English Heritage did not call financial evidence with regard to page 2 criterion (6) of their policy statement, but pointed out the advice on page 12 that it is for the Applicant to provide the options and appraisals and for the planning authority to be satisfied that need has been properly demonstrated [6.18]. The Applicant referred to the *R v West Dorset DC ex parte Searle* decision and stated that there is no legal duty to provide a financial justification for enabling development; nevertheless, because the matter had been raised at the pre-inquiry meeting the evidence was provided [3.1, 3.16].
- 14.88 I have already considered the question of need for the development in order to meet the aims of the SBLP and to secure the future of the heritage asset, as well as providing economic and employment benefits for the area, which PPG15 indicates may be taken into account. The additional financial information provided by the Applicant identified the likely costs and contributions of the various elements of the proposals [3.99-3.107]. The residual value of each element was calculated by subtracting from the discounted value of the future revenues or costs associated with that element the capital costs incurred in its development [3.101]. The assessments excluded site acquisition costs.

- 14.89 On this basis, at 1999 values, the heritage and infrastructure elements, Italian gardens and 4 star hotel together had a negative value of £12.59 million. The monkey park, vineyard, holiday lodges and family hotel together had a positive value of £1.64 million and the retail and catering facilities an estimated positive residual value of £12.04 million, giving a return on capital at the lower end of the 12.5-20% range stated as reasonable on page 11 of English Heritage's policy statement.
- 14.90 The figures were queried in certain respects by Farringford Limited [9.67-9.71]; but it seems to me that they present a fair general scenario. It is clear that the costs of returning the heritage asset to an appropriate standard and of managing it accordingly would be very high and would require long-term on-going financial support. Including, in my opinion, the highly desirable provision of the 4 star hotel.
- 14.91 Whilst activities such as the Macaques and the vineyard might not make a major direct financial contribution, I consider there would be interaction between the various elements and they would be important to the attraction and viability of the development as a whole. This is especially the case bearing in mind that various potential activities that were originally considered by the Applicant, including a model farm, were omitted for conservation reasons [2.22, 6.3]. The holiday lodges and family hotel would also be important, in my view, in providing variety of accommodation. English Heritage expressed doubts as to whether the holiday lodges were wholly necessary in the context of enabling development [6.20]. I consider they are justified, partly for the reasons just discussed and their positive financial contribution, and because they would serve as a more acceptable alternative to the displaced caravan park.
- 14.92 The garden centre, restaurants, bars and cafes are desirable components and would each make a valuable financial contribution. Despite its size, I have already indicated that in my view the sports retail building could be acceptable in terms of its likely impact on the character of the area and I consider restoration and regeneration as currently proposed would not be viable without its inclusion. I therefore agree with the Applicant that the only area where some reduction might be made in the amount of enabling development is in respect of the small retail units [3.107]. There would be little to gain from this however, in my opinion, either in terms of reduction in any adverse effect on the heritage asset or in any other way and the more likely outcome is that the extent or quality of restoration and management would be diminished.
- 14.93 On balance, therefore, my conclusion is that the amount of enabling development proposed is reasonable.

Natural Environment

- 14.94 As well as its heritage importance, most of the site lies within a defined Special Landscape Area and is subject to tree preservation orders, and the King's Wood and Fernybank area is a designated Site of Special Scientific Interest [2.5]. The ecological interests of the site were assessed in detail and the studies revealed widespread habitat degradation [3.84]. In my opinion, the habitat restoration and management measures proposed as part of the application provide opportunity to benefit nature conservation interests across the estate. English Nature and the County Council take a similar view and welcome the proposals, subject to certain safeguards which are provided for by the Section 106 agreement and conditions [3.84, 5.28, 5.48, 13.11, 13.12, 13.25].
- 14.95 In particular, the ancient semi-natural woodland, including the SSSI, would benefit from removal of alien plants and from planting of saplings and seedlings and encouragement

of dead wood build-up [3.86]. Jervis Wood, where the holiday lodges would be located, is not part of the SSSI but is included within the ancient woodland inventory [3.87]. Its quality is degraded and the County Council are now satisfied that, with careful siting, it is capable of accommodating the holiday lodges. I agree and I consider that any harm arising from provision of the lodges would be adequately offset by conservation benefits.

- 14.96 Similarly with the SSSI, which is itself in a degraded condition [3.88]. Fernybank has a poorer dead wood invertebrate community than Kings Wood and is not notified for its woodland community. On the evidence provided, I am satisfied that the establishment of a Macaques community as proposed would not have unacceptable harmful consequences for the SSSI. I consider that any adverse effects, including any arising from measures to enclose the monkey park, would be offset by the enhancements that could be provided within the SSSI and throughout the estate by effective management. English Nature have confirmed that they have no objections to the monkey park in the SSSI, subject to detailed control of the alignment of the fencing [13.25].
- 14.97 As well as enhancement of the existing woodland areas, the proposals also provide potential to increase the extent of broadleaved woodland, to restore the wood pasture that is currently the caravan park, to restore the heathland that has been badly damaged by off-road eventing, to retain and manage the wetland and to enhance and manage the lake and its islands and wildlife, including the colony of breeding herons [3.86]. All these measures could be reasonably ensured, in my view, through provisions of the Section 106 agreement and conditions, including the proposed ecological and landscape conservation management plan and scheme of habitat and species monitoring [3.91]. With such safeguards, I am satisfied that the proposals would accord with the aims of PPG9 and the relevant provisions of the development plan and would be likely to secure significant long-term nature conservation benefits.

14.h Recreation and Tourism (PPG17 & PPG21)

- 14.98 SBLP Policies RLT19 & RTL20 set out a framework under which the plan promotes development of Trentham Gardens as a major tourist/recreation/leisure destination [2.50, 2.51]. These policies, and other recreation and tourism provisions of the development plan, reflect guidance as set out in PPG17 and PPG21 and also reflect PPG15 advice that the historic environment is of immense importance for leisure and recreation. This includes SBLP Policies RLT4, RLT5, RLT11, RLT13, RLT17, Structure Plan Policies 30-32, 35, 36 and emerging Structure Plan Policy E11A, E11B [2.45, 2.48, 2.52].
- 14.99 The estate has always functioned as a place to give pleasure and enjoyment to visitors, including the general public, even over 100 years ago when Trentham was considered to be one of the most celebrated and influential gardens in the country [2.17]. Many of those making representations recall Trentham as it was in the post-war period as a very popular family destination with the ballroom, tea gardens, boating lake and swimming pool [2.19, 13.23]. There is general regret that the estate has declined and a realisation that significant investment must be generated if its attractiveness is to be restored.
- 14.100 It seems to me that the scheme as proposed strikes a realistic balance that is appropriate to the special qualities and potential of the estate and the surrounding area and present-day visitor demands. Bearing in mind that the site could not in any event be developed as a theme park or similar use and also the difficulties that have arisen in the recent past from activities such as off-road motor racing, I consider the proposal to develop in a way likely to appeal to the more affluent class A, B, C1 socio economic groups is sensible [2.21, 3.10, 3.97, 3.113, 5.8].

- 14.101 I agree with the Applicant and consider that if the estate were restored, developed and managed as proposed it could be very attractive to the A, B, C1 groups, offering a blend of historic landscape and buildings, related commercial and educational features, a range of overnight and long-stay accommodation, a choice of restaurants, bars and cafes and a variety of retailing opportunities including heritage/recreation/craft related retailing as defined in SBLP Policy RLT20 [3.95].
- 14.102 Gardening is a very popular recreational activity and I consider there would be obvious synergy between a high quality garden centre, the restored Italian gardens and the wider landscape. I also consider the horticultural attractions would sit well with the winery activities and the intended "walk in the woods" atmosphere of the small retail units, which it is envisaged would include museum and exhibition facilities, an information centre, and activities such as pottery and furniture making as well as premium brand units [Appendix A].
- 14.103 It seems to me that the range and distribution of proposed buildings would also offer scope for the introduction of other activities if they were seen to be desirable, such as special exhibitions or fairs, and to develop or vary the tourist/recreation/leisure offer in order to encourage repeat visits. The proposed facilities would also provide scope to foster interest in activities elsewhere in The Potteries and to promote joint ticketing.
- 14.104 Staffordshire Tourism consider Trentham Gardens has the potential to become one of Britain's most visited attractions with around 2 million visitors a year and, as I have already indicated, I consider this figure is realistic [3.97]. The annual turnover of the site after regeneration is calculated as almost £50 million with additional off-site turnover of some £25-£35 million and direct off-site spending by visitors generated by Trentham Gardens of around £8 million a year, in addition to the on-site turnover [3.98]. It is estimated that over 930 jobs would be created at the site. I was given no convincing reasons to doubt these figures and I consider that if the development were implemented and marketed as currently proposed it could bring substantial and much needed direct and indirect benefits to the economy and image of the area [3.2].
- 14.105 In addition to these wider benefits, the characteristics of the site are such that it could also continue to serve local people and visitors who wanted to enjoy the estate for quiet recreational purposes such as walking and cycling. The free public access to much of the estate offered by the Applicant, in my opinion, is a significant potential benefit of the current proposals [3.25]. In considering the layout in more detail, care would need to be taken to ensure there was convenient parking provision for visitors who might wish to drive to the estate and enjoy its amenities without necessarily having to pass through shops or areas for which a payment would be needed. I am satisfied this could be done without great difficulty.
- 14.106 The increased benefits of the estate that would be enjoyed by those visitors who sought quiet recreation and an enhanced landscape would be at a cost to those who currently enjoy noisier and more active pursuits such as clay-pigeon shooting and motorised water sports. This is particularly regrettable, in my view, in the case of the members and supporters of the water ski club who have successfully used the lake for many years [12.1-12.3]. However, whilst it would not be appropriate or helpful for me to comment on the legal aspects of the water ski club's situation, in general terms I agree with the Applicant that such activities are not compatible with the enhancements to the special landscape and nature conservation interests of the estate and the associated quiet recreational benefits that the current proposals seek to bring about.

14.107 SBLP Policy RLT19 requires that in considering applications for recreation, leisure and tourism development the local planning authority will expect a balance of advantage to be demonstrated in the context of the defined criteria [2.50]. The criteria are concerned with conservation of the historic buildings, gardens, landscape and natural environment; enhancement of recreation/leisure facilities; impact on the highway network; Green Belt considerations; economic benefits; and consistency with other policies of the Plan.

14.108 In the latter regard, it seems to me that the proposals would comply to a significant extent with the aims of other tourism, recreation and leisure policies of the development plan and with PPG17 and PPG21, as well as assisting in meeting the objectives of other policies of the development plan and the emerging Structure Plan [2.47, 2.48, 2.52]. There would be conflict with some policies, including aspects of Green Belt and retail policy, but on balance I consider there would be substantial compliance with relevant provisions of the development plan. In terms of Policy RLT19 criteria, I consider a balance of advantage in favour of the proposals is clearly demonstrated

14.i Matters Identified at the Pre-inquiry Meeting

14.109 As I indicated in paragraph 14.1, the matters identified as being of potential interest at the pre-inquiry meeting are largely subsumed within the main areas for consideration in deciding the application, which I have now dealt with. For completeness, however, I set out the matters below with any additional conclusions as may be appropriate.

Need for the Development and Restoration Costs

14.110 This topic is adequately dealt with in paragraphs 14.40-14.45 and 14.87-14.93.

Consequences of Refusal

14.111 St. Modwen, acting on behalf of the Applicant, seem to me to have demonstrated genuine concern for the Trentham Gardens estate and for the contribution it could make to the wider area, as well as seeking to benefit their own commercial interests. They made it clear at the inquiry that if the application were not allowed, they would analyse the reasons for the decision and modify the proposals if that seemed appropriate to try to overcome the objection. Nevertheless, given the substantial investment that has been made in the project, it is also likely in the meantime that the Applicant would wish to maximise income from the existing activities on the site [2.16, 3.108].

14.112 If that were the case, the likelihood is in my opinion that the quality of the heritage asset and its potential contribution to the economy of the area would continue to decline. The buildings and landscape are in a fragile condition and given the size of the estate and extent of public access it is clearly difficult to prevent natural deterioration and acts of vandalism. To seek to generate additional income so as to enable a higher standard of maintenance by intensifying the current pattern of uses on the site would be largely self-defeating, in my view. Many current activities detract from and damage the heritage asset and, as the County Council advise, expansion of permitted uses such as caravan and open storage could make the situation much worse [5.8-5.14]. Refusal would also mean that the benefits associated with the proposals would not be realised [3.110].

Alternative Sites and Possible Benefits

14.113 This topic is dealt with in paragraphs 14.46-14.47. In addition, I consider there is substance in the Council's argument that sites elsewhere in North Staffordshire which might be available and suitable for part of the development proposed for Trentham

Gardens are the more "traditional" regeneration sites, many of which have access to external funding sources [4.38]. It is also reasonable in my opinion to expect that such sites would become more attractive to investors if the regeneration of Trentham Gardens were successful in raising the profile and enhancing the image of the area.

Wider Sustainability Issues

14.114 This topic is dealt with in paragraphs 14.59-14.65. Again, I consider the Council make an important point in viewing the proposals as a way of maximising and revitalising the historic investment that has been made at Trentham Gardens in a manner which by virtue of the proposals would thereafter be sustainable [4.39]. This view is supported by PPG15 paragraphs 1.2-1.5 which highlight the importance the Government attaches to sustainable development and advise that conservation of the natural and historic environment and sustainable economic growth are complementary objectives.

Conservation Area and Listed Buildings

14.115 This topic is adequately dealt with in paragraphs 14.66-14.93.

Public Footpaths and Rights of Access

14.116 Trentham Park/Gardens Rural Action Committee (TRAC) and other bodies are very concerned about rights of access to the estate and TRAC in particular has campaigned to have these rights legally recognised [11.3-11.8, 13.13, 13.20]. TRAC strongly supports the current proposals and welcomes the proposed increased public access, but would like to have the legal aspects of this confirmed so as to avoid any difficulties in the future.

14.117 A decision in this regard is a matter of law and I consider it would not be helpful to any party for me to express an opinion on the basis of the evidence placed before me. However, the existing public footpaths which cross the site in its northern part are safeguarded as part of the proposed development and I agree with the Council that it is a material benefit of the proposals that the public would have greater access than exists at present, to an enhanced environment [2.3, 3.25, 4.41].

14.118 The Applicant confirmed that there would be free public access to all parts of the site except the Italian Gardens, the Macaque enclosure and the vineyard [3.123]. I referred earlier to the need to ensure there would be convenient links between public parking areas and the parts of the estate to be made available for free public access, and I concluded that this is matter that could be satisfactorily provided for. However, leaving aside the legal aspects of the rights of access, I can see that effective management of the estate would be made very much more difficult if there were an extensive right of public access which, for instance, jeopardised the Applicant's ability to carry out necessary works without risk to public safety.

Traffic, Noise and Other Potential Local Impacts

14.119 Traffic is a matter that I consider has been adequately dealt with in paragraphs 14.59-14.65, including use of Whitmore Road and Park Drive and the possibility of increased pollutants. Whilst the numbers of vehicles using the main accesses into the site would increase with the proposals, as they would with any successful regeneration of the site as a visitor attraction, I consider the adverse impacts from traffic congestion that has occurred in the past during special events would be likely to diminish [13.20, 13.42]. It is understandable that there should be concern about disturbance from construction operations, including the movement of vehicles and equipment, but it would be possible

to control this to a reasonable extent in my opinion by appropriate conditions [3.126, 12.7, 13.40]. The Applicant believes that the overall noise climate would improve with the removal of noisy events at the site, including motor cycle scrambling, loud speaker systems and use of helicopters [3.126, 12.7, 13.24]. This is likely, in my view, given that an underlying aim of the scheme is to provide for quiet recreation within the estate.

14.j Other Matters

14.120 Concern was expressed that the loss of the caravan park would lead to pressure for a replacement site elsewhere in the Green Belt [12.6]. PPG21 Annex B refers to the needs of caravanners and I can see that pressure for alternative caravanning facilities could well arise, despite the proposed provision of holiday chalets. However, restoration of the present caravan park to its historic parkland character is an integral part of the overall scheme and, in my opinion, the potential benefits of removing the caravans and related facilities from the site outweigh the concern about a potential replacement site. If there were shown to be such a need, then proposals could be considered on their merits or arrangements could be made through the development plan process.

14.121 Similar considerations apply in respect of the pitch-and-put course and the golf driving range, whilst their loss would be regretted by some people I consider this would be outweighed by the potential benefits [12.7]. I agree with English Heritage, however, that it is important for the crown bowling green, about which concern was also expressed, to be retained and incorporated into the scheme as proposed [6.11].

14.122 Attention was drawn to the "Berkoff Statue" in the written representations [13.43]. It is of interest in the history of Trentham Gardens, in my view, and I consider the Applicant may be relied on to make arrangements for it to be safeguarded and provided for at the estate, whatever the decision on the application.

14.k Section 106 Obligations and Planning Conditions

Unilateral Undertaking

14.123 The Section 106 unilateral undertaking restricts the nature of goods that would be sold at Trentham Gardens for at least 5 years from the opening for trading of the approved factory outlet centre at Tunstall, or until abandonment of that permission, whichever is the earlier. Having regard to the advice of Circular 1/97, I consider it reasonable that such safeguards should be provided in order to ensure that the potential contribution of the approved development to Tunstall town centre and the wider area would not be jeopardised. Notwithstanding the concern of some objectors, it seems to me that the undertaking would be effective in this respect and Norcross plc and H & R Johnson clearly took the same view in deciding to withdraw from the inquiry [2.40, 7.6, 8.11].

14.124 At the end of the 5 year period from the opening for trading of the Tunstall factory outlet centre, or abandonment of the permission, the undertaking also provides for a retail impact assessment to be carried out to determine whether any material adverse effect would be caused to any town centre if the restraints of the undertaking were to be relaxed [3.36]. The assessment would be prepared by independent retail consultants pursuant to a brief that would have been previously approved by the local planning authorities of Stafford, Stoke-on-Trent and Newcastle-under-Lyme and which defined relevant town centres. Again despite the reservations of some objectors, I consider this would provide reasonable safeguards which would allow the situation at Trentham Gardens to be reviewed, if that seemed appropriate, whilst ensuring that the vitality and viability of town centres would not be unacceptably damaged.

Planning Agreement

- 14.125 The Section 106 agreement is between the Applicant, Stafford BC, Staffordshire CC as highway authority and Barclays Bank plc, who have a charge on the land [2.41]. The agreement includes constraints on sales from the premium brand retail units, with reference to the Tunstall scheme, and my conclusions in this regard are as indicated in respect of the unilateral obligation. The agreement is also satisfactory, in my view, in its provisions relating to:- a public transportation plan and green travel plan; highway works; and phasing of retail development relative to completion of the 4 star hotel and to construction of St. Modwen's shopping centre scheme in Newcastle-under-Lyme [3.44, 3.49, 3.54, 3.59, 3.61].
- 14.126 Safeguards are also provided in the agreement with regard to the historic buildings, landscape and nature conservation interests. In particular, prior to commencement of development, the Council in consultation with English Heritage would need to approve a detailed restoration and management plan and the Applicant would have to implement the plan in accordance with an agreed phasing programme. Similar provisions would apply in respect of a woodland and ecological conservation management plan. The plans would ensure the cessation of uses and activities such as the caravan park and motor scrambling events which damage the heritage asset. And the agreement would impose constraints on the disposal of land by the owner [2.41].
- 14.127 I understand English Heritage's preference to establish a more precise programme of agreed phasing prior to the grant of planning permission, but I also share their view that the Trentham Gardens estate and the current proposals are exceptional in their scale and complexity [6.29]. In the circumstances, I agree with the Council and consider that the Section 106 agreement would comply with Circular 1/97 advice and, read together with the suggested planning conditions, would provide adequate safeguards in respect of the special heritage and nature conservation interests of the site, as well as the retail, highways, transportation and other relevant matters [4.47]. I consider that other parties were afforded adequate opportunity to comment on the contents of the agreement [4.46].

Planning Conditions

- 14.128 For the proposal to be acceptable, having regard to the advice of Circular 11/95 and for reasons I have discussed previously in my conclusions, I consider it would be reasonable and necessary for conditions to be attached to any grant of planning permission to address the matters identified in the submitted list of suggested conditions [2.42, 4.50]. In addition to the normal time limit conditions attached to outline planning permissions, some 47 conditions were suggested by the Council, in agreement with the Applicant and, again, I consider other parties had adequate opportunity to comment [4.48].
- 14.129 On the whole I agree with the Council and consider the following conditions are needed for the purposes stated:- 1, 2, 9 - to require approval of reserved matters (with time limits) and to define the proposals and the location and extent of the various elements, with references to application plans; 3-6 - for justified highway reasons; 24 - to control vehicular movement within the site; 7-8 - to make satisfactory provision for pedestrians and cyclists; 10-17 - to control the amalgamation of units and the nature of goods to be sold; 18-22 - to ensure the historic gardens, park and buildings would be restored in a phased manner and satisfactorily managed; 23, 31, 36-42, 44 - to co-ordinate design and implementation of development; 25-27 - to safeguard potential archaeological interests; 28-30 - to enhance habitat and ecological resources and ensure satisfactory enclosure of the monkey park; 32-35 - to meet the requirements of the Environment Agency in

respect of watercourses and risk of flood and pollution; 43, 45 - to ensure appropriate use and siting of the holiday lodges; 46 - to ensure construction work would not give rise to nuisance and disturbance; and 47- to ensure temporary uses and activities would not cause harm to the site and its restoration [4.50].

14.130 As regards English Heritage's suggested modifications to conditions 19-21, I support the underlying intention of seeking to ensure that the restoration and management plan would be implemented to an appropriate standard [6.30]. It may be thought desirable, however, to rephrase the suggested modifications to conditions 20 and 21 so as to avoid "to the satisfaction of the local planning authority", in the interests of precision. I have taken account of the other suggestions made in respect of possible conditions, but I consider they either are not warranted or the matters raised are adequately dealt with in the Council's suggested list or the planning obligations [8.12, 9.72, 11.15, 12.2].

14.1 Overall Conclusions

14.131 In formulating my conclusions on the application I have had full regard to the provisions of the development plan as required by Section 54A, to the statutory requirements in respect of listed buildings and conservation areas, to relevant national and regional planning guidance and to all other material considerations that have been raised.

14.132 With the safeguards that could be provided by conditions and the planning obligations as I have just discussed, I consider that in many respects the proposals would sufficiently accord with the provisions of the development plan and be acceptable having regard in particular to the consequences for the historic and natural environment, recreation, tourism, site accessibility and traffic. Any conflict with the objectives of policy for the Green Belt and the location of retail development, or in any other respects, would be offset in my opinion by the benefits the proposals would be likely to bring to the Trentham Park estate and the wider North Staffordshire area.

14.133 My conclusion is that planning permission should be granted, subject to the conditions I have discussed. This conclusion is on the basis of the application for outline planning permission, modified as requested by the Applicant to include siting and means of access, with the modified development proposals being as described in Appendix A.

15. RECOMMENDATION

15.1 I recommend that the application be approved.

R. Barker.

INSPECTOR

APPENDIX A

DETAILS OF THE APPLICATION

1. The Proposals as Considered by the Council and at the Opening of the Inquiry

1.1 The Applicant has confirmed that the summary of uses as proposed at the time of the Council's resolution and at the opening of the inquiry was as set out in the Council's Statement of Case (Docs CD/A/16, CD/A/19, CD/A/22, CD/I/2). The proposals were shown on master plan TREN12/PL001 and the coloured inquiry master plan (Doc 5) and were described by the Applicant as comprising:-

"1. Gardens, Parkland and Lake:

- (a) Restoration of the Italian gardens as a paid visitor attraction. The restoration will restore the gardens' position as a site of international importance.
- (b) Removal of inappropriate uses on the areas adjacent to the Italian gardens and restoration to create informal garden areas to be incorporated in the Italian garden area.
- (c) Removal of existing caravan park and restoration as parkland.
- (d) Long term management plan in conjunction with the woodland areas and to restore and improve the areas and the existing network of walkways and, where appropriate, create additional walkways to improve public access to the parkland, woodland and lakeside areas.
- (e) Removal of existing motorised sports from the lake and improvement of fishing facilities. Re-use of the lake for sailing and rowing and for a waterbus to provide access around the site.
- (f) Replacement of the existing boathouse at the north-eastern end of the lake with a new boathouse restaurant and bar.

2. Former Trentham Hall and Italian Courtyard:

- (a) Reconstruction of the former Trentham Hall and restoration of the courtyard buildings as a top quality hotel with restaurant, associated facilities and car parking. Vehicle access to this facility will be via Park Drive.

3. Southern Core and Woodland Areas:

- (a) Replacement of the existing fishing lodge at the southern end of the lake with a new fishing reception centre and shop.
- (b) Additional fishing lake to the south of the main lake.
- (c) [Model farm - not now included].
- (d) Informal car parking to serve the fishing centre and farm for about 150 cars.
- (e) Holiday lodges in the area at the south-western corner of the lake. Number to be determined on detailed application.
- (f) Creation of monkey woodland as a paid visitor attraction within the wooded areas by providing a secure enclosure of about 20 ha. The precise location of the monkey woodland to be determined at detail application. The restoration of the monument lodges as the reception and management centre for the monkey woodland with informal parking for about 250 cars.

- (g) New entrance roundabout and drive from the A34.
- (h) Two new entrance lodges.
- (i) Long term management plan in conjunction with the parkland areas and to restore and improve the areas and the existing network of walkways and where appropriate create additional walkways to improve public access to the parkland, woodland and lakeside areas. These areas will be open to the public free of charge under the control of the owner. The management plan and proposed uses within the woodland will at all times respect the status of the part of the site as a Site of Special Scientific Interest and all proposals will be prior agreed with English Nature and other relevant bodies.
- (j) Restoration and management of the existing wetland areas adjacent to the river.

4. *North-Eastern Core:*

This relates to the area used mainly at present for the current commercial activities of the dance and exhibition hall, dining, restaurant and bars, former garden centre, pitch and put course, golf shop and driving range and extensive car parking. It is bounded by the A34 to the east and the River Trent to the west. The proposal is to remove the existing buildings and uses and to redevelop as set out below. The redevelopment will carefully respect any important topographical feature, in particular, the mature trees, circular bowling green and miniature cottage.

- (a) A retail area limited to a total of 18,580 sq m containing strictly controlled uses appropriate to Trentham Gardens and to minimise any potential negative impact on surrounding town centres.
 - (i) Outdoor pursuits/sports retail building – 6,038 sq m. This building would be limited to the use described and be occupied by an agreed named user for a minimum for the first 5 years.
 - (ii) Garden centre building – 2,323 sq m. This building would be for the retail sale and display of garden plants, equipment, garden furniture and all associated goods and would have an area of about 1.0 ha for external display.
 - (iii) Restaurants, cafes and bars (A3 use). Total floor area – 2,787 sq m. These units would provide a wide range of eating facilities on site.
 - (iv) Premium brand retail units. Total floor area 7,433 sq m. These buildings would be a series of individual units carefully set within the existing trees and would be limited to non-food retail sales by traders who are either manufacturers, brand owners or designers. The purpose of this restriction is to restrict traders to those who would not normally trade from existing town centres. The units would also be restricted as to the sizes available as follows:- (a) One unit of no more than 1,394 sq m. (b) No more than two units of between 465 and 697 sq m. (c) No more than four units of between 232 and 465 sq m. (d) The remainder of the units to be less than 232 sq m. (e) Combination of units to be limited to a maximum of two units from a combination of type (b) and type (c) units and five units from a combination of type (c) and type (d).
 - (v) The provision of about 2,500 car parking spaces set in carefully landscaped and screened environment.
- (b) The provision of a visitor information centre and leisure facilities such as a climbing centre and special interest museums.
- (c) Public transport and coach drop off and loading facilities near the main entrance with long term (day) coach parking within the site. Pedestrian and bicycle access facilities and secure bicycle parking.

- (d) A family hotel and restaurant at the main entrance from the A34.
- (e) Vineyard and winery building on the existing grazing land at the south of the north-eastern core area."

2. Modifications to the Application During the Inquiry Adjournment

2.1 The modifications made during the long adjournment arise partly from the requirement to provide more information in connection with environmental impact. The changes occur in 3(d), 3(e), 3(f), 4(a)(i), 4(a)(iv), 4(a)(v), 4(b), 4(c) with other parts of the proposals being unaltered. The proposals were set out on master plan TLL/INQMP/PHJ/B/09 (Doc CD/A/28) and the modified parts were described by the Applicant in part 1 of the "white folder" submission dated May 2000 (Doc CD/A/26) as comprising:-

3. Southern Core and Woodland Areas:

- (d) Informal car parking to serve the fishing centre.
- (e) 75 holiday lodges in the area at the south-western corner of the lake.
- (f) Creation of monkey woodland as a paid visitor attraction within the wooded areas by providing a secure enclosure of about 11 ha. The restoration of the monument lodges as the reception and management centre for the monkey woodland with informal car parking.

4. North-Eastern Core:

- (a) (i) Outdoor pursuits/sports retail building – 6,038 sq m
- (iv) Premium brand retail units. Total floor area 7,433 sq m. These buildings would be a series of individual units carefully set within the existing trees and would be limited to non-food retail sales by traders who are either manufacturers, brand owners or designers. The purpose of this restriction is to restrict traders to those who would not normally trade from existing town centres. A visitor information centre will be included as one of the units. The units would also be provided as follows:- (a) Four units of approx. 480 sq m. (b) Three units between 280 and 325 sq m. (c) Six units of approx. 234 sq m. (d) Ten units of approx. 144 sq m. (e) Fifteen units of approx. 96 sq m. (f) Three units of approx. 72 sq m. (g) Three units of approx. 45 sq m. With subdivision and amalgamation to be approved.
- (vi) The provision of about 2,300 car parking spaces set in carefully landscaped and screened environment.
- (b) [Deleted].
- (c) Public transport drop-off and loading facilities near the main entrance with coach drop-off and loading facilities near the garden centre with long term (day) coach parking within the site. Pedestrian and bicycle access facilities and secure bicycle parking.

3. Modifications Following Approval of the Norcross/ H & R Johnson Application for Development at Tunstall

3.1 Further modifications were made to the proposals during the long adjournment, having regard to the grant of planning permission for the Norcross application at Tunstall (Doc CD/A/32). These modifications affected only section 4(a) of the proposals, which the Applicant requested by letter dated 8 August 2000 be changed to read as follows:

- 4. (a) A retail area containing strictly controlled uses appropriate to Trentham Gardens to minimise any potential negative impact on surrounding town centres. The retail area of up to 18,580 sq m in the North Eastern core will include a mixture of uses limited to outdoor

sport and recreation, indoor leisure and entertainment facilities, exhibition facilities, heritage/recreation/craft-related retailing, garden centre, visitor facilities, tourist-associated retailing (namely the sale of such items as cards, posters, guides, maps, luggage and other similar items), premium brand retailing, and cafes and restaurants. As shown on the retail, leisure, siting and parking plan (ref. PHJ/B/10) within Doc CD/A/28 there will be two larger units, the outdoor pursuits/sports retail building and the garden centre and a range of smaller retail units in between. The following restrictions will apply:

- (i) Outdoor pursuits/sports retail building not to exceed 6,038 sq m gross floorspace.
- (ii) Garden centre building not to exceed 2,323 sq m gross floorspace. This building would be for the retail sale and display of garden plants, equipment, garden furniture and all associated goods, and would have an area of approximately 1.0 ha for external display.
- (iii) Premium brand retail units not to exceed 7,433 sq m gross floorspace. These buildings would comprise units dedicated to the sales of goods which are manufacturing overruns, end of season/line articles, returned goods and factory seconds. For a period of time to be agreed with the local planning authority, not being less than the earlier of 5 years from the opening of the Tunstall FOC, or the abandonment of that scheme, and subject to a further retail impact assessment, demonstrating that the inclusion of clothing, footwear, ceramic and pottery goods shall not be unreasonably detrimental to any town centre affected by such inclusion, the premium brand retail units shall exclude sales of clothing, footwear, ceramic and pottery goods.
- (iv) The small retail units would be provided as follows:- (a) Four units of approx. 480 sq m. (b) Three units between 280 and 325 sq m. (c) Six units of approx. 234 sq m. (d) Ten units of approx. 144 sq m. (e) Fifteen units of approx. 96 sq m. (f) Three units of approx. 72 sq m. (g) Three units of approx. 45 sq m. With subdivision and amalgamation to be approved. A visitor information centre will be included as one of the units.

4. Built and Engineering Elements of the Scheme as Defined by Suggested Draft Conditions 2 and 9

- 4.1 Draft Conditions 2 and 9 suggested by the Council summarise the position in respect of the proposed built and engineering elements of the scheme as agreed by the Applicant and the Council on 20 September 2000 (Doc 131).

Draft Condition 2

- A. The retail area as located in Area 2 and shown on the master plan TLL/INQMP/PHJ/B/9B comprising buildings which may be used for the purposes of outdoor sport and recreation, indoor leisure and entertainment facilities, heritage/recreation/craft related retailing, garden centre, visitor facilities, tourist-associated retailing, cafes, restaurants and bars. The buildings which shall not exceed 18,580 sq m of gross floorspace shall comprise the outdoor pursuits/sports retail building, and the garden centre with the small retail units in between, as shown on the retail, leisure, siting and parking plan PHJ/B/10A.
- B. The highway works relating to the southern access as located in Area 5 as shown on plan KW/8507/014 and the Ash Green access and related works in Area 2 and shown on plan KW/8507/017/B.
- C. The restoration of the Italian gardens and parklands within the whole site.
- D. The new boathouse restaurant as located in Area 1 which shall not exceed 320 sq m in foot-print area as shown on the master plan.

- E. The new 4 star hotel and associated parking as located in Area 1 which shall not exceed 100 bedrooms as shown on the master plan.
- F. The fishing lodge as located in Area 4 which shall not exceed 240 sq m in footprint area as shown on the master plan.
- G. The holiday lodges as located in Area 4 which shall not exceed 75 in number.
- H. The monkey woodland as located in Area 4 which shall not exceed 11 ha as shown on the master plan.
- I. Two entrance lodges as located in Area 5 which shall not exceed 200 sq m in total floorspace as shown on the master plan.
- J. Internal roadways and car parking within the site which shall not exceed 145 spaces as located in Area 1, 2281 spaces as located in Area 2, and 375 spaces in Area 4/5 as shown on the master plan.
- K. Sundry engineering operations and a small fishing lake, the latter as located in Area 5 as shown on the master plan.
- L. A family hotel as located in Area 2 which shall not exceed 80 bedrooms as shown on the master plan.
- M. A winery as located in Area 2 which shall not exceed 750 sq m in footprint area as shown on the master plan.

Draft Condition 9

This permission shall be for no more than 6,038 sq m gross floor space of outdoor pursuits/sports retail building, 2,323 sq m gross floor space of garden centre building, 2,787 sq m gross floor space of restaurants, cafes and bars including the boathouse restaurant but excluding any such area within the hotels for the exclusive use of hotel clients, and 7433 sq m gross floor space of small retail units dedicated to premium brand retailing.

APPEARANCES

FOR THE APPLICANT:

Jeremy Cahill	Of Counsel, instructed by M Timmins of St. Modwen Developments Limited on behalf of Trentham Leisure Limited
<i>He called</i>	
Mr T Stuart-Smith MA BLD MLI	Landscape Architect, consultant to Elizabeth Banks Associates, 1 Torriano Mews, London NW5 2RZ
Dr D G Blissett BA(Hons) DipArch PhD RIBA FRSA	Consultant Architect, of Ashbrook, Ampport, Hampshire SP11 8BE.
Mr P Goggs BSc MPhil, MRTPI	Director of Halcrow Fox, Lyndon House, 62 Hagley Road, Edgbaston, Birmingham B16 8PE
Sir Donald MacKay MA FRSE FRSGS	Chairman of DTZ Pidea Consulting, 5-7 Hill Street, Edinburgh EH2 3JB
Mr G Weldon MA MBA	Partner in Deloitte & Touche, Hill House, 1 Little New Street, EC4A 3TR
Mr C C A Glossop MA	Deputy Chairman and Chief Executive of St. Modwen Developments Properties PLC, 58/62 Hagley Road, Edgbaston, Birmingham B16 8PE
Dr D Hill BSc(Hons) Dphil MIBiol FIEEM	Chief Executive of Ecoscope Applied Ecologists, Crake Holme, Muker, Richmond, North Yorkshire DL11 6QH
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Mr M C Ward	Partner of Peter Hing and Jones, Architects, Neville House, 42-46 Hagley Road, Edgbaston, Birmingham B16 8PE
Mr C Dring ARICS	CHD Property, Chartered Surveyors, 43 Conduit Street, Mayfair, London W1R 9FB

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Maguire & Ruth Stockley	Of Counsel, instructed by A R Welch, Solicitor, Head of Law & Administration, Stafford Borough Council
<i>They called</i>	
Mr D J Pinnock BA(Hons) DipTP MRTPI	Director of Development, Stafford Borough Council

(Mr Maguire represented the Local Planning Authority from 11 January - 3 February 2000 and Miss Stockley from 5 - 26 September 2000)

FOR STAFFORDSHIRE COUNTY COUNCIL:

David Park Of Counsel, instructed by the Director of Council Services – Legal, Staffordshire County Council

He called

Mr A L Murray BA(Hons) DipTP MRTPI Director of Development Services, Staffordshire County Council

Mr S J E Morley FRICS BSc MA DipTP Head of Research at GVA Grimley, 10 Stratton Street, London W1X 6JR

(Mr Morley's evidence was given on behalf of the County Council and Stafford Borough Council)

FOR ENGLISH HERITAGE:

Graham Stoker Of Counsel, instructed by Norton Rose, Solicitors, Kempson House, Camomile Street, London EC3A 7AN

He called

Mr A G Taylor MA DipTP IHBC Inspector of Historic Buildings, West Midlands Region, English Heritage, 112 Colmore Row, Birmingham B3 3AG

FOR NORCROS PLC AND H & R JOHNSON:

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He called

Mr D R Bird BSc CEng MICE Director of Savell Bird & Axon, 58-60 Berners Street, London W1P 4JS

Evidence was also provided as written submissions by:

Mr M Krassowski BA(Hons) BSc ARICS Director of Town Planning Consultancy Limited, 118 Southwark Street, London SE1 0SW

Mr C Butterworth DipArch RIBA MAE Principal of Christopher Butterworth Associates, The Halstead Studio, Elgin Road, Weybridge, Surrey KT13 8SW

Mr D C Martin BSc AIRRV Director of C B Hillier Parker, 77 Grosvenor Street, London W1K 3JT

FOR CAPITAL SHOPPING CENTRES PLC AND PEARL ASSURANCE PLC:

Mr G Smith BSc MPhil MRTPI FRICS

Managing Director of Nathaniel Lichfield & Partners Ltd, 14 Regent's Wharf, All Saints Street, London N1 9RL

Mr J Fennell BA ARICS

Director of Nathaniel Lichfield & Partners Ltd

FOR FARRINGFORD LIMITED:

William Hicks QC &
Scott Lyness

Of Counsel, instructed by Drivers Jonas, Chartered Surveyors, 60 Fountain Street, Manchester M2 2FE

They called

Mr J Adams BSc(Hons) ARICS

Partner, Drivers Jonas, 60 Fountains Street, Manchester M2 2FE

Mr G Burton FRICS ACI Arb

Partner, Healey & Baker, 29 St George Street, Hanover Square, London W1A 3BG

FOR I M PROPERTIES PLC:

Mr J Garside DipArch RIBA DipTP MRTPI
Mr R Tweedale DipArch RIBA DipTP
MRTPI

of Tweedale (Wolverhampton) Limited, Bell Place, Dudley Road, Wolverhampton WV2 4LY

They called

Mr G J Parkes BSc(Hons) DipTP MRTPI

of Tweedale (Wolverhampton) Limited, Bell Place, Dudley Road, Wolverhampton WV2 4LY

(Mr Garside was advocate for part of the inquiry. Mr Tweedale also acted as advocate for part of the inquiry as well as providing evidence as a written submission.)

FOR TRENTHAM PARK/GARDENS RURAL ACTION COMMITTEE:

Mr K V Randall TD BA(Hons) Cbiol
FIMgt

Co-Chairman of TRAC, 17 Fairway, Dairyfields, Trentham, Staffordshire ST4 8AS

OTHER INTERESTED PERSONS

Mr S P Jones

Club Secretary, Stoke on Trent Water Ski Club, c/o Beechwood Finance, 123 Hassell Street, Newcastle, Staffordshire ST5 1AX

Cllr John Russell

Ward Councillor for Barlaston, Stafford BC

Evening Session on 14 September 2000

Those who spoke at the evening session included:

Mr Clayton	Lime Tree Cottage, 4 Longton Road, Trentham
Mr Wilson	7 Swanton Place, Trentham
Mrs Wilson	24 Parkway, Dairyfields, Trentham
Mr Rickard	16 Parkway, Trentham
Mr Speirs	10 Trentham Court, Park Drive, Trentham
Mr Chesterton	31 Whitmore Road, Trentham
Mr Bailey	18 Baltic Close, Trentham
Mr Reid	12 Whitmore Road, Trentham
Mrs Jones	4 The Fieldway, Trentham
Mr West	19 Park Drive, Trentham
Mr Berry	18 Park Drive, Trentham
Mr Carter	38 Parkway, Trentham
Mr Calkin	24 Park Drive, Trentham
Mr Williams	Barlaston
Mr Green	22 Park Drive, Trentham
Mr Cooper	6 Whitmore Road, Trentham
Ms Banks	Five Oaks, Knowle Wall, Beech
Mr Holdway	Sunnyside Cottage, Stone Road, Trentham
Mrs Shaw	45 Greenway, Dairyfields, Trentham
Mr Kirkham	50 Parkway, Dairyfields, Trentham
Mr Hossack	65 Parkway, Trentham
Mr Romsden	Old Road, Barlaston
Mr Mitchell	The Potteries Heritage Society, Stoke
Mr Vollam	TG Bowling Club, c/o 1 Margaret Ave, Trentham
Mr Smith	56 Ferndown Drive, Clayton
Mr Meigh	Moreton Avenue, Clayton
Mr Boon	24 Burrington Drive, Trentham
Mr Wright	12 Parkway, Trentham
Mr Green	80 Constance Avenue, Trentham
Mr Colcleugh	14 Parkway, Dairyfields, Trentham
Mr Shaw	95 The Lea, Trentham
Mr Walklate	Old Road, Barlaston
Ms Green	80 Constance Avenue, Trentham
Mr Phillips	Stoke on Trent Water Ski Club

DOCUMENTS - including plans and photographs

References in square brackets, eg [4.B], are those used for convenience as documents were handed in during the inquiry – listed here under Document Gen/8.

Any documents which are subsumed in other documents are not repeated here.

GENERAL INQUIRY DOCUMENTS

Document	GEN/1	List of persons present at the inquiry.
Document	GEN/2	List of persons at the inquiry evening session on 14 September 2000.
Document	GEN/3	Letter of notification of the inquiry dated 5 October 1999, list of persons notified and press advertisement.
Document	GEN/4	List of persons present at the pre-inquiry meeting on 15 November 1999.
Document	GEN/5	Note of the pre-inquiry meeting.
Document	GEN/6	Copy of the Secretary of State's call-in letter dated 23 July 1999.
Document	GEN/7	Letters from the Inspector to St. Modwen dated 3 February (draft), 6 & 24 March 2000, with attached schedules, regarding the environmental statement and requiring additional material [13.B].
Document	GEN/8	List of documents handed in during the inquiry.
Document	GEN/9	Index to core documents, dated 4 September 2000 [14G], with documents CD/A/1-33 comprising the proposal.

CORE DOCUMENTS

Document	CD/A/1	Planning application form and certificate dated 22 August 1997, date stamped by the Council 27 August 1997, (outline application with all detailed matters reserved for later approval).
Document	CD/A/2	Trentham Gardens summary report dated May 1998.
Document	CD/A/3	Planning study (G L Hearn) dated April 1998.
Document	CD/A/4a	Landscape impact assessment dated February 1998 (Elizabeth Banks).
Document	CD/A/4b	Topographical history dated February 1998 (Elizabeth Banks).
Document	CD/A/4c	Inventory of features and tree survey dated February 1998 (Elizabeth Banks).
Document	CD/A/5	Traffic impact assessment dated May 1998 (Halcrow Fox).
Document	CD/A/6	Ecological assessment and conservation management plan dated February 1998 (Ecoscope).
Document	CD/A/7	Appraisal for tourism, leisure and retail use dated April 1998 (Staffordshire Tourism).
Document	CD/A/8	Preliminary noise assessment dated May 1998 (Halcrow Fox).
Document	CD/A/9	Archaeological desk-based assessment and aerial photographic appraisal dated July 1998 (Brian Dix).
Document	CD/A/10	Statement and executive summary dated September 1998.
Document	CD/A/11	Traffic impact assessment (supplementary report) dated October 1998 (Halcrow Fox).
Document	CD/A/12	Letter from St. Modwen dated 11 November 1998 regarding archaeological evaluation.
Document	CD/A/13	Trentham Gardens technical note 13, Hanford junction – capacity analysis, dated November 1998 (Halcrow Fox).
Document	CD/A/14	Trentham Gardens - public transport, dated December 1998 (Halcrow Fox).

Document	CD/A/15	Trentham Gardens technical note 14, distribution - a gravity model assessment, dated December 1998 (Halcrow Fox).
Document	CD/A/16	Letter from St. Modwen dated 23 December 1998, with plans TREN12/PL001-PL003.
Document	CD/A/17	Trentham Gardens technical notes 15 & 16, traffic forecasts and junction analysis, dated December 1998 (Halcrow Fox).
Document	CD/A/18	Letter from St. Modwen dated 26 January 1999.
Document	CD/A/19	Letter from St. Modwen dated 18 February 1999 with plan TREN12/PL002A.
Document	CD/A/20	Letter from St. Modwen dated 18 March 1999.
Document	CD/A/21	Letter from St. Modwen dated 21 May 1999.
Document	CD/A/22	Letter from St. Modwen dated 13 December 1999 to the Planning Inspectorate with plan TREN12/PL001A.
Document	CD/A/23	Trentham Estate: ecological assessment, dated November 1999 (Ecoscope).
Document	CD/A/24	Agreed transport statement, with Appendices, dated December 1999 (Halcrow Fox).
Document	CD/A/25	Letters from St. Modwen dated 15 May 2000, with schedule of documents comprising further environmental information and with a formal request that details of siting and means of access be considered as part of the application.
Document	CD/A/26	White folder with documents 1-8 in response to Inspector's request for further information (also referring to CD/A/27-30).
Document	CD/A/27	Architectural design of Trentham Hall hotel, April 2000 (Dr Blissett).
Document	CD/A/28	Trentham Gardens, retail and leisure design (Peter Hing and Jones), including master plan TLL/INQMP/PHJ/B/09 and retail area layout plan PHJ/B/10, with appended letter from Dyer Associates dated 14 August 2000 and Trentham Hall hotel photomontage.
Document	CD/A/29	Trentham Gardens holiday lodges design (Mason Richards).
Document	CD/A/30	Trentham Gardens boathouse restaurant design (Duval Brownhill).
Document	CD/A/31	Letter from St. Modwen dated 17 May 2000, including a request to the Council to amend the application (as in CD/A/25).
Document	CD/A/32	Letter from St. Modwen dated 8 August 2000, including an amended section of the description of development.
Document	CD/A/33	Plans PHJ/B/09A and 10A.
Document	CD/B	Relevant consultation responses from statutory bodies made to the Council up to 4 June 1999.
Document	CD/C	Relevant consultation responses from other organisations made to the Council up to 4 June 1999.
Document	CD/D	Responses from other interested individuals and parties made to the Council up to 4 June 1999.
Document	CD/E	Trentham Gardens, relevant designations up to 4 September 2000
Document	CD/F	Relevant planning policy and guidance documents up to 4 September 2000.
Document	CD/G	Report of Stafford Borough Council of 26 May 1999 and addendum for 4 June 1999 meeting.
Document	CD/H	Stoke retail study dated December 1998 (Drivers Jonas).
Document	CD/I	Rule 6 and other statements up to 23 November 1999.
Document	CD/J	Statements and letters from others up to 11 January 2000, with CDJ/48 being a report to Committee on 5 July 2000 and CDJ/49 including consultation replies received subsequently to 5 July 2000.

APPLICANT

- Document 1 Location plan of application site and other developments and areas in Newcastle and Stoke [2.E].
- Document 2 Mr Cahill's response to submissions of Mr Hicks on the Rochdale case and the environmental statement [2.HH, 5S].
- Document 3 Mr Cahill's opening statement [2.R, 5.T].
- Document 4 Proof of evidence given by Mr Glossop, with appended deed of covenant.
- Document 5 Trentham Leisure Limited team appendix.
- Document 6 Supplementary proof of evidence given by Mr Glossop [6.F].
- Document 7 Further supplementary proof of evidence of Mr Glossop, with attached appendices.
- Document 8 Trentham Gardens: brief descriptions of the application site and of the character of the conservation area; notification of Trentham conservation area designation (December 1995) with plan of the conservation area [2.H].
- Document 9 Proof of evidence given by Mr Stuart-Smith.
- Document 10 Additional note on the northern core referred to by Mr Stuart-Smith [3.A].
- Document 11 Supplementary proof of evidence given by Mr Stuart-Smith.
- Document 12 Proof of evidence given by Dr Blissett.
- Document 13 Architectural history of Trentham as designed by Sir Charles Barry.
- Document 14 Trentham Hall and Gardens, architectural design drawings.
- Document 15 Trentham Hall and Gardens, C19 & C20 images.
- Document 16 Trentham Hall and Gardens, photographic survey 1999.
- Document 17 Current listed building statement and assessment, December 1999.
- Document 18 Additional proof of evidence given by Dr Blissett.
- Document 19 Statement by Dr Blissett on development in the northern core area [3.F].
- Document 20 Summary and conclusions of proof of Dr Blissett [3.G].
- Document 21 Proof of evidence given by Dr Hill.
- Document 22 Ecoscope note dated 14 January 2000 regarding the Macaque enclosure and attached drawings [5.B].
- Document 23 Statement by Dr Hill, dated August 2000, on additional works undertaken since January 2000.
- Document 24 Proof of evidence given by Mr Goggs.
- Document 25 Supplementary proof of evidence given by Mr Goggs [5.H].
- Document 26 Halcrow Fox written response to residents' comments on transport issues.
- Document 27 Proof of evidence given by Mr Weldon.
- Document 28 Appendices to the proof of Mr Weldon.
- Document 29 Supplementary proof of evidence given by Mr Weldon.
- Document 30 Additional information to the proof of Mr Weldon – amended version of Mr Martin's table and appendix 1, capital costs [5.K, 5L].
- Document 31 Proof of evidence given by Mr Dowle.
- Document 32 Proof of evidence given by Sir Donald Mackay [2.F].
- Document 33 Substitute page 6 to the proof of Sir Donald MacKay [5.O].
- Document 34 Additional map showing geographical unit for Assisted Area Status, to be added to the proof of Sir Donald MacKay [5.P].
- Document 35 Proof of evidence given by Mr Ward.
- Document 36 Proof of evidence given by Mr Dring.
- Document 37 Background information: bundle of papers regarding the making of the application and progress of the environmental impact assessment [2.I].
- Document 38 Plan TL010 SK002A, dated 26 February 1998, "Planning Concept Option 1" [2.J].

Document	39	Plan TL005/PL003G dated 7 April 1998 – illustrative master plan [2.K].
Document	40	Plan TL005/PL003F dated 4 February 1998 – illustrative master plan (the version that Mr Stuart-Smith based his assessment on) [2.L].
Document	41	Draft revised condition 2 – without figures [2.O].
Document	42	Law report – Houghton v SoS and Bromley LBC [2.Q].
Document	43	Law report – R v West Dorset DC ex p. Searle [2.S].
Document	44	Substitute conditions 28-30 – ecology and nature conservation [2.T].
Document	45	Staffordshire CC minutes regarding Mr Randall's alleged public footpaths [3.B].
Document	46	Draft revised condition 2 – with figures included [3.C].
Document	47	Letter from Mr Timmins dated 10 January 2000 to Mrs Simcox-Parry regarding the Section 106 agreement [3.D].
Document	48	Photomontage – view across the Trent towards proposed premium brand retail units [3.E].
Document	49	Working plan dwg 272.01.001 showing existing vegetation in relation to proposed development [3.H].
Document	50	Photomontage – views across the Trent towards the outdoor pursuits/sports retail unit site [4.C].
Document	51	Plan dividing the "development" part of the site into Areas A-F, with ha/acres [4.D].
Document	52	Plan showing parking area sizes for outdoor pursuits/sports retail area and for premium brand shopping and coach parking [4.E].
Document	53	Schedules of building sizes, scaled from inquiry master plan [4.F].
Document	54	Plan showing numbers and arrangement of retail units [4.G].
Document	55	Plan showing proposed footpaths within the application site [4.H].
Document	56	Memorandum from M W Herbert to Mike Timmins dated 11 October 1999 regarding proposed footpaths [4.I].
Document	57	List of documents contributing to the environmental impact statement [4.J].
Document	58	Plan showing parking layout (730 spaces) for part of the area to serve the proposed premium brand retail units and garden centre [5.A].
Document	59	Part of master plan with overlay, existing and proposed trees [5.C, 5.D].
Document	60	Letter from Stafford BC dated 14 January 2000 to Mr Timmins regarding Section 106 agreement [5.E].
Document	61	Letter from Stafford BC dated 10 November 1999 to St. Modwen with draft Section 106 agreement [5.F].
Document	62	Letter from Mr Timmins dated 14 December 1999 to Stafford BC with attached letters [5.G].
Document	63	Agreed transport statement supplementary note dated January 2000 regarding mitigation at Hanford junction [5.I].
Document	64	Plan showing area of land to be occupied by the family hotel and by the outdoor pursuits/sports retail building and car park [5.J].
Document	65	Letter from English Nature dated 15 December 1999 to Dr Hill [5.Q].
Document	66	Typed note by Mr Cahill on the Environmental Assessment Regulations and amendments to the application [5.R].
Document	67	Report from Mr Stuart-Smith regarding the terms of his brief [6.B].
Document	68	Letter from Dr Blissett dated 24 November 1999 regarding his appointment for the inquiry and sketch plan for the hotel [6.C].
Document	69	Note from Dr Blissett dated January 2000 on BS 7913: definitions [6.D].
Document	70	BS 7913: 1998 Guide to the principles of the conservation of historic buildings [7.B].
Document	71	Plan showing photomontage viewpoints [7.D].

Document	72	Notes on Crewe Hall and on photomontages by St. Modwen [7.E].
Document	73	Amended master plan showing areas where public would not have free access [7.F].
Document	74	Letter from Mr Timmins dated 21 & 24 January 2000 to Stafford BC and the Planning Inspectorate (PINS) with notice and other papers regarding further advertisement of the environmental statement [7.G].
Document	75	Photographs of a monkey fence [7.J].
Document	76	Mr Dowle – area calculations [7.L].
Document	77	Extract from Inspector's report into the Stafford Borough Local Plan dated January 1997 – Shopping [8.B].
Document	78	Extract from Inspector's report into the Local Plan – British Coal's objection regarding Trentham Gardens [8.C].
Document	79	Letter from PINS dated 14 January 1997 to Stafford BC [8.D].
Document	80	Originally intended annexes to proof of Mr Smith [9.C].
Document	81	Project Trentham brochure which accompanied a 1982 planning application (additional material to 11G) [12.A].
Document	82	Letter from St. Modwen dated 8 August 2000 to Mr Pinnock, with enclosures [14.A].
Document	83	Letter from Stafford BC dated 23 August 2000 to Mr Timmins [14.B].
Document	84	Letter from St. Modwen dated 4 September 2000 to Stafford BC with draft Section 106 agreement [14.C].
Document	85	Inquiry master plan TLL/INQMP/PHJ/B/09A [14.D].
Document	86	Letter from Dyer Associates dated 14 August 2000 to Mr Timmins with attached photo and photomontage [14.E].
Document	87	Plan numbers and references for "siting" and "means of access" [14.F].
Document	88	Typed version of 14F [15.A].
Document	89	Draft retail space schedule, indicative only, prepared by Mr Dring [15.C].
Document	90	Correspondence between English Heritage and Mr Timmins, letters dated 25 February, 10 & 30 April 2000 [16.B].
Document	91	Report by Dr Blissett dated March 2000 identifying urgent work required to listed buildings [16.C].
Document	92	Letter from Mr Timmins dated 8 May 2000 to English Heritage [16.D].
Document	93	Plan and photograph showing length of existing garden screen wall (now part of the Grand Hall) to be retained [18.A].
Document	94	Master plan version TLL/INQMP/PHJ/B/09B, with adjustments to the siting of the 4 star hotel (update from 14D) [18.B].
Document	95	Plan numbers and references for "siting" and "means of access" (update from 14F) [18.C].
Document	96	List of St. Modwen's development sites in North Staffordshire, referred to by Mr Glossop (located on map at 2E) [18.D].
Document	97	Maps showing locations of Crewe Hall and Cliveden, with Crewe Hall brochure, and photographs of Cliveden illustrating the public/private relationship [15.B, 18.E].
Document	98	Draft unilateral undertaking dated 11 September 2000 [18.F].
Document	99	Law report, Houghton v SoS for the Environment [1996] 1PLR6 (also at 2Q [20.A].
Document	100	Information provided by Mr Randall regarding rights of access and Inspector's report regarding alleged footpaths [21.B].
Document	101	Certified copy of the unilateral undertaking dated 14 September 2000 [21.D].

Document	102	Draft planning conditions in respect of ecology and nature conservation [21.E].
Document	103	Dr Blissett's report on levels [22.B].
Document	104	Schedule of small retail unit sizes [22.C].
Document	105	Plan showing location of units listed in the 22C schedule [22.D].
Document	106	General principles for landscape restoration programme [22.E].
Document	107	Coloured versions of unilateral undertaking plans (21D) [22.F, 22G].
Document	108	Letter from Deloitte & Touche dated 11 September 2000 [22.H].
Document	109	Draft Section 106 agreement dated 19 September 2000 [22.K].
Document	110	Complete version of the Inspector's report on Mr Randall's appeal in respect of alleged footpaths at Trentham [24.A].
Document	111	Extract from the Festival Park head lease dated 25 April 1995 [24.H].
Document	112	Brief written response of Trentham Leisure to Mr Tweedale's written submission [24.J].
Document	113	Restoration and management proposals for historic landscape, parkland and woodland (see previously 22E) [25.O].
Document	114	Applicant's written response to the representations of the Georgian Group [25.P].
Document	115	Closing submissions on behalf of Trentham Leisure Ltd [25.Q].
Document	116	Completed Section 106 agreement dated 26 September 2000 [25.R].

LOCAL PLANNING AUTHORITY

Document	117	Notice and correspondence regarding advertisement of the environmental statement [2.C].
Document	118	Proof of evidence given by Mr Pinnock, with attached appendix.
Document	119	Statement supplementary to the proof of Mr Pinnock, with attached appendix.
Document	120	Up-to-date version of Doc CD/J with attached letters 37-42 [5.W].
Document	121	Letter from Stafford BC dated 13 January 2000 to certain occupants of Park Drive and Holly Bank notifying them of the inquiry [6.A].
Document	122	Notice of further information relating to the environmental statement as placed in the press 29 January 2000 [11.F].
Document	123	Additional relevant planning history documents [11.G].
Document	124	Letter from Stafford BC dated 3 February 2000 to the Highways Agency [13.A].
Document	125	List of suggested conditions, draft 2 dated 8 September 2000 [17.D].
Document	126	Amended draft Section 106 agreement dated 6 August 2000 [17.E].
Document	127	List of suggested conditions, draft 3 dated 14 September 2000 [20.C].
Document	128	Amended draft Section 106 agreement dated 14 September 2000 [20.D].
Document	129	Manuscript notes taken by Mr Biard at the evening session [21.A].
Document	130	List of suggested conditions, draft 4 dated 18 September 2000 [22.L].
Document	131	List of suggested conditions, draft 5 dated 20 September 2000 [24.B].
Document	132	Notes from the Applicant and Mr Biard regarding 3 & 4 star hotel classification system [25.B].
Document	133	Closing submissions on behalf of Stafford BC [25.N].
Document	134	Letter from Stafford BC to PINS dated 14 February 2000, with information from Rochdale MBC relating to the Kingsway Business Park case.
Document	135	Letters from Stafford MBC to PINS dated 23 May & 28 June 2000, with further information relating to the "Rochdale case".

STAFFORDSHIRE COUNTY COUNCIL

Document	136	Proof of evidence given by Mr Murray.
Document	137	Appendices to the proof of Mr Murray.
Document	138	Supplementary proof of evidence given by Mr Murray, with attached appendices.
Document	139	Proof of evidence given by Mr Morley.
Document	140	Appendices to the proof of Mr Morley.
Document	141	Rebuttal proof of evidence of Mr Morley, in relation to supplementary proof of Mr Krassowski.
Document	142	Supplementary proof of evidence given by Mr Morley.
Document	143	Second rebuttal proof of evidence of Mr Morley, in relation to supplementary proof of Mr Adams.
Document	144	Panel report dated December 1998 into the Staffordshire and Stoke-on-Trent Structure Plan 1996-2001 [8.I].
Document	145	Staffordshire CC report to Committee dated 15 April 1999 [9.F].
Document	146	Staffordshire CC minutes of Planning and Economic Development Committee meeting held on 15 April 1999 [9.G].
Document	147	Staffordshire CC report to Committee dated 23 December 1999 [9.H].
Document	148	Staffordshire CC minutes of Planning Committee meeting held on 23 December 1999 [9.I].
Document	149	Staffordshire CC extract from list of delegated responsibilities [9.J].
Document	150	Bundle of letters and minutes relevant to Mr Taylor's involvement with Trentham when employed by the County Council [11.B].
Document	151	Letter from the National Trust dated 12 October 1995 to Mr Murray and County Council note of a telephone conversation on 11 October 1995 [12.B].
Document	152	Faxed note from Mr Taylor dated 7 August 1995 to the National Trust, with attached draft Trentham brief [12.C].
Document	153	Correspondence between the National Trust and the County Council during May-August 1995 [12.D].
Document	154	Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 August 2000 deposit copy (3 documents) [16.E].
Document	155	Floorspace (Experian Goad) table missing from the proof of Mr Morley [17.A].
Document	156	Turnover and trade draw tables provided by Mr Morley [17.B].
Document	157	Stafford BC planning permission dated 21 August 1991 for an extension to the caravan park at Trentham [23.A].
Document	158	Stafford BC planning permission dated 11 November 1992 for change of use of land to caravan storage area [23.B].
Document	159	Impact 2001 revised table from the rebuttal proof of Mr Morley in relation to supplementary proof of Mr Krassowski (see 8H) [23.C].
Document	160	Letter Drivers Jonas dated 29 November 1999 to Staffs CC [24.D].
Document	161	Closing submissions on behalf of Staffordshire County Council [25.L].
Document	162	Photomontages and other material to support the submissions of the County Council [25.M].

ENGLISH HERITAGE

Document	163	Proof of evidence given by Mr Taylor.
Document	164	Supplementary proof of evidence given by Mr Taylor.
Document	165	Further supplementary statement by Mr Taylor in respect of the additional environmental information.
Document	166	Letter from English Heritage dated 24 January 2000 to the Inspector [7.C].
Document	167	At Risk of Ruin, an article from Country Life, 9 May 1996 [10.B].
Document	168	Fax from Norton Rose dated 14 September 2000 regarding the draft conditions and Section 106 agreement [21.F].
Document	169	Copy of Norton Rose letter of 14 September 2000 (21F) [22.J].
Document	170	Closing submissions on behalf of English Heritage [25.H].
Document	171	Note submitted by English Heritage in respect of suggested conditions and the Section 106 agreement [25.I].

NORCROSS PLC AND H & R JOHNSON

Document	172	Proof of evidence given by Mr Bird.
Document	173	Figures and appendix to the proof of Mr Bird.
Document	174	Supplementary proof of evidence of Mr Bird.
Document	175	Second supplementary proof of evidence of Mr Bird.
Document	176	Proof (taken as written evidence) of Mr Krassowski.
Document	177	Documents referred to in Mr Krassowski's proof.
Document	178	Supplementary proof (taken as written evidence) of Mr Krassowski.
Document	179	Second supplementary proof (taken as written evidence) of Mr Krassowski.
Document	180	Proof (taken as written evidence) of Mr Martin.
Document	181	Supplementary proof (taken as written evidence) of Mr Martin.
Document	182	Appendices to the supplementary proof of Mr Martin.
Document	183	Proof (taken as written evidence) of Mr Butterworth.
Document	184	Appendices to the proof of Mr Butterworth.
Document	185	Supplementary proof (taken as written evidence) of Mr Butterworth.
Document	186	"Rescued or Ruined? Dealing with Enabling Development" (Clare Askwith) dated June 1999 [2.A].
Document	187	Assisted Area Status map dated July 1999 showing North Staffordshire Tier 2 wards [5.V].
Document	188	Part of a Fitch plan, shaded to indicate extent of hard surfaced areas around the retail units [7.I].
Document	189	Comments by Mr Butterworth on the Applicant's description of the site and character of the conservation area [7.K].
Document	190	Car park analysis based on St. Modwen's master plan [9.D].
Document	191	Dwg no. 98418/3 – relationship of retail sites to Tunstall town centre [9.E].
Document	192	Draft version of Stafford BC officer report to Committee dated 27 August 1997 and later amendments [11.C].
Document	193	Brochure, Trentham Gardens caravan park, site information 2000 [16.A].
Document	194	Town Planning Consultancy Ltd table showing cumulative impact of H & R Johnson Works, Tunstall, retail proposals [17.C].
Document	195	Statement on behalf of Norcross Estates Ltd and H & R Johnson Tiles Ltd dated 12 September 2000 in response to the draft unilateral undertaking [18.G].

- Document 196 Fax from McGuinness Finch dated 20 September 2000, regarding the Norcross/H&R Johnson evidence [23.D].
- Document 197 Two letters from local residents and a letter from McGuinness Finch dated 18 September 2000 confirming the Norcross/ H&R Johnson withdrawal from the inquiry [24.C part].
- Document 198 Faxes from McGuinness Finch dated 21 September 2000 regarding the withdrawal of Norcross/H&R Johnson from the inquiry [24.I].
- Document 199 Two letters from McGuinness Finch dated 21 September 2000 (previously faxed 24.I) [25.C].

CAPITAL SHOPPING CENTRES PLC AND PEARL ASSURANCE PLC

- Document 200 Proof of evidence given by Mr Smith.
- Document 201 Annexes to proof of Mr Smith.
- Document 202 Letter from Mr Smith, Nathaniel Lichfield, dated 29 June 2000 to PINS.
- Document 203 Letter from Woolworths dated 26 May 1999 to Stafford BC [9.A].
- Document 204 Letter from Debenhams dated 25 May 1999 [9.B].
- Document 205 Letter from Nathaniel Lichfield & Partners of 19 September 2000 regarding the Section 106 agreement and undertaking and the conditions [22.I].
- Document 206 Closing submissions of Mr Smith, Nathaniel Lichfield, on behalf of Capital Shopping Centres and Pearl Assurance [25.E].

FARRINGFORD LIMITED

- Document 207 Proof of evidence given by Mr Adams.
- Document 208 Appendices to the proof of Mr Adams.
- Document 209 Supplementary proof of evidence given by Mr Adams.
- Document 210 Appendices to the supplementary proof of Mr Adams.
- Document 211 Proof of evidence given by Mr Burton.
- Document 212 Appendices to the proof of Mr Burton.
- Document 213 Supplementary proof of Mr Burton, with attached appendices.
- Document 214 The Rochdale case – a suggested reading list and law report [1.A].
- Document 215 The Rochdale case – a typed submission on Rochdale and the environmental statement [1.B].
- Document 216 Environmental statement – what the Applicant needs to do to comply – typed note [2.M].
- Document 217 Separate note on archaeology [2.N].
- Document 218 Hand-written response to Mr Cahill's submission on the environmental statement [2.P].
- Document 219 Letter from Mr Adams of Drivers Jonas dated 24 January 2000 [7.A].
- Document 220 Replacement Drivers Jonas tables numbered DJ1A, DJ2A, previously listed as 7A and table 11 from Doc CD/C3 [8.E].
- Document 221 Outline of submission 4 regarding the environmental statement [12.F].
- Document 222 Faxes from Drivers Jonas dated 14 September regarding attendance at the inquiry [20.I].
- Document 223 Correspondence between Trinity Investment and Drivers Jonas, letters dated 15 September & 20 September 1999 [24.E, 24.F].
- Document 224 Extract from the June 1998 draft version of the Drivers Jonas Stoke Retail Study [24.G].

- Document 225 Experian map of Stoke-on-Trent city centre (Hanley) surveyed April 2000 [25.G].
- Document 226 Closing submissions on behalf of Farringford Ltd [25.J].
- Document 227 Appeal decision dated 28 February 2000, Audley Developments against Bournemouth BC [25.K].
- Document 228 Plan of Hanley Shopping Centre (East and West Precincts) location plan, for purposes of the site inspection on 27 September 2000 [25.S].

I M PROPERTIES PLC

- Document 229 Proof of evidence given by Mr Parkes, with attached appendices.
- Document 230 Supplementary proof of evidence given by Mr Parkes.
- Document 231 Proof (taken as written evidence) of Mr Tweedale.
- Document 232 Fax from Mr Parkes dated 13 September 2000 with supplementary proof (taken as written evidence) of Mr Tweedale.
- Document 233 Letter from Mr Parkes dated 15 September 2000, confirming that Mr Tweedale's evidence should be considered as a written representation [22.M].

TRENTHAM PARK/GARDENS RURAL ACTION COMMITTEE

- Document 234 Statement of evidence and supporting documents on behalf of Trentham Park/Gardens Rural Action Committee [19.B].
- Document 235 Letter from Mr Randall dated 26 March 2000 to Mr Biard.
- Document 236 Letter from Mr Randall dated 13 September 2000 to the Inspector, with attached information regarding access and rights of way [20.E].
- Document 237 Letter from Mr Randall to Mr Biard dated 5 September 2000 regarding bridges and road widths [21.C].
- Document 238 Letter from Mr Randall dated 16 September 2000 to the Editor of the Sentinel Newspaper, and attached newspaper report.
- Document 239 Obituary of the Duke of Sutherland, Daily Telegraph 22 September 2000 [25.F].
- Document 240 Photographs of traffic and junctions, viewed by the Inspector, Mr Timmins and Mr Randall during site inspection prior to the evening session with local residents [20.F].

OTHER INTERESTED PERSONS & BODIES

- Document 241 Letter from Mr Neale of the Georgian Group dated 10 January 2000 to Stafford BC.
- Document 242 Proof dated 31 January 2000 (taken as a written submission) of Mr Neale [11.A].
- Document 243 Written evidence dated 19 July 2000 submitted as a statement of the Georgian Group's views on the application.
- Document 244 Written representation by Mr Walker dated December 1999 on behalf of English Nature.
- Document 245 Letter from English Nature dated 28 January 2000 to the Inspector [11.D].
- Document 246 Letter from Mr Walker of English Nature dated 16 August 2000 to St. Modwen.
- Document 247 Written statement of case of the Environment Agency.

Document	248	Letters and faxes dated 21 December 1999 & 6 January 2000, with attached documents and newspaper cuttings from British Water Ski and Stoke-on-Trent Water Ski Club [19.C].
Document	249	Note from the Water Ski Club, submitted at the evening session [20.G].
Document	250	Letter from Mr Jones of Stoke-on-Trent Water Ski Club to the Council dated 28 September 2000, which was copied to the parties, regarding a lease.
Document	251	Summary of evidence given by Cllr John Russell [19.D].
Document	252	Aerial photograph of the site and the land to the east, with a key indicating vantage points [19.E].
Document	253	Photographs showing long range views of the site from the east [19.F].
Document	254	Letter from Mr Jackson-Houlston, Staffordshire Gardens and Parks Trust, dated 24 January 2000 to Mr Parker, with attached letters [7.O].
Document	255	Letter from D Turton, Director, Trentham Gardens, dated 18 February 2000 to the Planning Department, Stoke on Trent regarding application Ref. 36151, H & R Johnson/Norcross Estates Limited.
Document	256	Letter from Mr Palmer, PINS, dated 1 February 2000, with copies of correspondence with PINS from local residents and others, including letters from St. Modwen dated 24 January 2000 regarding the environmental statement and further advertisement of the application; a letter from George Stevenson MP dated 11 January 2000; William Cash MP dated 7 January 2000; and Mrs Llin Golding MP [8.A, 12.E].
Document	257	Four letters to PINS from local residents during May & June 2000
Document	258	Letters from Mr Dumbelton regarding the need to hold an inquiry session in Trentham [including 11.E].
Document	259	Fourteen letters from local residents to the inquiry following the evening session [20.H, 22.A, 24.C, 25.D].
Document	260	Letters from Nathaniel Lichfield and Drivers Jonas to Mr Parker during January and September 2000 regarding the inquiry programme [7.P, 19.A].