



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

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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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## **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 overshadowing 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. Bowen.*

INSPECTOR