



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS



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Date: 12 November 2001

*Subsequ. appl.
Vary 4a + 11
03/00631/F*

FOR THE ATTENTION OF MR M TIMMINS

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
APPLICATION BY TRENTHAM LEISURE LTD - NUMBER 35257
PROPOSED COMPREHENSIVE COMMERCIAL/LEISURE/RETAIL
DEVELOPMENT AT TRENTHAM GARDENS, TRENTHAM, STAFFORDSHIRE**

1. I am directed by the Secretary of State for Transport, Local Government and the Regions to say that consideration has been given to the report of the Inspector, Mr Ken Barton BArch DipTP ARIBA MRTPI, following a public inquiry into the outline planning application by Trentham Leisure Limited to Stafford Borough Council for leisure and retail development at Trentham Gardens, near Stoke-on-Trent. The Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him for decision.

2. A copy of the Inspector's report is attached. He recommends that, in the light of the conclusions set out in paragraphs 14.1-14.133 of his report (IR14.1-14.133), planning permission should be granted subject to conditions. The Secretary of State agrees with this recommendation.

3. Section 54A of the Town and Country Planning Act as amended, requires the Secretary of State to determine the application in line with the local development plan unless material considerations indicate otherwise. The statutory development plan for the area is set out in paragraphs 2.44-2.52 of the Inspector's report (IR2.44-2.52). The draft Staffordshire and Stoke-on-Trent Structure Plan (1996-2011) has subsequently been adopted replacing the 1986-2001 version (IR2.45 and 2.52). In the Secretary of State's view there are no significant changes to the draft deposit version dated August 2000 which justify consulting the parties again.

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4. The Secretary of State agrees with the Inspector's detailed summary of the main issues to be considered in determining the application (IR14.1 and 14.2). He notes that an Environmental Statement (ES) was submitted with the application on which additional material was provided at the request of the Inspector (IR1.2 and 1.3). The ES, as amended, has been taken into account by the Secretary of State.

The Green Belt

5. The Secretary of State notes that the Trentham Gardens Estate is identified for particular attention in the adopted Stafford Borough Local Plan. He recognises its major heritage significance, its established role as a leisure and recreation attraction, and that it is an important resource which is not meeting its potential and is in need of upgrading (IR14.16). He notes that the estate is described as a significant leisure resource, not only within the Borough but in the sub-region (IR4.5). He also notes that, in assessing development proposals for the estate, Local Plan policy RLT19 requires a balance of advantage to be demonstrated against a set of criteria which include conservation of historic buildings and gardens; enhancement of leisure facilities; Green Belt considerations; economic benefits; and consistency with other policies in the Plan. Subject to policy RLT19, policy RLT20 allows for development and appropriate infilling within the northern part of the estate to accommodate such uses as indoor leisure and entertainment facilities, hotel-conference centre, exhibition facilities, and heritage/recreation/craft related retailing (IR2.50 and 2.51).

6. The Secretary of State has considered the proposals against the expectation in the Local Plan that the estate will be the subject of major recreation, tourism and leisure development proposals. In this context, he has carefully considered the Inspector's view that it is very unlikely that the envisaged development would be of a type or scale that might normally be regarded as appropriate in the Green Belt, and that the Local Plan must anticipate some leeway in the application of Green Belt policy if the objectives for the estate are to be achievable. He also notes the Inspector's view that the estate and the objectives for its development potentially comprise very special circumstances, and that in weighing the balance of advantage of the proposals (as required under policy RLT19) it is necessary to form a view as to the extent of any non-compliance with normal Green Belt policy (IR14.20).

7. The Secretary of State agrees with the Inspector's general conclusion that the proposed development is inappropriate in the Green Belt. He notes that the proposals would extend the current built development further to the south, and that there would be a significant loss of openness because of the increased number and size of new buildings in comparison to those being removed (IR14.22, 14.23). Consequently, a key test of the acceptability of the current proposals is whether or not very special circumstances exist which outweigh the harm to the Green Belt (IR14.20). He accepts that some of the harm would be mitigated by the quality of the new buildings, and by the removal of existing uses, although these do not in themselves constitute very special circumstances to justify the development. However, he agrees that the proposals would meet many of the objectives set out in paragraph 1.6 of PPG2: Green Belts, for the use of land in the Green Belt (IR14.24, 14.25).

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8. On balance, the Secretary of State is persuaded that, in the specific case of the Trentham Gardens Estate, there are very special circumstances to overcome the harm which the proposed development would, by reason of its inappropriateness, cause to the openness of the Green Belt. The very special circumstances in this case are the established need and importance of restoring Trentham Gardens as a major heritage asset, which is underpinned by the detailed policies in the Stafford Local Plan (IR14.26, 14.27).

Retail Issues

9. The Secretary of State notes that Trentham Gardens is in an out-of-centre location as described in Annex A of PPG6: Town Centres and Retail Development; that the development plan is not fully up-to-date in respect of national policy guidance and subsequent clarifications; and that the amount of retail floorspace proposed is significantly more than envisaged in the adopted local plan. He agrees therefore that there is a requirement to demonstrate that a need exists for the retail development proposed and that the sequential approach to site selection has been properly followed (IR14.37, 14.39).

a) Need

10. On the issue of need, the Secretary of State notes that limited evidence was submitted to support the quantitative need for the significant amount of floorspace proposed, and that the Inspector's analysis of this was brief. He accepts that there is likely to be adequate capacity to support the proposals but he agrees that this alone is not sufficient to demonstrate a need for the proposed development (IR14.41). He does not consider therefore that a need for the proposed retail development has been adequately demonstrated. He notes, however, that the retail provision is widely seen as a vital element of the overall scheme to finance the restoration of the Trentham Gardens Estate. He agrees with the Inspector that, in the particular circumstances and history of Trentham Gardens, the retail element of the overall scheme is necessary to facilitate the more immediate and longer-term restoration of this important asset (IR14.42-14.45). The Secretary of State takes the view that this is an important material consideration which, in the circumstances of this particular case, outweighs the fact that a need for the retail development proposed has not been adequately demonstrated. Whilst he notes that some reduction in the small retail units might be justified he accepts that little would be gained by this and concludes that the amount of enabling development proposed is reasonable (IR14.41, 14.42, 14.92 and 14.93).

b) Sequential Approach

11. The Secretary of State notes that the applicant did not undertake a comprehensive appraisal of alternative sites, and agrees with the Inspector that sequentially preferable sites probably exist, if not for the whole retail element then for parts of it. Therefore he concludes that there has been a failure to apply the sequential approach to the retail proposals in accordance with PPG6. However, the Secretary of State has already accepted that the importance of achieving the successful regeneration of Trentham Gardens is a material consideration to which he gives significant weight. In the particular circumstances of this case, the Secretary of State accepts that the requirement to locate the proposals on the site outweighs the absence of a thorough appraisal of alternative sites (IR14.46 and 14.47).

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c) Retail Impact

12. The Secretary of State accepts the Inspector's conclusions that there would be no long term harm to the vitality and viability of neighbouring centres in Newcastle-under-Lyme and Hanley. He agrees that the nature of the retail development proposed for Trentham Gardens would safeguard the interests of Hanley and other town centres (IR14.48-14.58) provided there are rigorous controls over the types of goods to be sold.

Transport and Accessibility

13. The Secretary of State notes that transport issues have been considered within the context of an agreed transport statement between the applicant and the relevant highway authorities (IR14.61). He agrees with the Inspector that the assumptions of visitor numbers and modal split are reasonable and justify the provision of some 2,800 car parking spaces. He also agrees that the vehicular access proposals and traffic management measures are satisfactory (IR14.59-14.63). The Secretary of State accepts that the public transport improvements, to be secured through planning conditions and a Section 106 Agreement, would make the site more accessible to a variety of means of transport (IR14.64). Since the Inquiry closed, the final version of PPG13: Transport, has been published which was available in draft form at the Inquiry. The Secretary of State does not consider that the new guidance raises any new issues that require reference back to the parties. He is satisfied that highway and transport measures proposed meet the requirements for retail, leisure, tourism and recreation development set out in PPG13, and agrees with the Inspector's conclusion that they are acceptable (IR14.65).

Historic and Natural Environment

14. The Secretary of State notes that English Heritage are generally content with the scale and nature of the proposals, and that the extent of the enabling development proposed is reasonable. Whilst they would normally expect a full planning application they are satisfied with the general principles for restoring and enhancing the estate, and bringing the historic buildings back into use (IR6.3, 14.67-14.70). The Secretary of State agrees with the Inspector's analysis of the proposals for the various areas of the site (IR14.73-14.83), and accepts his view that satisfactory restoration and regeneration would be achieved through the approval and implementation of a detailed scheme as provided for in the Section 106 Agreement and the planning conditions (IR14.71 and 14.72). As for the extent of the enabling development proposed the Secretary of State has already commented on the retail element above. He notes that English Heritage consider the proposals meet their own criteria for enabling development in relation to heritage matters (IR14.84). He agrees with the Inspector that sufficient information is available for a proper assessment of the proposals in accordance with the guidance set out in PPG15: Planning and the Historic Environment. Overall, the Secretary of State agrees with the Inspector's analysis of the extent of the enabling development and his conclusion that what is proposed is reasonable (IR14.87-14.93).

15. On nature conservation and ecological issues, the Secretary of State notes that English Nature and Staffordshire County Council welcome the proposals (IR14.94). In particular he notes that any impact on the King's Wood and Fernybank SSSI would be minimal and would

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be offset by landscape enhancements to improve its quality. The Secretary of State agrees with the Inspector's conclusions that the habitat restoration and management measures proposed are acceptable and in accordance with PPG9: Nature Conservation (IR14.97).

Recreation and Tourism

16. The Secretary of State agrees with the Inspector that the detailed proposals for the development of Trentham Gardens as a major tourist/recreation/leisure attraction are in line with national planning policy guidance set out in PPG17: Sport and Recreation; and PPG21: Tourism. He accepts that those who currently use the site for recreational and leisure use would be adversely affected, but he considers that this does not outweigh the merits of the proposals. Therefore, the Secretary of State accepts the Inspector's conclusion that there is a balance of advantage in favour of the proposals (IR14.98-14.108).

Conclusion

17. For the reasons given above and by the Inspector, the Secretary of State agrees with his recommendation that planning permission should be granted to the modified proposals detailed in IR2.25-2.39 and Appendix A of the Inspector's Report subject to conditions (IR15.1).

18. The agreed draft conditions set out in Inquiry document 131 have been considered by the Secretary of State in the light of Circular 11/95 and the Inspector's comments (IR14.128-14.130). He accepts that, in the light of the wide-ranging nature of the development and the results of the Environmental Impact Assessment, all the conditions are necessary and reasonable. The Secretary of State has considered whether draft conditions 13 and 47 should be excluded, but he accepts that they are justified in this case in the light of paragraphs 86-88 of Circular 11/95. Otherwise, the only changes are the inclusion of two standard time limited conditions, and some minor drafting amendments to others.

19. As for the Section 106 obligations, the Secretary of State has some reservations about the effectiveness of the Section 106 Unilateral Undertaking dated 14 September 2000 because it allows the developer to re-consider limits on unit sizes and the types of goods sold, 5 years after the opening of the Tunstall Factory Outlet Centre. Therefore he is concerned to ensure that there are effective and rigorous controls over the retail proposals, particularly as they are being allowed exceptionally against national planning policy. He is content that conditions 11-19 provide the necessary safeguards. The Section 106 Agreement dated 26 September 2000 is relevant for the reasons given by the Inspector (IR14.125-14.127).

Decision

20. The Secretary of State hereby grants outline planning permission to the modified application subject to the conditions set out in Annex A attached to this letter.

21. Attention is drawn to the fact that an applicant for any consent, agreement, or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement, or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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22. A separate note is attached setting out the circumstances in which the Secretary of State's decision may be challenged by making an application to the High Court.
23. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.
24. A copy of this letter is being sent to Stafford Borough Council, Staffordshire County Council and other interested parties.

Yours faithfully

P.F. Williams

P F WILLIAMS
Authorised by the Secretary of State
to sign in that behalf

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PLANNING CONDITIONS

1. This is an outline planning permission and before the development is commenced details of the layout of the site; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian access; and the landscaping of the site shall be submitted to and approved by the local planning authority.
2. Applications for approval of the matters referred to in condition 1 above shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the matters referred to in condition 1 to be approved whichever is the later.
4. This outline permission insofar as it relates to the built and engineering elements shall be defined as follows:
 - a) The retail area as located in Area 2 and shown as the masterplan (Ref 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, cafés, restaurants and bars. The buildings, which shall not exceed 18,580 square metres 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 as located 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 square metres in footprint area as shown on the masterplan.
 - e) The new four star hotel and associated parking as located in Area 1 which shall not exceed 100 bedrooms as shown on the masterplan.

- f) The fishing lodge as located in Area 4 which shall not exceed 240 square metres in footprint area as shown on the masterplan.
- 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 hectares as shown on the masterplan.
- i) Two entrance lodges as located in Area 5 which shall not exceed 200 square metres in total floorspace as shown on the masterplan.
- 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 masterplan.
- k) Sundry engineering operations and a small fishing lake, the latter as located in Area 5 as shown on the masterplan.
- l) A family hotel as located in Area 2 which shall not exceed 80 bedrooms as shown on the masterplan.
- m) A vinery as located in Area 2 which shall not exceed 750 square metres in footprint area as shown on the masterplan.

5. No development shall commence until full details relating to the layout and construction of proposals to improve the Hanford A34/A500 junction have been submitted and agreed in writing with the local planning authority.

6. The works agreed in respect of condition 4b and 5 shall be implemented in accordance with a scheme of phasing to be agreed in writing with the local planning authority before development commences.

7. No part of the development shall be occupied until such time as a scheme of highway signage and CCTV system to monitor Ash Green and Hanford roundabouts linked to Stoke-on-Trent City Council control centre has been installed in accordance with a scheme to be first submitted to and agreed in writing with the local planning authority.

8. Before the final 3716 square metres of small retail units are occupied the A50/Stanley Matthews Way, Trentham Lakes junction shall be grade separated and operational, and the link between the A50 and A5035 through the Trentham Lakes development shall be open for through traffic, and the A34 north of its junction with the A500 shall be widened in accordance with a scheme to be first submitted to and agreed in writing with the local planning authority.

9. Before the development is commenced full details of the location, construction and finish of all roads, cycleways, footpaths, parking and circulation areas and their lighting shall be submitted to and agreed in writing with the local planning authority and those works shall thereafter be implemented in accordance with an agreed scheme of phasing.
10. The details agreed pursuant to condition 9 above shall demonstrate appropriate pedestrian and cycle linkages to the network in the surrounding area.
11. This permission shall be for no more than 6,038 square metres gross floorspace of outdoor pursuits/sports retail building, 2,323 square metres gross floorspace of garden centre building, 2,787 square metres gross floorspace of restaurants, cafés and bars including the boathouse restaurant but excluding any such area within the hotels for the exclusive use of hotel clients, and, 7,433 square metres gross floorspace of small retail units dedicated to premium brand retailing.
12. No unit dedicated to premium brand retailing shall be larger than 500 square metres gross floorspace.
13. No more than 500 square metres of gross retail space within the small units shall be used for the sale of food (A1 as defined by the Town and Country Planning (Use Classes) Order 1987).
14. There shall be no sub-division of any retail unit, or amalgamation of any retail unit on the site without the prior written approval of the local planning authority.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no A1 (shops) use shall be substituted for any A3 (food and drink) use within the site.
16. The outdoor pursuits/sports retail building shall be occupied by one operator and shall not be sub-divided or sublet without the prior written approval of the local planning authority.
17. The outdoor pursuits/sports retail building shall only be used for the sale of outdoor pursuits and sports goods.
18. The garden centre building and its appointed outdoor area shall only be used for the retail sale and display of garden plants, equipment, garden furniture and all associated goods.
19. The units dedicated to premium brand retailing shall only sell goods which are: manufacturing over runs, end of season/line articles, returned goods and factory seconds at a discount to their original full market price.
20. No development shall commence until a restoration and management plan for the historic parkland and buildings within the site has been submitted to and agreed in writing

with the local planning authority in consultation with English Heritage which shall include:- the phased restoration of the historic landscapes of Areas 1, 2, 3, 4, 5 and 6 identified on the attached plan A; and a phased programme of works for the protection and repair of all the listed buildings and historic structures within the site area.

21. The restoration and management operations relating to the historic parkland and buildings within the site shall be implemented in accordance with the agreed plan and its phasing.

22. Development of the hotels, monkey park, vinery, fisherman's lodge, the holiday lodges, boathouse restaurant, garden centre, outdoor goods sports retail facility, retail buildings, cafés, restaurants and bars, and all car park and highway elements of the proposal shall not be commenced until the restoration and management plan for the historic parkland and buildings have been implemented to an agreed phase with the local planning authority in consultation with English Heritage.

23. The hotels, monkey park, vinery, fisherman's lodge, the holiday lodges, boathouse restaurant, garden centre, outdoor goods sports retail facility, retail buildings, cafés, restaurants and bars, and all car park and highway elements of the proposal shall not be occupied or brought into use until the restoration and management plan for the historic parkland and buildings have been implemented to an agreed phase with the local planning authority in consultation with English Heritage.

24. The existing camping and caravan park and caravan and open storage shall cease operation and its associated buildings, structures and hardstandings shall be removed from the site prior to the first occupation of any retail unit on the site.

25. No development shall commence until an architectural masterplan for the whole of the site which shall specify and depict the size, form, dimensions, materials and general design of all new buildings shall have been submitted to and agreed in writing with the local planning authority, in consultation with English Heritage, thereafter all new buildings within the site shall be constructed in accordance with the principles and details of the agreed architectural masterplan.

26. Except for access to and from the boathouse restaurant there shall be no public vehicular access provided or allowed within the site between Areas 4/5 of plan A and Areas 1/2/3 of plan A and none between Areas 1 and 2 of plan A except for access to the car park by the old stables.

27. No development shall commence until an archaeological field evaluation of the site of the proposed four star hotel, Kings Wood and the vinery area shall have been undertaken and submitted to the local planning authority.

28. No development shall be commenced on the site of the proposed four star hotel, Kings Wood and the vinery area until full details in respect of each and every archaeological

feature relating to either its retention in situ or its excavation and recording shall have been submitted to and agreed in writing with the local planning authority and such operations shall thereafter be carried out in accordance with those agreed details.

29. No development shall be commenced until a scheme of archaeological monitoring and recording work shall have been submitted to and agreed in writing by the local planning authority for the whole of the site area and the development shall thereafter be carried out in accordance with those agreed details.

30. No development shall commence until an ecological and landscape conservation management plan has been submitted and approved in writing by the local planning authority, which shall include details of the phasing of the development. The implementation of this plan and the following works will be overseen by an on site ecological clerk of works and shall include:

- a) A comprehensive scheme of habitat restoration/enhancement to involve:
 - the ancient semi-natural woodland SSSI by phased removal of alien trees, shrubs and other plants;
 - regeneration of the woodland SSSI through the protection of natural regeneration and, if necessary, planting and protection of saplings and seedlings;
 - encouragement and management of dead wood in the woodland SSSI;
 - increase in the extent of broadleaved woodland;
 - restoration of the heathland by removing conifers, encroaching shrub and encouraging heather seed germination;
 - retention of the wetland fen swamp in the south east;
 - management of lake and island vegetation;
 - maintenance, enhancement and management of woodland in the River Trent corridor.

- b) A comprehensive scheme of habitat and species monitoring as appropriate to the development areas, and the areas for restoration/enhancement. This plan shall be implemented in accordance with the agreed scheme of phasing.

31. No development shall commence with respect to the monkey park and its access and car park, until the location of the fence and its design have first been submitted to and approved in writing by the local planning authority in consultation with English Nature and shall be implemented in accordance with these agreed details.

32. The planning permission for the monkey woodland is to be restricted to barbary macaques only and no extension to the enclosure nor associated activities nor the introduction of other species, will be allowed within the SSSI boundary. Neither will such activities be allowed within the wood pasture and heathland habitats apart from where this is necessary for

their conservation management unless otherwise agreed in writing with the local planning authority.

33. No phase of development shall commence until a scheme for that phase showing all footpaths, walkways, open access areas, and all barriers, security fencing and lighting within and around that phase has been submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented in accordance with that approved scheme.

34. There shall be no raising of ground levels or buildings and structures constructed within an 8 metre wide strip of land adjacent to both banks of all watercourses on the site unless otherwise agreed in writing with the local planning authority in consultation with the Environment Agency.

35. No phase of development shall commence until the floor levels of all proposed buildings in that phase have been submitted to and agreed in writing with the local planning authority and shall thereafter be implemented in accordance with these agreed details.

36. No phase of development shall commence until full details of all foul and surface water drainage proposals for that phase including those of parking areas on the site have been submitted to and agreed in writing with the local planning authority and the development shall thereafter be implemented in accordance with those agreed details.

37. No development shall take place within 5 metres of the centre line of any public sewer or sewerage pumping mains on the site unless otherwise agreed in writing with the local planning authority.

38. The landscaping scheme agreed pursuant to condition 1 of this permission shall be implemented in accordance with an agreed scheme of phasing with respect to the individual elements of the proposals.

39. Any tree, hedge or shrub planted as part of a landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 2 years from the date of first planting shall be replaced in the next planting season.

40. No phase of development shall be commenced until the trees and shrubs in that phase which it is proposed shall be retained as part of the approved landscaping scheme have been protected by fencing and/or other means in a manner approved in writing by the local planning authority and the approved protective fencing and/or other means of protection shall be retained during the construction period for that phase. Within the protected areas no materials shall be stored, or temporary buildings erected, plant or vehicles parked, or fires lit.

41. No phase of development shall commence until full details for that phase of any external lighting to be located in any part of that phase have been submitted to and agreed in

writing with the local planning authority and such lighting shall thereafter be implemented in accordance with those agreed details.

42. No phase of development shall commence until full details for that phase of all moorings, landing stages, other structures and lakeside works to the shores of the lake and the banks of the River Trent have been submitted to and agreed in writing with the local planning authority and shall thereafter be implemented in accordance with those agreed details.

43. No phase of development shall commence until full details for that phase of any service compound, storage area and other service and maintenance facilities have been submitted to and agreed in writing with the local planning authority and the works shall thereafter be implemented in accordance with those agreed details.

44. No phase of development shall commence until full details for that phase of any ground modelling, changes in levels or engineering operations within the site have been submitted to and agreed in writing with the local planning authority and the works shall thereafter be implemented in accordance with those agreed details.

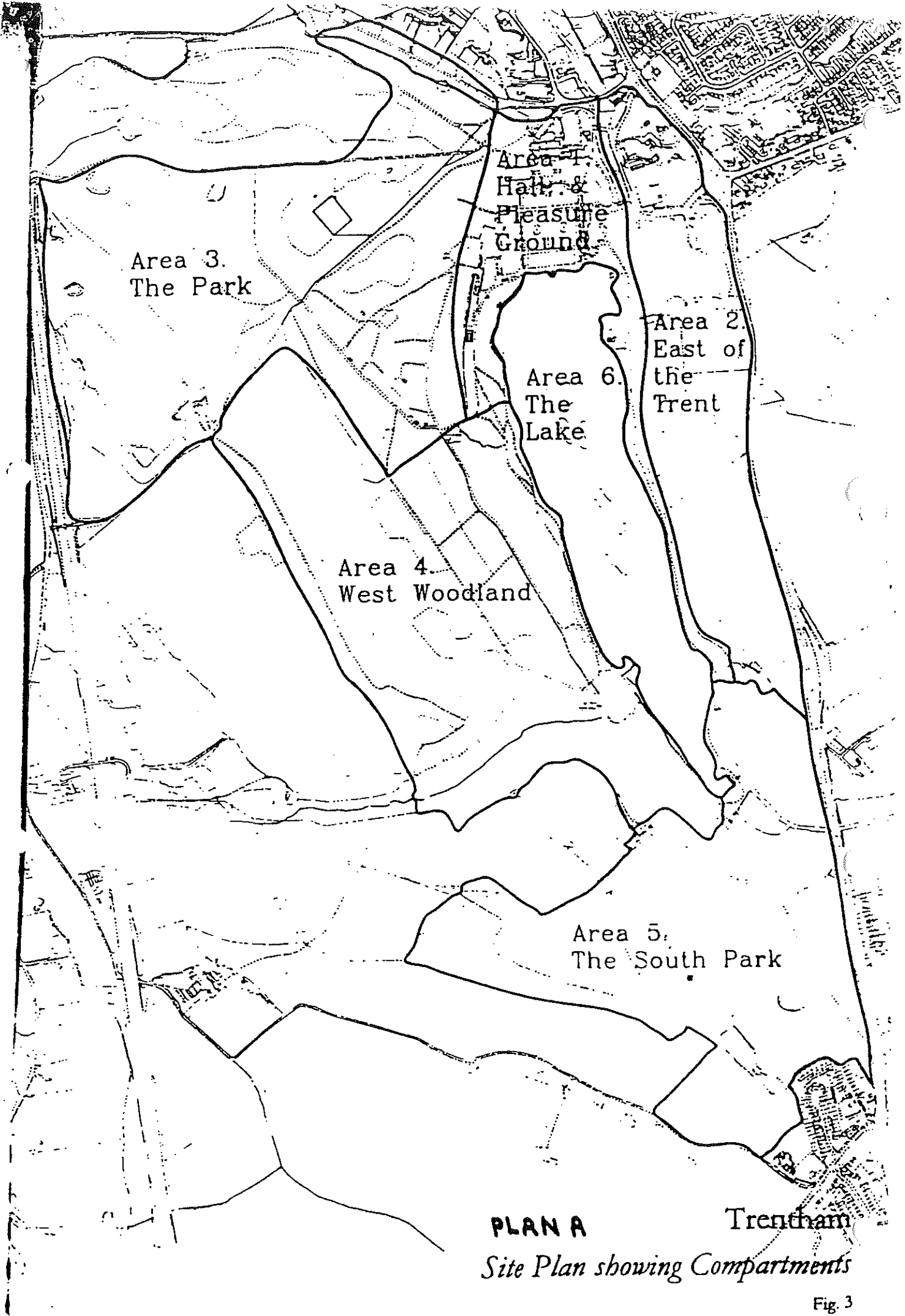
45. The approved holiday lodges shall not be occupied either continuously or cumulatively by any particular person or persons for a period exceeding 120 days in any twelve month period.

46. Notwithstanding the other conditions attached to this permission no development shall be commenced until an agreed phasing scheme for the development on the site shall have first been submitted to and agreed in writing with the local planning authority and the development shall thereafter be implemented in accordance with that agreed scheme.

47. The precise siting of the 75 holiday lodges in the zone shown on the masterplan and their associated infrastructure shall be submitted to and agreed in writing with the local planning authority and shall be implemented in accordance with those agreed details.

48. No phases of development shall commence until a scheme relating to the mitigation of the impact of construction works of all aspects of that phase including traffic routing, storage, noise, dust, odour and other nuisance considerations has been submitted to and approved in writing by the local planning authority and that scheme shall thereafter be implemented in accordance with that approved scheme.

49. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no clay pigeon shooting, any war game, or any motor car, motor cycle or motor vehicle sports or racing including trials of speed and practising for those activities shall take place on any part of the site.



PLAN A Trentham
Site Plan showing Compartments

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (☎ 0171 936 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING, TREE PRESERVATION ORDER & ADVERTISEMENT APPEALS; CALLED-IN PLANNING APPLICATIONS; GRANTS OF PLANNING PERMISSION IN ENFORCEMENT NOTICE APPEALS

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both Sections 288 and 289 of the Town and Country Planning Act 1990 (the 1990 Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

Challenges under Section 288 of the 1990 Act

Decisions on called-in applications under section 77 of the 1990 Act (planning), appeals under section 78 (planning) or section 195 (Lawful Development Certificate) may be challenged under this section, as may tree preservation order and advertisement appeals. Section 288 also relates to enforcement appeals, but only to decisions granting planning permission or discharging conditions. Success under section 288 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 289 of the 1990 Act or by Judicial Review.

Section 288 provides that a person who is aggrieved by the decision to grant planning permission or discharge conditions (on an enforcement appeal) or by any decision on an associated call-in under section 77, appeal under section 78 or section 195 of the 1990 Act, may question the validity of that decision by making an application to the High Court.

SECTION 2: LISTED BUILDING & CONSERVATION AREA CONSENT APPEALS & CALLED-IN APPLICATIONS; LISTED BUILDING ENFORCEMENT APPEALS.

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both sections 63 and 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

Challenges under section 63 of the LBCA Act

Decisions on appeals made under section 20 (listed building consent) may be challenged under this section. Section 63 also relates to enforcement appeals, but only to decisions granting listed building consent or conservation area consent or discharging conditions. Success under section 63 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 65 or by Judicial Review.

Section 63 of the LBCA Act provides that a person who is aggrieved by the decision to grant listed building or conservation area consent or discharge conditions (on an enforcement appeal) or by any decision on an associated appeal under section 20 of the LBCA Act, may question the validity of that decision by making an application to the High Court.

CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

The above Act requires persons undertaking the provision of certain buildings or premises to make provision for the needs of disabled people. Your development is affected if it would result in the provision of one or more of the following:-

1. a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or other-wise);
2. any of the following, being in each case premises in which persons are employed to work:-
 - i. office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - ii. premises which are deemed to be such premises for the purposes of that Act; or
 - iii. factories as defined by section 175 of the Factories Act 1961;
3. a building intended for the purposes:-
 - i. of a university, university college or college, or of a school or hall of a university; or
 - ii. of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under section 42 of that Act.

If your development comes within category (1) above, your attention is drawn to the provisions of section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810 : 1979).

If your development comes within category (2) above, your attention is drawn to the provisions of section 7 and 8A of the 1970 Act and to the BSI Code of Practice (BS 5810 : 1979).

If your development comes within category (3) above, your attention is drawn to the provisions of section 7 and 8 of the 1970 Act and to Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for Education and Science.