

THE PLAN FOR STAFFORD BOROUGH (PART 2)**MATTER 6.3 EXAMINATION: TRENTHAM LEISURE LIMITED FURTHER RESPONSE**

I write on behalf my Client, Trentham Leisure Limited to respond to comments made by Mr. Yendole (Planning Policy Manager) of Stafford Borough Council at the Hearing Session that took place on Friday 22nd July 2016 in respect of Issue 6 'Protected Employment Areas and Tourism' of the Plan for Stafford Borough (Part 2).

Mr. Yendole stated that the inclusion of the words 'Associated enabling development...' in the proposed policy we put forward in our Hearing Statement dated 30th June 2016 meant it was not aligned with Historic England's Guidance 'Enabling Development and the Conservation of Significant Places' (June 2012). More specifically, he noted that Historic England are not supportive of repeat applications for enabling development as an approach. In response, the Inspector invited us to review the guidance and re-consider the wording of the proposed policy for his and the Council's consideration. This is set out below.

Summary of Justification

Firstly, may I again highlight the view of the Inspector for Outline Planning Permission 97/35257/OUT, who stated at Paragraph 14.85 of the corresponding Inspector's Report that:

"It has been adequately demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset..." (my emphasis).

Given that not all of the enabling development was delivered prior to the expiration of the consent there is evidently still work to be done to ensure the ongoing restoration and regeneration of The Trentham Estate and Gardens and, by implication, a requirement for an efficacious policy mechanism to guide such development to secure its long term sustainability. Furthermore, there has been a significant change in economic circumstances since Outline Planning Permission 97/35257/OUT was granted in November 2001, and therefore the delivery of enabling development is considered vital for the continuing regeneration of the Trentham Estate and Gardens. We believe the reasoning underpinning the previous site-specific policies (RLT19 and RLT20) that were contained in the now superseded Stafford Borough Local Plan 2001 are still relevant and justified. Indeed, the previous site-specific policies sat alongside broader thematic policies relating to the protection of the Green Belt (Policy E&D10), adaptation and re-use of rural buildings (Policy E&D17), the protection of the historic environment (Policies E&D18, E&D19, E&D23, E&D24, E&D25 and E&D35), landscape protection (Policies E&D28, E&D29 and E&D30) and tourism (Policy RLT4). In conformity with the views of the previous 2001 Local Plan Inspector, we feel that a more focused bespoke policy is required to reflect the complexity of issues facing my Client; a view that was shared by Alan Taylor of English Heritage in his email of 14th October 2013:

"The Trentham Estate has a number of very site specific and longstanding heritage and conservation issues relating both to the preservation and upkeep of the RPG, the listed buildings, and the designated conservation area. Finding economic solutions to these issues can be challenging within the normal planning framework given the quasi-rural location of the estate in the Green Belt and adjacent to the A34 trunk road.

English Heritage has found the presence of a specific policy for Trentham Gardens in the local plan since the 1990s has been

helpful in providing a clear and understandable framework for all parties to work within. We consider that it would continue to be useful to have a further policy along these lines continuing into the new generation plan..." (my emphasis)

The Council's view that the re-development is substantially complete is contradicted by Action 4 of the Trentham Conservation Area Appraisal (January 2013) that seeks opportunities to secure the preservation and enhancement of buildings and structures of special interest in the Conservation Area, including Trentham Hall, Trentham Courtyard and Park Drive Cottages. All of these listed buildings are located in the 'northern core' area to which the site-specific policy we are proposing would relate. Such a policy, would assist in giving my Client the confidence to deliver sensitive development to meet the objectives of the Conservation Area Appraisal and focus development proposals in the less sensitive areas of the Estate. This was the approach taken by the Local Plan Inspector when the previous site-specific policies were conceived. Paragraph 6.28.9 of the Inspector's Report states:

"I accept that the core area identified by the objector includes key areas such as the formal Italianate gardens between the lake and the remains of the former house, together with areas of tree cover and landscaping. Nonetheless, while the prospect of development over the whole of this area would have serious and adverse consequences, I consider its boundaries are reasonably well defined; the area is somewhat distinct from the less formal landscape beyond it. Great care would need to be taken to ensure that any development did not impinge upon what I regard as highly sensitive surrounds and I would not wish to countenance development on all the land within this area. Nonetheless, my view is that the area defined by the objector is not excessive and the suggested policy is sufficiently robust to ensure that its distinctiveness and valuable qualities are safeguarded..." (my emphasis)

For the reasons above, we consider a site-specific policy is an important pre-requisite to the sensitive and proper planning of The Trentham Estate and Gardens.

Review of Historic England Guidance

We have received extracts from Historic England's Guidance 'Enabling Development and the Conservation of Significant Places' (June 2012), which we have reviewed in light of Stafford Borough Council's comments. Paragraph 4.3.10 of the Guidance states:

"A solution that does not provide the means of meeting recurrent costs that cannot be generated by the place itself is no solution at all. Normally there will only be a single opportunity for enabling development without compromising the place (see 5.4.4)."

Paragraph 5.4.4 states, inter alia:

"Taking an incremental approach to enabling development, in which additional enabling development is sought once the scheme is under way or completed, as a means of recovering unforeseen or underestimated costs, is not an acceptable practice. Such an approach distorts the process, because it is necessary to consider the effects of the enabling development proposals in their entirety before deciding whether the benefits outweigh the harm. The developer bears the risk – there can be no 'second bite of the same cherry'. This does not,

of course, apply to a strategic approach (for example to an historic estate), which is agreed at the outset and implemented in stages." (my emphasis)

In line with the above guidance, we believe the restoration of The Trentham Estate and Gardens in 2001 comprised a strategic approach that was agreed to be implemented in phases at the outset. Consequently, the point made about 'no second bite' does not apply. Indeed, the phased nature of the restoration programme is explicit on Outline Planning Permission 97/35257/OUT. Condition 20 states:

"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."

Condition 21 also states that:

"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."

Accordingly, the Restoration and Management Plan (January 2003) approved pursuant to Condition 20 above breaks down these restoration works into phases.

I have contacted Stafford Borough Council's Planning Policy Team to provide a view on the above and have received a response from them (enclosed) that you have also received. This states that:

"The reference to 'historic estates' in Enabling Development and the Conservation of Significant Places at paragraph 5.4.4 (P2-N20) is understood to relate to country estates longstanding family ownership where tackling repair and maintenance issues has to be dealt with incrementally due to the circumstances of the owner and where the aim is to maintain the integrity of the heritage asset (house, park and contents) as a single entity. Trentham does not fall into that categorisation."

Our reading of the Guidance is that large historic estates in single ownership, such as The Trentham Estate and Gardens, are exempt from the restriction on repeat enabling development due to their sheer scale, which means that it is difficult to quantify the amount of enabling development required; hence the Inspector's assertion that the level of development approved in 2001 was the 'minimum necessary'. This comment, of course, implies that a larger quantum may be required in the future and the exemption in Paragraph 5.4.4 of the Historic England Guidance allows this to occur.

The Council's statement uses the visitor numbers at the Estate as a measure that the re-development of Trentham Estate and Gardens has taken place. However this fails to recognise that this also exacerbates the pressures for increased management and maintenance and future justifies the need for a site-specific policy.

Revised Policy Wording

In light of the above, we consider the wording of the condition put forward in our Hearing Statement is reasonable and appropriate and aligned with Historic England's Guidance. Notwithstanding this, if the Inspector does not agree with our reasoning we have suggested the below condition that removes reference to enabling development for your consideration:

The Trentham Estate and Gardens is a recreation, leisure, tourism and visitor attraction. Limited development and infilling will be permitted within the northern area of the estate (as defined on the Plan in Appendix **) for the following range of uses:

- **Outdoor sport and recreation**
- **Indoor leisure and entertainment facilities**
- **Hotel-conference centre**
- **Exhibition facilities**
- **Heritage/leisure/recreation/craft related retailing**
- **Visitor facilities**
- **New residential development including the re-use of Trentham Courtyard and Trentham Hall.**

Development at the Trentham Estate and Gardens must meet the following criteria:

- a. **Conserve the natural and historic environment including existing buildings, gardens, landscape, flora and fauna;**
- b. **Enhance recreation/leisure facilities within the Borough;**
- c. **Limit the impact on the highway network;**
- d. **Meet the principles and objectives of the Green Belt**

BEN TAYLOR (BARTON WILLMORE)

28TH JULY 2016