

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th July 2019

Agenda Item 5

Application Ref. 18/00933/FUL

Land adjacent to Springpool Wood, South of Phase 3 and West of Newcastle Golf Course

Further joint comments from the Gardens Trust (a statutory consultee where development in a Registered Park and Garden is concerned) and the Staffordshire Parks and Gardens Trust have now been received.

It is indicated that the position of the Trusts remains that it is inherently unacceptable to site developments of wind turbines and a solar array within a Registered Park and Garden. Registered Parks and Gardens are a finite and limited heritage resource: substantial harm such as would result from these developments to grade II registered parks or gardens should be exceptional. The Trusts say that they have seen no convincing arguments to justify these proposals as “exceptional” or cause them to revise the objections set out in their original letters of 21 January 2019.

The Trust indicate that they have considered the additional information supplied since last writing and note the applicants’ contention that the 25 year lifespan of the developments will cause only short term impact to the heritage asset. They point out that this “temporary” adverse effect is nonetheless a) harm, contrary to local and national planning policy; b) of a duration of a quarter of a century, a not inconsequential period, and c) not guaranteed to be time limited against renewal at the expiry of that period. The Trusts say that they have considered the applicants’ further contention that no alternative site for the development is feasible but strongly disagree that meeting the internally derived constraints of the SEND project is sufficient case for causing harm to the heritage asset.

The Trusts say that they note the conclusion in the report to Planning Committee that the harm is less than substantial but consider that this is based on a misconstruction of paragraph 193 of the NPPF which states clearly that great weight should be given to the conservation of heritage assets regardless of the degree of harm, a position borne out in various legal decisions. The Trusts are extremely concerned and disappointed that the recommendation to Committee is to override the widely stated heritage objections to the schemes and to approve both applications. In the view of the Trusts the harm which would be caused by these two developments to the significance and appearance of Keele conservation area and RPG is such as to warrant refusal of the two applications.

Finally the Trusts are concerned to note that no mention is made in the report of their suggestion that, if the Council was minded to grant permission, the developers be required by enforceable condition not only to undertake replanting of the adjacent wood pasture but also to fund a conservation plan for the wider park and a programme of management and enhancement works in the dingle immediately adjoining the application site.

Your Officer’s further comments

The full text of paragraph 193 of the NPPF, to which the Trusts refer is provided in paragraph 2.4 of the Committee report but so that it is at the forefront of members at this point it again repeated below

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Members will have already noted that the Garden Trusts have objected to this application and the application for the solar farm, and they will now note that these objections are being maintained. The Trusts are of the view that the development would cause substantial harm to the Grade II Registered Park and Garden and thus should be exceptional. Your Officer's view, for the reasons set out in the report, is that there is harm to the significance of that and other heritage assets, but it is less than substantial. Such harm should require clear and convincing justification.

The report on this application (and that for the solar farm) does, when reporting the views of the Trusts refer to their suggestion that the developer should fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjacent to the application site.

Such funding would require the entering into of a planning obligation. No such obligation is recommended within the report. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and must only be sought where they meet all of the following tests

- a) Necessary to make the development in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

The RPG covers an extensive area some parts of which are well removed from the application site. A requirement to provide funding for the conservation of the "wider park" would it is considered be open to the objection that the obligation securing that would not be "directly related to the development". Furthermore to identify a sum that would be "fairly and reasonably related in scale to the development" would be problematic.

Members' attention is drawn to recommended condition 16 "Keele Conservation Area Management Plan". This relates to the Keele Hall Conservation Area and the applicant's proposal is that it would be worded as follows

"Within 6 months of the first occupation of the development, a Conservation Area Management Plan (CMP) for Keele Hall Conservation Area which sets out the future management objectives of the area including future maintenance and repair of built heritage assets shall be prepared and submitted to the Local Planning Authority. The CMP shall include

- *A statement of significance for the Conservation Area including a summary of historic value*
- *Risks and opportunities to the Conservation Area*
- *Conservation management policies for*
 1. *Maintenance and repair*
 2. *Adaptation and new works*
 3. *Improving access and interpretation*

Your Officer would wish to include a requirement for the CMP to be approved by the LPA and subjects for the future maintenance and repair to include potentially features which might not fall within the definition "built heritage assets".

This does fall short of what is being sought the Trusts but it is considered a reasonable and justified approach albeit it relates to a more narrowly defined area.

The recommendation with respect to this application remains as per the agenda, there being nothing further to add to the consideration of the impact of the development on heritage assets and its justification, and the conditions sought by the Ministry of Defence (and referred to in the First Supplementary) having already been included within the recommendation (under condition 22).

