

Merlin Attractions Operations Ltd
C/o Nathaniel Lichfield & Partners
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All Saints Street
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Merlin Attractions Operations Ltd
C/o Agent

Application no: SMD/2015/0488

Determined on: 25/11/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2015**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

Alton Towers Hotel Farley Lane Farley Staffordshire ST10 4RP

Description of Development:

Application for minor demolition works and the development of an extension to the existing hotel including an additional 76 bedrooms, a restaurant and associated facilities, access, car parking and landscaping.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the listed conditions and the following submitted plans:

373/50.3 1 Key Plan

373/50.3 2A Block Plan as Proposed

373/50.3 4A Site Plan as Proposed

373/50.3 5A Garden Plan

373/50.3 10 Siteworks Edges and Walls

373/50.3 11 Siteworks Pond Headwall and Waterfalls

353/50.3 12 Fences and Handrails
1308_502 Demolitions Plan
1308_518 Rev A Proposed Site Plan
1308_519 Rev A Proposed Lower Ground Floor Plan
1308_520 Rev B Proposed Ground Floor Plan
1308_521 Rev A Proposed First Floor Plan
1308_522 Rev A proposed Second Floor Plan
1308_523 Rev A Proposed Roof Plan
1308_524 Rev A Proposed Sections A-A and B-B
1308_525 Rev A proposed Sections C-C and D-D
1308_526 Rev A Proposed North and East Elevations
1308_527 Rev A Proposed South and West Elevations
1308_530 Rev A Proposed External Theming

Reason:- To ensure that the proposed development is carried out in accordance with the listed conditions and the details shown on the approved plans, for clarity and the avoidance of doubt.

3. The external facing materials to be used for the proposed development, as described in Section 4.12 to the Design and Access Statement, shall be a close match to those used on the existing adjacent hotel buildings. The development shall be implemented in accordance with the submitted details.

Reason:- To ensure a satisfactory external appearance.

4. The proposed development hereby approved shall not be commenced until drainage plans for the disposal of foul sewage and surface water have been submitted to and approved in writing by the local planning authority. The proposed scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure that the proposed development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

5. The proposed development shall not be brought into use until the additional parking facilities shown on the approved plans has been provided and made ready for use, and shall thereafter be retained for the life of the development

Reason:- In the interests of highway safety.

6. A detailed specification of the materials to be used in the construction of the proposed parking areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of development, and the scheme shall be implemented in

accordance with the approved details before the parking areas are first brought into use.

Reason:- To ensure that the proposed parking areas are surfaced in a satisfactory manner, to protect the character and appearance of the Alton Conservation Area.

7. No development (including any demolition, site clearance, stripping or site establishment) shall be commenced until temporary protective fencing and advisory notices for the protection of the existing trees to be retained has been erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and as set out in the Tree Heritage Arboricultural Report reference THL R15-54 dated 24th July 2015 accompanying the application. Those measures shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the Local Planning Authority.

Reason:- To protect the existing trees during the development construction phase.

8. Prior to the commencement of development (including any demolition, site clearance, stripping or site establishment) a landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To protect and enhance the character and appearance of the site and the Alton Conservation Area.

9. Any machinery, plant or equipment installed or operated in connection with the proposed development shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The details and location of any plant or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

Reason:- To safeguard the amenity of nearby premises in the vicinity of the site from noise disturbance.

10. The design and construction criteria for development of the relevant buildings/premises shall have regard BS 8233:2014 (British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings/premises shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:- To safeguard the amenity of nearby premises in the vicinity of the site from noise disturbance.

11. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.

Reason:- To protect the amenities of the local residents and the appearance of the Alton Conservation Area from excess luminance of external lighting.

12. No part of the development hereby approved shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote acceptable and sustainable modes of transport for both employees and hotel guests. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local Planning Authority for approval on each anniversary of the date of this permission over a period of 5 years from when the approved development is first brought into use.

Reason:- To ensure a sustainable travel choice for all to and from the development.

13. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not be continued until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk

assessment indicates that potential risks exists to any identified receptors, development shall not re-commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the written approval of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to the development being first brought into use, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informative

1.This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. In carrying out the development, the developer should observe the recommendations made in the submitted Construction Management Plan and the following advice of the Council's Environmental Health Officer:

All noisy activities shall be restricted to the following times of operations:

08:00 - 18:00 hours (Monday to Friday);

08:00 - 13:00 hours (Saturday)

No working on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

3. Responsibility for safe development and secure occupancy of the site rests with the developer.

Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

Assessment of lighting Impacts should pay regard to the advice set out by the Institute of Lighting Engineers - Guidance Notes For The Reduction of Obtrusive Light <https://www.theilp.org.uk/documents/obtrusive-light>

During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary. The following guides offer advice on controlling dust from construction sites:

The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with CLR Report Series 1-12.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

4. The applicant/developer is advised that the County Council's Definitive Map of Public Rights of Way shows Public Footpath No 6A Farley running through the proposed application site. Any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. It is important that users of the path are still able to exercise their Public Rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The plans are not clear in showing how the footpath will be safeguarded and the plans appears to show development taking place all around the footpath as it passes through the development. The applicant/developer therefore needs to be aware of the alignment of the footpath and some involvement with the County Council's Rights of Way team to ensure that the route does not become obstructed is required. Please contact paul.rochfort@staffordshire.gov.uk for further advice.

5. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice. All other types of development

have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.