

DELEGATED DECISION REPORT

SMD/2021/0330 Valid 25/05/2021	ALTON TOWERS FARLEY LANE FARLEY	INSTALLATION SEASONAL STAGE	OF TEMPORARY A
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(FULL - MINOR)

MAIN ISSUES

- Impact on heritage assets (Listed buildings, Registered park and gardens and Conservation area)
- Impact on residential amenity (noise)

DESCRIPTION OF SITE

The proposal is within the Alton Towers resort

PROPOSAL

This is a full planning permission for the installation of a seasonal temporary stage for a 5 year period at Alton Towers. The stage is proposed to be installed in the Front Lawn for the summer season and relocated to the Fountain Square for the winter season. The application is retrospective as the staging is already erected and operational.

Summer season (March to early November)

The stage will be positioned on the gently sloping Front Lawn to the south of Towers Street and north of the lake . To the east and west are existing rides. The area is currently used as recreational space by visitors. The stage is proposed to be located in the south west corner of the lawn in front of an existing single storey timber building. Immediately to the west of the site are existing rides.

Winter season (November to February)

Fountain Square, located to the south east of the Hex ride entrance close to the Towers is the proposed second location for the stage. It currently consists of a paved area of open space and is largely screened by existing trees to the north, east and south and the garden walls to the west

The application states that in total, the stage will be used for no more than 262 days per year, although it is expected to be less . It is estimated that the stage will take 2-3 days to install in each location and around 1-2 days to remove. The final removal of the winter stage at the site would be at the end of November 2026.

The stage comprises a freestanding scaffold structure measuring approximately 14m in length and 10m in depth with a total height of approximately 8.5m. No groundworks are required for the installation. It is accessed by steps at the rear of the stage. Demountable benches are installed for the audience in front of the stage and moveable low level barriers installed in front of the stage measuring approximately

2.3m x 1.1m for crowd control. The structure is clad in white PVC sheeting. The plans show that a temporary pathway is provided as part of the summer staging across the lawn presumably to provide ease of access to the picnic seating area. It is confirmed that this will be a plastic track and not fixed to the ground.

It is stated that the stage will be strictly managed by the ATR operations team in line with existing event management procedures. Events will only take place between 10am and 10pm. In addition to this, sound monitoring will be undertaken during sound checks before events commence to ensure that sound levels are in line with requirements with constant communication between the monitoring and sound engineers during this time.

A Sound Noise Assessment is provided with the application

It is expected that during weekends, holidays and event days the stage will lead to an additional 11 employees per day who are expected to be performers and 4 additional employees at other times.

The applicant says that the Covid-19 pandemic has meant that ATR, as with other leisure attractions, has had a very challenging year and its operations have been significantly impacted. There is a steep hill to climb to its road to recovery and Merlin Attractions (ATR's owner) is committed to continuing to invest in the site. This investment is critical to ATR's recovery, to ensure the Resort continues to attract visitors and that it can maintain its role as a major employer in the district.

The concept of providing an outdoor stage has been developed to respond to the current circumstances related to Covid-19 and the need for ATR to respond rapidly to the latest Government Guidance on opening the Resort with social distancing measures in place, with limited time in advance to plan. Accordingly, the applicant states that the stages were installed to be in place for the Resort opening on 12 April 2021. The applicant is keen to regularise this position and hence this application has now been submitted. The stages are expected to be a popular addition to the Resort's offer and therefore a temporary 5 year permission is sought.

The applicant notes that the new temporary permitted development rights (under Schedule 2, Part 4, Class BB inserted by The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021) have recently come into force which permit 'moveable structures' within the curtilage of Listed buildings operated as historic visitor attractions until 1 January 2022. The applicant says that this underlines the importance the Government is placing on supporting attractions within historic environments recover from the pandemic and demonstrates the context within which the scheme has come forward. It is considered that the summer stage benefits from this permitted development right and that part of the period for the winter stage would also be applicable under the permitted development right, but for completeness and given the proposed five year period is sought under the application for the current period up to the end of November 2026.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Sept 2020)

SS1 Development Principles
DC1 Design and amenity considerations
DC 2 Heritage
SD 4 Pollution/noise
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None directly related to the sites to be used for the staging

CONSULTATIONS

Publicity

Site Notice: Expired
Press Advert: Expired

Public Comments

None received

Alton Parish Council: Object on grounds of the noise it will generate for nearby residents

Environmental Health: Initially objected to the application. Subsequently withdrew their objection following a site meeting, further discussion and subject to the imposition of a number of conditions to control noise from the staging in order to protect residential amenity.

Conservation Officer: No objection

Heritage England – no comment apart from referring to their published advice *Temporary Structures in Historic Places: Guidance for local planning authorities, site owners and event organisers*

Severn Trent Water: No objection

OFFICER COMMENTS

Principle of Development

The proposal is located within the established theme park at Alton Towers. Policies E4 and SS11 of the Local Plan support sustainable tourism and the provision of new tourist attractions and facilities to sustain existing attractions. The Churnet Valley Masterplan provides more detailed guidance for the development of Alton Towers which is identified as an Opportunity site. There is no objection in principle therefore to this proposal.

Impact on the Registered Park and Garden, Listed buildings and Conservation Area including assessment of design

A Heritage Assessment is submitted. This concludes that the proposed stage is characteristic of the theme park activities within the Registered Park and Garden, Conservation Area and setting of the Grade II* Alton Towers. It further concludes that the proposal is not anticipated to lead to any harmful cumulative effects of long term effects on the significance or setting of these heritage assets, noting in particular that the stages have been sensitively designed to be considerate of key views of the Towers and are temporary in nature.

The Conservation Officer has considered the application. She largely agrees with the conclusions of the Heritage Assessment. Whilst she says there would be some minor harm to the setting of the heritage assets the locations are well considered and as a temporary measure and in light of the temporary PD rights (albeit that these are extended only until 1st January 2022) she raises no objection.

Heritage England has published advice on temporary structures in historic places. Consideration has been given to this and the key points they suggest as follows:-

- Location – is well chosen
- Physical impact - minimal as the staging sits on the ground, no trees affected, no ground intervention necessary
- Visual impact – noting that the document says that there should not be a presumption against temporary structures simply because they are visible in the historic environment, which is the case here. The locations are well chosen. Any harm will be minor, temporary and wholly reversible
- Setting – the most important factor in setting is visual impact; the impact on key views and how this affects an understanding and appreciation of a place and its context – see visual impact comment above
- Design – is light weight and appropriate
- Duration and season - not all year round and a temporary permission only is sought
- Public access – it is probably unlikely to attract visitors other than those already visiting the resort but the locations are such that visitors will have the opportunity to experience and enjoy the heritage environment whilst being ‘entertained’ at the staging.

Having regard to all of the above points it is considered that in this case any minor harm identified is outweighed by the economic benefit and contribution the proposal will make to the recovery of ATR following the Covid Pandemic. This is an important factor in securing the long term future of the heritage assets for the public benefit

For these reasons the proposal is considered to be in accordance with Policy DC 2 and the NPPF, particularly para 202 which requires LPA's in circumstances such as this where 'less than substantial harm' is identified to weigh this against the public benefits of the proposal including, where appropriate, securing its optimum viable use

Noise and residential Amenity

A Sound Assessment Report, April 2021 prepared by Cahill Design Consultants was submitted with the application. It notes that there are a number of residential properties whose amenity could be affected by the proposal both on Wootton Lane to the north, Farley Lane to the west and by the River Churnet to the south. The Report concludes

that with the mitigation measures adopted as set out in Chapter 8, no residual effects are predicted

The Environmental Health Officer has carefully considered the application and Sound Assessment Report (SAR). He initially objected to the application on grounds that he did not agree with the conclusions of the assessment and was of the opinion that the proposal could cause adverse impacts to noise sensitive properties.

However he subsequently undertook a site visit and heard first-hand the staging in operation during a weekday in July and discussed matters with the project acoustician. He is satisfied that there is no intention to use it for live music concerts; it is for family entertainment. During the site visit he noted that music noise was inaudible over background noise at the nearest noise sensitive properties which he says supports the advice in the Sound Assessment Report. He is of the view that noise from the stage was being masked by existing park noise and associated activity (rides, customers, road traffic). He comments that of course this 'masking' may not be evident when the rides are not operating or the Park is quiet.

He recommends that entertainment noise from the stage should be inaudible outside all residential properties in the vicinity of the Park to prevent complaint. He says that the movement of the stage in the winter towards Alton Village (Towers area of the Park) also poses a risk of complaint from the nearest neighbours to the south and south west of the Park when normally the Park is quiet. He recommends a condition (Condition 3) is imposed to ensure stage entertainment (music and speech) noise levels do not exceed background noise levels at any nearby property. Compliance with the condition should ensure the amenity of the nearest residential properties is not adversely impacted by the proposal.

He also recommends that a condition is imposed to control low frequency noise caused by the entertainment noise on the stage, Condition 4.

In order to ensure assist in compliance with these conditions, he also advises that noise levels are limited at 87dbA measured at a distance 10m from the front edge of the stage as set out in the noise assessment – see Condition 5.

The EHO also comments that the timings set out in the application do not appear consistent with how the stage is being used or as suggested on the indicative Schedule of Use (see e-mail from Agent dated 27th July 2021) . He advises that the use should be consistent with normal ride operation and also limited to no later than 7pm in Summer and 9pm during Scarefest in October. This should ensure the stage operates complimentary to other Park activities and does not impact periods with low background noise levels.

He finally confirms that at the time of writing there is no record of complaint received by Environmental Health against the stage and the associated entertainment noise which has been operating as confirmed by the Agent since April this year.

To conclude therefore, having witnessed the staging in use the EHO has now withdrawn his original objection. He raises no objection subject to the imposition of conditions to control and limit noise from the staging. He also recommends that the permission be limited to 2-3 years to allow reasonable time to assess the impact to the amenity of residents and enable the Park operators the opportunity to prove the viability of the stage as not causing adverse impacts to the nearby residents.

With these in place there is compliance with relevant parts of Policies SD 4 and DC1

Other issues

The proposal is not expected to generate any increase in traffic as those enjoying the family entertainment are likely to already be visitors to the Resort.

No issues of drainage/flooding, trees or ecology are raised.

CONCLUSION / PLANNING BALANCE

The proposal complies with the Development plan.

Some minor harm to the setting of heritage assets has been found. In accordance with para 202 this 'less than substantial harm' must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case the economic recovery of Alton Towers following the Covid pandemic is key to the continuing maintenance of the heritage assets at the Park for the public benefit and outweighs the minor harm. As such there is no conflict with Policy DC2.

The protection of residential amenity is a material consideration of weight in this application. The matter has been carefully considered and with the conditions in place it is considered that the nearest residential properties will not be adversely affected by noise from the staging. As such there is compliance with relevant parts of Policies SD4 and DC1.

The applicants request a 5 year temporary permission. Advice on the use of temporary conditions is provided in the NPPG. It is considered that a temporary permission is justified here where a trial run is needed to assess the effect of the proposal on the amenity of nearby residents. It is considered appropriate to issue a 3 year temporary permission. This will give the LPA reasonable time to assess the impact of the proposal on the amenity of residents and give the applicant sufficient time to prove that the viability of the stage is not causing adverse impacts to the nearby residents. The applicant has confirmed their agreement to this.

OFFICER RECOMMENDATION : Approve

Case Officer: Jane Curley

Recommendation Date: 16th August 2021

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council