

DELEGATED DECISION REPORT

NMA/2022/0005
Valid 07/03/2022

ALTON TOWERS FARLEY
LANE
FARLEY

APPLICATION FOR A NON-
MATERIAL AMENDMENT
FOLLOWING A GRANT OF
SMD/2019/0695.

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

Whether the proposal is non material

DESCRIPTION OF SITE / PROPOSAL

The site is part of the Alton Towers resort. Planning permission was granted under SMD/2019/0695 on the 8 April 2020 for

Change of use of land for seasonal car parking together with associated surfacing, drainage, levelling and landscaping works and surfaced internal access route

This application seeks consent to amend the wording of Condition 7 attached to the permission. It follows concerns raised by the LLFA when assessing the discharge of condition application, DOC/2021/0100 and trigger points in relation to further infiltration testing. A revised FRA and Drainage Statement is submitted to support the application

Condition 7 – as per the original decision notice

No development (excluding archaeological investigations) shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- • Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- • Limiting the discharge rate generated by all rainfall events up to the 100 year plus 20% (for climate change) critical storm to 30.4l/s.
- • Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- • Provision of appropriate surface water treatment in accordance with CIRIA C753.
- • Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- • Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system

- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Reason: - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site

Information to discharge Condition 7 was submitted as part of DOC /2021/0100 and discussions have been ongoing with the Lead Local Flood Authority for some time.

The FRA and Drainage Statement submitted as part of this application has been updated to address the LLFA comments, with the exception of additional infiltration testing results. The applicants drainage consultant HBL has advised that the equipment and machinery required to undertake the infiltration testing would be difficult to get onto site without the proposed access road in place. Accordingly, HBL and the LLFA are agreed that this information can follow once the access road has been implemented and prior to the relevant parts of the drainage scheme being implemented.

The application therefore seeks to amend the condition wording of Condition 7 as follows to facilitate this:

Construction of the approved internal access road shall be completed in accordance with the Flood Risk Assessment & Drainage Statement (ref. 7271/HBL/D/01/19 rev P6). Prior to the construction of the drainage scheme for the new car parking areas (excluding the internal access road), an updated Drainage Statement shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The updated Drainage Statement shall include results of infiltration testing in accordance with BRE 365 to demonstrate the drainage scheme is acceptable."

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local plan September 2020

National Planning Policy Framework

CONSULTATIONS

Local Lead Flood Authority – advise that they would not object to the changing of the wording of the condition as detailed and following receipt of the updated Flood Risk Assessment and Drainage Statement (ref. 7271/HBL/D/01/19 rev P6). Do not have any objections to the granting of the NMA subject to the receipt of further infiltration testing in accordance with BRE 365 to demonstrate that the proposed drainage scheme is acceptable (as per the wording of the condition above).

Understand that the applicant wishes to amend the wording of the condition to allow for the construction of the access road to allow for the access and egress of the machinery required to undertake the additional infiltration testing.

We would therefore accept that the amended condition above allows for this additional testing to take place and we would be grateful to be reconsulted with the results of the infiltration testing once the access road has been completed.

This will allow for the full discharge of the condition to be undertaken as we are satisfied with the drainage design provided to date (as per the updated Flood Risk Assessment and Drainage Statement)

OFFICER COMMENTS

There is no statutory definition of what constitutes a non-material amendment. The PPG confirms that it will be dependent on the context of the overall scheme and that an amendment that is non-material in one context may be material in another. The LPA must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The proposed amendment to the wording of Condition 7 is considered to be non-material as there will be no change to the overall drainage strategy. The required information in the original condition will still have been secured, however the revised condition will allow this to happen on a phased basis. The proposed wording will allow the approved internal access road to be constructed first in line with the submitted FRA and Drainage Statement. Once this is completed, it will then allow for plant and equipment to get onto site to carry out additional infiltration testing as required by the LLFA. The LLFA confirm that they are satisfied with the drainage design to date (7271/HBL/D/01/19 rev P8). The condition requires the internal access road to be completed in accordance with this and for additional infiltration testing to be secured and provided in a revised FRA and Drainage Statement before the drainage scheme for the car park is implemented.

The suggested wording of Condition 7 put forward in the application has been amended by the Case Officer. The applicant is agreeable to this – see e-mail dated 1st August 2022

OFFICER RECOMMENDATION : Grant the Section 96A application

Case Officer: Jane Curley

Recommendation Date: 1st August 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council