

Development Management
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Date: 12 January 2024
Our ref: 03224/10/NT/AR/26993540v2
Planning Portal ref: PP-12473499

Dear Sir/Madam

Alton Towers Resort: S73 application in relation to Alton Towers Stages (ref. SMD/2021/0330)

On behalf of our client, Alton Towers Resort, a company forming part of Merlin Attractions Operations Limited, please find enclosed a Minor Material Amendment application submitted under S73 of the 1990 Act seeking changes to planning permission ref. SMD/2021/0330.

The application comprises:

- 1 Completed Application Form
- 2 Site Location Plan drawing reference 373/103/1
- 3 Approved Drawings – uploaded for ease of reference – see annex 1 to this letter for the full list
- 4 This Planning Assessment Letter
- 5 Sound Assessment Report, prepared by Cahill Design Consultants

A payment of £293 (plus the £64 service charge) has been made via the Planning Portal in respect of the Council's planning application fee.

Background

Alton Towers Resort (ATR) originally submitted an application for the installation of a temporary stage in March 2021. Full planning permission was subsequently granted on 16 August 2021 under application ref. SMD/2021/0330. The description of development was as follows:

“Installation of a seasonal temporary stage.”

The temporary stage has been installed in the Front Lawn to the south of Towers Street and north of the lake for the summer season. It then relocates to the Fountain Square, located to the south east of the

Hex ride entrance, for the winter season. The permission was granted for a temporary time period of three years from the date of the permission, as required under Condition 1.

The permission is also subject to restrictions on the operational times for the stages as set out under condition 6.

When SMDC considered the application the Environmental Health officer advised in his consultation response that the planning permission should be restricted 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.

The stage has now been in operation for a period of two years and has proved to be a popular attraction at ATR and has operated well without noise complaints. As a result of its success, this application is seeking to extend the timeframe of the temporary permission and to make small scale alterations to the operational hours of the temporary stage to allow for longer opening hours during September and the first week of November (until the 7th of November). This is to allow for the stages to be used for the Octoberfest period. The ongoing use of the stage will enable guests to continue to benefit from its shows and events and help ATR to continue to attract visitors to the site, which has wider economic benefits to the area. The proposed changes are considered to be minor material and are outlined in further detail below.

No changes are proposed to the approved drawings. A schedule of drawings is provided at Annex 1 of this letter.

Proposed Changes

Condition 1

Condition 1 states:

“This permission shall be for a temporary period of 3 years only from the date of this decision. The staging and all associated equipment/works hereby permitted shall be fully removed from the sites and the land restored to its former condition on or before 15th August 2024.”

In order to secure the continued operation of the temporary stage, this application seeks to extend the temporary timeframe of the permission, as set out under condition 1, by a period of five years. This would allow for the use of the temporary stage to be permitted until 15th August 2029.

It is proposed to amend the wording of condition 1 to:

*“This permission shall be for a temporary period of **5 years** only from the date of this decision. The staging and all associated equipment/works hereby permitted shall be fully removed from the sites and the land restored to its former condition on or before 15th August **2029**.”*

Condition 3

Condition 3 states:

“Residential Noise Limits– When measured at any noise sensitive property within 500m of The Stage, the Stage Entertainment Noise Level when measured as an LAeq,15mins shall not exceed the

Background Noise Level without Stage Entertainment Noise measured as LA90,15mins. In the event of validated complaint and/or on written request of the Local Planning Authority (LPA) the operator shall undertake measurements to show compliance and submit these together with details of noise reduction measures to be undertaken to ensure compliance to the LPA within 4 weeks of the LPA making such a request for its written approval. Any necessary mitigation shall be undertaken within 1 month of approval."

Condition 3 requires the entertainment noise levels at the stage to not go above background noise levels. The current wording of Condition 3 diverges from the guidance outlined in the "Code of Practice on Environmental Noise at Concerts". The guidance states that stage noise levels should not exceed background noise level (LA90) by more than 15dBA over a 15-minute period.

This application seeks to amend the wording of condition 3 so that it aligns with the guidance and allows for this flexibility in the noise levels at the stage whilst still remaining within the criteria set out in the "Code of Practice on Environmental Noise at Concerts" guidance.

Proposed wording of condition 3 states:

*"Residential Noise Limits– When measured at any noise sensitive property within 500m of The Stage, the Stage Entertainment Noise Level when measured as an LAeq,15mins shall not exceed the Background Noise Level without Stage Entertainment Noise measured as LA90,15mins **by more than 15dB**. In the event of validated complaint and/or on written request of the Local Planning Authority (LPA) the operator shall undertake measurements to show compliance and submit these together with details of noise reduction measures to be undertaken to ensure compliance to the LPA within 4 weeks of the LPA making such a request for its written approval. Any necessary mitigation shall be undertaken within 1 month of approval."*

Condition 4

Condition 4 states:

"Low Frequency Sound caused by Stage Entertainment Noise in the 63Hz and 125Hz frequency bands shall not exceed 70dB when measured under LAeq,5mins. In the event of a validated complaint and/or on written request from the LPA the operator shall undertake measurements to show compliance and submit these together with details of measures to be undertaken to ensure compliance to the LPA within 4 weeks of the LPA making such a request for its written approval. Measurement shall be taken at the boundary of any noise sensitive residential property within 500m of the stage. Any necessary mitigation shall be undertaken within 1 month of approval."

NOTE: Stage Entertainment Noise Level includes all noise generated by the stage (including, amplified music, soundtrack, and speech), Background Noise Level is the pre-existing noise level without the stage but includes all current park operational noise."

Condition 4 requires a Low Frequency Sound caused by Stage Entertainment Noise to be limited at 63Hz and 125Hz that is not higher than 70dB when measured as an A-weighted value (LAeq,5mins). However, this deviates from the "Code of Practice on Environmental Noise at Concerts" guidance, which states that stage low frequency noise should be measured as an unweighted value (Leq,5mins).

This application seeks to amend the wording of Condition 4 so that it aligns with the guidance.

Proposed wording of condition 4:

*“Low Frequency Sound caused by Stage Entertainment Noise in the 63Hz and 125Hz frequency bands shall not exceed 70dB when measured under ~~LAeq,5mins~~ **Leq,5mins**. In the event of a validated complaint and/or on written request from the LPA the operator shall undertake measurements to show compliance and submit these together with details of measures to be undertaken to ensure compliance to the LPA within 4 weeks of the LPA making such a request for its written approval. Measurement shall be taken at the boundary of any noise sensitive residential property within 500m of the stage. Any necessary mitigation shall be undertaken within 1 month of approval.*

NOTE: Stage Entertainment Noise Level includes all noise generated by the stage (including, amplified music, soundtrack, and speech), Background Noise Level is the pre-existing noise level without the stage but includes all current park operational noise.”

Condition 6

Octoberfest has become a well established and popular series of events at Alton Towers Resort. It takes place in mid September, throughout October and up until the 7th of November. To allow for the use of the stage during the ATR’s Octoberfest, this application seeks to amend the wording of Condition 6 as follows (changes in strikethrough and bold):

Proposed wording of condition 6 states:

*“The stage hereby permitted shall only be used between the hours of 11am to 7pm from 1 February to ~~30 September~~ **31 August** and between 11am to 9pm during **September, October and up to 7 November** and between 11am to 8pm from ~~1 November~~ **8 November to 31 January.**”*

Planning Assessment

The Statutory Development Plan currently comprises the Staffordshire Moorlands Local Plan adopted in September 2020. The Churnet Valley Masterplan – Supplementary Planning Document (SPD) (March 2014) and National Planning Policy Framework (2023) are material considerations in the determination of planning applications at the site.

Principle of Development

The temporary stage will remain as was permitted under the original planning permission. It has been well managed by ATR who is not aware of any complaints relating to its operation. 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 temporary stage has been a popular attraction since its opening and a valuable contribution to ATR’s offering. The installation of the temporary stage has formed part of ATR’s ongoing investment into the Resort following the Covid 19 pandemic and has allowed ATR to continue to contribute to the economic development and tourism aims for the area by acting as a national brand attracting visitors to the area as well as supporting local jobs.

Heritage Matters

The temporary stage was assessed in relation to the heritage significance, and impact on the historic environment and its surrounding setting in the original assessment of the planning application. The Heritage Assessment and its conclusions remain relevant but has been updated to reference current NPPF references (see Annex 2 to this letter).

In summary the assessment identifies 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. 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. Accordingly, the proposed development complies with Local Plan Policy DC2 and other heritage related policies and guidance.

Noise

As part of the original application, the proposals were assessed in relation to noise and were supported by a sound assessment, prepared by Cahill Design Consultants, which concluded that the development was acceptable from a noise perspective. The assessment demonstrated that with the implementation of mitigatory measures the amenity of the nearest residential properties would not be adversely impacted by the proposal.

ATR carefully considered the design approach of the temporary stage during the original application to seek to minimise impacts on its neighbours by using multiple low level localised and point source directional speakers to control the noise. The position and orientation of the stage was also informed by the need to deliver effective noise control with both stages facing away from the closest residential neighbours. The physical structure and positioning of the stage are to remain the same under this application.

The proposed changes to the operational hours comprise a minor alteration. The alterations to the wording of condition 6 would allow for the use of the stage during the month of September and first week of November (until the 7th of November) to be extended until 9pm, which would allow for the use of the stage throughout the Octoberfest period.

This application is supported by an updated sound assessment report, prepared by Cahill Design Consultants. The report demonstrates that noise levels at all defined nearest noise-sensitive receivers are predicted to comply with the adopted criterion outlined in Section 4 and 6 of this report. The temporary stage has operated in accordance with the existing permission and has not raised any objection with neighbouring residents since it has been in use. Mitigation measures have been put in place to ensure that the temporary stage is acceptable from a noise perspective have been accorded with and are effective in managing its operation. The use of the stage until 9pm has been acceptable for the month of October under the existing planning permission and this has not raised any issues or objections during the temporary stage's operation. As such, the extension of the timeframe for use of the stage until 9pm for both September and October and until the 7th of November are not considered to result in any additional impacts in terms of noise.

The proposed changes to the wording of conditions 3 and 4 are to ensure that they align with the guidance within the Code of Practice on Environmental Noise at Concerts. The amendments comprise minor alterations and are proposed in order to ensure that noise levels at the stage are compliant with the criteria set out in the adopted guidance for the duration of its continued use. The updated sound assessment report, prepared by Cahill Design Consultants demonstrates that these changes are minor in nature and that when assessed in accordance with the adopted criteria, based on the Code of Practice on Environmental Noise at Concerts, all noise sensitive receivers are expected to comply with the requirements for appropriate sound levels.

Accordingly, the updated sound assessment, prepared by Cahill Design Consultants, demonstrates that the proposed extended timeframe will not cause an adverse impact to the nearby residents from a noise perspective and is acceptable in planning terms.

Other Environmental Matters

As in accordance with the original planning permission, the proposal will not generate any increase in traffic as those enjoying the entertainment are likely to already be visitors to the Resort. Therefore, the proposed development is not considered to have an adverse impact on the local highway network and will be acceptable in transport terms in line with Policy T1.

Moreover, there are no issues of drainage and flooding, trees or ecology raised. As such, the proposal is compliant with Local Plan Policy NE1 'Biodiversity and Geological Resources'.

Conclusions

The temporary stage makes a valuable and popular attraction at the Resort and forms part of the important contribution that ATR makes to the local economy. The principle of development is supported by planning policy and the proposal is considered to be acceptable from a heritage and amenity perspective.

It is therefore considered that the installation of the stage for an additional temporary five year period and two hours extension of the operational hours in September and one hour extension during the first week of November (until the 7th November) is considered acceptable. Further, the proposed changes to the wording of conditions 3 and 4 so that they align with the criteria in the adopted guidance are also considered acceptable.

We trust the information enclosed and described within this letter provides the Council with the relevant details it requires to validate and determine the application. In the meantime, please do not hesitate to contact me or my colleague Hannah Whitney.



Yours faithfully

A handwritten signature in black ink, reading "A Rigelsford", written over a light grey rectangular background.

Anna Rigelsford
Planner
BA (Hons) MSc

Annex 1: Approved Drawing Schedule

Drawing title	Reference	Scale
Planning Drawings		
Location Plan	373/103/1	1:2500 @A3
Block Plan as Existing	371/103/SUM/1	1:500 @A3
Summer Stage		
Block Plan Existing	373/103/SUM/1	1:500 @A3
Block Plan Proposed	373/103/SUM/2	1:500 @A3
Site Plan Existing	373/103/SUM/3	1:200 @A3
Site Plan Proposed	373/103/SUM/4	1:200 @A3
Site Sections Existing	373/103/SUM/5	1:200 @A3
Site Sections Proposed	373/103/SUM/6	1:200 @A3
Stage Plan Proposed	373/103/SUM/7	1:50 @A3
Stage Roof Plan Proposed	373/103/SUM/8	1:50 @A3
NE (Front) Elevation	373/103/SUM/9	1:50 @A3
SW (Back) Elevation	373/103/SUM/10	1:50 @A3
NW (Side) Elevation	373/103/SUM/11	1:50 @A3
SE (Side) Elevation	373/103/SUM/12	1:50 @A3
Christmas Stage		
Block Plan Existing	373/103/CHR/1	1:500 @A3
Block Plan Proposed	373/103/CHR/2	1:500 @A3
Site Plan Existing	373/103/CHR/3	1:200 @A3
Site Plan Proposed	373/103/CHR/4	1:200 @A3
Site Sections Existing	373/103/CHR/5	1:200 @A3
Site Sections Proposed	373/103/CHR/6	1:200 @A3
Stage Plan Proposed	373/103/CHR/7	1:50 @A3
Stage Roof Plan Proposed	373/103/CHR/8	1:50 @A3
NE (Front) Elevation	373/103/CHR/9	1:50 @A3
SW (Back) Elevation	373/103/CHR/10	1:50 @A3
NW (Side) Elevation	373/103/CHR/11	1:50 @A3
SE (Side) Elevation	373/103/CHR/12	1:50 @A3

Annex 2: Heritage Assessment

Material considerations are the National Planning Policy Framework (NPPF, 2023), Churnet Valley Masterplan SPD (CVM, 2014) and Alton and Farley Conservation Area Appraisal (2008). Other relevant documents include the Alton Towers Conservation Management Plan (CMP, 2012) and Historic England's 'Temporary Structures in Historic Places' (2010).

The relevant legislative and policy considerations are:

- 1 Does the proposal conserve and, where appropriate, enhance the setting, significance and special architectural or historic interest of the affected heritage assets? (s.66(1) of The Act; NPPF Paras 192 and 193; SMLP Policy DC2; CVM Para.8.2 Heritage)
- 2 Does the proposal preserve or enhance the character and appearance of the conservation area? (s.72(1) of The Act; SMLP Policy DC2)

Historic England's 'Temporary Structures in Historic Places' (2010) provides guidance on the construction and use of temporary structures in historic environments. Relevant points are:

- 1 It is important to recognise the 'vital contribution' of events to the 'economic sustainability of our heritage' (p.1).
- 2 It is important to recognise the benefits that would arise from temporary structures, including: making a positive contribution to economic viability, increasing the capacity of historic sites temporarily and preclude the need for more permanent, and potentially harmful, forms of development (pp.7-9).
- 3 Key factors when considering temporary structures in historic environments are: location, physical impact, visual impact, setting, design, duration and season, public access and financial benefits (pp.14-17).
- 5 *'There should not be a presumption against temporary structures simply because they are visible in the historic environment'* (p.14).

Understanding of significance

As required by NPPF para.200, the significance of the heritage assets that may be affected by development is set out below. This is proportionate to the scale of the proposal; which is temporary and reversible in nature.

The summer proposal site (front lawn, Apr-Oct) is within the Alton Towers Registered Park and Garden (RP&G, Grade I), the Alton and Farley Conservation Area (CA) and the setting of Alton Towers (Grade II*) and the Stables (Grade II). Other heritage assets in the vicinity (which mainly comprise Grade II listed garden walling) have are not considered in detail in this assessment as any effects of the proposal would be minimal due to the nature of the proposal.

The winter proposal site (Fountain Square, Nov-Feb) is also within the Alton Towers Registered Park and Garden (RP&G, Grade I), the Alton and Farley Conservation Area (CA) and would be within the setting of Alton Towers (Grade II*). The nearby garden wall to the east of the towers (Grade II) has not

been included as effects are considered to be minimal due to its existing setting and the nature of the proposal.

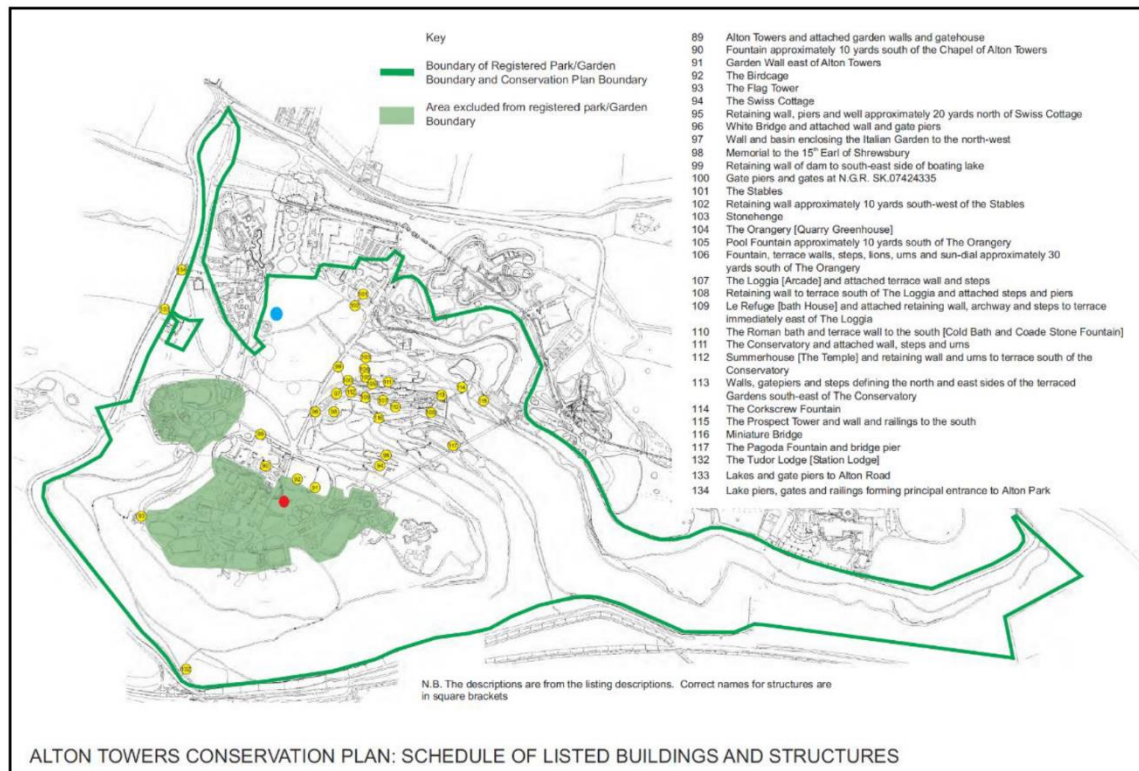


Figure 1 Alton Towers heritage assets with summer season site marked in blue and the winter season site marked in red. The whole Alton Towers site is within Alton and Farley CA (boundary not shown). Source: CMP, Lichfields, 2012

Therefore, the heritage assets relevant to this proposal are listed below and their significance (and contribution of their setting to significance where relevant) is summarised below:

- 1 Alton Towers Registered Park and Garden (Grade I) – The gardens are primarily of historic and artistic interest as an example of carefully-designed, 19th century, picturesque gardens which form the setting for Alton Towers. They became a “Pleasure Ground” from 1981 and were partly transformed into a themepark from the early 1980s when the first major rides were installed. The sloping front lawn, the lake and surrounding landscaping create picturesque views of the Towers.
- 2 Alton and Farley Conservation Area – The Conservation Area (CA) comprises Alton Towers and parts of the villages of Alton and Farley. The significance of the Area lies principally in the high concentration of heritage assets which demonstrate the historic development of the area and has high historic, architectural and archaeological interest. The development of the Alton Towers estate by the Earls of Shrewsbury is an important part of the historic development and significance of the area. The Conservation Area is on Historic England’s Heritage at Risk Register (CA Survey Uid: 453).

- 3 Alton Towers (Grade II*) – Predominantly of architectural and historic interest as a former grand, gothic revival country house largely constructed between 1811-1852 with a 17th century core. The development of the buildings by a series of prominent architects, in particular A. W. N. Pugin and E. W. Pugin, is a key element of its significance. The site was derelict at the time of listing and is included on the Heritage at Risk Register. The landscaped setting and key views from the north across the front lawn and lake to the main façade of the Towers contribute to its significance. While many of the rides and theme park structures are separated and screened from the Towers, its wider setting within the theme park is appreciable at Towers Street and Fountain Square.
- 4 Stables (Grade II) – Predominantly of architectural and historic interest as early 19th century stables which sit across the lake and front lawn from Alton Towers. Its significance is linked to its historic association to the Towers and use of a gothic revival architectural style. As such, the landscaped gardens and visual relationship to the Towers are key elements of its setting. Its wider setting within a theme park is appreciable from the activities nearby and incorporated within it, and its proximity to Tower Street.

Effects

The proposal would be a totally demountable stage structure (approximately 8.7m x 13.8m x 12.3m) with associated demountable benches for the audience. It would serve as a temporary location for events seasonally for 5 years and would assist in ATRs recovery due to the impacts of Covid-19 on its operations (the full rationale behind the proposal is detailed elsewhere in this cover letter). By virtue of its temporary and demountable nature, it would be a completely reversible alteration to the RP&G, CA and settings of identified listed buildings.

For the summer season (6.5 months), the stage would be on the north-west side of the front lawn, to the south of Towers Street and partially screened behind an existing modern building. It would be characteristic of the theme park activities in this location, concentrated at Towers Street and the south and west sides of the front lawn. While it would be visible in views from Towers Street to the Towers, it would not challenge the prominence of the Towers in the landscape: its height (roughly a 2 storey building) would not compete with the height/massing of the Towers, particularly as the topography of the site rises up towards the Towers; and the site would be partially screened from the Towers. Key views would still be appreciable from alongside the lake and from Towers Street over the seating area, and would not be affected for 5.5 months of the year. The effects on the RP&G and CA would temporary and seasonal. The proposal would be clearly temporary in design and appearance and characteristic of the wider theme park activities within and in the setting of identified heritage assets.

For the winter season (4 months), the stage would be in Fountain Square to the south east of the Towers and screened from the wider site by the tall garden walls and surrounding foliage (largely evergreen, some deciduous). It would be characteristic of the theme park structures already in this location, the use of the square for events, and its role as a key route through the site to theme park attractions to the south. It would not affect key views of the Towers, nor detract from its dominance in the landscape due to the comparative height and massing. As with the summer season, it would be clearly temporary in design and appearance and completely demountable and reversible.

As highlighted in the HE guidance on temporary structures, the benefits of temporary structures must be recognised which here include: the positive contribution to economic vitality of the Towers which would subsequently ensure the continuing conservation of heritage assets following a difficult year due to Covid-19; and temporarily increasing capacity without introducing permanent forms of development within or in the setting of heritage assets.

As such, the stage and seating would be a temporary seasonal addition which would be totally demountable and reversible. While it would be within the RP&G, CA and the setting of the Towers for both seasons, the effects of each season would be different and both are deemed to be acceptable, therefore the proposal is not anticipated to lead to any harmful cumulative effects or long-term effects on the significance or setting of affected heritage assets. It would be characteristic of the theme park activities within the RP&G, CA and setting of identified listed buildings, and has been sensitively sited to be considerate of key views of the Towers. Its temporary addition would allow for benefits such as increased event space and site capacity in a sensitive and reversible way.

In summary:

- 1 Does the proposal conserve and, where appropriate, enhance the setting, significance and special architectural or historic interest of the affected heritage assets?

Yes. The significance and setting of all identified heritage assets would be preserved due to the temporary, seasonal and reversible nature of the proposal.

- 2 Does the proposal preserve or enhance the character and appearance of the conservation area?

Yes. The proposal would be characteristic of existing theme park activities within the CA and the temporary and reversible nature would preserve the character and appearance of the CA.