

DELEGATED DECISION REPORT

SMD/2024/0016
Valid 12/01/2024

ALTON TOWERS FARLEY
LANE
FARLEY

APPLICATION FOR VARIATION
OF A CONDITIONS 1, 3, 4 AND 6 IN
RELATION TO APPLICATION
SMD/2021/0330
RE:INSTALLATION OF A
SEASONAL TEMPORARY STAGE.

(FULL - MINOR)

MAIN ISSUES

- Impact on heritage assets (Listed buildings including the principle Grade II* Listed Alton Towers, associated Grade 1 Registered Park and Gardens and the Farley and Alton Conservation Area)
- Impact on residential amenity arising from noise

DESCRIPTION OF SITE

The application concerns two sites within Alton Towers; the 'summer' site is part of the large lawn to the north of the Grade II*Listed Towers and lake and the second, the 'Winter' site is located in Fountain square.

PROPOSAL

The application is a Section 73 seeking to amend conditions the effect of which will be to extend the time frame of this 3 year temporary period which expires on or before 15th August 2024 for a further 5 years. It also includes alterations to the operational hours to allow for longer opening during September and the first week of November for Octoberfest. The application says that the ongoing use of the stage will enable guests to continue to benefit from its shows and events and help the applicant to continue to recover from Covid and attract visitors to the site, which they say has wider economic benefits to the area.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (adopted September 2020)

SS1 Development Principles
DC1 Design Considerations
DC2 Heritage
SD 4 Pollution
E4 Tourism and Cultural development
SS11 Churnet Valley Strategy

National Planning Policy Framework

CONSULTATIONS

Publicity

Site Notice expiry date: Expired
Neighbour consultation period ends: Expired
Press Advert: Expired

Public Comments

None

Alton Parish

No objection

Environmental Health

No objection subject to conditions

Conservation Officer

Whilst the principle or idea of a temporary stage poses few issues, the repeating of a temporary permission in fact simply creates a permanent addition.

I have viewed the photographs of the area, and notwithstanding my visit to the site over 12 months ago, the up to date photographs show a very damaged and tired area not looked after once use of the stage has ceased between performances or events. The photographs depict accurately the exposed vicinity in direct relation to the approach to the frontage of the Towers themselves, adjacent listed buildings and extensive associated setting. It is concerning to see additional platform walkways installed onto the ground to facilitate use, this shows accelerated damage and unsightly conditions unbecoming to a historic designed parkland.

Additional block plans show the stage and accessories to have a winter placement among features at Fountain Square. This placement offers some cohesion to this concept as it has *some* relationship between other small buildings of a similar nature to facilitate visitors and users such as W/C, food and drink building and offers a simple but interesting layout. However, it does not appear the winter placement is ever engaged.

Due to the damage and severe deterioration of the landscape in this open vicinity, with no clear mitigation or management of this, it is creating a depreciated 'gap' in the landscape and therefore setting. In terms of heritage harm due to this visual disruption and lack of care resulting in further damage this would equate to a level of harm. Whilst this may be on the lower end and there may be few public benefits to the concept of a pop-up stage, it is advised that a temporary permission should now have a clear end date and that the winter placement is utilised in the interim to provide some relief to this area. It is clear from the images that this vicinity potentially may not recover fully this year due to the time of season and consequently it will receive additional deterioration before the new year. The latter does not have the preservation of a historic landscape in mind.

I suggest inviting condition to confirm confirmation that winter placement of the pop-up stage will be engaged as advised above. A clear end date for this structure and its set up must also be confirmed. In addition to this, a short programme of repair and maintenance for this vicinity once the end date of use has been reached, to ensure this area of the park returns to its original condition to relieve the current physical harm imposed and harm on the setting and views.

OFFICER COMMENTS

Principle of further temporary permission

1. When temporary permission was granted in 2021 it was against the backdrop of the Covid Pandemic. The justification put forward at the time by the applicant related to the challenge caused by the pandemic which had significantly impacted its operation. It was said that the concept of providing an outdoor stage has been developed to respond to the 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 (the work was in fact carried out retrospectively). The applicant also pointed to the 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) which had come into force which permitted 'moveable structures' within the curtilage of listed buildings operated as historic visitor attractions until 1 January 2022. The applicant said this underlined the importance the Government was placing on supporting attractions within historic environments to recover from the pandemic and demonstrated the context within which the scheme had come forward.

2. Advice on the use of temporary conditions is provided in the PPG. It confirms that such a condition may be appropriate where, as in this case planning circumstances will change at the end of the period and/or where a trial run is needed in order to assess the effect of the development on the area. It goes on to say that it will rarely be justified to grant a second temporary permission as is being proposed here. Further permissions can it says be normally granted permanently or refused if there is clear justification for doing so

3. The concern that a further temporary permission was being sought at odds with national guidance was put to the applicant for comment. In their e-mail dated 5th March 2024 the Agent provided the following justification for the proposal:-

- a) The impact that Covid has had on visitor numbers and income. A further temporary permission will assist with the applicant's Covid recovery
- b) Alton Towers are preparing a long term plan which will look at whether there are alternative longer term solutions – this is a lengthy and costly process
- c) It's a valuable and popular attraction

4. Although all worthy points in their own right they are not considered to demonstrate a clear or exceptional case for the grant of a further temporary permission. This matter is returned to below in the conclusion and planning balance below.

Heritage

5. LPA's have a statutory duty under Section 66 of the 1990 Act to have special regard to the desirability of preserving a Listed building or its setting or any special architectural or historic interests which it possesses. Policy DC2 also seeks to conserve and enhance where possible heritage assets including their setting.

6. In assessing the 2021 application the Council took full account of and gave weight to the circumstances outlined in points 1-3 above. In her comments of the 28th June 2021 the Conservation Officer referred to the temporary provisions introduced under the GPDO Coronavirus 2021 to facilitate temporary structures within the curtilage of historic visitor attractions until January 2022. She acknowledged that there would be minor harm to the setting of heritage assets but as a temporary measure raised no objection.

7. The staging has now been operational for 3 years and its heritage impact can be clearly judged on site. It is considered that the makeshift nature of the staging, its size, its outer sheeting and the associated concentration of chairs/tables/roped areas create harmful visual

clutter and visual disruption to the setting of heritage assets in both Summer and Winter locations.

8. In the Summer location the staging and seating area is positioned on the large open lawns which, together with the lake form part of the extensive setting to the Grade II* Listed Alton Towers and contribute to its significance. There is, regrettably, evidence of severe deterioration of the landscape. This is not only due to the makeshift nature of the staging itself and visual clutter as noted above but, as the Conservation Officer notes, there is a very damaged and tired lawn area which is not being looked after once use of the stage has ceased between performances or events. Indeed on the Officers site visit it was concerning to note additional platform walkways installed onto the ground to facilitate use. As the Conservation Officer notes this shows accelerated damage and unsightly conditions unbecoming to a historic designed parkland.

She says that the site photographs depict accurately the exposed vicinity of the site in direct relation to the approach to the frontage of the Grade II* Listed Towers themselves, adjacent listed buildings and extensive associated setting. Her advice is that as a result of visual disruption and lack of care and damage to the landscape in this open vicinity with seemingly no clear mitigation or management, there is harm to the setting of the Grade II * Listed buildings. She judges this to be at the lower end of ' *less than substantial harm*' but as she says there may be few public benefits to the concept of a pop-up stage to outweigh this harm.

9. The conclusion is that there is some heritage harm and hence conflict with Policy DC2 and the NPPF

Noise

10. The application is accompanied by a Sound Assessment report by Cahill Design consultants ref REVISION 1.2 – DEC-23. The Environmental Health Officer has reviewed this and discussed with the applicant's consultant. He says that the advice set out in the assessment can be accepted but there are concerns about the impact to residents on Wooton Lane and that music noise levels should not be allowed to significantly exceed background sound levels. In addition he says that the low background noise levels in the locality should be protected. He is recommending conditions, the majority as previously imposed but a new one to secure an updated/new background noise survey within 3 months of the date of the permission.

11. With these in place it is considered that residential amenity can be protected and there is compliance with relevant parts of Policy SD4 and the NPPF

CONCLUSION / PLANNING BALANCE

12. For the reasons outline above there is heritage harm. It is considered to be at the lower end of *less than substantial* but it is harm nevertheless. In this case it is difficult to attribute public benefit to outweigh the harm. There is conflict with Policy DC2 and para 208 of the NPPF.

13. When the Council considered the original application in 2021 (SMD/2021/301) it was very much against the backdrop of the Covid pandemic and trying to support the applicant in their recovery plan by providing this outdoor attraction which enabled social distancing etc. At the time the government also relaxed, for a temporary period, permitted development rights for temporary structures in the grounds of historic visitor attractions. In reaching the decision to grant a temporary permission consideration and weight was given to these matters. Circumstances are however now changed. The Covid pandemic has passed. The temporary rights have ended and Government advice is very clear, that it will rarely be justifiable to grant a second temporary permission. In this case the applicant's request for a further 5 years would bring the total to at least 8 years as the 2021 application was retrospective, tantamount to a level of permanency and with inherent heritage harm. However being mindful of the Agents e-

mail of the 5th March 2024 which confirms that the applicant is in the process of preparing a long term plan to recover from Covid which will consider alternative longer term solutions for the staging, rather than reject the application, a further 18 months from the expiry of the existing permission be given to 15th February 2026. The applicant is now agreeable to this.

OFFICER RECOMMENDATION :

Approve

Case Officer: Jane Curley

Recommendation Date: 25.4.2024

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council