

C/O

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C/O

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Application no: SMD/2014/0107

Determined on: 22/05/2014

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2010**

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 FARLEY LANE FARLEY STAFFORDSHIRE ST10 4DB

Description of Development:

Development of 61 double lodges and 10 tree houses with associated restaurant and service buildings, play areas, hard and soft landscaping, parking and drainage works.

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 permitted shall be carried out in accordance with the following approved plans:

373/85 1, 2A, 3B, 3.1A, 4B, 5A, 6C, 7C, 8A, 9, 10, 11, 12, 13, 14, 15, 16, 17

ATS-PL-206D, 207C, 208A, 209C, 213

ATR JTA PR AL 050 P8, 200 P4, 210 P2, 300 P5, 310 P5, 320 P5, 100 P4, 101 P3, 110 P1 and 111 P1.

Reason:- For the avoidance of doubt and in the interests of proper planning.

3.The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

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

the risk of pollution.

4. The lodges and tree houses hereby approved shall not be occupied until the areas shown on the approved plans as Play areas have been laid out in accordance with details which shall first have been agreed in writing by the Local Planning Authority in the interests of the character and appearance of the Conservation Area.

5. Prior to any of the lodges and/or tree houses being occupied, a scheme of external lighting shall be submitted to and approved in writing by the LPA. The submitted scheme shall include evidence that it is approved by an ecologist in relation to its impact on bats. The lighting scheme shall subsequently be installed in accordance with the agreed details

Reason:- To protect the character and appearance of the Conservation Area and bats

6. Prior to the commencement of the development a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and on site interpretation. The Scheme shall thereafter be implemented in full in accordance with the approved details.

Reason:- To safeguard archeological interests

7. Prior to the commencement of the development hereby permitted, a Management Plan for the immediate conservation and long term preservation of the Deer park wall and its accompanying ditch between points A and B on Drawing no 373/85 17 shall be submitted to and approved in writing by the Local Planning Authority. The Management plan should include:-

- a) A schedule of works for the full consolidation, repair and long term conservation of the wall and earth work ditch
- b) Proposals for the management of vegetation on and close to the wall to include a detailed ecological appraisal of the species present, any implications arising thereof and details of proposals to avoid or minimize disturbance
- c) A timetable for the implementation of the works
- d) Responsibilities for continued management.

The development shall thereafter be carried out in complete accordance with the agreed works, details and timetable.

Reason:- To ensure the long term conservation of these heritage assets and to protect habitats

8. The machinery, plant or equipment including air condition and ventilation, pumping systems ("machinery") installed or operated in connection with the carrying out of this permission 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 [5 mins] during night time (night time 23:00-07:00 hours) at the off-site noise sensitive locations as identified in the Atkins Noise Assessment (February 2014) above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

Reason: To protect the local amenities from noise

9. Any amplified sound system used in connection with this permission shall be installed with

a suitably calibrated noise limiter so as to prevent the transmission of noise and vibration into any neighbouring premises. The details of the noise limiter should be submitted to and approved by the Local Planning Authority. This noise limiter should be maintained in accordance with manufacturer's instructions.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution. No amplified music shall be played outside buildings.

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Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

11.The design and construction criteria for development of the relevant buildings/premises shall have regard to 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 the off-site noise sensitive locations identified in the Atkins Noise Assessment (February 2014). Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

Reason:-To protect the local amenities from noise.

12.The proposed residential accommodation including lodges and tree house should be constructed and sound insulated so as to achieve internal noise levels for daytime Laeq16hr at 40dB and night time Laeq8hr 35dB.

Reason: To protect occupiers from noise and safeguard their residential amenities

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 should not commence further 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 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 approval in writing of 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.Unless prior permission has been obtained in writing from the Local Planning Authority, 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 is permitted 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.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

15. The lodges and tree houses hereby approved shall not be used for any purpose other than for short stay lets, not exceeding four consecutive weeks at a time.

Reason:- To define the permission

16. Before the commencement of development, including any site clearance establishment and stripping, temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be 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 ref THL-R14/4, and shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, 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 LPA.

Reason:- To protect the trees on site during construction in the interests of the character and appearance of the Conservation Area

17. Before the commencement of development, including any site clearance establishment and stripping, full details of all footpaths, service and guest access tracks and footbridges shall be submitted to and approved by the LPA. Such details shall in particular show construction specifications and working methods where such structures and features are proposed within the root protection area of existing trees, and shall be designed to avoid or minimise any impact on trees and on the Deer Park wall. Following approval required under this condition, these structures and features shall be constructed only in full accordance with the details so approved.

Reason:- To protect the trees on site and the Deer Park wall (a heritage asset) during and after construction and in the interests of the character, appearance and integrity of the Conservation Area

18. Notwithstanding the submitted landscaping details no development shall take place until a fully detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include positions, species, planting sizes and densities/numbers of plants/trees. The scheme should include for planting within the woodland to the south. The development shall thereafter be carried out strictly in accordance with the agreed details and shall be implemented in full accordance with the phasing plan and timetable agreed under Condition 27. 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 ensure an acceptable landscaping scheme in the interests of the character and appearance of the Conservation Area

19. Prior to the commencement of development full construction details of the stilted supports for the tree houses including their position shall be submitted to and approved in writing by the LPA. The development shall be carried out strictly in accordance with the agreed details. The submitted detail should demonstrate that the supports and any associated excavation will not affect the Deer park wall and associated ditch.

Reason:- To protect these heritage assets and in the interests of the integrity of the Conservation Area and Registered Park and Garden.

20. Prior to the relevant parts of the development commencing samples of all facing and roofing materials shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason:- To ensure an acceptable external finish in the interests of the character and appearance of the Conservation Area.

21. Prior to the relevant parts of the development commencing detailed worked drawings of the following building details shall first be submitted and approved in writing by the Local Planning Authority;

- chimneys
- windows and doors
- decked areas

The development shall be carried out strictly in accordance with the agreed details

Reason:- To ensure an acceptable external finish in the interests of the character and appearance of the Conservation Area.

22. A construction method statement detailing the times and routes of construction traffic so to avoid peak traffic times from the park shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Development shall thereafter proceed in accordance with the agreed details

Reason:- To comply with NPPF Policies; in the interests of the efficient use of the highway; to safeguard rights of way and in the interests of pedestrian safety

23. No part of the development permitted by this consent shall be occupied until a revised, extended and updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be an extension of that implemented for the earlier hotels on the Alton Towers site but to include the development hereby permitted. 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 on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Reason:- To comply with NPPF Policies and in the interests of the efficient use of the highway; to safeguard rights of way and in the interests of pedestrian safety

24.. Prior to the installation of the approved fencing, details of badger gates to be installed in the fencing shall first be submitted to and approved in writing by the Council. The approved gates shall be put in place before any part of the development hereby approved is brought into use.

Reason:- To ensure protected species are safeguarded and in the interests of biodiversity

25. The development shall be carried out in full accordance with the Recommendations and Mitigation set out in Chapter 5 of the submitted Preliminary Ecological Appraisal prepared by Staffordshire Ecological Services Ltd and dated 30th January 2014.

Reason:- To ensure protected species are safeguarded and in the interests of biodiversity

26. There shall be no clearance of trees and/or shrubs between March and September unless it has first been confirmed in writing by a suitably qualified ecologist that no breeding birds are present

Reason:- To protect breeding birds.

27.No development shall take place until a phasing plan has been submitted to and approved in writing by the LPA setting out the order in which the development (including landscaping) is to take place and to also include an implementation timetable for the landscaping scheme approved under Condition 18. The development shall thereafter be carried out in accordance with the approved details.

Reason:- To ensure the delivery of all facets of the development in the interests of securing a satisfactory form of development and in the interests of the character and appearance of the Conservation Area.

Informative

1.The Council has negotiated a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2.There is a public footpath adjacent to the 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.

3.This permission should be reading conjunction with the corresponding Unilateral Agreement dated 21st May 2014

4.The applicant is reminded of his legal responsibility in relation to bats, a European protected species, when carrying out any pruning/other work to trees authorised by this permission.

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.