

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 March 2020

Application No:	SMD/2019/0695	
Location	Alton Towers	
Proposal	Change of use of land for seasonal car parking together with associated surfacing, drainage, levelling and landscaping works and surfaced internal access route.	
Applicant	Merlin Attractions Operations Ltd (Alton Towers Resort)	
Agent	Lichfields	
Parish/ward	Farley	Date registered 21/11/19
If you have a question about this report please contact: Jane Curley tel: 01538 395400 ex 4124 Jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This is a major application.

1. SUMMARY OF RECOMMENDATION

Approve with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site is part of the Alton Towers estate albeit that it lies beyond the developed theme park and hotels and has no visual or direct physical relationship with either. It reads very much as part of a larger area of extensive open parkland. The site is visible to the north of the main spine road which runs through the Resort from the main entrance and leads in a south easterly direction ultimately to car park J and the Enchanted Village and Star gazing pods.

2.2 The site lies within the Alton and Farley Conservation Area. It is outside the Registered Historic Park and Garden and beyond the visual setting of any Listed buildings. To the east of the site, just outside of the application site is part of what is understood to be the medieval deer park wall. It is a non designated heritage asset. The site comprises a grass field which the applicant says has been regularly mowed. It is part of a wider area of land known as The Meadows and has been used for temporary overflow parking (28 days per annum) for many years under the General Permitted Development Order.

2.3 The land falls in a south easterly direction. The application indicates contours of 170.50 AOD in the northwest falling to 163 AOD towards the south eastern boundary. The site is bordered on all sides except to the west by belts of mixed plantation woodland and broadleaved woodland with an area of dense scrub in the southeast corner. There are a number of mature trees within the site. Two public footpaths cross the site, Farley 25 and Farley 42.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks permission to surface part of the site to provide capacity for 880 defined parking spaces for use on a seasonal basis of up to 50 days per annum.

3.2 The applicant states that the 50 day use is necessary to cater solely for summer peak periods and also for seasonal events such as Scarefest, Fireworks, Schools fortnight. On these occasions it says that the availability of all parking sites is key to the successful management of parking demand. Due to the seasonality of such events, particularly Scarefest (October) and Fireworks (November) the weather can play a key role in this issue.

3.3 The application shows that the land will be regraded and the ground for the parking area will be reinforced using a 'Sudspave' surface. The Sudspave product is a cellular paving system consisting of a plastic lattice crate, laid on a stone sub-base. The plans confirm that the roads and aisles would be filled with green gravel and grass infill; the parking bays with topsoil and grass infill. Tarmac will be restricted to the stretch of access road linking the parking area to the existing spine road. A new porous gravel pathway is shown along the southern boundary. The applicant says that a similar system is used successfully at Legoland Windsor (photos supplied) and that the limited use of the parking area (no more than 50 days per annum) will allow the grass to establish. As part of the Sudspave installation, soil removal and levelling will be required within the car park area. Excess material will be moved to the western part of the application site as described below. There is an existing track leading into the site through woodland from the spine road to the south. The intention is that this would be upgraded, tarmacked and would form the access to the car park

3.4 Member's attention is drawn to the unusual shape of the red line application site. It has been drawn in this way to include two areas to the west of the proposed car park which will be used for the 'fill' created from the 'cut' of the land to create the car park platform as described above. The two areas of fill are as follows:-

Fill Area 1 – is described in the application as an anomaly in the landform left by a previous filling operation. It will be smoothed out with depths of fill varying between 0m and 1.64m at slopes of between 1:15 and 1:5.

Fill Area 2 - contains an existing pine tree which will be removed. The depression that it occupies will be filled with depths varying between 0m and 5.3m at slopes of 1:12 and 1:5.

3.5 A plan submitted with the application shows historic fill in this area relating to the Alton Towers Hotel development in 1994 and in 2002 fill associated with Splash Landings hotel. The application described the fill as smoothing the profile of the land left by previous fill operations. The Cut and Fill Areas plan indicates that the total area of cut of 23 380 sq m at 400mm deep will give 9359m³ of which 8176 m³ will be spread over Fill areas 1 and 2. 1174 m³ will be retained and mixed with the valuable grass and spread over the new car park – see further detail in ecology section below. The application notes that if the total cut were spread evenly over the fill area it would be approx. 1.43m deep.

3.6 The applicants say that current site levels and poor drainage mean that during bouts of heavy rain safe parking and vehicular movement is difficult and that the site does not meet the requirements of guests who expect better quality parking facilities for a major national theme park.

3.7 The applicants set out a number of matters which they say amount to the public benefits of the proposal. They are as follows:-

- The existing grass overflow car park provides poor quality parking facilities which are not safe to use following inclement weather. The proposals will create a new high-quality surface that is fit for purpose and safe to use during inclement weather. This will avoid the need to turn guests away when the car park is not safe to use.

- The quality of car park that will be provided will meet the expectations of guests visiting a national theme park – the current facilities fail to achieve this.
- The existing access and flow of traffic in and out of the car park, will be enhanced through a widening of the access road and improved visibility splays.
- The addition of this carpark will enable visitors to park more quickly on busier days, consequently moving traffic off the highway more effectively.
- The proposed development will provide a long-term management regime for the meadow and will enhance the ecology of the site.
- New parkland trees are also proposed which will replicate the historic parkland setting.
- New drainage that addresses flooding risks and takes climate change into account will be provided. This will enhance the current drainage on site and reduce flood risk of the site and its surroundings.

3.8 The application is accompanied by the following documents; Design and Access Statement, Heritage Impact Assessment, Archaeology Desk Based Assessment (below ground heritage), Landscape and Visual Impact Assessment, Arboricultural Impact Assessment, Ecological Assessment, Flood Risk Assessment and Drainage Statement, Noise Assessment, Transport Statement and Ground conditions report. As usual Members are encouraged to read these documents ahead of the meeting.

3.9 The applicant engaged with the Council and sought pre application advice. This application follows extensive discussion/negotiation which involved the Councils Conservation Officer, Trees and Woodland Officer and representatives from the Staffordshire Wildlife Trust.

4. RELEVANT PLANNING HISTORY

SMD/2017/0077 Landscaping works on 'field O' of the meadows, including draining and regrading of land and creation of bunds with structural planting/landscaping. Withdrawn

SMD/2012/1047 Phased development of 150 lodges, associated reception/restaurant and servicing buildings at Alton Towers Resort, along with hard and soft landscaping, disabled car parking, and associated drainage works. Withdrawn

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6C Rural area strategy
- SS7 Churnet Valley Strategy
- DC1 Design Considerations
- DC2 Heritage
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

Emerging Staffordshire Moorlands Local Plan

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Heath, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.

- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight.

Emerging Policies

The following policies are considered to be relevant to this application:

SS1 Sustainable development
 SS10 Rural area strategy
 SS11 Churnet Valley Strategy
 SD4 Pollution and water quality
 SD 5 Flood Risk
 DC 2 Heritage
 DC 3 Landscape impact
 SS7 Churnet Valley strategy
 NE1 Biodiveristy
 NE2 Trees woodland and hedges
 T1 Sustainable transport

Churnet Valley Masterplan

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: 25th December 2019

Site Notice expiry date: 8th January 2020

No neighbour comments have been received.

Alton Parish Council

No objections

Farley Parish Council

Comments awaited

Heritage England

Comments awaited

Trees and Woodland Officer

Comments awaited

Conservation Officer

This site lies within the Alton and Farley Conservation Area within historic parkland. The site is outside the Registered Historic Park and Garden and beyond the visual setting of any Listed Buildings. An historic wall lies to the east of the application site and bears all the characteristics of the medieval deer park wall as well as being a boundary which can be traced back on all the historic plans

The creation of the hard-surfaced parking will cause some harm to the character and appearance of the Conservation Area because of the levelling of the land, the laying out of the Sudpave system (plastic grids) and ancillary works. Whilst this is only for a temporary use there will be some visual harm at close quarters even when no cars are parked on it. In accordance with the NPPF this is less than substantial harm and will need to be balanced by the public benefits of the scheme including securing its optimum viable use (which could be interpreted as maintaining the historic estate as a whole). Note that the planting of some new trees will help replicate the landscaping of the parkland setting but requests that in order to help mitigate some of the heritage harm from the hard-surfacing of the car park that a scheme is submitted to renovate the deer park wall along its eastern length.

Conservation Liaison Panel

No objection subject to approval of materials to be used to ensure that they blend with the grass. Support the landscaping proposals. Consider that the deer park wall should be repaired as part of the proposal. The wall is an important historic feature in a neglected condition and must be restored not fenced off and left to decay. Restoring the wall would help offset some of the heritage harm

County Archeologist

Comments awaited

County Mineral and Waste

No comments to make.

Staffordshire Wildlife Trust

No objection subject to conditions

Environmental Health Officer

Comments awaited

Local Highway Authority

Comments awaited

Environment Agency

No comment, the proposal has low environmental risk

Local Lead Flood Authority

No objection subject to condition securing a surface water drainage scheme.

Severn Trent Water

Advise that as the proposal has minimal impact on the public sewage system – no objection

7.

OFFICER COMMENT AND PLANNING BALANCE

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted

Principle of development

7.3 This is a greenfield site, part of the much larger Alton Towers resort. As noted above the application site lies to the north of the main internal spine road which currently marks the boundary between the 'commercial' resort to the south and the undeveloped open parkland to the north. The application site is physically detached from other development at the resort and has no visual relationship with it.

7.4 The site lies within the Churnet valley. Policy SS7 sets out the Strategy for the Churnet Valley and confirms that it is an area where sustainable tourism and rural regeneration will be supported. Of relevance to this application, it refers to the following forms of development – provision of compatible new tourist facilities; measures to enhance, protect and interpret heritage assets; and actions to protect and enhance the biodiversity of the Churnet valley. It says that a Masterplan will be produced to guide the detailed planning and management of the area and that further development at Alton Towers will be considered as part of this.

7.5 In the adopted Churnet Valley Masterplan (CVMP), which is a material consideration of weight, the Alton Towers Resort is identified as an Opportunity Site. The Development strategy refers amongst other matters to new (replacement) parking areas with enhanced landscaping (para 7.7.6). The Concept plan identifies a number of zones and sets out measures which are considered appropriate within these zones. The application site lies within Zone 11 – Area of Sensitivity/Limited Development Potential. It says that significant areas within this zone are used for overflow car parking. It says this zone has limited potential for development and that any potential future development must be sensitive to the historic parkland and biodiversity of the area including where necessary provision of off site mitigation of the SBI (Local Wildlife Site) as well as on site enhancement and management. It says that this is a visually open area to the north. It refers to the southern boundary of this area offering a natural break in development.

7.6 For these reasons the development of this land as a seasonal car park for up to 50 days per annum has 'in principle' policy support arising from Policy SS7 and the CVMP. Key issues to consider are the impact on the character and appearance of the Conservation Area, impact on biodiversity, impact on landscape character and impact on highway safety. These matters are discussed under the various sub headings below.

Impact on the character and appearance of the Conservation Area

7.7 Policy DC2 and the NPPF confirm that heritage assets should be protected and enhanced wherever possible. In addition the Council has a statutory duty under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas when exercising its planning functions.

7.8 A Heritage Impact Assessment was submitted with the application. This concludes that the site is not an important area of historic landscape and that development would have a negligible impact on the significance of the Conservation Area, given that the site is already in use as an overflow car park; that it will provide high quality parking space; that most trees are retained and that there is provision of soft landscaping for the car park area. It says the rural character of this part of the Conservation Area would be retained and that when in use for a small part of the year it would appear as part of the established character of the eastern part of the site with large amounts of car parking and hotel development. It notes the section of stone boundary wall to the east which it states is in poor condition but agrees that it is a Non designated heritage asset. It says that even if the Council consider the impact on the Conservation Area to be 'less than substantial' then the public benefits are overriding.

7.9 The Conservation Officer has considered the application. She considers that the open parkland setting and connection with the medieval deer park and associated features (wall and historic veteran parkland trees) would give the site a higher level of significance than suggested by the applicant. She refers to the site having a much more flat and engineered appearance once works are completed. Her advice is that this will cause some harm to the character and appearance of the Conservation Area even when cars are not parked on it as a result of the levelling of the land, the laying of the Sudpave system (plastic) and ancillary works. On the positive side she notes that some new trees will be planted to benefit landscape character with locations based on historic OS map locations and that the site will only be used for up to 50 days per annum. Considering these matters together she finds the harm to be 'less than substantial' in terms of para 196 of the NPPF. In these circumstances para 196 says that this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The Conservation Officer says this could be interpreted as maintaining the historic estate as a whole. In addition to the planting of new trees to replicate the landscaping of the parkland setting she also requests that to help mitigate some of the heritage harm that a condition be imposed to secure a scheme for

repairs to that part of the deer park wall which lies directly adjacent to the eastern boundary of the application site. The applicant is agreeable in principle to this.

7.10 The applicant sets out in the Planning Statement a series of matters which he says amount to the public benefits stemming from the proposal. These are set out above. Whilst not all of these are considered to be 'public benefits' it is recognised that this proposal will provide a quality parking area more befitting of a national theme park. It will reduce potential issues on the public highway by providing a more efficient internal flow of traffic and parking of cars. It is also recognised that the applicant must continue to attract visitors to the Resort by providing quality facilities and thereby generating an income stream, some of which is then reinvested to maintain the built heritage at Alton Towers.

7.11 The judgement is that the 'less than substantial' harm is outweighed in this case by the public benefit of maintaining the historic park and that with conditions in place to secure the tree planting/ landscaping including tree planting to replicate historic parkland tree positions and to secure the repair of part of the deer park wall to help mitigate some of the heritage harm that there is compliance with Policy DC2 and the NPPF.

Biodiversity

7.12 The application is supported by an Ecological Assessment. A Tree Inspection of the Scots Pine proposed for felling and located with proposed Fill area 2 was submitted during the processing of the application. The Ecological Assessment confirms that the Saltersford Lane Meadows SSSI is located approx. 1.4km to the south of the site. The applicant's assessment considers that as a result of the distance between the site and the SSSI and the nature of the proposed development the potential for any adverse impact on the SSSI is negligible. This is agreed. The application has been reviewed by Staffordshire Wildlife Trust on behalf of the Council. The Trust was also involved in pre application discussions with Officers and the applicant.

7.13 The proposed development is situated within the Alton Park Site of Biological Importance (Local Wildlife Site) which is designated for its wood pasture; mature and veteran trees scattered in a grazed grassland setting. Veteran trees are considered an irreplaceable habitat in their own right. SWT advise that the aim of any development should be that in the long term, all areas affected will still meet the LWS criteria and remain part of the designated site, while ideally enhancing the habitats from the current baseline.

7.14 The submitted Ecological Assessment recognises that there will be an impact on the LWS arising from the levelling works to form the car park and loss of species rich grassland. To mitigate for the loss of this existing grassland two main measures are proposed. Firstly, the existing species-rich grassland in the western part of the proposed car park (identified as Target Note 16 in the Ecological Assessment) to be removed during construction works will be re-used to help develop species-rich grassland. It will be mixed with sand to provide a free draining base which will then be allowed to regenerate as species rich grassland within the new car park. Secondly the excess subsoil removed from the car park area to the two areas of 'Fill' at the far western part of the application site will be sown either with a wildflower grassland seed mix or with green hay (or locally collected seed) collected from an appropriate nearby site in association with the Council/Staffordshire Wildlife Trust. This will introduce species-rich grassland into the parts of the site outside of the new car park area. The Assessment advises that post-construction, the whole area will be managed and monitored to ensure that a valuable vegetation assemblage develops.

7.15 SWT consider this grassland mitigation and enhancement to be appropriate and acceptable. They consider that together with other measures including the proposed tree planting; the retention of the majority of existing trees and their suitable protection during construction; and the proposed sustainable drainage system which includes the provision of

swales and ponds, that the scheme should mitigate ecological impacts and provide a net increase in habitat diversity and value. In order to secure the mitigation measures discussed above (detailed in Section 6.3 of the submitted Ecological Assessment and in the response from SWT) conditions to secure a Construction and Environmental Management Plan and a Landscape and Ecological Management plan are both considered to be reasonable and necessary.

7.16 In terms of protected species the Assessment indicates that there is likelihood that bat roosts could be present within the existing trees on the site. However SWT advise that as the existing mature oak trees are to be retained and protected, any bats present should not be impacted, as long as precautionary measures are included in the CEMP and LEMP. The pine tree to be removed within Fill Area 2 will be surveyed further as part of the CEMP. SWT advise that due to the likelihood that only small numbers of common species would be involved, if present at all, whatever bat evidence may be found, a suitable mitigation plan would be possible, whether this be retaining the tree in situ, or felling and retaining/ providing new bat roosting features. These measures can be secured in the CEMP and LEMP. Whilst the application site is not an ideal habitat for amphibians and reptiles again reasonable avoidance measures can be secured in the CEMP, similarly with regard to badgers.

7.17 It is for all of the reasons above that, subject to the imposition to conditions to secure a Construction and Environment Management Plan (to control and secure suitable methods during construction to minimise impact on protected species, trees and habitats) and a Landscape and Ecological Manage Plan (to secure biodiversity enhancement) that there is compliance with Policy NE1 and the NPPF which seeks to minimise impacts on interests of biodiversity and seek a net gain in biodiversity in planning decisions.

Landscape and visual impact including Trees

7.18 A Landscape and Visual Impact Assessment is submitted with the application and includes 8 viewpoints. The comments of the Trees and Woodland Officer are awaited and will be reported at the meeting. It concludes that in terms of landscape character the proposals would have negligible effect upon the existing landscape character of all but the site itself. The changes resulting from the proposals to the site including the replacement of part of an area of meadow with a reinforced grass surface and regrading of land to accommodate the resultant cut material, would be limited. The inclusion of a number of individual parkland trees would be sympathetic to the existing sub-character area. In terms of visual impact it concludes that the proposed development would be seen from a relatively limited number of locations, the majority of which are at some distance from the site. The proposed surfacing and planting which form part of the application would have minimal effect upon the majority of views over time, other than those within the site itself. The greening of the parking bays and aisles through the planting of grass within the geogrid will assist in mitigating potential visual effects. It says that visual receptors within the site, walking the public footpaths or parking in the site will experience a notable effect as a result of the development. There will be a degree of urbanisation resulting from the proposals resulting in a negative visual effect upon those using the public footpaths for recreational purposes, however it concludes that this effect will be localised.

7.19 The comments of the Trees and Woodland Officer are awaited and will be reported at the meeting.

Access

7.20 The application is accompanied by a Transport Statement. It confirms that overflow car parking is required by the applicant during summer peak periods and during seasonal events such as Scarefest, Fireworks, Schools fortnight. On these occasions it says that the availability of all parking sites is key to the successful management of parking demand. Due to the seasonality of such events, particularly Scarefest (October) and Fireworks (November)

the weather can play a key role in this issue. Ground conditions can become very poor and lead to delays to traffic entering and exiting the site, waterlogged ground and a risk to vehicles and pedestrians. The consequence of inclement weather is that on occasions the application site could not be used for overflow parking with the result that significant queues built up on the public highway and vehicles were turned away. The applicant wishes to ensure that it has sufficient car parking of a standard commensurate with a nationally recognised theme park.

7.21 As noted elsewhere the application site is used for overflow parking for up to 28 days per annum. Parking is supervised but informal with no marked out spaces. The proposal is therefore intended to enhance parking conditions on the application site which in turn will, the TS says, have a positive impact on the local highway network by enabling the applicant to better manage parking during peak summer days and seasonal events and remove instances of delays on the public highway and vehicles being turned away due to the unavailability of parking due to poor ground conditions. Pedestrian access will be improved by provision of a separate footway along the southern boundary of the carpark and a zebra type crossing across the car park access road. The TS also confirms that the Resort is on a recovery trajectory that is intended to return visitor numbers to former levels but also not to exceed existing busy days but to spread the load over the theme park season. It makes the point that the Enchanted village and Star gazing pods were provided on land that was previously used for overflow parking.

7.22 The comments of the LHA are awaited although they are not expected to object to the application particularly as the proposal will not create additional visitor numbers. Members will be updated at the meeting.

Residential Amenity/Noise

7.23 A Noise Impact Assessment is submitted with the application. This is based on use for no more than 50 days per annum and considers existing noise receptors. It concludes that during construction there will not be any significant impacts to defined receivers. During operation it recommends a number of measures to mitigate any potential impact including limited speeds to 20mph, banning the use of audio systems in the car park and management of use of car horns, stereos etc.

7.24 The comments of the Environmental Health Officer are awaited and will be reported at the meeting.

Drainage

7.25 A Flood Risk Assessment/Drainage Strategy is submitted with the application. This confirms that as part of the development a Sustainable Drainage System (SUDS) is proposed which includes balancing ponds in the south eastern corner of the site. Although primarily intended to control surface water flows and avoid flooding, SUDS features have significant biodiversity benefits too by providing a new habitat for aquatic plants and animals – see assessment above. The SUD scheme includes infiltration wherever possible on the site through the use of permeable surfacing. The Environment Agency, Severn Trent Water and the Local Lead Flood Authority have all considered the application and raise no objection on flood risk/drainage grounds subject to a condition to secure a sustainable surface water scheme based on the submitted FRA/Drainage strategy. With this in place there is compliance with Policy SD4 and the NPPF

Other issues

- a) The applicant confirms that there will be no permanent lighting or signage associated with the proposed development. A condition to prevent permanent lighting is recommended.
- b) Public footpaths – the plans show that the routes of these are unchanged by the proposal.

Planning Balance

7.26 As set out above it is considered that there will be some harm to the Conservation Area arising from the more flat and engineered appearance of the land once works are completed even when cars are not parked on it as a result of the levelling of the land, the laying of the Sudpave system (plastic) and ancillary works. To mitigate some of the harm it is recommended that repairs to part of the deer park wall as discussed above are secured by condition. The residual harm is judged to be 'less than substantial' and as discussed above applying para 196 of the NPPF it is considered that there are public benefits in this case in terms of maintaining the historic estate as a whole and that these are outweighing. In all other respects the application is acceptable or can be made acceptable with the imposition of conditions.

7.27 The Churnet Valley Masterplan identifies the application site as part of a wider area of land as an Area of Sensitivity/Limited Development Potential. It is considered that in this context, the nature of the scheme together with the restricted use for parking of vehicles of no more than 50 days per annum and with the mitigation measures secured that the proposal does amount to limited development. A recommendation of approval is therefore made

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in complete accordance with the following:- TBA

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The seasonal use of the land for the parking of vehicles hereby approved shall take place on no more than 50 days per annum

Reason:- To define the permission and to protect heritage (Conservation Area) and biodiversity interests.

Biodiversity

4. No development (including site clearance and stripping) shall take place until such time that a Construction and Environmental Management Plan (CEMP) together with a timetable for implementation of the elements of the CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not be restricted to the following:-

a) A detailed baseline survey of the application site, consisting of flora species lists for each type of grassland along with abundance recorded using DAFOR scale, and a record of other features listed within the grassland Local Wildlife Site criteria

b). Details of soil handling and preparation including prevention of silt washing into the nearby ephemeral pond; grassland seeding methods and seed sources; marking and translocation of useful vegetation such as wetland plants where possible.

c) Risk assessment of potentially damaging construction activities.

d) Identification of "biodiversity protection zones".

e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction as follows:

- Pre-works checks for bats, badgers and nesting birds

- Erection of fencing and screening barriers to protect the trees and woodland from dust and pollution during site clearance and construction
 - Protection of root zones - ensuring that any site clearance or digging of services takes place outside of these
 - Keeping heavy machinery and excavation work away from suspected setts
 - Closing open excavations overnight or ramping one end of an excavation to enable escape by mammals
 - Careful dismantling of timber stacks to protect reptiles and amphibians, employing an ecological watching brief if carrying out such works in the main active season (March- September)
 - A method statement for soil excavation, transport and storage
- f) The location and timing of sensitive works to avoid harm to biodiversity features:
- Timing of works to avoid impacts on nesting birds
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.
- k) Description of ecological design features to be incorporated within the scheme including;
- Use of permeable surface substrates and SuDS for the car park
 - Species-rich topsoil re-use within Sudspave car park
 - Creation of wildflower grassland areas on fill locations
 - Retaining and incorporating veteran trees within open space
 - Planting of new single trees in permanent plots to create future veteran standards
 - Provision of bat boxes on trees.
 - micro-habitat creation for invertebrates
 - detailed design and planting of SuDS features
 - enhancement of woodland areas with suitable management, addition of shrubs and ground flora

The development shall be carried out strictly in accordance with the approved CEMP and timetable.

Reason:- In the interests of the protection and enhancement of biodiversity

5. No development, including site clearance and stripping shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include but not be restricted to the following:-

- a) Description and evaluation of features to be managed
- Veteran trees
 - Grassland areas
 - Bat and bat boxes
- b) Ecological trends and constraints on site that might influence management.
- Agricultural management practices
 - Public use of the site
- c) Aims and objectives of management.
- Protection of veteran trees
 - Botanically rich grassland vegetation
 - Enhancement for fauna species
- d) Appropriate management options for achieving aims and objectives.

- Maintenance of permanent fencing
- Annual cutting/grazing recommendations
- e) Prescriptions for management actions.
- f) Work schedule (an annual work plan covering a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
 - Annual site monitoring and reporting to the LPA
 - Remedial works actions
 - LEMP review and renewal process

The development shall thereafter be carried out strictly in accordance with the LEMP.
Reason:- In the interests of the protection and enhancement of biodiversity

6. No permanent lighting shall be erected on the application site

Reason:- In the interests of the character and appearance of the Conservation Area

Flood risk/drainage

7. 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 in consultation with the Lead Local Flood 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 Nonstatutory 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.

Deer Park Wall

8. Prior to development (excluding archaeological investigations) commencing a 'Scheme' for the repair of the stone boundary wall between points A and B on Plan 1 shall be submitted to the Council for its written approval. The 'Scheme' shall include a methodology for the repairs and a programme of works. The repair works shall thereafter be implemented in accordance with the approved 'Scheme' and completed within 2 years of the commencement of the development hereby approved

Reason:- To mitigate some of the harm to the Conservation Area through the enhancement of this non designated heritage asset in accordance with Policy DC2 and the NPPF

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.

