

APPLICATION NO	PA/2017/803
APPLICANT	Frances Buck, Adventure Forest Ltd (T/A Go Ape)
DEVELOPMENT	Planning permission for the construction and operation of a high ropes course with an associated reception cabin utilising an existing building
LOCATION	Normanby Hall Country Park, Normanby Park, Normanby, DN15 9HU
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Elaine Marper – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 20 states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 118 states when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 128 states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

North Lincolnshire Local Plan: Policies RD2, HE5, DS1, LC4, LC5 and LC12 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS15, CS16 and CS17 apply.

CONSULTATIONS

Highways: No objection.

Environment Agency: No objection or comments.

Historic Environment Record: Normanby Park is a non-designated heritage asset comprising a designed landscape deer park and contains the Grade 1 listed Normanby Hall and a number of other associated listed buildings. The application boundary follows the curving boundary of the 19th century ha-ha wall and ditch; in 2009 a Management Plan for Building Restoration in the Park noted that 'this feature is vulnerable to degradation due to public access to the area and is in need of restoration and further protection'. Groundworks associated with this proposal are very limited and it is not considered that these would have any adverse effect on heritage assets of archaeological interest.

Humberside Fire and Rescue: It is a requirement for commercial properties or domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

Ecology: Sensitive working methods are required in relation to bats, badgers, hedgehogs, nesting birds, reptiles and great crested newts. The application site is part of the Normanby Hall Country Park Local Wildlife Site, which is protected by saved policy LC4 of the Local Plan. High ropes courses have value in promoting an interest in the environment. Given the existing visitor infrastructure, the application site appears to be a reasonable location for a high ropes course.

However, it is necessary to maximise the mitigation, compensation and biodiversity enhancement measures associated with the proposal. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Environmental Health: It should be noted that the nearest residential receptors are at distances exceeding 350 metres, a sufficient distance to allow for the decay of sound from outdoor sound propagation associated with these activities. Agree with the conclusions of the noise report that there will be insignificant impact and, should planning permission be granted, recommend the inclusion of a condition restricting hours of opening to 8am to 9pm Monday to Sunday, including bank holidays.

Conservation Officer: Following receipt of the heritage statement, the previous holding objection is removed. The key issue in this instance is the impact on the setting of the heritage assets adjacent to the development. There is negligible impact by the development on the character of the Normanby conservation area in this instance. The

structures and associated rope lines are within the historic parkland of Normanby Hall. The site area is approximately 250 metres away from the main Hall. Because of this distance the Go Ape structures and the Hall are not intervisible with the intervening trees creating a screen. Therefore there is a level of harm to the setting and significance of Normanby Hall. There are many factors that need to be taken into account when establishing the level of harm and the impact on the setting and significance on the Hall.

However, it is important that the trees that line the footpath immediately to the west are not used as part of the Go Ape facility. The trees were planted adjacent to the footpath as a landscape feature as you approach the Hall. Having Go Ape structures here would detract from the ambience, character and setting of the Hall. Section 134 of the National Planning Policy Framework states that any harm to the significance of a heritage asset can be weighed against the public benefits of the proposal. The benefit in this instance is the increased revenue from more tourists contributing to the sustainability of the Hall and the parkland. On balance the proposal is acceptable as long as the trees immediately adjacent and to the west of the footpath are not utilised as part of the application.

Historic England: Do not wish to offer any comments. Suggest that the views of the conservation officer and archaeological advisers are sought where relevant.

Tree Officer: This site has many trees, none of which are protected; however, there is a requirement to ensure that none of the construction of the site compromises the trees or cause long-term damage to them. Having visited other Go Ape sites and assessed the methods that are used to attach the equipment to the trees, and having looked at trees that have recently had attachments removed after a period of five or so years, it is considered that the applicant company uses specialist methods which appear to be of good quality. Provided these methods are assessed annually and adjustments made, with movement from one tree to another on a cyclical basis, they do not appear to cause long-term harm to the trees.

The applicants have undertaken such methods on many sites around the UK and abroad, and appear to have a reasonable management plan in the inspection and adjustment of these attachments to the trees. The tree officer is therefore not unduly concerned about the trees, as long as this inspection regime is adhered to.

PARISH COUNCIL

No objection.

PUBLICITY

A site notice has been displayed and 23 letters of objection have been received raising the following issues:

- impact on trees/wildlife
- the ecological survey is incorrect
- it will spoil the enjoyment of the area
- increase in traffic and noise
- noise generated by the proposal

- increase in vehicles being parked on local roads
- the proposal is better suited to larger areas of woodland
- trees shouldn't be removed or cut down
- the method of attachment to the trees is questioned
- impact on trees
- it will restrict tree growth
- irreparable damage to trees
- the noise report exceeds acceptable limits at residential properties
- the area is of high ecological value
- totally inappropriate development
- a large area of woodland is affected
- it will create competition for an existing aerial trail in Scunthorpe
- impact on the surroundings
- impact on residential amenity
- ancient woodland will be affected
- a bat survey should be undertaken
- it will be visible from the highway
- wider consultation should have been undertaken
- residential properties are located closer than stated within the noise report
- the operating hours should be reduced
- the biodiversity enhancement proposals are inadequate.

STATEMENT OF COMMUNITY INVOLVEMENT

The design and access statement submitted with the planning application states that a public consultation event was undertaken in advance of the submission of the planning application on 12–13 May 2017. This was a two-day consultation event held at Normanby Park with two staff members of the applicant company on site to answer queries and distribute information brochures.

ASSESSMENT

The application site forms part of the woodland belonging to the Normanby Hall Country Park and estate which extends to 300 acres in area and contains a Grade I listed Mansion Hall. It is located 5 miles to the north of Scunthorpe and to the east and south-east of the village of Normanby. It is accessed from Normanby Road to the north of the site and the country park contains a number of visitor attractions including a deer park, woodland walks, duck ponds, a farming museum, children's play areas and a walled garden. In the wider park there are additional facilities including a camp site, golf course and a riding school. Planning permission is being sought to erect an aerial ropes course within the tree canopy and for the existing building to be re-utilised as a reception space. The development is proposed in the southern section of woodland and will be positioned between the B1430 and the eastern perimeter path (known as Main Street) within the park grounds.

The main issues in the determination of this planning application are the principle of development, its impact on residential amenity, heritage assets and trees/biodiversity, and other issues.

Principle

This proposal is to extend the range of recreational facilities available at this existing hall and country park. The National Planning Policy Framework (NPPF), at paragraph 28, is supportive of sustainable rural tourism and leisure developments that respect the character of the countryside, and the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. In this case it is considered that the proposal can only be located where a cluster of trees are positioned in close proximity to one another and it cannot feasibly be located within a rural service centre. In addition, this is an existing tourist facility that is well established in North Lincolnshire and the proposed development can utilise existing infrastructure (including car parking, an outbuilding and trees) at this site.

In addition, policy CS15 of the adopted Core Strategy echoes the NPPF and states that existing tourist facilities and infrastructure will be protected and enhanced and the development and promotion of sustainable tourism, focusing on the area's natural and built assets, will be supported. In this case it is considered that the proposal will expand and enhance tourist facilities at Normanby Hall and will result in additional visitors to this location. It will generate an additional income stream, result in the potential for spin-off custom to existing facilities at Normanby Hall and will utilise existing infrastructure where guests will enjoy a new experience, albeit within the canopy of the trees. The proposal is sustainable in the sense that it will utilise an existing tourism facility and its services in order to enhance the tourist experience in this location. The proposal will utilise the natural assets of this site (its trees and landscape) to provide an aerial high ropes course. The proposal will create one permanent full-time job and the equivalent of 12 full-time seasonal jobs, and will diversify the income stream for this existing tourist attraction. The design and access statement states that the proposal will occupy approximately 2% of the 300 acre park and will not infringe on the accessibility of the park for recreational purposes.

Based on the above it is considered that the proposal represents a form of sustainable tourism which utilises the natural assets of an existing tourist facility and extends its range of facilities available to the public. Therefore the principle of development is considered acceptable in this case.

Residential amenity

The proposal will result in an additional leisure facility within the grounds of Normanby Hall. This has the potential to result in noise disturbance to the nearest residential properties located in the settlement of Normanby to the north-west. The proposal will be located within the woodland and the existing trees will provide some noise attenuation; however, there are residential properties located close to the site. A noise assessment has been submitted with the planning application and it is considered that this document provides a robust analysis of the potential noise impact associated with the planning proposal and takes into account all the residential properties nearest to the site. The report takes the noise calculations from the centre of the site and not from the nearest zip wire. It is therefore considered that the report is accurate and fit for purpose.

The noise assessment takes account of the proximity of the proposal to the nearest sensitive receptors or residential properties. It states that the main sources of noise would be participants' voices and the zip wires. The report uses known source data generated from existing operational Go-Ape sites and assesses the predicted noise level against the pre-existing level at the closest sensitive receptors or residential properties. The report used a worst-case scenario which assumes that all of the noise generating apparatus (i.e. the zip wires) would be in simultaneous use and concluded that there will be no perceptible increase in the existing noise level and the proposal will not result in significant noise impact to residents. Based on the findings of this report, Environmental Health has raised no objection to the proposal on residential amenity grounds, however a condition is recommended restricting opening hours of the facility to 8am to 9pm daily. The operating hours of the proposed high ropes aerial course will vary, depending on the time of year, when there are natural differences to daylight hours. Given the conclusions of the noise report, the proposed hours of operation are not considered to give rise to residential amenity issues through noise and disturbance.

Heritage assets

Issues have also been raised by a number of objectors in relation to the tranquillity and serenity of the park being affected. This in part relates to the setting of the listed building and its grounds. It is worth noting that the existing site is in use as a country park open to the public with a variety of spaces and buildings which generate noise from daily visitors. Whilst it is acknowledged that this is a country park with woodland walks and wildlife, it is considered that the proposed development is one which is compatible with both the existing visitor attraction and with the rural setting of the site (owing to the fact that trees are required to facilitate it). It will be positioned within the densely vegetated part of the site away from the listed hall and as such it is considered that a large expanse of the parkland will remain undisturbed by the proposals and for the public to enjoy. In addition, visitors to this part of the country park (i.e. within the wooded areas) will remain able to enjoy the scenery and setting of the parkland without disturbance from other members of the public traversing the tree canopy in the high ropes aerial course above them.

Whilst it is acknowledged that the wider parkland and woods form part of the extensive grounds to the listed building (Normanby Hall), it is considered that the development has been proposed in a part of the site which will not affect its immediate setting. This includes the tree-lined approach road and the more formal landscaped areas to the front and side of the hall. In addition, no part of the development will be viewed directly in conjunction with the listed hall and its associated buildings. The nearest part of the proposal to the listed hall and its associated plethora of outbuildings to the north-east is 247 metres. Because of this

separation distance, coupled with the fact that all of the development will be constructed from timber and will be screened within the trees, it is considered that the proposal will be screened from view from the listed building(s). It is noted that a number of structures (including a central platform, tree top platforms and a shelter) will be constructed within the woodland; however the majority of the aerial course will be located within the canopy of the trees and constructed from timber. Given that the existing trees will effectively screen the development, it is considered that the proposal will not be viewed in conjunction with either the Normanby conservation area or the listed hall and its associated listed buildings/structures.

The NPPF, at paragraph 132, states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. A heritage statement has been submitted with the planning application, which states that the impact on the house itself will be negligible and that the overall impact of the proposal is reversible as the aerial course and its associated infrastructure can be dismantled and removed. This document has been considered by the conservation officer and the previous holding objection has been removed. In terms of the impact on the listed building and its associated buildings, the conservation officer accepts that there will be no intervisibility as a result of the proposal and that the proposed use can be considered in the context of the house and park which is an established tourist attraction.

Given that the proposed high-ropes aerial course is considered to be compatible with the established use at the site, that the parkland and woodland (i.e. the setting of the listed building) can still be enjoyed by the public and that it will generate additional income which could maintain the listed building and its grounds, it is concluded that the proposed development will lead to less than substantial harm to the significance of the designated heritage assets (which includes a Grade I listed building) in this case. In addition, it is considered that the public benefits (additional tourist facility, additional visitors and revenue, and jobs) would outweigh the harm to the heritage assets.

Trees/biodiversity

The proposal is for a high-ropes aerial course on land which is not designated as ancient woodland. It is a matter of fact that trees will be utilised in order to facilitate the proposed development in this case. The applicant has submitted both an ecological appraisal and a tree method statement with the planning application; neither the council's tree officer nor the ecologist has objected to the proposals and its supporting information.

The tree method statement sets out the method of attaching the course to the trees and it principally consists of attaching wooden braces to a tree which in turn are held in place by wooden beams and studded bars. Details of the method of attaching the wires to the trees have also been submitted. The council's tree officer has inspected this method of attaching to the trees at an existing course operated by the applicant company and has inspected the condition of the trees following the removal of the batons/braces after a five-year period. The tree officer has raised no objection to the method of attaching the course to the trees or to the removal of seven trees, ground clearance works and works to existing trees to facilitate the development. On this basis, and subject to a regular inspection regime for the trees, it is considered that the proposal will not compromise the health and integrity of the trees within the application site. In addition, the proposal will ensure the retention of trees and woodland; it is therefore considered to comply with policy LC12 of the North Lincolnshire Local Plan. The design and access statement confirms, at paragraphs 16.2–

16.4, that the site will be subject to a regime of tree maintenance by a qualified arboriculturist.

An ecological assessment has also been submitted for consideration; the survey methods and the report are considered appropriate to the site in question. Taking into consideration the potential impact on protected species at the site (including bats, badgers, great crested newts and birds), and the content of the ecological assessment, the council's ecologist has raised no objection subject to conditions requiring the submission and implementation of a biodiversity management plan. The imposition of these conditions will ensure, amongst other things, that vegetation clearance and construction works take place outside the necessary breeding and nesting seasons and that biodiversity enhancement would be secured extensively across the site area. The imposition of these recommended conditions is considered to comply with paragraph 118 of the NPPF in that the development proposal will conserve and provide opportunities to enhance biodiversity.

Other issues

The business model in which the proposed aerial ropes course is operated is via a time slot booking mechanism arranged at half hour intervals. It is proposed to utilise the existing car park and overflow car park at Normanby Hall for parking purposes. An outline traffic assessment has been submitted with the planning application; this assessment concludes that the maximum number of car journeys created will equate to 19 an hour and the maximum number of car parking spaces will be 47. This information has been considered by Highways and no objection has been received on highway or pedestrian safety; this accounts for the additional traffic generation and car parking requirements. The site is accessible by means of walking from local villages (Burton, Normanby, Flixborough, Thealby), by cycle (via the national cycle network) and by bus.

Competition with an existing aerial high-ropes course and the fact the applicant is a national business operator are not material planning considerations and will not be assessed in this case. The applicant has undertaken a two-day consultation event in order to promote and discuss the merits of the proposal with the local public; this level of public consultation is considered sufficient in relation to the scale of the proposal under consideration.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Shelter Plans and Elevations, and Site Location Plan.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

At no time shall the line of mature trees located along the western boundary of the site (adjacent to the pedestrian access path) be utilised for the purposes of a high ropes aerial assault course.

Reason

To define the terms of the permission, to preserve the character, appearance and setting of the listed hall and associated outbuildings and to retain the public enjoyment of the country park in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan, CS6 and CS17 of the North Lincolnshire Core Strategy and guidance within the National Planning Policy Framework.

4.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats, badgers, hedgehogs, nesting birds, reptiles and great crested newts during tree works, vegetation clearance and construction works;
- (b) measures to minimise the impact on woodland habitat structure within the red line boundary shown on the submitted location plan;
- (c) details of at least 15 woodcrete and wooden bat boxes to be installed in trees outside the red line boundary shown on the submitted location plan. These shall include boxes for pipistrelle, brown long-eared, natterers and noctule bats and hibernation boxes;
- (d) details of at least 15 nest boxes to be installed in trees outside the red line boundary shown on the submitted location plan. These shall include boxes for nuthatch, spotted flycatcher, willow tit, tawny owl, green woodpecker, treecreeper and robin;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) measures to enhance the management of woodland within Normanby Hall Country Park. These shall include:
 - (i) targeted removal of Leyland cypress, Rhododendron and skunk cabbage;
 - (ii) tree thinning to favour native broadleaves, and enhancement of the understorey by coppicing and underplanting with hazel, elm, silver birch, Guelder-rose
 - (iii) retaining standing and fallen dead wood in less public areas;
 - (iv) ring-barking a proportion of trees to create standing dead wood;
 - (v) targeted bramble control to encourage the spread of native woodland ground flora;

- (vi) targeted re-planting with pedunculate oak and beech trees;
- (g) proposed timings for the above works in relation to the completion of the high ropes course.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy and saved policies LC4 and LC5 of the North Lincolnshire Local Plan.

5.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the high ropes course, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy and saved policies LC4 and LC5 of the North Lincolnshire Local Plan.

6.

The hours of opening for the high ropes course hereby permitted shall be restricted to 8am to 9pm on a daily basis (including public/bank holidays).

Reason

To define the terms of permission and in the interests of protecting residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

PA/2017/803 – Site Location



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