

PLANNING APPLICATION REPORT: DELEGATED APPROVAL

Application No. 19/00601/FUL
Parish: Kirby Misperton Parish Council
Applicant: Flamingo Land Resort
Location: Flamingo Land Ltd Main Street Kirby Misperton Malton North Yorkshire YO17 6XL
Proposal: Erection of a 34m high rollercoaster (Inversion) with a track length of 875m and associated works

CONSULTATIONS:

Habton Parish Council	No response received
Marishes Parish Meeting	No response received
Great & Little Barugh Parish Council	No response received
Normanby Parish Meeting	No response received
Pickering Town Council	No response received
Environmental Health Officer	No response received
Civil Aviation Authority	No response received
Ministry Of Defence	No response received
National Air Traffic Services (NATS)	No response received
The Joint Radio Company Ltd	Comments
Atkins Ltd	No objection
Ofcom	No response received
Wind Farm Enquiries	No response received
Kirby Misperton Parish Council	No response received
Highways North Yorkshire	Recommend conditions

Neighbour responses:

Overall Expiry Date: 27 June 2019

SITE:

Flamingo Land in the Vale of Pickering is a nationally renowned tourist attraction consisting of a theme park, zoo (central and eastern areas) and holiday village (western side of site). The development limits for the site are defined on the recently adopted Policies Map.

Flamingo Land is situated at the northern end of the village of Kirby Misperton and the overall site amounts to approximately 150 hectares. The application site is 0.9 hectares in size and is an area of hardstanding was previously occupied by the 'Corkscrew' rollercoaster which was removed in 2011. The application site is currently used for storage and maintenance of mobile homes associated with the holiday village.

The application site is north-west of the park's main entrance which is 400m away. The intervening land to the south is used as an overflow car park and the 'Velocity' rollercoaster is situated to the north and carousel to the east.

Public footpath number 25.53/1/1 runs south-north approximately 200m west of the application site. The nearest residential properties are approximately 480m south of the application site.

HISTORY:

The planning history for the Flamingo Land site is extensive. Those applications most relevant to this particular proposal are outlined below:-

00/01053/FUL- Erection of a 55 metre high tower ride. APPROVED 20.09.2001.

03/00391/FUL- Retention of open lattice steel construction 55 metre high tower ride. APPROVED 25.07.2003.

12/00333/FUL- Erection of 46 metre high vertical swing theme park ride APPROVED 23.05.2012.

PROPOSAL:

Erection of a 34m high rollercoaster (Inversion) with a track length of 875m and associated works.

The rollercoaster would occupy an area 200 metres by 400 metres and would have a track length of 875 metres. The tallest part of the rollercoaster would be on the western side and would comprise a climb and drop that reaches a maximum height of 34 metres above ground level. The fall would lead to a series of loops on the eastern half of the ride that stand to a maximum height of 24 metres above ground level. The ride would be spray painted a combination of black and silver prior to being erected on site.

The applicant aims to have the rollercoaster installed for the 2020 opening season.

POLICIES:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Sites Document (LPSD)

Policy SD15- Specific Sites: Flamingo Land and the National Agri-Food Innovation Campus (NAFIC)

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design, appearance and landscape and visual impact;
- iii) Impact on residential amenity;
- iv) Highways impact; and
- v) Safeguarding.

Principle of the development

The site is a renowned and well established national tourist attraction with annual visitor numbers exceeding 1.5 million. It is also a large employer in the District with around 120 employees and a further 300-400 part-time/seasonal workers. The proposed development aligns with the general aims of SP8 in relation to maximising opportunities to develop tourism in the District in a sustainable manner. The application site is within the Development Limits for the park shown in the recently adopted Policies Map and the site, which is currently hardstanding, is previously developed (old rollercoaster removed in 2011). Policy SD15 of the LPSD considers that proposals for additional development within the park limits is supported in principle subject to assessment against policies within the Local Plan Strategy in relation to

landscape and visual impact, amenity and highways.

Design, appearance and landscape and visual impact

The application is accompanied by a LVIA that covered a 5km zone of visual influence. The surrounding visual receptors are those from nearby residencies in Kirby Misperton and the surrounding villages and recreational routes and the public highway (transiently). The nearest residential receptors are almost 500m from the application site. The surrounding landscape is characterised by undulating farmland.

It is relevant to note that as a 'fallback' position amusement parks benefit from permitted development rights that allow the erection of plant or machinery (such as a rollercoaster) up to a height of 25 metres. The proposed rollercoaster exceeds the height for which permitted development rights exist by 9 metres.

The shape of the structure comprising the rollercoaster is predominately curved, looped with lower horizontal elements. The rollercoaster would be aligned east-west and situated on flat ground (hardstanding) within the park. The tallest element is the 'climb and 'drop' on the western side of the ride. This includes a relatively steep rise on the western side (the climb) but there are no straight vertical or rectangular elements. The ride would be painted black and silver and a condition shall be imposed to ensure that it has a matt, non reflective finish to reduce the likelihood of glossy paint work glinting in the sunlight.

The existing theme park has boundaries of hedgerow planting with occasional hedgerow trees. The topography, vegetation and built form reduces visibility within the local landscape. The long distance views from higher ground to the south-west and across the Vale of Pickering show the theme park set against a backdrop of the moors in the distance.

There are five existing rides that stand at heights ranging from 18m to 55m. The tallest is 'Cliffhanger' which is a vertical structure and the most prominent skyline feature associated with the theme park. The new ride would be viewed in the context of other, existing tall structures within the park. The rollercoaster, when viewed from the nearby public right of way, would be read alongside the existing cluster of structures and rides and this reduces the prominence of the new structure. The rollercoaster would not appear isolated or divorced from existing attractions within the park. In addition there are existing hedgerows and trees and recently planted trees in the south western part of the site (near to the rear of the graveyard) that provide intervening screening between visual receptors and the site.

The rollercoaster, within the context of the existing tall structures in the park, would not result in significant visual impacts and would only give rise to a slight impact on local landscape character. The proposed rollercoaster in terms of siting, scale and appearance would be compatible with the existing theme park and would not appear incongruous within this setting. It is considered that the proposed development can be accommodated without resulting in an adverse impact on the character of the landscape or unacceptable harm to local visual amenity. The proposed development would not conflict with the aims of Policies SP13, SP16 and SP20.

Impact on residential amenity

It is not anticipated that the construction/installation of the ride would give rise to any unacceptable levels of disturbance and no comments have been made by the Environmental Health Officer. The rollercoaster comprises a modern, purpose built piece of machinery that is designed to operate with minimal sound output unlike older rides such as the one that previously occupied this part of the theme park. The noise levels associated with the operation of the ride are not expected to exceed existing levels within the park.

It is considered that the predominant noise source arising from the theme park is the incidental noise associated with visitors in the park and passengers of the rides. The noise arising from the use of the new ride would be in the context of other noise from visitors within the park. The noise generated is spread across the park as a whole from the various attractions within its boundaries, it is not concentrated into the hubbub of a large crowd in one location. It is difficult to quantify the additional noise impact or identify noise from users of one particular ride in isolation. The nearest residential receptors are almost 500m from the application site. The characteristics of the noise environment associated with the theme park is

established within the locality and it is not anticipated that the proposed rollercoaster would give rise to any unusual or unacceptable noise output from its operation or from passengers.

It is considered that the proposed development would not give rise to unacceptable pollution or disturbance arising from its installation or operation and complies with Policy SP20.

Highways impact

The LHA acknowledge that the proposed rollercoaster is a replacement for a similar structure taken out of use some years ago and subsequently dismantled and removed. The LHA note that the rollercoaster site lies well within the theme park complex and in terms of the construction and erection phase of the development, on-site arrangements are considered to have little or no effect on the public highway.

The LHA anticipates that construction would take place outside of peak season, or, if unavoidable, deliveries kept outside or to a minimum during peak opening hours, in order to avoid visitor traffic and their initial impression of the experience overall. The LHA recommend a condition is imposed on any permission granted to cover this element of the works.

The highways officer accepts the applicant's statement that it is anticipated that the new ride would lead to an initial 'spike' of visitor numbers. In the opinion of the LHA the overall situation would not bring about excessive additional traffic generation and there would likely be little different to what already is experienced at the site in general.

The proposed development would not result in an unacceptable increase in traffic levels or any adverse impacts on the local highway network and complies with Policy SP20 in relation to highway safety.

The park, which attracts large numbers of visitors annually, continues to be accessible by a choice of means of transport in compliance with the NPPF and Policies SP8 and SP20 in relation to sustainable modes of travel.

Safeguarding

No objections or concerns have been raised by National Air Traffic Services (NATS) in relation to air traffic safeguarding. It has also been confirmed by the relevant consultee that the development would not have an adverse impact on radio link infrastructure operated by Northern Powergrid (Yorkshire) Limited and Northern Gas Networks.

Conclusion

The principle of the development is supported by local plan policies and the new attraction would be sited on previously developed land within the development limits of the theme park. The proposed development can be accommodated without resulting in material harm to local landscape character or visual or residential amenity or highways safety. In light of the above it is recommended that conditional planning permission is granted.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan ref. 1387_AR20_03_A, dated 17.05.2019
Site Plan Layout Plan ref. 1387_AR20_02, dated 14.05.2019

Proposed Elevations ref. 1387_AR30_01, dated 14.05.2019

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

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes and timing schedules/calendar dates to be used by HCV construction / component delivery traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes and timing schedules/calendar dates shall be used by all vehicles connected with construction / component delivery on the site.

Reason: In the interests of highway safety and the general amenity of the area.

- 4 The external colour for the rollercoaster shall be a matt, non- reflective finish and a sample shall be provided to the Local Planning Authority for written approval prior to the painting of the exterior. No variation to the approved colour scheme shall occur without the written consent of the Local Planning Authority.

Reason: In the interests of amenity and to comply with policies SP16 and SP20.

- 5 No part of the ride hereby approved shall be illuminated without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development does not prejudice the visual amenity of the locality.

- 6 No signs, including flags shall be erected on the ride hereby approved without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 7 The development hereby permitted shall be dismantled and removed from the site when it is no longer operational.

Reason: In the interests of maintaining the character of the area.

SIGNED:



Head of Planning

Date: 12.7.19