

6. FULL APPLICATION - TEMPORARY USE OF LAND FOR A HORTICULTURAL SHOW, INCLUDING THE ERECTION OF TEMPORARY STRUCTURES, ON A YEARLY BASIS, WITH ASSOCIATED OPERATIONAL DEVELOPMENT, RIVER CROSSINGS AND OTHER FEATURES AND THE CREATION OF TEMPORARY SHOW GARDENS, CHATSWORTH HOUSE, CHATSWORTH (NP/DDD/0916/0881 07/09/2016/TS)

APPLICANT: MR NICK MATTINGLEY, ROYAL HORTICULTURAL SOCIETY

Site and Surroundings

The Chatsworth Estate is situated approximately 4 km north east of Bakewell, south of Baslow. The house is a grand stately home that sits in a slightly elevated position on a raised terrace on the eastern side of the park, overlooking the River Derwent to the west. The River Derwent, which runs north-south, forms the centrepiece of the parkland to the front of the house and is a key element in the design of the landscaped park.

The park and gardens are included on the Historic England Register of Park and Gardens of Special Interest at Grade 1, which makes them of international importance. The park and gardens contain numerous listed buildings. The principal listed structures are Chatsworth House and James Paine's Three Arched Bridge, both listed grade 1. Queen Mary's Bower is grade II* listed, as is One Arch bridge at the southern end of the Park. One Arch bridge is also a Scheduled Monument. The West Garden Terraces, Paine's Mill, Beeley Lodge and a 19th century water trough are grade II listed.

The application site is within Chatsworth Park that is located adjacent to the west of Chatsworth House and to the east of the unnamed road that runs between Nether End and the B6012. The site is commonly known as the West Flat, Old Park and Below the Bastion Wall. The site includes land either side of the River Derwent. The site has an area of approximately 24 hectares.

Proposal

Planning permission is being sought for temporary use of land for a horticultural show, including the erection of temporary structures, on a yearly basis, with associated operational development, river crossings and other features and the creation of temporary show gardens.

The proposed horticultural show would be open for five public days plus one preceding press day. The total time of the show set up, the show itself, structure and equipment removal and restoration and reseeded is 45 days. The show would take place in the second week in June, with the intended dates for 2017 published as 7-11 June for the public days. It is estimated that the show would attract around 80,000 visitors over the course of the week. The submitted details make reference to permission being sought for the temporary use of the site on an annual basis for a total of 10 years. The time period of the permission being sought is not specified in the application description, however it remains open to the Authority to consider the option of imposing a condition for a longer or shorter time period, or alternatively granting consent on a permanent basis.

The proposed show requires a series of temporary structures of varying appearance and sizes that include restaurant marquees, exhibition tents, trade stands and toilet blocks. The largest of the proposed temporary structures would be known as "The Great Conservatory", a 14 metre high inflatable building designed to replicate Joseph Paxton's conservatory that used to stand within the gardens of Chatsworth House.

The proposal also includes other forms of operational development that include temporary trackways around the site and "Heras" fencing to the perimeter of the show site. Show gardens would be arranged in different areas of the site, with the main show garden being located on the eastern side of the River Derwent.

Parking for the site would be provided within five temporary car parks, plus an additional VIP parking area and four different access points to the estate from the public highway network would be utilised.

The proposed horticultural show has been subject to extensive pre-application discussions with the Authority and Historic England. During these discussions it was suggested by officers that alternative sites that would not have the same impact in terms of the impacts on heritage assets, or using the proposed site to build a brand and then relocating to a different site within the parkland, should be considered. However, the applicant is clear that the proposed show site is the only area of Chatsworth Park which is considered to be desirable to host the show.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Temporary permission for three years**
2. **Development to be carried out in accordance with the specified amended plans, subject to the conditions below:**

Archaeology

3. **Written scheme of archaeological works to be submitted and agreed and thereafter implemented.**
4. **Programme of archaeological monitoring to be submitted and agreed and thereafter implemented.**
5. **Limit on excavations above the ‘Cana Duck pond’ to no more than 0.5 metres.**
6. **Details of the temporary bridge foundations and footings and bridge deck clearance height to be submitted and agreed and thereafter implemented.**
7. **Detailed show removal and site restoration scheme to be submitted and agreed and thereafter implemented.**
8. **A scheme of details of dimensions, depth and location of all required groundworks to be submitted and agreed and thereafter implemented.**
9. **A scheme of details of the Hay Meadows Project exhibition to be submitted and agreed and thereafter implemented.**
10. **A scheme of details of the means of securing the structures on the site to be submitted and agreed and thereafter implemented.**

Conservation and Landscape

11. **A scheme of details of the perimeter show site fencing, including any draping, to be submitted and agreed and thereafter implemented.**

Highways

12. **Traffic Management Plan to be submitted and agreed and thereafter implemented.**

13. **Temporary car parking provision as shown on the submitted plans to be provided throughout the show period.**
14. **Travel Plan to be submitted and agreed and thereafter implemented.**
15. **No other events to take place at Chatsworth during the show week.**

Flood Risk

16. **The development shall be carried out in full accordance with the mitigation measures identified within the submitted Flood Risk Assessment.**
17. **Submit, agree and implement scheme to show detailed information of the temporary bridge crossings across the River Derwent**

Key Issues

1. Harm to the significance of Chatsworth House and the other designated and non-designated Heritage Assets arising from development within their setting.
2. Potential for physical harm to Heritage Assets, including archaeology
3. Highways, Amenity, Environmental and Ecological impacts
4. Whether the public benefits of the scheme would outweigh any identified harm

History

There is detailed and extensive planning history for development on the Estate but there is no planning history related to the specific application site that is directly relevant to the assessment of the current application.

Consultations (All consultation responses are summarised, please see the Authority's website for full responses)

External Consultees:

Highway Authority: Note that the show would bring significant numbers of additional private vehicles onto the highway network but this is not dissimilar to current events that take place at Chatsworth. Specific details for traffic management would need to be agreed with the Highway Authority in advance of the event. No objections are raised subject to conditions for a Traffic Management Plan to be agreed and implemented, provision of the temporary parking areas as shown on the submitted plans, implementation of an approved Travel Plan and a restriction on any other events taking part at Chatsworth for the duration of the show.

County Council Economy, Transport and Communities: Support the application, noting the proposal will support economic development and will be a strong addition to the tourism offer.

County Council Flood Risk Management Team: No objections subject to the recommendations contained within the submitted Flood Risk Assessment being followed.

Derbyshire Dales District Council Environmental Health: No objections

Natural England: No objections. The Authority should use the Natural England Standing Advice to assess the potential impact on protected species.

The Gardens Trust: No objections. Consider that the show will be a positive new event.

Historic England: Historic England considers that the proposal will be harmful to the significance of the grade I Listed House, grade I registered park and associated heritage assets. If the local planning authority is minded to grant consent, it is advised that the financial support for heritage assets should be secured and that the show site should remain free of other events and activities during summer months.

Historic England go on to discuss the significance of the estate, noting that Chatsworth is one of the finest country houses in England and that its grade I listing places it within the top 2% of listed buildings. The stables and bridge by James Paine are also grade I listed. Queen Mary's Bower is a raised garden with moat and is grade II* listed. The visible ridge and furrow earthworks within the application site contribute towards the significance of the park and house, illustrating the transformation of the land from the later medieval period through enclosures and their absorption into Brown's landscape vision.

In terms of the impact of the proposed show, Historic England notes that the show involves structures including the Paxton inspired 'Great Conservatory' tent, fencing and tracking, stalls and attractions and show gardens that may involve significant ground disturbance. Historic England are concerned that the seven weeks of the show period from set up to take down, combined with other events at the estate, will compromise the ability for the house and landscape to be experienced together free from intrusion, not least during summer months when most visitors are expected.

Historic England notes the difference in impact between a one-off or limited repeat event and a site that would be held annually in perpetuity. It is considered that holding the event annually would be harmful to the significance of the grade I listed house, grade I registered park and associated heritage assets. This harm would be 'less than substantial' as referenced by the NPPF. The location of the event site in relation to the west front of the house subverts the design intent in Brown and Paxton's work in drawing back the formal gardens and original stable block to create an open relationship between the classical formality of the house and the engineered pastoral of the park. The scale, massing and location of the principle structures, in particular the main tent with its high apex, exacerbates rather than minimises the impact upon the relationship of the West Front to the River. The scale of the proposed 'Great Conservatory' structure is of significant concern, as is the use of heras fencing in a historic landscape.

In respect of archaeology, Historic England notes that whilst the impact of the show on below ground remains can be minimised, the long term control of archaeological impacts is a concern. Historic England considers that there will be inevitable progressive loss of definition to earthwork remains and through weather conditions or error an accumulation of sub-surface impacts.

Historic England concludes with the following recommendation:

"We recommend that your authority determine this application on the basis of statute and national and local planning policy and guidance, with consideration of our detailed advice above and the expertise of your own specialist staff. Should you be minded to grant planning consent notwithstanding the issues explored in respect of harm to designated heritage assets principally Chatsworth House and Park, we urge you to robustly secure material protection and support for the conservation and appreciation of the nationally important heritage assets whose significance is affected by the proposed development."

Environment Agency: No objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

No development approved by this planning permission shall take place until such time as a scheme to show detailed information of the temporary bridge crossings across the River Derwent has been submitted to, and approved in writing by, the local planning authority. The scheme shall

be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The Environment Agency requires this condition to ensure the proposed temporary bridges do not hinder flow during times of flood. The bridge should be designed to allow passage of debris to ensure it does not damage the structure.

Agree with the comment in the Preliminary Ecological Appraisal that 'Further ecological monitoring of the site is necessary to ensure water voles and/or otter have not colonised the site prior to any construction work.'

Baslow and Bubnell Parish Council: No objection but note that traffic management needs to be handled carefully and that the recent Country Fair one way system was poorly communicated by Chatsworth and badly managed by the traffic management company.

Beeley Parish Council: No objection but note that traffic management needs to be handled carefully and that the recent Country Fair one way system was poorly communicated by Chatsworth and badly managed by the traffic management company.

Rowsley Parish Council: No objection but note that traffic management needs to be handled carefully and that the recent Country Fair one way system was poorly communicated by Chatsworth and badly managed by the traffic management company.

Edensor Parish Council: No comments received to date.

Internal Consultees:

Authority's Conservation Officer: The Conservation Officer considers that whilst an RHS show within the grounds of Chatsworth would be acceptable in principle, locating the show on the proposed site would result in an unacceptable level of harm to the significance of the Grade 1 listed Chatsworth House, the Grade I Registered Park and Garden, the Grade I listed Paine's Bridge and associated designated heritage assets. It is suggested that the Country Fair site would be an acceptable alternative site.

The Conservation Officer notes that the designated heritage assets at Chatsworth form a continuous designed whole, with the intentionally designed open relationship between the classical formality of the House and the engineered pastoral landscape of the park clearly visible in the centre.

The proposed Show site falls within the only area of the Registered Park and Garden where all of its principal elements, including park, buildings, formal gardens and pleasure grounds, water features, trees and the interrelationship between them all, can be viewed simultaneously: this is therefore one of the most significant areas of the Grade I registered designed landscape. The Conservation Officer goes on to identify eight factors which will result in harm to the setting and significance of the heritage assets which are summarised as follows:

- Will severely reduce, and in some cases completely remove, visual permeability between the heritage assets
- The 2 metre high heras fencing would be highly visible and intrusive
- Siting of structures a short distance from Paine's Bridge will reduce the dominance of the bridge and interfere with the visual relationship between the bridge and the house.
- The scale and massing of some of the structures is excessive
- The Great Conservatory will be particularly problematic in juxtaposition with the principal elevation of the house. It is noted that the original conservatory was 700 metres to the south east of the house.

- The scale of the show garden and free form exhibits would compete with, and detract from, the designated heritage assets which the landscape is designed to showcase
- The design of the structures do not reflect sensitively the historic significance of the site
- Holding the show on a yearly basis in this exceptionally sensitive location carries a serious risk of long-term harm to the fabric of the site.

The Conservation Officer recommends that consideration should be given to locating the show elsewhere within the estate and notes that public benefits would still arise if the show were to be located in a different area.

However, if the show is to be approved in the proposed location, the Conservation Officer recommends that any such permission should be restricted to one year only so that a full assessment of the impact can be made. It is also recommended that consideration should be given to reducing the scale of the larger proposed structures and also that the Authority should have some control over the scale, massing and design of exhibits and that the set up period should be reduced if possible. Finally, the Conservation Officer recommends that the Authority should ask for written confirmation that funds arising from RHS Show ticket sales will result in repair and restoration works to the designated heritage assets itemised within the Heritage Public Benefit Statement (not car parking) as unlikely to be a high priority for restoration.

Authority's Conservation Archaeologist: Objects to the application on grounds of insufficient information to properly assess the impact. Notes that the proposed show site is within an area of archaeological significance and sensitivity. Archaeological features here relate to the use and development of the area prior to the creation of the Park at Chatsworth and the development of the Gardens and Park at Chatsworth. These features have archaeological significance in their own right, and contribute to the significance of the Grade I Registered Park and Garden, and the Grade I Listed House, and other Listed structures within the Park.

The Conservation Archaeologist is concerned that the full impact of the proposed show on archaeology is not fully understood as some of the below ground intrusion that would be required has not been fully addressed in the application and as such it is not possible to carry out an informed balance between the harms and the public benefits.

The Conservation Archaeologist considered that it is clear that the proposed development has the potential to impact on surviving above ground and below ground archaeological remains and features, resulting in damage to, truncation of and partial or full destruction of archaeological remains, and the gradual cumulative erosion and potentially complete destruction of earthwork features and below ground remains with each successive year. This will result in considerable and permanent harm to the significance of individual archaeological features, to the overall archaeological significance of the show site, to the Registered Park and Garden, and to the Listed Building that the Parkland features form the setting of e.g. The House, Paine's Bridge etc.

The Conservation Archaeologist is deeply concerned that the impact of the show on archaeology is not sustainable in the proposed location, and due to their nature many of the impacts cannot be securely mitigated. There is also concern that the heritage benefits of the proposed show have been overstated and that tangible heritage benefit may not be realised.

A full archaeological evaluation report was subsequently provided and the Conservation Archaeologist has provided further comments. The Conservation Archaeologist considers that the evaluation report is helpful to understand the archaeological significance of the former duck pond at the site. However, it is maintained that further information is required to properly understand the potential impact.

Authority's Landscape Architect: Identifies inaccuracies within the submitted landscape information and photomontages. Notwithstanding this, notes that it is clear that there will be a visual impact on the heritage assets and this impact will vary during the set up and take down

and the maximum impact being during the week of the show and the weeks either side. How this affects visitor experience of Chatsworth will vary, some will be disappointed, some will be pleased.

Notes that as the event is temporary there is no permanent significant visual impact but there will be a visual impact, which needs to be recognised. There is scope for mitigation, such as through repositioning or raising the height of the fencing in some locations. However, reducing the height of some of the structures is unlikely to provide any effective mitigation.

The Landscape Architect recommends that if the event is approved a visual assessment of the site should be carried out on the show week and if necessary identify and provide additional mitigation.

Authority's Ecologist: Initially requested further information relating to use of external lighting, the proximity of development to the river bank, heights of the temporary bridges and proximity to a sand martin colony. Further information was provided by the applicant to address these issues. The Ecologist noted a discrepancy between the heights of the bridge decks above the river level as proposed by the applicant (2 metres) and as recommended in the submitted ecology report (3.5 – 4 metres) in order to protect foraging bats. A condition to control the bridge deck clearance heights is recommended.

Authority's Public Rights of Way Officer – The proposal includes temporary closure of public rights of way through the site and this would have to be agreed with the Highway Authority. No objection providing the path closures are purely temporary.

Representations

To date 66 letters of support have been received. The reasons for supporting the proposal can be summarised as follows:

- Economic benefits to the area
- Promotion of the area and the Peak District
- Tourism benefits / will increase visitor numbers
- Need for a show in the East Midlands as most existing shows are in the south
- Chatsworth has a good track record of organising events
- Perfect setting for this type of event
- Boost understanding of the site's special qualities

In addition to the above Patrick Mcloughlin MP supports the application, noting the economic, tourism and education benefits.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, DS1, L1, L2, L3, RT1, E2, T1, T2 and T7

Relevant Local Plan policies include: LC4, LC6, LC9, LC15, LC16, LC17, LC18, LC20 & LR1.

In the National Park, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. It is considered that in this case, the above policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is also considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the Framework with regard to the key issues in the determination of the current application.

One of the key issues in the determination of the current application is the potential impact on the fabric and setting of designated and non-designated heritage assets. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1, GSP2, L1 and L3 of the Core Strategy.

Paragraphs 132 and 134 of the Framework are also highly relevant and state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This approach is consistent with the aims and objectives of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and LC6, LC16 and LC17 of the Local Plan.

Policy RT1 supports proposals for recreation that will encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Such new provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy. Proposals must not on their own prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park.

Legislation

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' in the exercise of the Authority's planning functions and in considering whether or not to grant planning permission for development that affects a listed building or its setting. It is important to note that section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had and considerable importance and weight should be given to the desirability of preserving a listed building or its setting when balancing a proposal against other material considerations.

Assessment

Principle

Paragraph 116 of the National Planning Policy Framework (NPPF) establishes that applications for major development within National Parks should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

The proposal would represent the introduction of a major and high profile annual event at Chatsworth that also includes significant operational development and temporary structures. It could be argued that the temporary nature of the show would render the proposal 'not major' development in the NPPF context. However, taking into account the size of the show site, the likely visitor numbers, the scale and number of temporary structures and operational development required and the sensitive nature of the application site, the view is taken that the proposal does indeed constitute major development within the National Park. Permission should therefore only be granted if it is considered that exceptional circumstances exist and that the proposed show would be in the public interest. The public interest benefits that would arise are discussed further in the relevant section of the report below.

The application site is located within the Chatsworth Parkland which is a highly sensitive landscape in that it is a grade 1 Registered Park and Garden and there are numerous listed buildings, Scheduled Monuments and undesignated heritage assets within the vicinity of the site. In addition, Chatsworth is an extremely popular tourist destination with the park and gardens holding a central place in the history of English landscape design. Therefore considerations with regard to the impact of the proposals on the significance of the identified cultural heritage assets is crucial in the determination of this application, particularly in the light of Core Strategy policies GSP1, GSP2, L1 and L3 and Local Plan policies LC6, LC16 and LC17, which seek to conserve and enhance landscape character and heritage assets.

Policy RT1 offers support for recreational developments in principle, but requires that such developments must not prejudice the enjoyment of the National Park. Policy E2 states that proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

It is established below that the proposed show would cause harm to the significance of designated heritage assets, including Chatsworth House itself and the numerous other listed buildings and scheduled monuments that lie within the estate. This harm is considered to be "less than substantial" and the NPPF therefore requires the harm to be weighed against the public benefits of the proposal. It is important to understand that "less than substantial harm" is nonetheless harmful, but that the test against which it is judged is lower than it would be for substantial harm.

The acceptability of the principle of development in this instance therefore rests upon a balanced view being taken as to whether or not the impact of introducing a major form of development that would result in "less than substantial harm" to heritage assets would be outweighed by the public benefits that the show would bring and if this would constitute an exceptional circumstance to justify the major form of development being permitted.

This report goes on to provide an appraisal of the extent of the harms and benefits that would arise from the proposed show and seeks to provide a 'planning balance' between them. In carrying out such a consideration, it is appropriate to consider whether or not the proposal represents sustainable development in accordance with the definition provided by the NPPF.

Issue 1: Whether the proposals would cause harm to the significance of the heritage assets in the vicinity of the site including listed buildings, Scheduled Monuments and The Registered Park and Garden.

Setting and significance and impact on landscape character

The proposed show would result in a 24 hectare area of the Grade I registered park that is currently free from visible development and that makes a valuable contribution to the character of the grade I registered parkland and to the setting of the designated heritage assets, including Chatsworth House, becoming intensively used and largely covered with temporary buildings, structures and exhibits for the duration of the show and also experiencing operational

development and activity during the set up and take down period. This would clearly result in a significant change to the existing character of the site. Given that the character of the site as it exists is considered to make a positive contribution to the designated heritage assets, this clearly has potential to affect the setting and significance of these heritage assets.

The application has been submitted with an accompanying Heritage Statement which concludes that *“due to the temporary and reversible nature of the event, any impacts will not cause substantial or lasting harm. In addition, with no residual elements of the Show left on site, there cannot be any cumulative impacts on setting.”*

Historic England and the Authority’s Cultural Heritage Officers raise concerns that the proposal will cause harm to heritage assets (as is discussed below), but the advice from Historic England confirms that this harm would be ‘less than substantial’. The view that the extent of harm to heritage assets would be ‘less than substantial’ is very significant to the assessment of this application because in such cases the NPPF allows for a balanced judgement to be taken between the harm and public benefits. Conversely, if the view was taken that the harm would be ‘substantial’ then the NPPF would require the application to be refused, other than in wholly exceptional circumstances.

Notwithstanding the above, it is still important to acknowledge that the threshold for substantial harm is very high and harm that is less than substantial can still be very detrimental and may ultimately be considered unacceptable. The NPPF makes it clear that great weight should be given to conserving heritage assets and that any harm should require clear and convincing justification.

Historic England and the Authority’s Conservation Officer both take the view that there would be harm to the setting and significance of designated and undesignated heritage assets. It is considered that the proposed show, by virtue of the amount and scale of buildings and structures that are involved in the creation of the show site, would undoubtedly detract from the individual setting and significance of designated heritage assets, including the grade I Listed Chatsworth House and Paine’s Bridge. The Authority’s Conservation Officer takes the view that the level of harm would be unacceptable. The discussion of the impact on specific designated heritage assets can be viewed within the consultation responses.

It also important to note that the harm goes beyond how the show site, and the structures within it, would be viewed in conjunction with the individual heritage assets. Significantly, the show would disrupt the intervisibility between the various heritage assets, including the historic landscape. It is therefore considered that the show would be harmful to the setting and significance to the Chatsworth estate as a group of heritage assets.

It is noted that a series of photomontages have been provided in support of the application. The Authority’s Landscape Architect has reviewed these visual documents and has noted that these have been produced as panoramic images which give the impression of the show structures appearing smaller than they would be in reality. As such, it is not considered that the submitted visuals are a particularly helpful tool for assessing the actual visual impact that would arise and the harm to the significance and setting of heritage assets. It is also noted that the photomontages only show some of the larger structures and do not include trackways, fencing, toilet blocks etc. and therefore give a much less cluttered and busy impression of the show site than would be the case in reality.

It is clear that the harm to the setting and significance of the heritage assets would be temporary, and for this reason it can be agreed that the resultant harm would be less than substantial. However, it is important to bear in mind that this harm would not be limited to the 6 days of the show and would in fact span the 45 day period that includes the set-up, the show itself and the take down and reinstatement period.

In light of the assessment above it is considered that the show would be detrimental to the setting and significance of heritage assets, albeit for a temporary period.

Enjoyment of heritage assets free from the intrusion of shows and events

Policy RT 1 requires that proposals must not on their own prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities. An important aspect of the consideration of the impact on the existing heritage assets, and of the Chatsworth Estate as a whole, is the extent to which the proposal would be harmful to the enjoyment of Chatsworth without interruption from the event. This matter is discussed in detail in the Consultation response from Historic England.

It is considered that for the week of the show, the harm to the setting of the heritage assets can be reasonably easily tolerated. It is anticipated that the overwhelming majority of visitors to Chatsworth during the show week will be visitors to the proposed show itself and will therefore be expecting to see the show site fully operation. However, the visual impact of the show encompasses 45 days, notwithstanding the possibility of longer being required for full restoration. As such, it is likely that the experience of visitors to Chatsworth in the weeks preceding and proceeding the show week will be diminished.

The applicant points out that, even when considered in conjunction with the other major annual events at the site, Chatsworth will still be seen in an uninterrupted condition for over 300 days of the year. The applicant has also provided information to show that June is a month in which visitor numbers are relatively low in comparison to other summer months. These factors are relevant and support the case for granting consent, but it must be acknowledged that there would be a detrimental impact on the setting and significance of heritage assets for a prolonged period and this would diminish from the recreational experience of some visitors to Chatsworth, contrary to policy RT1 in this respect. The balance between the benefits that the show would bring and the detrimental impact to the recreational experience of some visitors to Chatsworth who are not attending the show is an important consideration.

Potential Impact on Historic Fabric

As stated above, it is acknowledged that the harm to setting and significance of heritage assets would be temporary and would cease at such time that the show structures have been removed and the site reinstated.

The submitted information refers to a 10 day take down and reinstatement period. However, no specific details of the reinstatement period have been provided. Whilst the proposed structures on the site would be of a temporary, removable nature, it is apparent that the show site will involve ground works to create the show gardens and that temporary trackways and buildings will require some form of anchoring or other attachment to the ground. Given this, combined with the anticipated large number of visitors to the site, it is considered to be highly likely that the show will have a physical impact upon the proposed show site. Whilst the applicant asserts that the site will be restored to its original appearance after each show, it is difficult to say with any certainty how effective the restoration will be or how long it will take to achieve full restoration. If visual signs of the show are still evident on the previously pristine landscape of the show site after the 10 day take down and reinstatement period, then this would prolong the time period for which there would be harm.

Furthermore, there is potential for the use of the show site to result in permanent harm to the fabric of the landscape. The supporting information refers to the site being relatively flat, which is indeed the case, but it is important to note that the site still contains visible ridge and furrow earthworks and this makes a positive contribution to the value of the application site and to the setting of other heritage assets within the estate, most notably the house. The Conservation Officer and Historic England raise concerns that the earthworks required to implement the

construction of the show site could cause lasting physical damage to the landscape of the site. As stated above, the applicant makes clear a commitment to reinstating the site after the show and this is welcomed. It should also be acknowledged that the applicant has vast experience of post-show reinstatement at the other sites at which shows are hosted. However, given that no event like this has taken place on this particular site with the particular challenges that will be posed by reinstating the ridge and furrow landscape, it remains unknown how effective the reinstatement will be and how long it will realistically take. It should also be taken into account that the level of any harm is likely to be compounded by the event taking place in perpetuity than would be case with only a limited repeat event.

Archaeology

The application site is considered to be of archaeological significance. The Authority's Archaeologist has objected to the scheme as insufficient information has been provided to allow a comprehensive understanding of the potential for harm to archaeological features. It is important to note that detailed archaeological desk study and field evaluation reports have been carried out and submitted in support of the application. The objection from the Authority's Archaeologist is therefore not necessarily a criticism of the archaeology reports have been submitted, but arises because several factors relating to the physical construction of the show site are either unknown or have not been provided in the application. These details comprise principally of the method of attachment of the temporary buildings and structures to the ground and the depth of excavations for show features.

Given the advice of both the Authority's Conservation Archaeologist and Historic England it is considered that the proposed show also has the potential to cause harm to below ground heritage assets through the sheer volume of people that would use the site over the show period resulting in ground disturbance and compaction. The long term protection of archaeological features is a concern.

It is considered that the degree of harm to archaeology can be mitigated to some extent through comprehensive construction and protection methods. However, in light of the advice from the Authority's Conservation Archaeologist and Historic England, it is considered that some harm is likely to occur. It is difficult to quantify the extent of the harm as the extent of invasive ground works is not clear at this stage. Any harm to archaeology weighs against the proposal in the planning balance. It is also clear that the extent of any harm is likely to be compounded by the show being a recurring event. In other words, the harm caused by holding the show ten times is likely to be more adverse than holding the show once.

Suggested mitigation of harm to Heritage Assets

The advice from Historic England recommends that if the Authority is minded to approve the application a formal agreement should be entered into to ensure that the show site remains free from other use during summer months when the show is not taking place so that the landscape can be appreciated free from intrusion. The applicant has commented that this would not be reasonable as such an agreement would prevent the Horse Trials continuing in their existing form since the site is used for temporary car parking for that event. The applicant also noted that there is a functional need to be able to use the site on an ad-hoc basis as and when need arises.

Furthermore, the Authority's Conservation Officer has requested that further consideration should be given to siting the proposed horticultural show elsewhere within the Chatsworth Estate in a location whereby the impact on setting and significance would be lessened. This matter was raised at the pre-application stage and the applicant has made it clear that the application site is the only site within the estate that it considered to be suitable.

Whilst officers do not necessarily agree that the show could not be a success if located elsewhere within the estate, it is evident that there is no reasonable prospect of an alternative show site being put forward by the applicant. As such, the application must be considered on its own merits on the basis of the site that for which permission is being sought. There is no policy basis for imposing a sequential test to discount other more preferable alternative sites in respect of heritage impact before consideration can be given to the actual application site. As such, Members are asked to consider the proposal purely on the basis of the application site that is under consideration rather than considering if the show would be better located elsewhere within the estate.

Potential Heritage Benefits

It has been established above that the proposal would be detrimental to heritage assets. However, the submitted documents assert that the proposed show would bring positive heritage benefits by delivering a financial contribution to the preservation of heritage assets and through raising of awareness of the heritage assets at Chatsworth and their horticultural connections.

In terms of the financial contribution that the show could make to the preservation of heritage assets, the supporting information establishes that it is expected that over a 10 year period sufficient funds from RHS show ticket sales could allow the Chatsworth House Trust to fund car park redevelopment, works to Paine's Mill, restoration and reinstatement of public access to Queen Mary's Bower, conservation of the aqueduct and a number of small conservation or visitor enhancing projects. It is anticipated that this would amount to over £2.0 million of project works.

Historic England and the Authority's Conservation Officer have both requested that means to secure the use of funds from ticket sales being used to invest into specific conservation projects at Chatsworth are agreed as part of any planning permission. Given that the applicant is the RHS rather than Chatsworth House Trust, this would most likely need to be secured by way of a section 106 legal agreement. The applicant has responded to these requests and states that such agreement would be unnecessary and unreasonable. The applicant asserts that the funds raised by Chatsworth must be used in line with the Trust's Charitable Purpose, which is to:

"Preserve for public benefit the mansion house known as Chatsworth House in Derbyshire, together with its ancillary buildings, gardens, arboreta, woodlands, and park; or such part or parts thereof as shall from time to time be held by the charity, and to promote for the public benefit the study and appreciation of Chatsworth as a place of historic and architectural interest and natural beauty."

Whilst it would be beneficial to have a clear schedule of how funds generated by the Chatsworth House Trust would be invested in specified heritage projects, for example the repair and restoration of Queen Mary's Bower, given the Charitable Trust status of both the RHS and Chatsworth it is not considered to be essential to have such an agreement in place to ensure that the income to the Trustees would support heritage projects at Chatsworth in the future. It could be argued that a clear schedule setting out specific heritage projects and a timetable for implementation would allow more weight to be given to this than a general statement that funds will be used for this purpose. However, it is considered that the additional revenue that would be generated for the charitable trust still represents a clear benefit of the proposal that carries weight in favour.

In respect of raising awareness and understanding, it is agreed that the show would bring a large audience to Chatsworth so it may well promote awareness of the estate and the heritage assets within it. However, given that the Historic England and Conservation Officers consider that the show will be harmful to the setting and significance of the heritage assets during the show period, it follows that the ability for visitors to properly understand Chatsworth as a collection of heritage assets must inevitably be compromised during the show week and whilst the set-up/removal is taking place. For example, visitors to the show will not be able to understand and

enjoy the setting and significance of the application site. Paine's Bridge and Chatsworth House in conjunction with one another as they were designed to be. It is therefore considered that an increase in understanding of the Chatsworth estate cannot really be considered to be a tangible benefit that would arise from the proposed show.

The submitted supporting information particularly cites the proposed Paxton-inspired 'Great Conservatory' that would form the centre piece of the show site as being an example of raising awareness of heritage assets. It is acknowledged that the proposed 'Great Conservatory' tent would be an interesting building that may alert some people to the previous existence of the original Paxton building within the gardens of Chatsworth. However, in line with the advice from Historic England, given that the proposed location of the building bears no relation to the position of the original structure and therefore has no similarities in terms of the relationship with the house and other heritage assets, it is considered that the benefit of the proposed 'Great Conservatory' tent in terms of raising awareness would be limited.

The show would also include some other exhibition relating to the history of Chatsworth and the historic landscape, as detailed in the submitted documents. It is considered that there would be some limited potential for raising awareness, but this is not considered to carry any more than minor weight in favour of the proposal.

It is therefore concluded that in terms of heritage benefits, the generation of additional funds for the Chatsworth House Trust is a clear benefit. However, any benefits in terms of increased awareness and understanding of heritage assets are likely to be very limited and carry little weight in the overall assessment.

Conclusion in respect of Heritage Issues

It is concluded that the proposed horticultural show would result in harm to setting and significance of heritage assets and that it also has significant potential to cause harm to fabric of the historic landscape and below-ground archaeological heritage assets. The proposal therefore cannot be said to be in accordance with policies LC4, LC6, LC9, LC15, LC16, L1 and L3.

However, whilst any harm still requires clear and convincing justification, it is agreed that the extent of the harm to heritage assets would be less than substantial and, in accordance with the requirements of the NPPF, a balanced view should therefore be taken between the harm and the public benefits that would arise. The generating of funds to invest in the conservation of designated heritage assets is a clear and tangible benefit that feeds into the other public benefits identified below.

The public benefits are discussed in the following section of the report.

Issue 2 - Public benefits that would arise from the proposal

When considering the public benefits, it is first considered to be relevant to consider the show in the context of whether or not the proposal would represent a sustainable form of development, as defined by the NPPF. This exercise is carried out below, with other identified public benefits addressed later in this section. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The proposed show is considered in the context of each of these below.

Economic

It is acknowledged that the proposed show will bring significant benefits to the local economy. The submitted Economic Impact Assessment calculates a gross benefit of £7.07m to the local economy, which would arise from spending on accommodation, transport, food and gifts, wages and staffing, exhibitor spend, RHS investment in the show and spending on other attractions. It is

clear that the benefits would therefore stretch further in the National Park than just to Chatsworth itself. Furthermore, as discussed previously in the report, the proposed show would generate an additional source of income for Chatsworth House Trust. Further details of the economic benefits are set out in the submitted Economic Benefits statement.

There is no doubt that the proposed show would deliver a substantial economic benefits and this is a significant public benefit that carries substantial weight in favour of the proposal.

Social

The existing RHS shows are world famous and attract a wide population of visitors. It is likely that the launch of a new show at Chatsworth will bring vast numbers of new visitors to the area and generate a significant amount of positive publicity for Chatsworth and the Peak District. Letters in support of the proposal refer to positive promotion of Chatsworth and the wider Peak District. The show would undoubtedly be a high profile event that has the potential to enhance the reputation of the area. This may well foster an increased sense of pride and social well-being.

Furthermore, the submitted supporting information make it clear that the proposed show would provide an opportunity for local groups and societies to come together to display their skills and talents on a national stage. The submitted information makes reference to local schools, gardening, well dressing and social clubs all being invited to take part in the event.

It is considered that the proposed show represents a unique and significant opportunity that would promote social well-being and this is a significant potential positive of the show. Such public benefits are considered to carry weight in favour of the proposal. The social and economic benefits are clearly in accordance with the National Park statutory duty to foster economic and social well-being of communities.

Environmental

Whilst the applicant has suggested that there would be environmental benefits arising from the proposed development by way of heritage benefits, officers are of the view that there would in fact be net harm to important heritage assets and as such the environmental benefits that have been identified by the applicant are considered to carry limited weight in favour of the proposal.

This should not diminish from the significant economic and social benefits that would arise but it reiterates the planning balance of the application as a whole – whilst there are clear and substantial, economic and social benefits, there is also a risk that the proposal may not be environmentally sustainable because of the harm to historic landscape and designated heritage assets. It is important to bear this in mind when attributing appropriate weight to the benefits against the harms.

Other Benefits – Recreation, Education and Understanding

The National Park Authority's statutory purposes include promotion of opportunities for understanding and enjoyment of the park. As discussed previously in the report, it is not considered possible to conclude that the show would deliver any real benefits in respect of promoting understanding specifically of the heritage assets at Chatsworth when it is considered that the show and the associated developments would be harmful to said assets (i.e. the show may well allow more people to see the estate than would otherwise be the case but they would be doing so at a time when the experience was diminished by the presence of the show itself). However, this does not mean that the proposal would not deliver positive educational and understanding benefits in terms of wider National Park purposes. In fact, it is considered that the proposed show could deliver substantial benefits in this respect.

The show would bring significant numbers of visitors into the Park. The submitted information

suggests that the Peak District would be a strong theme of the show so there is clear potential for the promotion of understanding and recreation in this respect. Furthermore, there is a likelihood that visits to other places within the National Park may increase as a direct result of the show, thereby promoting recreation and enjoyment. Naturally a horticultural show will have an education element that represents a clear further public benefit. It is therefore concluded that the proposed show would deliver economic, social, recreational and educational benefits. Such benefits carry positive weight in favour of the proposal.

Part 3: Other planning considerations:

Highway Considerations

The proposed show has the potential to significantly increase the number of vehicles using the highways network to access the site. 80,000 visitors are expected during the show week and there would also be additional traffic for construction, deliveries etc. Temporary car parking would be provided in five areas of the park and access would be taken from the Golden Gates, Heathy Lea, South Western and Blue Doors entry points.

The Highway Authority has been consulted and has raised no objection to the proposal, noting that traffic management details would need to be agreed with the Highway Authority in advance of the event. Subject to relevant conditions, given the temporary nature of the show, it is considered that the proposal would not have a significantly adverse impact on the wider highway network and the show would also have safe and suitable access. The proposal is considered to accord with policies T1 and T2 and the guidance contained within the NPPF in this respect.

Amenity and Neighbourliness

It is acknowledged that the large influx of additional visitors to the site has the potential to cause disturbance to the residents of the surrounding villages, primarily arising from people accessing and leaving the venue. However, given the temporary nature of the show and the times at which it would operate (typically 10am until 6.30pm with some 'invitation only' events until 10pm), it is considered that the extent of harm to amenity would be acceptable. It should also be acknowledged that the RHS event would be one of four major events held at Chatsworth each year, so residents will experience a cumulative impact. However, on balance, the proposal is considered to accord with policies GSP3 and LC4 and the guidance contained within the NPPF in this respect.

Flood Risk

The site partially lies within Flood Zones 2 and 3. The NPPF requires a sequential test to be applied to development proposals within the flood zone. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is noted that an application for a change of use would not normally be subject to the sequential test, but given that the proposal includes operation development and temporary buildings, it is considered to be appropriate to apply the sequential test in this instance.

It is clear that the show site has been selected in order to create a clear link with Chatsworth House and the RHS is not willing to consider alternative sites in the Parkland. It would therefore not be appropriate to consider any alternative locations outside of Chatsworth Park. There are other areas of the park that are outside of the flood zones that could theoretically accommodate the show site, but the applicant has made it clear that no alternative sites are suitable for their needs. It is accepted that there is no prospect of the proposed show being located outside of flood zones 2 and 3. The sequential test is therefore considered to be passed.

It is considered that the proposal would fall into the 'less vulnerable' class of flood risk vulnerability and flood zone compatibility. As such, it is not necessary to apply the exception test in this instance.

A flood risk assessment has been submitted and makes recommendations to mitigate the risk of flooding relating to the levels of the proposed bridges, suitable anchoring of structures and emergency planning in the event of flooding. The Environment Agency has not objected to the application and recommends a condition requiring that no development shall take place until such time as a scheme to show detailed information of the temporary bridge crossings across the River Derwent has been submitted to, and approved in writing by, the Authority.

The County Council's Flood Risk Team has raised no objections subject to the mitigation measures being implemented. Subject to agreement of the bridge specification by way of an appropriately worded condition, it is considered that the proposed show would not be at unacceptable risk of flooding and would unacceptably increase flood risk elsewhere.

The proposal is therefore considered to be acceptable in this respect and does not conflict with the guidance provided in the NPPF and NPPG in respect of flood risk.

Ecology

Whilst the application site and the wider surrounding area is of ecological value and sensitivity, in light of the advice from Natural England and the Authority's Ecologist, it is considered that there would be no unacceptable adverse harm to ecology or protected species and the proposal is considered to be acceptable and in accordance with policy LC17.

Public Rights of Way

There are a series of Public Rights of Way through the Chatsworth Estate and there are Public Rights of Way that pass through the application site. The proposal would inevitably require the temporary closure of these and separate consent would be required for this from the Highways Authority. The Authority's Public Rights of Way Officer has raised no objections to this provided that the closure is only temporary.

Part 4 Overall Planning Balance

As identified above, it is considered that the proposal would be harmful to the setting of designated heritage assets, including Grade I Listed Buildings Chatsworth House and Paine's Bridge. Given the temporary nature of the show, this harm would be 'less than substantial'. The NPPF makes it clear that less than substantial harm should not be acceptable unless it would be clearly outweighed by public benefits. It is important to reiterate that the resultant harm would occur for more than the 6 days that the show would be take place. There would be some harm throughout the 45 day period that comprises of the show set up and removal. It is also important to reiterate that any harm to heritage assets requires clear and convincing justification.

Furthermore, whilst conditions can be imposed reduce the extent of lasting physical damage to some extent, in light of the advice from the Authority's Senior Archaeology and Conservation Officers, there can be limited confidence that the show would not result in some lasting physical damage to the site. It is likely that any such damage would be compounded by the event taking place on the same site on recurring yearly basis.

The Archaeology and Conservation Officers have both recommended that if consent is granted it should be limited to a one year permission only, rather than the ten years that the applicant is seeking permission for.

However, it is also clear that the introduction of the proposed horticultural show would deliver

substantial benefits. The economic benefits would be substantial and would go beyond just the revenue that would be generated by the RHS and Chatsworth Charitable Trusts. Associated spending would spread to surrounding areas of the National Park. In the same manner that potential harms would be compounded by holding the show on a recurring basis, the economic benefits would also be more extensive the more times the show takes place.

However, it must also be borne in mind that a development that would result in harm to the natural and historic environment cannot be considered to be fully sustainable in the NPPF context. As such, in the absence of clear and convincing evidence to demonstrate the proposal would not result in unacceptable levels of harm to the natural and historic environment, the economic benefits are not considered to provide the clear justification required by the NPPF to support the show on a permanent or 10 year basis.

It is also acknowledged that there will be significant social, educational and recreational benefits arising from the introduction of the show. However, the Sandford principle establishes that where there is irreconcilable conflict between the statutory purpose to conserve and promote understanding and enjoyment of the National Park, greater weight will be given to conservation. As such, the education and recreational benefits of the show do not readily outweigh the potential harm to the conservation of heritage assets that could occur from granting a permanent or ten year consent.

It is however considered that the benefits could clearly outweigh the harm that would be caused by the show on a more temporary basis, given that the expert advice suggests that the harm arising would be compounded year on year.

Furthermore, granting permission for a shorter temporary consent would also provide a significant advantage as it would address some of the uncertainties that have arisen from the proposed application. For example, the Landscape Architect has identified that the submitted visual images of the show site are of poor quality. Allowing a shorter temporary consent would allow for careful monitoring of the show site structures and development in situ in order to thoroughly assess the impact on heritage assets and landscape. Such an approach would also allow for monitoring of the impact on archaeology and the landscape of the application site. It would also be possible to monitor the effectiveness of the site reinstatement.

It is therefore concluded in terms of the overall planning balance that the public benefits are not considered to clearly and convincingly outweigh the harm that could be caused by approval of the show on a permanent or ten year basis. It is however considered that clear justification exists to approve the show for a shorter temporary period that would support the proposal but would also allow the Authority to maintain control and confidence that there would be no unacceptable long-term harm. It is therefore appropriate to consider what length of permission is appropriate.

Temporary Permission

The applicant has made it clear that a temporary permission of less than ten is not acceptable to them for financial reasons and that a longer term consent is required to make the investment in the show financially viable. Given the concerns expressed by Historic England and the Authority's own cultural heritage and landscape officers and the very significant nature of the heritage assets at Chatsworth, the most prudent course of action would be to grant permission for a single year, which in terms of minimising potential harms would appear to be the most risk-averse strategy.

However, it is acknowledged that the applicant would consider that holding the event only as a one off event may not justify the investment that would be required to deliver it. A letter has been submitted from the RHS which states that a one year permission could not be acted upon, although officers are aware that there have already been significant ticket sales for the 2017 show. The letter sets out this position in detail and is available to view on the Authority's website.

In response, Planning officers consider that a one year permission is not necessary to achieve the planning balance in which the benefits would outweigh the harms.

It is considered that a three year permission would be appropriate and would strike a balance between giving the applicant some security in respect of being able to plan for future events beyond 2017 but also safeguarding the heritage assets and landscape in line with the statutory national park conservation purpose. It is therefore recommended that any approval should be subject to three year restriction. Officers also considered whether a five year permission would be a reasonable compromise between the applicant's expectations and the statutory duty to protect designated heritage assets, but this is a relatively lengthy period given the concerns expressed by Historic England. Members may wish to consider this as an alternative period, but officers would not recommend any period in excess of five years

It is important to note that granting consent for a three year period at this stage would not represent a determination that holding the show on more than three occasions would be unacceptable and that the Authority would not welcome the show on a more long-term basis. The applicant would have the opportunity to reapply for a longer term permission in the future. As stated above, a three year permission would allow for a comprehensive assessment of the impacts to be made before, during and after the show in the next three years and, importantly would allow an opportunity for monitoring of any cumulative harm. Furthermore, this would provide a vital opportunity for the Authority to work with the RHS and the Chatsworth Estate in order to address potential harm and seek to achieve a more long-term, sustainable, outcome. If it can be demonstrated that the harm arising from the show as identified in this report can be mitigated to an acceptable level, then it is highly likely that an application to extend the permission for future years would be supportable. It is considered that this approach represents one that responds positively to the significant constraints and planning issues that are posed by the nature of the proposed development at this unique application site.

Conclusion

Given the assessment above, it is concluded that exceptional circumstances exist to justify major development in the National Park on a temporary basis. It is clear that the proposed horticultural show would result in harm to heritage assets and this harm can be considered to be less than substantial, but which is harm nevertheless and therefore requires clear justification. It is considered that the application has demonstrated clear and convincing public benefits that would arise from the show.

It is considered that, given the content of advice from heritage experts, it cannot be concluded at this stage that the public benefits would outweigh the harm arising from an annual show taking place in perpetuity. However, it is considered that the public benefits would clearly outweigh the harm if the consent is limited to a three year period in the first instance. As such, the application is recommended for approval, subject to the approval being for a three year time period.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil