

5. S.73 APPLICATION FOR THE VARIATION OF CONDITION 3 ON NP/DDD/0921/1053 AT CHATSWORTH HOUSE, CHATSWORTH, EDENSOR (NP/DDD/0622/0760, ALN)

APPLICANT: CHATSWORTH HOUSE TRUST

Summary

- This is a section 73 application that seeks to vary a condition relating to overflow parking on grassland below the Bastion Wall, between the principle (west) elevation of Chatsworth House and the River Derwent.
- The condition currently restricts overflow car parking to 11 days per calendar year, specifically and exceptionally during the three major ‘events’. The proposals are to increase the allowance to 45 days per year, with no specific relationship or exception for major ‘events’.
- The proposals would cause harm to the setting of the grade I listed building and its parkland over an extended period when views of the house in its designed landscape would otherwise be uninterrupted.
- The proposals would be contrary to adopted policies and the public benefits would not outweigh the identified harm.
- The application is recommended for refusal.

Background

In December 2020, planning permission was granted by the Planning Committee to reconfigure and extend the main visitor car park at Chatsworth to increase capacity by 30% from approximately 675 spaces to 895 spaces (plus 13 coach bays) (NP/DDD/1018/0911). The full committee report for the application is included as Appendix 1 for information, but the main elements of the scheme were as follows:

- Re-configuration and resurfacing of the existing car park area to provide more formalised parking bays (including 40 disabled spaces).
- Expansion of the car park to the north, west and east of the existing footprint to increase capacity.
- Creation of a more level surface by ‘cutting’ material from the southern area and ‘filling’ within the northern area.
- Creation/retention of a green ‘picnic area’ around the veteran trees in the centre of the site.
- Relocation of ticket kiosks to the entrance to the northern zone of the car park, with a one-way system into and out of the car park.
- Bollards, kiosks and temporary fences removed from the North Lodge car park and area of hardstanding reduced.
- Removal of row of car parking spaces directly in front of the principle (west) elevation of the Stables.
- Relocation of coach parking bays to the northern edge of the car park.
- Creation of dedicated footpath links from the car park to the house/stables.
- Widening of the access road to the west of the car park.
- Dedicated bus stop and 15 secure cycle racks. Electrical charging points.

Also approved as part of the scheme was the creation a fourth arm to the southern side of the roundabout to the east of Baslow. The main elements of that part of the scheme were as follows:

- New arm of the south side of the roundabout including realignment of the existing arms.
- New access road from the roundabout through the woodland to the south and across an area of parkland to link with the existing access track to the south of the Golden Gates.

The application was approved subject to conditions, including a condition (no. 3) that limited overflow car parking below the 'Bastion Wall', i.e. the area of land between the principle front elevation of the grade I listed building (west) and the River Derwent. The condition in question reads:

'Once the new car park is first brought into use, no public overflow parking shall take place between the Bastion Wall and the River Derwent (in the area marked green on the attached plan) over and above the operational days of the three major events – RHS flower show (5 days per year), Country Fair (3 days per year) and Horse Trials (3 days per year).'

In January 2022, a section 73 application was approved to make amendments to a number of conditions appended to the initial planning permission, including to introduce plans showing phasing of the works and amendments to wording of conditions relating to landscaping, tree, archaeology and provision of electric charging points. Condition 3 remained unchanged.

It is this section 73 permission that the Estate intends to implement and so it is condition 3 from this permission (NP/DDD/0921/1053) that it seeks to vary. For clarity, the permission has not yet been implemented.

Site and Surroundings

Chatsworth House is a stately home situated on the eastern edge of the National Park, approximately 4km north east of Bakewell. It is a grade I listed building and the 765 hectare park and garden in which it sits is included on the Historic England register of parks and gardens at grade I. The Estate is a major tourist destination within the National Park, attracting around 640,000 visitors to the house and garden each year.

The main access to Chatsworth House is via Paines Bridge on an unclassified road that links to the B6012 to the south east. Access can also be gained via the Golden Gates from the A619 to the north although this is usually closed to the public.

There are a number of other listed buildings in close proximity to the car park. These include the Stables (grade I), North Lodges (grade I), game larder (grade II), James Paine's three arched bridge (grade I), and the terrace walls to the west of the house (known as the Bastion Walls) (Grade II). To the south of the roundabout are the Golden Gates and Lodges (Grade II).

The existing car park has developed and expanded incrementally over a number of years and currently can accommodate approximately 675 vehicles.

Proposal

This is a section 73 application which seeks permission to vary condition no.3 on NP/DDD/0921/1053. As stated above the condition currently reads:

'Once the new car park is first brought into use, no public overflow parking shall take place between the Bastion Wall and the River Derwent (in the area marked green on the attached

plan) over and above the operational days of the three major events – RHS flower show (5 days per year), Country Fair (3 days per year) and Horse Trials (3 days per year).'

The proposals are to amend the condition to read: '*Once phase 6 of the car park works have been completed use of the area between the Bastion Wall and the River Derwent (in the area marked green on the attached plan ref Plan for Condition 3) will be limited to a maximum period of 45 days in any calendar year and will be managed in accordance with the submitted Car Park Management Plan (CPMP) unless otherwise agreed with the planning authority.'*

Essentially, the condition currently allows for overflow parking on the grassland in this area to take place on 11 days per calendar year only, when the three main events are taking place (RHS flower show, Country Fair and Horse Trials). The proposals are to allow parking to take place for 45 days a year, 34 more days than the condition currently allows. It was stated in the original application that the Bastion Wall can take up to 350 cars.

The Car Park Management Plan that is referred to outlines three zones for parking. Zone 1 is the main visitor car park, Zone 2 the 'Helipad' to the north west of the House and Zone 3, the area in front of the Bastion wall. Essentially parking would be managed such that Zone 1 is utilised first but then in times of high demand, generally Zone 2 and then finally Zone 3 are used. During wet conditions or when the sward in Zone 2 needs time to recover, Zone 3 may be used before Zone 2.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. Chatsworth House and its registered park and garden are of the highest significance for their exceptional historic, architectural and archaeological interest. An additional 34 days per calendar year of overflow parking over and above that which is currently permitted by the condition, in front of the principle elevation of Chatsworth House would lead to harm to the setting of the grade I listed building and would detract from the ability to appreciate a key iconic view of the house across the park for substantial periods, contrary to Core Strategy policies GSP1, GSP3 and L3, Development Management Policies DMC3, DMC5, DMC7 and DMC9 and advice in the National Planning Policy Guidance. The harm would not be outweighed by the public benefits of the scheme.**
- 2. The provision of substantial additional visitor car parking without the associated removal of inappropriately parked vehicles, at an appropriate level, is contrary to Core Strategy policies T1 and T7 and Development Management Plan policy DMT7.**

Key Issues

- Whether the development would conflict with the Authority's policies with regard to sustainable transport.
- Whether, in the planning balance, public benefit clearly outweighs harm.

History

There is a detailed and extensive planning history for development on the Estate but in relation to the specific application site:

April 2018 – (Enq ref 32709) formal EIA screening request submitted for the proposals. The Authority came to the view that the development does not constitute EIA development.

December 2020 – planning permission granted for improvements and expansion of the existing car park associated with Chatsworth House, together with the creation of a new access road via a spur off the existing A619/A621 roundabout east of Baslow (NP/DDD/1018/0911).

July 2021 – pre-application advice sought and given for, amongst other things, the variation of condition 3 to allow for more overflow parking between the Bastion Wall and the River Derwent. We advised that the condition was necessary, reasonable and enforceable and that the variation would be unlikely to be acceptable as it would cause significant harm to the designed landscape and the setting of the grade I listed building (Enq ref 42917).

January 2022 – section 73 application approved to vary conditions 2, 9, 11, 13, 15, and 26 from NP/DDD/1018/0911.

Consultations

Highway Authority – no response

District Council – no response

Baslow and Bubnell Parish Council – no comments to make.

Historic England (in summary) – *‘The area of parkland west of the Bastion Wall is part of an iconic, designed view that makes a major contribution to the historic and architectural interest of Chatsworth. We refer you to our advice letter of 6 February 2019 on the above application with relation to the harmful impact of parking below the Bastion Wall on heritage significance, and our recommendation for robust conditions restricting the number days parking is permitted in this location, in the interest of providing certainty as to the overall impact of the parking on heritage significance.*

We also refer you to our letter of 29 September 2016 with relation to application NP/DDD/0916/0881 for the RHS flower show. In particular, in that letter we expressed concerns about parking and events in this part of the park impairing the ability to appreciate the landscape, which provides the designed setting for the house, including a key designed view, for extended periods during the main visitor season, and the consequent impact on heritage significance.

Recommendation - *Historic England has concerns regarding the application on heritage grounds. Chatsworth House and its registered park and garden are of the highest significance for their exceptional historic, architectural and archaeological interest. Parking in the area of the registered park beneath the Bastion Wall detracts from the ability to appreciate a key iconic view of the house across the park, with consequent, less than substantial harm on heritage significance. The proposal seeks to increase the number of days parking is allowed, from 11 days to the 45 days that the RHS flower show, now no longer operating at the site, would have been present. We have previously expressed concerns about temporary structures and parking being present for this length of time in this area. These concerns still stand. It will be for your authority to determine whether a clear and convincing justification, and sufficient public benefits have been demonstrated to outweigh the harm. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 197, 199, 200 and 202 of the NPPF.*

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.’

Authority's Landscape Architect – *'One of the most important and significant views of Chatsworth House is of the western elevation and includes the western elevation of the house the west front Bastion wall and the river Derwent. Parking in the area below the Bastion Wall has a significant negative visual impact on the setting of the house and the parkland especially when there are no major events taking place.'*

The aim should be for no parking to occur in this area to allow visitors the fullest visual experience when approaching the house, through the designed landscape. Although parking has taken place in this area for many years it is not to say that visitors would expect to see parking in such a prominent place against a historic building. For many visitors this would be their first visit to Chatsworth and the impression that they gain will determine if they return or recommend Chatsworth to their friends. The approved works to the main car park will significantly improve that impression, but this is not without its' negative features. In addition it is also important to remember that the B road which runs through the parkland, enables people traveling through and not specifically to visit Chatsworth, views of the house and the Bastion Wall.

The Authority took the view that the 3 main events held at Chatsworth, cause impacts on the setting of the house, and that public parking during the opening days of the shows would not cause any significant additional impacts. However when the shows are not present, public parking has a greater negative visual impact and would be more harmful to the landscape.

The proposal to allow parking to take place over 45 days per year also makes it harder to record the number of days parking that does take place, rather than being restricted to show days. The proposed 45 days is almost the equivalent to every weekend (Saturday and Sunday) that Chatsworth is open.

Overall the change of the proposed section 73 would have a negative impact on the setting of the house and parkland.'

Authority's Conservation Officer – *'Parking in front of the Bastion Wall has a negative impact on the setting of a number of highly significant listed buildings /structures, and is harmful to their significance for the duration of the parking, and afterwards as the grassland recovers. It is also damaging to the designated parkland itself.'*

Ultimately there should be no parking in this location. Approval for the car park improvements was conditional on parking in front of the Bastion Wall being limited to 3 specified times a year, for a maximum of 11 days in total.

Each of the major events at Chatsworth is accompanied by increased physical and visual 'clutter' related to the event - structures, vehicles, people, activities etc. It could be argued that parking in front of the Bastion Wall in association with these specific events has marginally less of a negative impact than when the parkland is clear, as these events themselves disrupt the setting of the designated heritage assets, for their duration. When the parkland is in its normal state - clear of the temporary accretions associated with an event, parking in front of the Bastion Wall has a greater (negative) visual impact on the setting of these HAs, and should be avoided.

Limiting the parking in front of the Bastion Wall to the major events only, also allows the grassland within the designated landscape to fully recover in between these specified occasions. This is beneficial not only for the physical recovery of the grassland itself, but also to the setting of the listed buildings/structures, and to the designated parkland, which is negatively impacted by large areas of damaged grassland in such a visually prominent location. Allowing parking outside these key specified occasions will hinder full recovery of the grassland; if parking continues across the whole year (albeit for a limited number of days), the grassland may struggle to recover fully at any point.

Restricting parking in front of the Bastion Wall to specified events, with a specific number of days for each, is easily monitored. Changing this to enable parking across the year for a specified number of days in total would be extremely difficult to monitor.'

Authority's archaeologist - no archaeological concerns.

Representations

None received

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, RT1, CC1, T7

Relevant Local Plan policies: DMC3, DMC5, DMC7, DMT7

National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Authorities have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

Para 172 of the NPPF states the great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

National policies with regard to promoting sustainable transport are set out in chapter 9 of the NPPF. Para 102 states that transport issues should be considered at an early stage so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised ; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Para 108 states that in assessing applications for development, appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

With regard to the historic environment para 193 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.

Core Strategy

Policy GSP1 E states that in securing national park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy. GSP2 states that opportunities should be taken to enhance the valued characteristics of the National Park. This is expanded in policy L1 which relates directly to enhancement of landscape character. Policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Core Strategy policy T1 seeks to encourage sustainable transport and reduce the need to travel through giving priority to conservation and enhancement; encouraging modal shift to sustainable transport and minimizing traffic impacts within environmentally sensitive locations.

T7 states that non-residential parking will be restricted in order to discourage car use and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere and wherever possible it will be made available for public use.

Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Policy RT1 states that the National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. Opportunities for access by sustainable means will be encouraged. 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. Where appropriate, development should be focused in or on the edge of settlements. In the open countryside, clear demonstration of need for such a location will be necessary.

Development Management Policies

Policy DMC3 expects a high standard of design that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape.

Development Management policy DMC5 states that applications affecting a heritage asset should clearly demonstrate its significance including how any identified features will be preserved and where possible enhanced and why the proposed works are desirable or necessary. Development of a heritage asset will not be permitted if it would result in harm to, or loss of significance character and appearance unless the harm would be outweighed by public benefit. DMC9 states that planning applications involving a Registered Park and Garden and/or its setting will be determined in accordance with policy DMC5.

DMC7 aims to ensure that development preserves the character and significance of listed buildings and/or their settings.

DMT7 states that new or enlarged visitor car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown. Where new or additional off-street visitor parking is permitted, an equivalent removal of on-street parking will usually be required. In considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a Park & Ride system or right of way.

Assessment

Whether the Development is Major Development

For clarity, we took the view when assessing the original proposals for the car park and new road spur, that the development represented 'major development'.

In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent 'major development' as the application site edged red extends to more than 1 hectare (in fact it extends to 5.6 hectares). In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 172 of the NPPF and Core Strategy policy GSP1 seek to resist 'major development' in National Parks in all but exceptional circumstances and where it can be demonstrated that they are in the public interest.

Para 131 of the Authority's Development Management policy document provides clarity on the issue. It points out that 'Footnote 55 of the NPPF (2019) states, *'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'* In making this assessment close regard should be had to the impact of a scheme on the special qualities of the National Park utilising the Landscape Strategy and other tools advocated by this document.

The application site is located within the Chatsworth Parkland, which is a highly sensitive landscape in that it is a grade I Registered Park and Garden and there are numerous listed buildings 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. Taking into account this sensitive setting and the significant operational development that was proposed, we concluded that the proposals did indeed constitute major development within the National Park.

Policy GSP1 E makes it clear that planning permission should only be granted for major development if it is considered that exceptional circumstances exist and that the proposals would be in the public interest. On balance our view with the original application was that the condition was necessary in order to provide sufficient meaningful public benefit that would constitute the exceptional circumstances in which the major development could be accepted.

Justification for the Proposals

A supporting statement submitted with the current application states that whilst the long term objective of the Estate is for no parking to be necessary below the Bastion Wall, this is not possible at present and the restriction as framed is not viable, given the visitor numbers Chatsworth experiences at various times during the year. As further justification for the proposals it is stated that the Royal Horticultural Society (RHS) Flower Show will not be returning to Chatsworth following the forced cancellation in 2020 and therefore the proposed level of overflow parking proposed would be the same as the 45 day build time, show duration and removal time that was taken up by the RHS. It is also stated that there are currently no restrictions on the use of the Bastion Wall for parking at any time of the year, and that turning cars away from Chatsworth as a result of insufficient parking availability, can have a very significant impact on local communities through traffic congestion.

In terms of the RHS, firstly the planning permission for that event was granted for a 10 year temporary period only, which expires in 5 years time in March 2027. The current proposals, on the other hand would be for a permanent use of the area for overflow car parking. Secondly, whilst we appreciate that at present there are no plans for it to return, there are no concrete guarantees that the show will not return over the remaining permitted period. And thirdly, the committee report for the RHS planning application made it clear that there were also substantial public benefits associated with that development (i.e. significant financial contributions to the conservation of heritage assets; benefits to the local economy and to education etc). If the RHS does not return, then those public benefits would also be lost. Therefore the loss of the RHS does not weigh strongly in favour of the current proposals.

Turning to the existing situation with regard to overflow car parking, we agree that the Authority has never considered overflow car parking, in itself, to constitute a change of use of the land and that therefore the use of the area below the Bastion Wall is currently unrestricted. However that does not take away from the fact that if the Estate wishes to expand the car park in the manner that has been approved, then there is a need to ensure there is sufficient public benefit in order to mitigate the harm that the particular development will bring about.

Whether, in the planning balance, the public benefit clearly outweighs harm.

We took the view, in the assessment of the original application, that there were a number of public benefits to the proposed scheme. These consisted of:

- Removal of a row of parking spaces which intrude into the setting of the grade I listed stables building.
- Removal of clutter including pay kiosks, temporary fencing and general activity of vehicles manoeuvring directly in front (to the north of) the grade I listed North Lodges.
- Removing coach parking from along the access road to the south of the car park, which would enhance the setting of the House, Stables and Game Larder.
- Protection and enhancement of 21 category A veteran trees in the car park.
- Improvement to the visitor experience of those visiting Chatsworth
- Improvement to traffic congestion issues in and around Baslow.

As part of the current application the agent has also highlighted other benefits, namely the installation of drainage and run-off systems to protect the ground and manage pollution risks, providing electric car charging and more bicycle parking and improving the look of the car park to enhance the setting of listed buildings. They also state that the restriction of parking on the currently unrestricted area below the west front of the house by over 300 days would be a benefit.

There were however elements of the scheme that would cause harm. These were identified as:

- Loss of 0.24ha of the grade I registered park land to car parking, mainly to the north and east of the existing car park.
- Loss of a significant number of mature trees consisting of 46 in total (24 Category B and 22 Category C).
- Loss of a corridor of woodland 22m wide (0.14 ha in area) at the north access.
- Both the proposed northern access and the works to the car park will result in permanent and irreversible harm to known and predicted archaeological features (although the harm will be mitigated by a scheme of archaeological survey and monitoring).

Following concerns raised by officers during the course of the application, the agent has submitted a further response, which can be read in full on the application file. In summary it states that in their view the benefits would far outweigh the limited harm. It emphasises that some of the trees to be lost are in poor health, that 101 new trees would be planted, that impacts on archaeology can be mitigated and that with regard to the area of woodland to be lost, the Estate Forestry department is to improve its wider management.

In terms of the planning balance however, as well as these specific areas of benefit and harm, the wider sustainability credentials of the proposals were also a significant issue in determining the original application and the decision to apply the condition as currently worded. Core Strategy policy T1 seeks to encourage sustainable transport and states that modal shift to sustainable transport will be encouraged. Furthermore T7 states that non-residential parking will be restricted in order to discourage car use.

Whether the development would conflict with the Authority's policies with regard to sustainable transport

Our view at that time (and still remains) was that the whilst the Estate is making efforts to promote a shift to public transport, the approach taken with the current application, to focus on the expansion of the car parking facilities conflicts with the thrust of the Authority's policies with regard to sustainable transport. The proposals are for major development within the National Park and should only be accepted in exceptional circumstances if there are definite and meaningful public benefits that clearly outweigh any harm. One of the main ways in which this can be achieved is by addressing the impacts of overflow parking.

The impacts of overflow parking has been an identified issue at Chatsworth for some time. As stated by Historic England in their response, parking in the area of the registered park beneath the Bastion Wall detracts from the ability to appreciate a key iconic view of the house across the park and river, causing less than substantial harm on heritage significance. Indeed the Estate's own Parkland Management Plan (2013) acknowledges that parking in this areas has a '*high visual, landscape and archaeological impact so an alternative solution must be found*'. We therefore consider that continued use of this area for parking, on top of the events that already take place would have an unacceptably harmful impact. Importantly, Development Management policy DMT7 makes it clear that where visitor parking is permitted, an equivalent removal of on-street parking will usually be required. As this is not feasible in this location, an equivalent removal of harmful overflow parking in this area is considered to be a reasonable alternative.

It is accepted that each of the major events at Chatsworth is accompanied by increased physical and visual 'clutter' related to the event - structures, vehicles, people, activities etc. Consequently any public parking in front of the Bastion Wall in association with these specific events has marginally less of a negative impact than when the parkland is clear and consequently the condition was framed to allow parking during the 11 days of these events only.

However, if 45 days of car parking were permitted throughout the year as proposed, then this could equate to harmful parking taking place in front of the grade I listed building every weekend over the main visitor season, and at times when there is no other major disruption to the registered parkland and the setting of the listed building.

In addition to the specific areas of harm listed above, is the fact that without the effective removal of harmful overflow parking in front of the House as the condition currently secures, the proposals, which focus on the expansion of car parking facilities, would not comply with the Authority's policies with regard to sustainable transport and visitor parking. Para 9.72 of the Development Management Plan (supporting text to policies DMT7) states that '*where there is a need for additional visitor parking, in some cases this can be met within the footprint of existing car parks, without detriment to the National Park's special qualities. Alternatively there may be a need for a newly created car park to address demand for visitor access to a particular location. In either case, the Authority would expect to see a demonstration of local benefit from the removal of on-street or inappropriately parked vehicles, to support the application for additional off-street parking.*' In the light of this policy position and given the highly sensitive nature of the area in front of the Bastion Wall and the strong contribution it makes to the setting and significance of the grade I listed building, our clear view is that the condition should remain as currently worded.

There are other less sensitive areas of the parkland where overflow parking can (and does) take place, including the adjacent 'Helipad' (250 vehicles). Further areas in the parkland to the north of the existing car park are also used and details provided with the original application suggest that these can provide up to 630 spaces. It is appreciated that these areas are not as close to the House and other facilities and ground conditions are not always as favourable, but nonetheless they still provide substantial scope for additional parking where necessary. We are also open to discussions about other options such as remote Park and Ride Schemes.

Conclusion

In conclusion our view is that allowing an additional 34 days per calendar year of overflow parking over and above that which is currently permitted by the condition would lead to harm to the grade I listed building and its setting. Chatsworth House and its registered park and garden are of the highest significance for their exceptional historic, architectural and archaeological interest and parking in front of its principle elevation over the substantial number of days proposed would detract from the ability to appreciate a key iconic view of the house across the park. The condition as currently framed is necessary, reasonable, enforceable and meets the tests for conditions in all other respects.

The Authority's overarching transport policies highlight that the cumulative impact of private cars can harm the special qualities of the area that underpin the enjoyment and experience of visitors. Consequently these policies aim to minimise the adverse impact of motor vehicles. The proposal to continue to accommodate overflow parking in this area, at the level proposed, despite an approved scheme to increase the main car park capacity by 220 spaces would be contrary to policies T7 and DMT7. This wider policy consideration with regard to sustainability together with the particular areas of harm that have been identified above are not outweighed by the public benefits of the scheme. Consequently exceptional circumstances would not exist to justify the proposed development as amended. The application is therefore recommended for refusal.

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

Report Author – Andrea Needham, Senior Planner