

APPLICATION NUMBER		22/00383/FUL	
SITE ADDRESS:		Derwent Gardens, South Parade, Matlock Bath	
DESCRIPTION OF DEVELOPMENT		Use of public open space for temporary siting of market stalls/ catering units, children's funfair, ticket office and toilets for the period between 22/08/2022 to 06/11/2022 and for periods covering 8 weekends (to be confirmed) between August and November of 2023, 2024, 2025 and 2026	
CASE OFFICER	Sarah Arbon	APPLICANT	Dave Turvey – Events Manager (DDDC)
PARISH/TOWN	Matlock Bath	AGENT	
WARD MEMBER(S)	Cllr G Purdy Cllr D Murphy	DETERMINATION TARGET	21 st June 2022
REASON FOR DETERMINATION BY COMMITTEE	DDDC development	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of Development – Impact on Residential Amenity – Visual Impact and Heritage Matters – Flooding – Ecology

RECOMMENDATION
Approval subject to conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 This application relates to land within Derwent Gardens, a public park which runs alongside the western bank of the River Derwent. The park lies at a lower level to the A6 classified road which forms its western boundary. This level change and the mature trees and shrubs are such that the only main views of the site are either from within the park or from the riverside walk on the opposite side of the Derwent. The site is a Grade II registered park, it is within the Derwent Valley Mills World Heritage Site Buffer Zone and within the Matlock Bath Conservation Area. Adjacent to the site is a site of international importance for nature conservation designated as a Peak District Dales Special Area of Conservation.

2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the temporary siting of up to 20 market and catering stalls, a children's funfair, up to 15 temporary toilets and one ticket office. The proposed use of the land for these purposes is temporary with the intended operational hours of 10 am to 10pm every Saturday and Sunday (including bank holidays) for the August to October period over the next three years (2022 – 2025). The dates set out in the application description include erection and dismantling periods. The actual period of the event is: 22.08.2022 to 06.11.2022 for this year and dates for following years are to be agreed 2023, 2024, 2025 and 2026.
- 2.2 The pertinent points of the supporting statement are summarised as follows:
It is advised that the stalls, temporary ticket offices and equipment will be in keeping with the illuminations event. The whole of the event, including stalls, catering units and the children's funfair, is accessible to disabled persons. The temporary toilets that are brought in for the fireworks nights would be easily accessible, with one for sole use by disabled persons. The large area to the rear of ticket office 1 is set aside for the sole use of disabled persons as a viewing area on weekend evenings for the parade of illuminated boats. On weekend evenings, from 6pm until 9pm, there would be a controlled, paid access to Derwent Gardens that is policed by stewards.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1. Adopted Derbyshire Dales Local Plan 2017
Policy S1 : Sustainable Development Principles
Policy S3 : Development Within Defined Settlement Boundaries
Policy S7 : Matlock, Wirksworth, Darley Dale Development Strategy
Policy PD1 : Design and Place Making
Policy PD2 : Protecting the Historic Environment
Policy PD3 : Biodiversity and the Natural Environment
Policy PD8 : Flood Risk Management and Water Quality
Policy PD9 : Pollution Control and Unstable Land
Policy HC14 : Open Space and Outdoor Recreation Facilities
Policy HC19 : Accessibility and Transport
Policy HC21 : Car Parking Standards
Policy EC8 : Promoting Peak District Tourism and Culture
- 3.2. Other:
The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

There have been numerous repeat planning applications for this temporary development approved over the past years, the last one being 18/00877/FUL which covered the period of August to November 2018 to 2020.

5.0 CONSULTATION RESPONSES

Highways Authority (DDC)

5.1 No objections.

Environmental Health (DDDC)

5.2 No objections.

Archaeology (DDC)

5.3 There are no below ground archaeological implications for the works.

Matlock Bath Parish Council

5.4 No objection.

Conservation Officer (DDDC)

5.5 The lack of a HIA is not considered significant as this application is very similar to the previous 2018 application and there is on-going assessment of the proposals for the site and that previously and to date no heritage assets have been harmed or impacted upon by previous permissions.

Derwent Valley Mills World Heritage Site Partnership

5.6 No comments

Historic England

5.7 No comments.

The Gardens Trust

5.8 Object on the basis of the lack of a Heritage Impact Assessment.

Environment Agency

5.9 No objections subject to review of a revised Flood Risk Assessment with updated flood modelled date and flood resilience measures.

Cllr G Purdy

5.9 No objection.

Cllr Murphy

5.10 Happy to support the application.

6.0 REPRESENTATIONS RECEIVED

6.1 No representations have been received.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Principle of Development
- Impact on Residential Amenity

- Visual Impact and Heritage Matters
- Flooding
- Ecology

Principle

- 7.2 The proposed facilities and use are intended for the annual Matlock Bath illumination season which operates at the weekends throughout the season and are of considerable benefit to the local tourist economy through extending the tourist season. However, the economic benefits arising from this event must be weighed against the impact upon the residents of Matlock Bath.

Impact on Residential Amenity

- 7.3 The Matlock Bath Illuminations are an undoubted success and have strong historical associations with the area. However, the impact of the event must be recognised and in this regard, previous planning permissions have restricted music and announcements (whether amplified or non-amplified) to the hours of 18.00 to 21.00 only. It is recommended that in order to minimise the impact of noise within the locality, such a condition be imposed again. It is also considered appropriate, for the avoidance of doubt, to impose a further condition restricting the use as a whole to the hours specified within the application, namely 10.00 a.m. to 10.00 p.m. on Saturdays and Sundays and Bank Holiday Mondays to prevent midweek disturbances.

Visual Impact and Heritage Matters

- 7.3 All of the installations proposed within the gardens are of a temporary nature and are removed from the site following the event, in addition the area is well screened. In view of this it is considered that the temporary use would not adversely impact upon the character and appearance of the Registered Garden, Conservation Area and World Heritage Buffer Zone, in accordance with Policy PD2.

Flooding

- 7.4 The Environment Agency has advised that there is no objection to the proposal provided an updated Flood Risk Assessment is submitted and reviewed and the temporary structures shall not be located on land that is lower than 90m. The updated FRA has been submitted to the EA for review and their comments shall be reported verbally at committee.

Ecology

- 7.5 Natural England has yet to comment and the response shall be either reported verbally at committee or delegated powers required to consider the response and add any recommended conditions. The difference between the schemes is that the 2018 application did include part of the SAC within the application site. This application does not include any land over the river where the SAC is located. Their response on the previous application required mitigation secured through conditions 7 and 8 in relation to the following.

Stalls, equipment or storage for stock will not be located within the boundary of the SAC. Waste management to ensure litter arising from the development will not harm the SAC and SSSI.

Conclusion

- 7.6 Given the above, it is recommended that a temporary planning permission be granted with the conditions referred to above.

8.0 RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. The use hereby permitted shall cease on or before the 6th November 2026 and the land shall be restored to its former condition unless, prior to that date the Council has, on an application made to it for that purpose, approved the use for a further period.

Reason:

To enable the Local Planning Authority to assess the impact of any continuation of the development on the locality.

2. The temporary structures and all associated items authorised by this permission shall not be placed on the site prior to 22nd August in any calendar year and shall be removed in their entirety by 7th November in the same calendar year and the areas of land restored to their former condition. The land thereafter be maintained until the temporary use resumes the following year.

Reason:

The activities are only acceptable for the temporary periods and in order to ensure that the appearance of the area is not harmed in accordance with Policies S1, S3, PD1 and PD3 of the Adopted Local Plan 2017.

3. This permission does not allow for the storage of any equipment other than that reasonably required for the operation of the funfair rides, toilets and stalls.

Reason:

For the avoidance of doubt as to what is permitted and to ensure the appearance of the area is not harmed to comply with Policies S1, S3, PD1, and PD2 of the Adopted Local Plan 2017.

4. The event hereby approved shall only operate between the hours of 10.00 to 22.00 on Saturdays, Sundays and Bank Holidays in accordance with the authorised operational periods.

Reason:

In the interests of the amenities of nearby residents and to comply with Policies PD1 and PD9 of the Adopted Local Plan 2017 and government guidance contained within the National Planning Policy Framework.

5. Any amplified music or announcements shall cease at 21.30 on any day during the authorised operational periods.

Reason:

In the interests of the amenities of nearby residents and to comply with Policies PD1 and PD9 of the Adopted Local Plan 2017.

6. The development permitted by this application shall only be carried out in accordance with the Flood Risk Assessment (FRA), Use of Public Open Space for Temporary Market Stalls/Catering Units, Funfair, Ticket Officer and Toilets dated 24th June 2022: The temporary structures and other items referred to in the planning application are proposed to be located between 85.27 and 91.15mAOD.

Reason:

To reduce the impact of flooding on the temporary site and on life and property downstream of the temporary market location.

7. There shall be no stalls, equipment or storage located within the boundary of the Special Area of Conservation.

Reason:

To protect the Special Area of Conservation in accordance with policy PD3 of the Adopted Local Plan 2017.

8. Notwithstanding the submitted waste management plan further detail shall be submitted and approved in writing by the Local Planning Authority prior to this years event to ensure litter arising from the development will not harm the Special Area of Conservation and SSSI.

Reason:

To protect the Special Area of Conservation and SSSI in accordance with policy PD3 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

- 9.1 Should there be a requirement for high powered lighting as part of this proposal that this be directed away from Matlock Woods SSSI to prevent any unnecessary light spillage into this protected area.
- 9.2 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.3 The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.4 This decision notice relates to the following documents:
Site location plan received 6th April 2022
Flood risk assessment received 24th June 2022
Ticket office and toilet location plan received 20th April 2022
Design and access statement dated February 2022