

ITEM 4

Change of use of Dunston Hall from C3 to Sui Generis use permitting the building to be operated as a Holiday Let and wedding venue, including conversion of the existing garage building to create an internal space suitable for conducting wedding ceremonies, and the creation of a car parking area at Dunston Hall, Dunston Road, Chesterfield for Mr David Harrison

Local Plan: Not allocated - adjacent to GW3 Green Wedges and Strategic Gaps

Ward: Dunston

Plot No: 2/218/g

Committee Date: 04.10.2021

CONSULTATIONS

Local Highway Authority: Concerns expressed – see report

Additional comments: Comments received – see report below

CBC Forward Planning: Comments received – see report below

Chesterfield Civic Society: Comments received – see report

DCC Archaeology: Comments received see report below

CBC Tree Officer: Comments received see report below

CBC Conservation Officer: No comments received

CBC Environmental Health: Contain the entertainment within the buildings and nothing after 11pm.

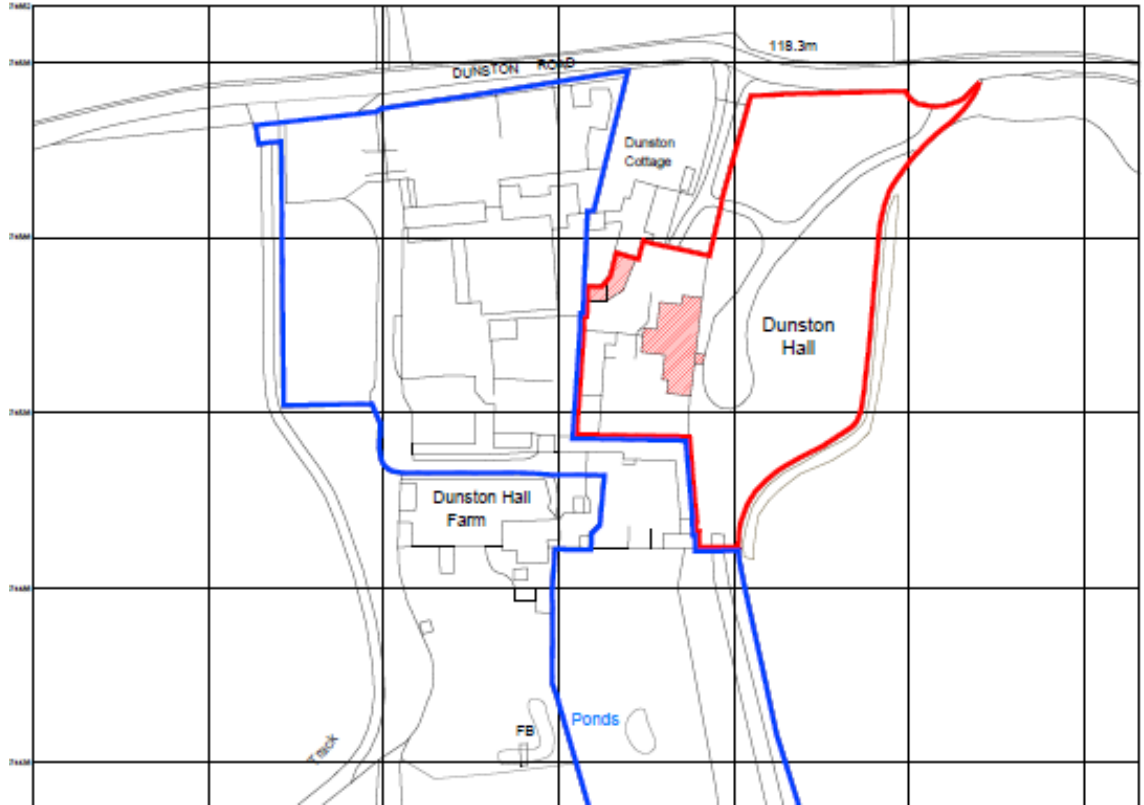
Representations: Objections from 4 neighbours - see section 6.0 of the report below

2.0 THE SITE

2.1 The application relates to Dunston Hall which is a Grade II listed building situated on the outskirts of Dunston located to the north of the Skylarks development which remains under construction. The land to the north of Dunston Road is within the defined Green Belt.



The site is adjacent to other residential uses and the Garden Centre.



2.2 Dunston Hall being Grade II listed is defined in the listing as:
Probably 17th Century but extensions and modifications early 19th Century.



2.3 The entrance gates to the site are also Grade II listed in their own right:
Early 19th Century. Gothic style. Quadrant ashlar plinth with piers. Cast iron railings in the Gothic style, openwork patterns. Gate of similar design and 4 traceried stone piers.



2.4

The adjacent and associated farm buildings are also Grade II listed: Dunston Farm buildings to north-east of farmhouse at Dunston Hall Farm GV II Of medieval origin. Exterior now 17th Century/early 18th Century range of stone farm buildings, the western part conceals a

cruck framed building which continues as part of the range of buildings to the east of Dunston Hall.

2.5 The adjacent range of brick buildings to the west of Dunston Hall are also listed Grade II and now form part of the garden centre. Again, these are defined as medieval and later with cruck frame.

2.6 The proposed ceremony room which is the former garage is located to the rear of the premises and adjoins the neighbouring property and garden of Dunston Cottage. The location of the car park is to the west of the entrance between the eastern entrance to the Hall and the entrance to the neighbouring property.

3.0 SITE HISTORY

3.1 CHE/21/00374/LBC Replacement of existing roof, removal of garage doors, and installation of new french windows to create a wedding ceremony venue – Pending consideration

3.2 CHE/21/00310/LBC Listed Building Consent for general improvement and reinstatement of internal areas - Conditional Permission 11.08.2021

3.3 CHE/15/00173/LBC Conversion of barns and agricultural buildings in to four dwellings - Conditional Permission 06.11.2015

3.4 CHE/15/00172/FUL Conversion of barns and agricultural buildings in to four dwellings including part new build to barn D - Conditional Permission 06.11.2015

3.5 CHE/1290/0864 Change of use from office and residential to office - Conditional Permission 15.04.1991

3.6 Numerous applications for listed building consent in connection with the use of the premises as a dwelling.

4.0 THE PROPOSAL

4.1 The proposal is to consider the change of use of the premises from a dwelling to a Sui Generis wedding venue and holiday let. This application is considering the external works to the ceremony room and provision of the car park and the change of use of the premises only since the internal works to the ceremony room are to be considered under a separate listed building consent application (CHE/21/00374/LBC).

4.2 The changes to the ceremony room are the removal of the roller shutter doors to the garage door openings and replacement with multi-paned timber framed and painted windows. According to the application plans the internal walls of the ceremony room have been insulated, the applicant confirmed on site that the insulation is 100mm of rock wool and 15mm of sound board.

Works to the ceremony room have been completed:

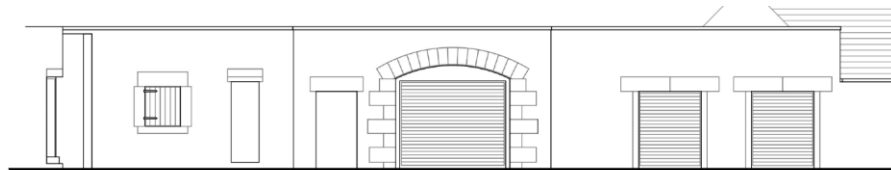


Fig. 7 – Existing elevation of Garage/outbuilding

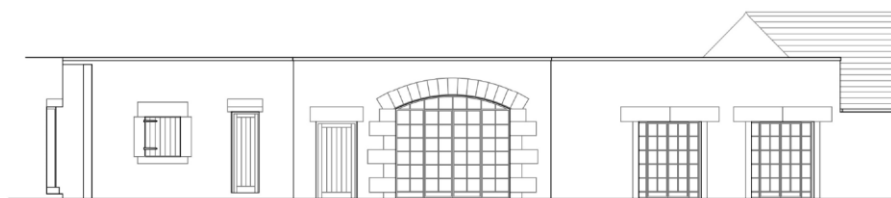


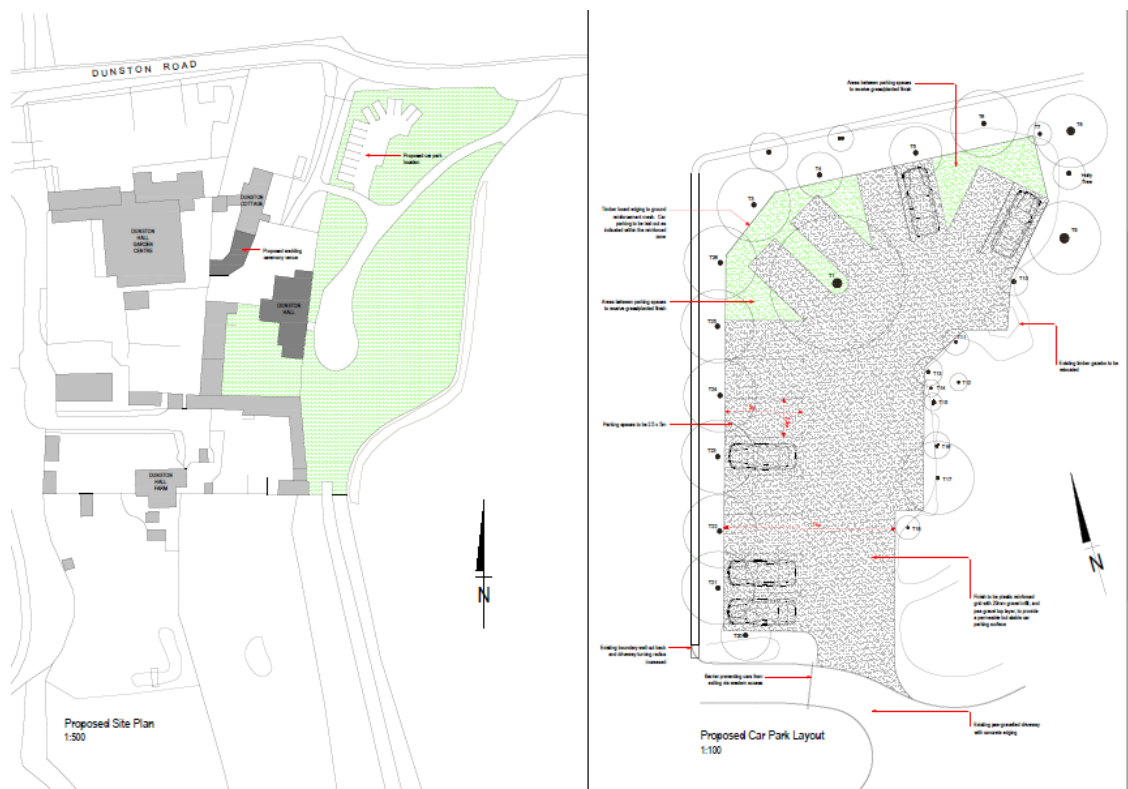
Fig. 8 – Proposed elevation of Garage/outbuilding





4.3

The car park area is proposed to the northern area of the site adjacent to the access in a parcel of land surrounding by trees and therefore well screened. The finish is to be plastic reinforced grid with 20mm gravel infill and pea gravel top layer to provide a permeable but stable car parking surface. The plan shows parking for up to 14 vehicles.



It is noted that the works to the car park have now been completed. An updated plan has been provided to show what has been carried out on site. the plan also includes a proposed barrier to prevent vehicles using

the western access route. Works carried out to the car park are shown in the images below:





4.4 Limited detail has been provided in terms of the operation of the wedding venue however, the applicant has provided a supporting statement which notes the following pertinent points:

- Dunston Hall itself had been available for purchase as a residence for a number of years but, presumably because of its scale and listed status, it attracted limited interest from purchasers. This potentially left the Hall, as an historical asset, at risk.
- The proposal will create full-time employment for a caretaker who will reside within the Hall. Part-time employment will be created for maintenance and housekeeping staff between lettings.
- The garage is to be upgraded to create an indoor space suitable for conducting wedding ceremonies.
- Ladies, Gents and disabled toilet facilities will be created at ground floor level within the hall. Upper floor rooms will be provided with en-suites.
- There is an associated application for listed building consent.

4.5 A further email from the applicants agent provided the following information:

- The dining room will be limiting in term of numbers of guests it is anticipated that the room can accommodate 45 to 50 people.
- the applicant has indicated that facilities such as any disco / evening facilities / bar will be within the Hall.
- The Hall will not always be used for wedding events, it will also be available for rent as a large holiday let. However, it is anticipated that, when fully operational, the Hall might be able to accept up to 2 bookings per week (dependant on the requirements of the booking). Therefore, it is possible (but not probable) that 2 weddings could take place each week. Events would not be limited to specific days of the week.
- We noted that one of the consultee comments (Strategic Planning) suggested that the car park might be better with a grass finish. We have therefore used a 2 layer system which can accommodate either a pea gravelled (preferred) or grass finish. The finish will only be applied (in a permeable grid system) following a better understanding of the conditions attached to any decision notice. The layout of the car park remains as proposed, but slight adjustments have been made to the perimeter edges where it was felt tree roots might be affected.
- In terms of the drainage on site we have made a number of inspections since we were made aware of local concerns that there may sewage leaking into nearby fields, so far we have not found any evidence of any leaks. Further inspections are ongoing.
- A barrier will be erected near to the access to the western driveway to prevent guests from entering or leaving via the western access, and signage will be displayed at the western access stating “no entry for Dunston Hall guests”. In addition, information regarding access will be included on the applicant’s website and reiterated during any prospective booking arrangement.

- In terms of commercial waste the only anticipated commercial waste will relate to catering, which will be provided from the existing kitchen at Dunston Hall Garden Centre. As such, this waste would be dealt with using the garden centres' existing commercial waste bins. No commercial waste collection will need to be made from Dunston Hall itself.

A further email confirmed the proposed operation in more detail:

- As it stands at the moment, Dunston Hall will be rented as a large “holiday let, which may be suitable as a wedding venue”. As such, the people renting the house should be able to occupy it as they would their own home. There will be no specified dance area or bar inside the house. It has always been the intention to allow the occupants to decide how they want to use the property.
- The room within the house most suitable for a wedding party is the Dining Room. However, guests would probably spill out into the other ground floor rooms; Lounge, Library and Kitchen, as they would tend to do at any private party in any private residence.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, 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.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP6 Economic Growth (Strategic Policy)
CLP7 Tourism and the Visitor Economy
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP15 Green Infrastructure
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.2 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF)
Part 2. Achieving sustainable development
Part 4. Decision-making
Part 6. Building a strong, competitive economy
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment
Part 16. Conserving and enhancing the historic environment

Supplementary Planning Document: Historic Environment

5.4 Key Issues

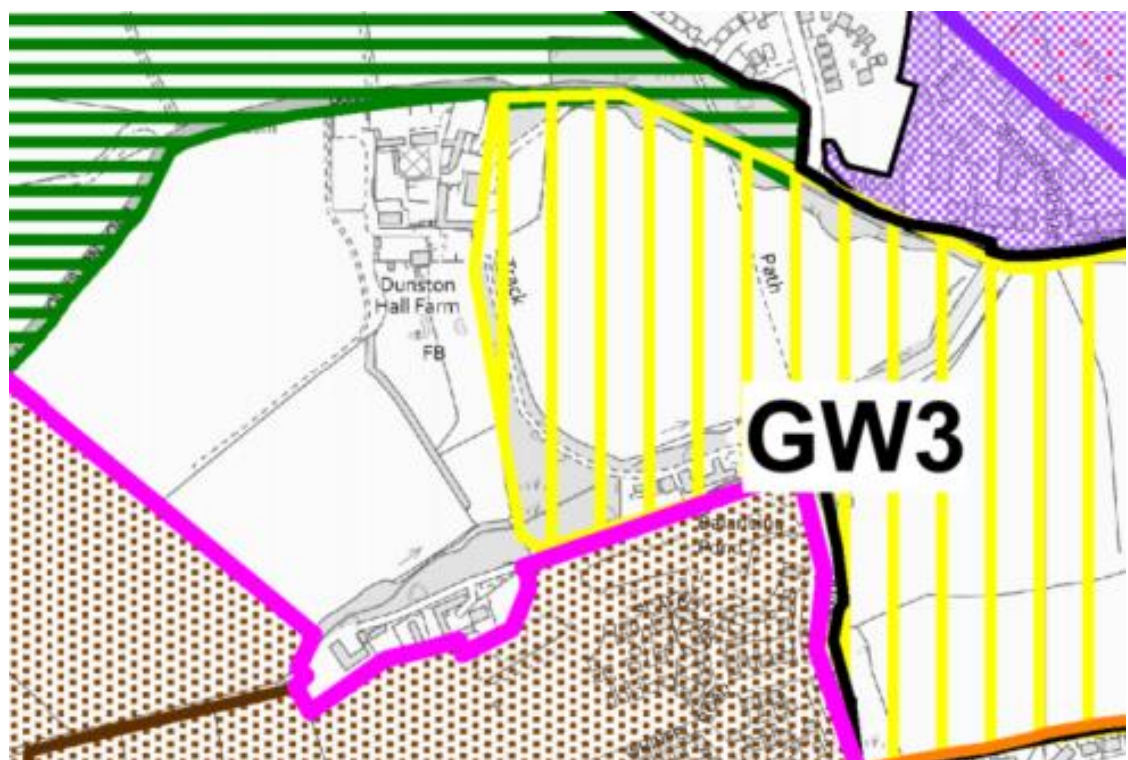
- Principle of development
- Impact on heritage assets
- Impact on neighbouring residential amenity
- Highway safety and parking provision

- Biodiversity and impact on protected species and trees

5.5 Principle of Development

5.5.1 There are two elements to the proposed change of use resulting in a sui generis use class. There is the holiday let element and the wedding venue. In order to consider the two uses it is important to consider the policy implications for each also bearing in mind that the proposal relates to a Grade II listed building.

5.5.2 Policy CLP1 sets out the approach to growth will be to concentrate new development within walking distance of a range of services as detailed in policy CLP2. This policy also sets out the Strategic Gaps and Green wedges which give a distinct identity to different area and prevent neighbouring settlements from merging into one another. The Green wedges provide access into the countryside from urban areas. This case relates to Green Wedge GW3 known as Dunston and Sheepbridge and which is identified with the yellow hatching. The dark green hatching is the defined Green belt to the north outside of the application site and the pink edged line is the strategic housing allocation to the south and west.



- 5.5.3 Policy CLP2 refers to unallocated development. Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
- a) deliver the council's Spatial Strategy (policy CLP1);
 - b) are on previously developed land that is not of high environmental value;
 - c) deliver wider regeneration and sustainability benefits to the area;
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;
- Exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use:
- i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses;
- or
- ii. is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that otherwise would be at risk of closure.
- 5.5.4 The proposed change of use is not considered under parts a to f of this policy as it is not within walking or cycling of key services. However, the proposal here is specific to the site and heritage assets it contains, and in this regard it is considered appropriate to consider the site as an exception. Again, whilst not covered in the specifics of the policy above given the need to find a use for this large listed building it is considered appropriate to consider this site as an exception under policy CLP2 i and ii.
- 5.5.5 In this regard it is also necessary to consider policies CLP6 which relates to economic growth, CLP7 which relates to tourism, CLP15

which relates to Green infrastructure and CLP21 which relates to heritage assets.

- 5.5.6 CLP6 notes that; Development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment. Proposals that facilitate a mix of uses will be encouraged. Proposals for farm and rural diversification developments, live/work units and rural businesses will be supported where they are appropriate to the character and scale of the area and otherwise meet the policies of the plan.
- 5.5.7 The proposal will result in economic growth through the jobs specific to the proposed change of use as outlined by the applicant which is likely to be 1 full time (caretaker) and 4 part time roles (this is assumed to be roles such as gardening, maintenance and cleaning). The proposed use will also likely benefit other local businesses in association with the events, such as catering and other wedding/tourism focussed businesses. The proposal therefore meets the requirements of policy CLP6 and will result in economic growth.
- 5.5.8 CLP7 notes that the Council will promote and enhance tourism development where it is;
- a) located in areas that can accommodate additional visitor numbers without detriment to the environment or the vitality of existing centres;
 - b) appropriate to the local environment and context;
 - c) contributes to sustainable economic growth and the delivery of the Local Plan
 - d) in locations that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling.
- 5.5.9 The proposed development meets the requirements of b and c above, but again the connectivity of the site is a negative. However, it should be noted that the specifics of the location and the proposed use make the use of footpaths and cycle routes of limited value in this case as it is

unlikely these would be used to attend a wedding event but would be used for the type of holiday letting this property would provide.

- 5.5.10 Policy CLP15 in regard to Green gaps and wedges advises that development proposals should b) not harm the character and function of the Green Wedges and Strategic Gaps, f) protect or enhance Landscape Character.
- 5.5.11 It is considered that subject to appropriate detailing and landscaping of the car park area that has now been installed on site the proposed car park with existing and enhanced screening will not result in an adverse effect on the character of the landscape or the green wedge in this case. Whilst the white gravel that has been installed is not ideal and grasscrete or similar would have been preferred this area of the site is well screened. Control over the final surface can be controlled and additional planting to the surrounds of the car park will further screen the development as well as replacing some of the biodiversity benefits that have been lost.
- 5.5.12 Policy CLP21 relates to heritage assets and their conservation; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens. The impact of the development upon the heritage assets is considered in detail below however, the need to secure long term viable uses for large listed buildings such as is noted in para 202 of the NPPF where it states: 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, where appropriate, securing its optimum viable use.

5.5.13 Therefore, subject to conditions regarding enhancements to the landscaping of the car park area it is considered that the principle of using the site for a holiday let and wedding venue is appropriate in line with local plan policy and will lead to economic benefits from the business itself and associated services such as catering.

5.6 Impact on heritage assets

5.6.1 The Hall and associated buildings and structures are all listed and therefore the impact on the character and setting of these heritage assets including the setting of the Deer Park needs to be carefully considered. It should be noted that this application relates to the external works and change of use of the building only and does not relate to the internal works the subject of application CHE/21/00374/LBC. Internal works to the main Hall have recently been granted listed building consent under CHE/21/00310/LBC.

5.6.2 As set out above, Local Plan policy CLP21 and Part 16 of the NPPF seeks the conservation of heritage assets along with viable long term and appropriate uses for the buildings.

5.6.3 The Archaeologist has suggested that there is a lack of information with the application which should be accompanied by a heritage impacts assessment in line with para 194 of the NPPF. This para is now superseded with para 200 and states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

5.6.4 Whilst it is agreed that ideally the application should have been accompanied by more information as to the impacts on the heritage

assets and works should not have been carried out without permission, the works have however been completed and there is a duty to consider the impacts. It is not considered necessary to withhold consideration of the application to further understand the proposed works particularly now given that the works are completed, and the impacts can therefore be perceived.

- 5.6.5 The re-use of the Hall itself is not considered to have an adverse impact on the character of the listed building as the original use will remain in the form of a holiday let and the wedding events will allow the former and originally intended use of the premises to be understood. The dwelling character of the building is therefore considered to be preserved. In addition, the change of use will ensure the long term viable use of the premises which will benefit the building in the longer term through appropriate maintenance and repair. Therefore, the change of use will have no adverse impact on the character of the Hall but will actually result in enhancement through a long term viable use.
- 5.6.6 The proposed car park has an impact on the setting of the listed building as additional hard standing and whilst discreetly located will nevertheless result in less than substantial harm at the lower end of the scale. It is however considered that the existing screening in place and the proposed enhancements to this to be secured via condition will minimise the level of harm. As set out in para 202 of the NPPF; 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, where appropriate, securing its optimum viable use. The benefits in this case arising from the long term use of the premises and the economic benefits associated with the use are considered to amount to public benefits that outweigh any harm in this case.
- 5.6.7 The proposed car park works are contained adjacent to the listed building within the wooded landscaped area adjacent to Dunston Road. There is no work proposed to the lawn area to the front of the listed building and the ha-ha and Deer Park beyond will remain unaltered. It

is considered that the proposal will have no adverse impact on the setting of the Deer Park which will be preserved.

5.6.8 The changes that have taken place to the former garage to be used as a ceremony room are considered to have preserved the character of these listed structures. The use of timber windows in the form completed on site with multi-paned windows is considered to be appropriate and is an improvement to the former roller shutter doors. As the building is preserved there is no harm arising from this element of the scheme.

5.6.9 The Civic Society (CCS) committee wishes to object very strongly to this application for a number of reasons.

Some of the answers given on the application form appear to be either of questionable accuracy or untrue. The CCS suggest that the form has been so inaccurately and carelessly completed as to make it impossible for the local planning authority to grant the permission sought to change the use of Dunston Hall.

The CCS also consider that the application fails utterly to make the case for the proposed change of use. All that has been submitted alongside the application form are five sheets of drawings. One of these is a location plan and three of the others the applicant has already submitted in connection with applications he has made for listed building consent to alter the Hall itself and an outbuilding. These drawings ostensibly show what the applicant would do if listed building consent was granted (in reality we have grounds to suspect that they show works which he has already commenced, if not completed, without listed building consent). They do not justify the change of use, but merely illustrate changes to the buildings.

The fifth drawing shows a car-park with spaces for sixteen vehicles. The CCS comment that they are aware that the applicant has already cut down trees in the grounds of Dunston Hall to create space for this car-park commenting: we do not know whether the consent of the local planning authority was required for this action but we can find no evidence that such consent was either sought or obtained.

Equally seriously, the CCS suspect that the applicant intends to create more car-parking space than is shown on this drawing. The website refers to wedding parties with up to 80 guests. It is virtually impossible

legally to convey 80 persons in as few as 16 private motor vehicles; in addition, staff working at a wedding venue catering for such numbers would require parking space. The proposed car-parking is therefore inadequate for the purpose for which the applicant wishes to use Dunston Hall.

The CCS consider that these drawings, only one of which is new, are of no value as a justification for the change of use sought. What is surely needed is a written statement making the case for the change and answering possible criticism of the proposal.

The change would increase the level of commercial activity in a predominantly residential area on the edge of the built-up area, adjoining farmland, and would therefore change its character in a way not envisaged in the Local Plan. It might also open the way to further commercial development in the vicinity.

The change would increase the volume of traffic using Dunston Road, for which it is not well suited.

The change would increase demand for water and sewerage services for which the existing installations may not be adequate.

The change would bring a particularly noisy type of commercial activity, much of it taking place in the evening and requiring the use of bright artificial lighting, to a residential area, to the detriment of the quality of life for neighbouring residents.

For all these reasons the Civic Society committee urges the local planning authority to reject the application to change the use of Dunston Hall. At the same time they hope that the authority will ensure that no damage is done to an important listed building and its setting as a result of unauthorised building work of the sort that appears already to have taken place in recent months.

- 5.6.10 In response to these comments it is noted above that consideration of most of the works is of a retrospective nature, nevertheless there is a duty to consider the proposal. The legislation allows for retrospective submissions. The proposal originally also included the change of use of further outbuilding to a function room which has now been removed from the proposal and the numbers have thereby been reduced from 80 to 50. As noted above the removal of the trees did not result in a breach of

planning control and very few trees were actually removed. The amenity impacts arising from the proposal are considered in the section below.

- 5.6.11 On this basis the proposals overall are considered to be acceptable in terms of the impacts on heritage assets in line with Policy CLP21 and Part 16 of the NPPF 2021.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Concern has been raised by the neighbours at Dunston Hall Farm and The Bungalow (Dunston Cottage) that the proposed wedding venue will result in noise and nuisance to neighbouring residents in this quite location particularly if the outdoors is used and structures erected to accommodate extra guests such as marquees. Recently a wedding event has taken place at the site which resulted in adverse impacts on the amenity of neighbouring residents. Refer to the comments in section 6 below.

- 5.7.2 Policy CLP14 of the Local Plan states that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.

- 5.7.3 The concerns of the neighbouring residents are considered to be justified given their close proximity and the evidence of disruption from a recent event. Therefore, in considering both the benefits of the proposal and the amenity of neighbouring residents it is considered that the appropriateness of the use of the premises needs to be balanced and if accepted then appropriately controlled to minimise the potential to adversely impact on the amenity of the neighbouring residents.

- 5.7.4 Amplified music outside of the premises and the potential erection of additional structures can be controlled via condition. It is considered reasonable to restrict the number of guests as set out by the applicant's agent in para 4.5, the capacity of the venue is 50 guests which is a reasonable limit and also the basis upon which the highway authority

have considered the scheme. Para 4.5 also notes that the anticipated number of events they can realistically provide is 2 per week, but they have acknowledged that this is unlikely. Therefore, it is clear that 2, one day events per week is their anticipated limit and therefore reasonable as a restriction on the use of the premises. This means that noise and nuisance from such events in the worst case scenario is limited to 2 days within a week which is considered to draw a balance between the benefits of the proposed use and the concerns of neighbouring residents.

5.7.5 Whilst it is difficult to limit the hours of operation due to the combined use of venue and holiday let which will lead to guest staying at the Hall after events, it is reasonable to restrict the operation of the ceremony room which is attached to the neighbouring dwelling and garden to between the hours of 10am and 7pm. From the information provided it is considered that the restriction of the use of the Ceremony room will not impact on the ability to hold the events.

5.7.6 Subject to this swathe of conditions to control the proposed wedding venue use it is considered that the amenity impacts can be limited to an acceptable level. It is not considered that the holiday let element will result in adverse impacts over and above the established use of the property as a dwelling as this would be within the same use class. On this basis the proposal meets the requirements of policy CLP14 of the Local Plan.

5.8 Highways Safety and Parking Provision

5.8.1 Neighbouring concerns have been raised regarding the increase in use of the access which has limited visibility and limited potential for change being a listed structure. Policies CLP20 and 22 of the Local Plan require that safe access and adequate parking is provided for development proposals.

5.8.2 Initially the Highway Authority raised concerns and requested additional information regarding the site access and likely parking capacity, speed information on Dunston Road and visibility splays. Additional

information was provided by the applicant's agent to which the Highway Authority have noted:

The applicant's representative has submitted ATC data, speed surveys data and visibility splays plan (300400-001), indicating emerging visibility splays as per the 85th percentile speed limit requirement. The visibility splays plan indicates 2.4m x 35m emerging splays at the east and 2.4m x 61.3m emerging splays at the west. The sightlines are achievable over highway verge and could therefore be conditioned accordingly.

The applicant's representative has confirmed that a barrier will be erected to prevent guests from entering or leaving via the western access, and signage will be displayed at the western access stating "no entry for Dunston Hall guests". In addition, information regarding access will be included on the applicant's website and reiterated during any prospective booking arrangement. This information is acceptable; however, a supporting plan to this effect should be provided to the Local Highway Authority (LHA) for the agreement and planning condition in this respect is acceptable.

The applicant's representative has confirmed that a total of 16 car parking spaces will be provided at the site. The parking demand analysis has not been performed, and to avoid indiscriminate car parking issues on the surrounding highways, the LHA requests that the total number of guests number be restricted to 50. The applicant's representative has also confirmed this number, and therefore, a planning condition to this effect be attached to any future planning consent. The scheme of grasscrete parking should also be considered at the site to provide an overspill parking area in case the number of guests increases. The proposed parking and parking management plan be agreed, and planning condition to this effect is acceptable.

The proposed site access track will need to be widened to be at least a 5.5m access track width from the point behind the automatic gate for at least the first 10m. The internal site must have at least one passing place where the width of the track must be widened to 5.5m for at least 15m for effective two-way internal operations. To this effect, a scheme needs to be submitted, and planning condition is acceptable.

Subject to the proposed details being modified where necessary in accordance with the above comments, and if your Authority is minded to approve the application, conditions are recommended.

5.8.3

In line with these highway requirements, the listed access gates and structure are set back from the Dunston Road carriageway edge by a minimum of 3.6 metres (east side) and 3.74 (west side) such that they do not interfere with any exit visibility. The associated walls are at ground level and do not affect the ability to achieve the required spays in both directions – see photos below:



Splay to east



Splay to west

- 5.8.4 In line with the Highway comments an amended plan has been submitted showing a barrier to restrict access to the western entrance, details of this are not provided and will need to be secured via condition. The Highway Authority note the need to ensure visitors understand the access and in this regard require a condition for a car parking management plan to be secure via condition.
- 5.8.5 It is noted that the Highway comments refer to 16 parking spaces. The car park plan has been amended to match what has been completed on site and now shows 14 car parking spaces rather than 16. However, there is also parking available to the front of the building. Therefore, overall the proposed parking is considered to be adequate to serve the needs of the proposed use in line with the Highway Authority comments. For reasons of residential amenity and parking as noted above in para 5.7.4 and in line with Highway advice the number of wedding guests will be restricted to 50.
- 5.8.6 The Highway Authority also require works to take place within the site to provide a wider path and passing space. These details can be achieved through condition as recommended and will not adversely impact on the setting of the listed building or Deer Park if sensitively surfaced, which can be included in the condition. It is noted the area referred to is set away from the house frontage and is well screened by existing mature planting, the impacts on trees will also need to be considered through the condition.
- 5.8.7 Whilst not raised as a concern of the Highway Authority, to minimise the need for larger vehicles to access the site in line with the agents email it is considered appropriate to restrict the collection of commercial waste to the garden centre site. This can be secured via condition.
- 5.8.8 The suggestion by the Highway Authority of providing further overspill parking is not appropriate to this listed setting.
- 5.8.8 Therefore subject to a number of conditions as set out above, it is considered that the proposal meets the requirements of Policies CLP20 and 22 of the Adopted Local Plan.

5.9 **Biodiversity and Impact on Protected Species and Trees**

5.9.1 Local residents have raised concern that the creation of the parking area will result in adverse impacts on wildlife. Policy CLP16 of the Local Plan requires a biodiversity net gain for development which in this case will need to include compensation for the loss of the cleared shrubs and trees which has been done to create the parking area.

5.9.2 The Council's Tree Officer has commented on the case that:
It is proposed that a new car park is constructed within the wooded area to the frontage of the site off Dunston Road. Work has already commenced on the car park with the clearance of some trees and the understorey vegetation. It is unknown what trees have been felled or what tree species have been retained as no tree survey or Arboricultural Impact Assessment has been provided which would have provided information on the impact the car park construction will have on the trees. The retained trees are shown on drawing P800 reference T1 – T26 but only one Holly has been identified. The other tree species are unknown. Furthermore, the description of 'plastic reinforced grid with 20mm gravel infill' does not provide any specifications of the design or the load bearing weight the grid will have to avoid any compaction on the retained tree's rooting environment. Compaction of the rooting environment can over time be detrimental to trees health and long term survival because it reduces or removes gaseous exchange and water intake which the tree requires to survive.

Tree Protection Plan : The change of use will not directly affect the existing trees in the grounds of the property, however, to avoid any accidental damage to the trees from construction traffic and materials, and to avoid any compaction to the trees rooting environment, a Tree Protection Plan should be provided to show how these trees will be protected throughout the development.

Further information required : Further details should therefore be provided so the impact of a car park situated within this wooded area can be assessed, however it is noted that further works have now been

carried out with the grid being installed and infilled. Details should also be provided in the form of a Tree Protection Plan (TPP) showing details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. The TPP should clearly show the tree protection measures to be installed as defined in BS 5837: 2012.

5.9.3 In line with these comments it is unknown exactly what has been removed from the site to create the now completed car park area. It is also now too late to request more details concerning the impact on trees as the works have been completed. However, the trees were not protected and therefore there is no breach of planning control regarding their removal.

5.9.4 In order to compensate for the loss of the trees it is considered that a combined landscaping scheme and biodiversity enhancement plan can be sought via condition to ensure the biodiversity net gain is achieved on site. this is a large site where such enhancement measures can easily be achieved through numerous methods to encourage wildlife.

5.9.5 Whilst it is regrettable that the proposal has been completed prior to permission being granted and that therefore the impacts of the shrub and tree removal are unknown it is considered that the biodiversity of the site can be enhanced and therefore a condition to secure this is acceptable and in line with the requirements of Policy CLP16 of the Local Plan.

6.0 REPRESENTATIONS

6.1 Representations have been received from 4 parties local to the site at, Dunston Cottage and Dunston Hall Farm which are immediately adjacent to the site and Dunston Lodge which is located to the south:

- Dunston Hall is a family home going back hundreds of years and has never been in multiple occupancy.
- There are multiple errors in the application form.

- The driveway to the hall and courtyard to the rear has parking for up to 15 cars, the proposed new car park will add further car parking.
- The trees and bushes have been cleared for the car park, which has now been completed – in this note the requirements of the Wildlife and Countryside Act 1981 in terms of disturbing nesting birds.
- There is no mains sewer to the site the Hall uses a private cess pit situated within the Deer Park.
- Wildlife will be affected – numerous species of birds and mammals use the site which will be impacted.
- The local plan refers to important historic parks – Dunston Hall Deer Park is one of these.
- Hours of opening are not provided, the use will have a huge impact in a quiet area.
- The 10 luxury bedrooms will triple the occupancy of the Hall.
- We already experience noise and cooking smells from the Garden Centre from 7 until 7, will this kitchen be used for the venue?
- There is no pedestrian access to the site.
- The western access which is shared is dangerous.
- Although the eastern access was improved in 1991 it remains a dangerous access due to the speed of traffic and limited visibility.
- Object on the grounds of; parking, highway safety, noise, effect on listed building and conservation area, nature conservation, loss of trees, smells and fumes and traffic generation.
- The visibility splays needed cannot be met.
- The occupants will be visitors to the area making the access more dangerous.
- There are no plans for a commercial sewerage system.
- There is extremely poor drainage on the western edge of the Deer Park. The drainage for the septic tank goes into the Park rendering a section of land contaminated and useless. Effluent has recently been seen coming out of a pipe into the field. The system needs to be updated.

- The development of parking areas will have a harmful impact on the listed building.
- No details of commercial waste collection.
- Any proposed marquee would lead to noise and nuisance.
- This will be a noise nuisance into the early hours of the morning.
- Noise will disturb the dogs within the nearby kennels resulting in noise disruption.
- Plan P300 is misleading indicating tracks that do not exist, there is no access to the property other than from Dunston Road.
- Impact of overlooking and loss of privacy
- The site is already being advertised as a wedding venue.
- The Listed Hall has no sound proofing
- The volume of guests cannot be accommodated
- Additional housing proposed in the area will increase the traffic on Dunston Road
- The proposed car park harms the setting of the listed building
- There is inadequate bathroom provision for the number of guests
- A wedding venue with outside catering will impact on light pollution and wildlife.
- Disregard has been shown for planning regulations in relation to this application, the works on site are virtually complete.
- No details on the frequency of events
- Commercial vehicle providing services such as catering will add to the parking and access impacts
- It is likely that established trees have been damaged by the works to create the car park.
- The suggestion that journeys will be made by taxi cannot be enforced nor is it likely.
- The only use of the Hall is not as a wedding venue, homes such as this are in demand.
- It is noted that catering for any events will be done by the existing kitchen at the Bistro/Dunston Hall Garden Centre.
- When the applicant purchased the Garden Centre, the Eastern end of the property, that which is nearest to my boundary, was an office suite, it was changed by Mr Harrison into a commercial

kitchen with large 20 ins aprox diameter extractor fans. No planning permission has been applied for, there are obnoxious oily/burnt food cooking smells drifting all over my gardens and sometimes even preventing me opening my front door.

- It now appears that by slight, commercial cooking venue, will be used to cater for all events at The Hall increasing the smell and noise from the extractor fans I will have to endure.
- Had proper procedure been followed I would at least have been able to raise my concerns, but as no planning permission was sought I have been denied that basic right.
- Residents have the right to enjoy a peaceful home.
- At the end of August a wedding took place at the Hall with 12 cars parked in the car park at 10am, at 4pm this had increased to 19 cars with others parked in the driveway to the west of the car park.
- At 5.12pm in association with the ceremony room there was cheering and shouting with fireworks being set off.
- There was a noisy crowd outside.
- The noisy extraction fan of the Bistro in the Garden Centre was working longer than usual to 10.20pm.
- The following day 9 cars remained in the car park.

6.2 Many of the above objections raised have been addressed in the report above. In response to other matters raised please note the following:

6.3 In terms of the wedding event that took place the Local Planning Authority confirmed that holding one event did not amount to a breach of planning control as no change of use had taken place. The property is a dwelling where parties or wedding events can be held without needing a change of use as rare events. This does not alter the case being considered where planning permission is clearly required. It does however highlight the potential noise and nuisance issues that can arise as addressed in section 5.7 of the report above.

6.4 In terms of the sewerage impacts, this has been queried with the agent who has noted that they have investigated and found no fault with the existing system. Given the scale of the premises and the likely impacts

of any new sewerage system it is likely such a development will require detailed consideration and listed building consent. Therefore, at present it is considered appropriate to flag the matter with Environmental Health, a footnote is also recommended.

- 6.5 The impacts on wildlife and trees are assessed in section 5.9 of the report above.
- 6.6 It is noted that 10 bedrooms with triple the occupancy of the Hall. It should be noted that the hall is not being extended, those rooms were already bedrooms, the capacity of the dwelling at present is not restricted and could be occupied by a large family or by guests.
- 6.7 The erection of structures such as marquees will be restricted by condition.
- 6.8 In terms of providing appropriate bathroom facilities, this is being considered by the applicant's agent and has been subject to alterations within the building that have been granted listed building consent. The licensing of such operations will consider the suitability of the venue.
- 6.9 Waste collection will be from the Garden Centre and is to be controlled via condition.
- 6.10 In terms of the use of the Garden Centre for commercial cooking it is important to know that the whole site is owned by the applicant which is why the commercial waste collection can be controlled through the adjacent site. However, this application relates to the use of the Hall only. The cooking taking place within the existing Garden Centre kitchen cannot be reasonably controlled through the planning process. There is no restriction on the use or operating hours of the kitchen. There is a commercial kitchen now installed within the Hall itself and therefore no need to use the Garden Centre kitchen although it is clear this may take place.

6.11 The noise and issues associated with the adjoining Garden Centre extraction fan are known and are being considered as a separate matter to this application.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently

proactive and positive in proportion to the nature and scale of the development applied for.

- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The application site is the grounds and buildings of a Grade II listed building for which a long term use is beneficial. Whilst the site has limited access other than by private motor vehicle the economic and heritage benefits arising from the scheme make the proposal acceptable in principle planning terms. It is acknowledged that works have been carried out without the benefit of planning permission, and whilst regrettable this Authority has a duty to determine the case in line with planning policy.

- 9.2 The proposed use is likely to result in amenity impacts to neighbouring residents. However, with restrictions on the number of events, the use of the ceremony room which is attached to the neighbouring property and control of structures within the grounds it is considered that, on balance, the impacts are sufficiently mitigated when balanced against the benefits arising and the full extent of the existing use. Matters of highway safety and biodiversity are suitably controlled by condition.

- 9.3 Therefore, subject to conditions as set out in the recommendation below it is considered that the proposed change of use of the premises is acceptable in accordance with the Adopted Policies of the Local Plan as set out in the report above.

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any specified conditions below, pending listed building consent and approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Location plan P300
- Proposed floor plan P200 (not including any works subject to separate LBC)
 - Wedding ceremony room plans and elevations P500
 - Amended Car Park plan P800 1
 - Speed survey information received 31.08.2021
 - Technical note including visibility splay plan 300400-001
 - Email 24.06.2021 confirming the removal of the function room from the application.
- Additional information email from agent 12.08.2021

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. Within 2 months of the date of this decision a scheme for additional landscaping of the car park area along with a scheme of biodiversity and ecological enhancement measures for this area and the wider site where necessary, including a scheme for implementation and maintenance shall be submitted to the local planning authority for consideration to demonstrate a net gain in biodiversity. Only the ecological enhancement measures agreed in writing shall be

implemented on site in accordance with the submitted programme of implementation. The ecological enhancement measures shall thereafter be implemented, retained and maintained in perpetuity.

Reason: In the interests of screening the car park area and achieving a net measurable gain in biodiversity in accordance with policies CLP16, 20 and 21 of the Local Plan and to accord with Parts 12, 15 and 16 of the National Planning Policy Framework

4. In accordance with the agents email of the 12th August 2021 the number of guests attending any event shall be limited to no more than 50 at any one time.

Reason: To minimise the impact of events on the amenity of neighbouring residents in accordance with policy CLP14 of the Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) there shall be no outdoor structures erected at the premises. All events shall take place inside the premises at Dunston Hall and the Ceremony Room only.

Reason: To minimise the impact of events on the amenity of neighbouring residents in accordance with policy CLP14 of the Local Plan.

6. The Ceremony Room hereby approved shall only be used for ceremonies and only between the hours of 10am to 7pm.

Reason: To minimise the impact of events on the amenity of the adjoining residents in accordance with policy CLP14 of the Local Plan.

7. In accordance with the agents email of the 12th August 2021 the number of wedding or similar events taking place at the premises

shall be limited to no more than 2 per week taking place on a single day.

Reason: To minimise the impact of events on the amenity of neighbouring residents in accordance with policy CLP14 of the Local Plan.

8. To the exterior of the premises and within the grounds there shall be no amplified sound.

Reason: To minimise the impact of events on the amenity of neighbouring residents in accordance with policy CLP14 of the Local Plan

9. In accordance with the agents email of the 12th August 2021 all commercial waste shall be collected via the Garden Centre access only.

Reason: To ensure such larger vehicles do not need to enter the application site where it is difficult to accommodate larger vehicles in accordance with policies CLP20, 21 and 22 of the Local Plan.

10. Prior to the use commencing details of the proposed barrier to the car park as shown on plan P800 1 shall be submitted to and agreed in writing by the Local Planning Authority. The barrier shall be installed on site in accordance with the agreed details before any authorised events take place and shall remain in place throughout the event.

Reason: To ensure an appropriate detail for this sensitive site and to limit use of the western access in the interest of visual amenity and highway safety in accordance with policies CLP20, 21 and 22 of the Adopted Local Plan.

11. Prior to the use commencing details of the final surface to the car park shall be submitted to and agreed in writing by the Local Planning Authority. The agreed surface shall be installed on site in accordance with the agreed details before any authorised events

take place. Thereafter the car park shall be retained throughout the life of the development free from any impediment to its designated use.

Reason: To ensure an appropriate surfacing detail in the interest of visual amenity in accordance with policies CLP20 and 21 of the Adopted Local Plan.

12. The proposed vehicular access on Dunston Road shall be provided with visibility splays in accordance with the plan 300400-001, provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 35m at the east and 61.3m at the west. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interest of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

13. The site shall not be taken to use until details for the widening of the access track and the provision of one passing place have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works shall be constructed on site in accordance with the agreed details prior to the use taking place. The detail shall increase the width of the track to be at least 5.5m from the point behind the automatic gate for at least the first 10m and for a minimum of 5.5m for a minimum length of 15m for the passing bay.

Reason: In the interest of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

14. The use of the premises shall not commence until a car parking management (CPM) and access management plan is submitted to and agreed with the Local Planning Authority. The CPM plan should provide information about car parking management during any

events at the site, management of car parking for a holiday let and events, and information about overspill parking area at the time of events to avoid indiscriminate parking issues on the surrounding highways. The access management plan should provide information about strategies to control the arrival of guests from entering or leaving via the western access. The agreed details of the management plan shall be in operation during any events held at the site.

Reason: In the interest of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

15. Throughout the period of construction, wheel washing facilities shall be provided within site and used to prevent the deposition of mud and other extraneous materials on the public highway.

Reason: In the interest of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

16. Prior to any works, a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide information about construction access, parking of vehicles during construction, method of prevention of debris being carried onto highway and hours of operation.

Reason: In the interest of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

17. The use of the premises shall not commence until an event management plan is submitted to and agreed with the Local Planning Authority. The event management plan should provide information about the management of noise, nuisance and behaviour during any events held at the site. The agreed details of the management plan shall be in operation during any events held at the site.

Reason: To minimise the impact of events on the amenity of neighbouring residents in accordance with policy CLP14 of the Local Plan.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
 - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
 - holes in fences and boundary treatment to allow species to move across the site
 - bee bricks
3. The applicant is advised to investigate the sewerage system to ensure it is fit for purpose and to seek advice from the Council's Conservation Officers should any new installation be required before carrying out any works on site.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical,

legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slope down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within site.