

## Item 3

Case Officer: Scott Nicholas  
Planning Committee 13<sup>th</sup> March 2023

CHE/22/00784/FUL

**CHE/22/00784/FUL - TEMPORARY SITING OF A MARQUEE WITH ASSOCIATED TEMPORARY PATH, ACCESS AND CAR PARKING, FOR USE IN CONNECTION WITH THE EXISTING BUSINESS AT DUNSTON HALL (FOR A PERIOD OF THREE YEARS), DUNSTON HALL, DUNSTON ROAD, CHESTERFIELD FOR DUNSTON HALL LEISURE LTD.**

Ward: Dunston  
Local Plan: Listed Building

### 1.0 CONSULTATIONS

Ward Members	No comments.
Chesterfield Civic Society	Comments received – see report.
Derbyshire Wildlife Trust	Comments received – see report.
Site Notice & Advert and Neighbours.	15 Neighbour and public comments – see report.
Historic England	No comments to make.
DCC Highways	Comments received – see report.
CBC Design Services	No comments to make.
CBC Forward Planning	Comments received – see report.
CBC Environmental Health	Comments received – see report.
CBC Tree Officer	Comments received – see report.

### 2.0 BACKGROUND & SITE

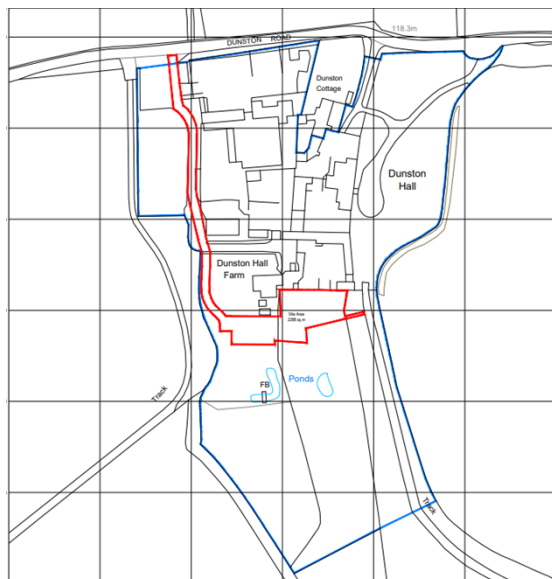
- 2.1 The applicant is proposing a temporary marquee, with associated temporary path, access and car parking for a period of 3 years located in the open countryside area to the south of Dunston Farmhouse and Dunston Hall (grade II listed, including associated former stables and barns). A modern garden centre and cafe, which is a part of the Dunston Hall environs is to the north. All of

these buildings, land and businesses are owned and managed by the applicant.

- 2.2 The application is partly retrospective as the path, access and car parking area have already been installed. A marquee was put up and used in accordance with permitted development rights in 2022 however this was subsequently taken down.
- 2.3 The application follows previous applications relating to Dunston Hall and the associated (but separately listed) barns and stables.
- 2.4 In 2021 Dunston Hall, including the former adjacent garage building, were granted listed building and planning consents, subject to conditions, to sympathetically refurbish the buildings for holiday let and wedding venue use for up to 120 guests (ref: CHE/21/00310/LBC, CHE/21/00374/LBC and CHE/21/00430/FUL).
- 2.5 In 2022 the grade II listed former stable buildings to the west of Dunston Hall were granted listed building consent and planning permission, subject to conditions, to create a new ancillary function room associated with the use of the Hall as a holiday let and wedding venue (ref: CHE/22/00112/LBC and CHE/22/0111/FUL).
- 2.6 In 2022 the grade II listed barns and outbuildings to the south of Dunston Hall were granted listed building consent for comprehensive repairs, refurbishment and structural works. The aim of these works was to provide further ancillary function rooms for the Dunston Hall wedding venue and holiday let use (ref: CHE/22/00618/LBC).
- 2.7 The reason for the current application, as the applicant's Planning Statement confirms, is to provide a temporary events space, in the form of the marquee, which can be utilised prior to the completion of the repair, refurbishment and use of the above listed former barns and stables. When these buildings are repaired and refurbished the intention is to remove the marquee from the site. The repaired and refurbished listed buildings would

then provide the necessary ancillary function rooms for the approved wedding venue use at Dunston Hall.

- 2.8 Given the sensitivity of the listed buildings and level of sympathetic repair and refurbishment works required, the works are likely to take some time. The repair and refurbishment will also be prolonged by the requirements for archaeological surveying and protection of existing bat roosts, the latter requiring protected species licensing from Natural England, in the context of seasonal surveying. The survey work cannot commence until April at the earliest. Consequently, a period of three years permission is requested for the proposed marquee.



### 3.0 PLANNING HISTORY

- 3.1 CHE/22/00618/LBC - Repair of Listed (former) farm outbuildings associated with Dunston Hall, including repairs to external and internal walls, roofs, floors, windows and doors. The insertion of a contemporary steel framework to provide necessary structural support. Granted conditional consent.
- 3.2 CHE/22/00111/FUL & CHE/22/00112/LBC - Alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue. Granted conditional consent.

- 3.3 CHE/21/00430/FUL - 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. Granted conditional consent.
- 3.3 CHE/21/00374/LBC - Replacement of existing roof, removal of garage doors, and installation of new french windows to create a wedding ceremony venue.
- 3.4 CHE/21/00310/LBC | Listed Building Consent for general improvement and reinstatement of internal areas. Granted conditional consent.
- 3.5 CHE/15/00172/FUL & CHE/15/00173/LBC - Conversion of barns and agricultural buildings into four dwellings including part new build to barn D. Granted conditional consent but unimplemented and expired.
- 3.6 CHE/09/00475/LBC - Conversion of barns and agricultural building to three dwellings. Application withdrawn.
- 3.7 CHE/06/00583/LBC - Conversion of barns into dwelling. Application disposed of.
- 3.8 CHE/1203/0824 - Conversion of outbuildings to form 4 dwellings. Granted condition consent but unimplemented and expired.
- 3.9 CHE/0398/0138 - Listed building consent for alterations to roof. Granted conditional consent.
- 3.10 CHE/0995/0480 - Listed Building Consent for work in kitchen. Granted conditional consent.
- 3.11 CHE/0995/0479 - Listed Building Consent for works in study. Granted conditional consent.

- 3.12 CHE/0195/001, CHE/0195/0002, CHE/0195/0003 & CHE/0195/0004 - Conversion of farm buildings to dwellings. Granted conditional permission but unimplemented and expired.
- 3.13 CHE/0194/0038 - Temporary use of site as landscape depot and nursery use. Granted conditional permission.
- 3.14 CHE/0891/0552 - Listed Building Consent for re-furbishment of barns to form 4 dwellings. Application withdrawn.
- 3.15 CHE/0791/0479 - Listed Building Consent for relocation of existing entrance walls and gateposts to provide new visibility splay. Granted conditional consent.
- 3.16 CHE/1290/0864 - Change of use from office and residential to office. Granted conditional consent.
- 3.17 CHE/0889/0584 - Permission for conversion of farm outbuildings to form 4 dwellings. Granted conditional consent. Unimplemented and expired.

#### **4.0 PLANNING POLICY, GUIDANCE & LEGISLATION**

##### **Chesterfield Borough Local Plan (2018-2035)**

- 4.1 In line with comments from the Councils' Forward Planning team, the most relevant policies to these applications are considered to be:
- CLP1 Spatial Strategy
  - CLP2 Principles for Location of Development
  - CLP6 Economic Growth
  - CLP7 Tourism and the Visitor Economy
  - CLP16 – Biodiversity, Geodiversity and the Ecological Network
  - Design (CLP20)

- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

### **National Planning Policy Framework (NPPF)**

4.2 The most relevant policies to these applications are considered to be:

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 6. Building a strong, competitive economy
- Part 8. Promoting healthy and safe communities
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

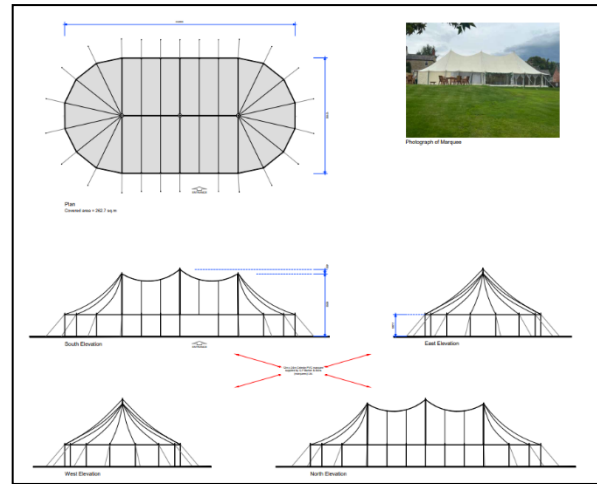
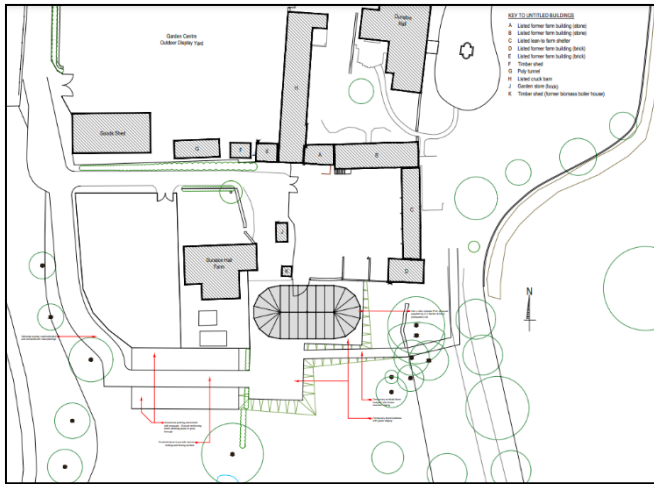
## **5.0 APPLICANT'S PROPOSALS**

5.1 The applicant is applying for planning permission for a temporary marquee for a 3 year period with temporary retrospective consent for associated temporary path, access and car parking, for use in connection with Dunston Hall as a wedding venue. The following documents are included supporting the application:

- Planning Statement (RCA Regeneration)
- Proposed Site Plan, Revised (DG Design)
- Proposed Elevations, Revised (DG Design)
- Tree Survey and Arboricultural Impact Assessment (TGA Consultants)

5.2 The applicant's Planning Statement states that: *'it is proposed to erect a marquee on the lawn to the south of the buildings, for a temporary period, to allow the new wedding business to continue to grow and support the beneficial use of the listed building. Due to the number of wedding enquiries being received, this would be required for in excess of the 28 days allowed for temporary structures under permitted development rights. As such, this application for temporary planning permission is required'*.

- 5.3 The Planning Statement confirms that *'the application site specifically is an area of some 1657m<sup>2</sup> forming part of the lawned grounds of the property. An area of the lawn will be levelled and stoned, with grassed edging, to accommodate the marquee, with a crushed stone footpath to link to the path to the main house. The site is not located within the historic curtilage of any of the listed buildings.*
- 5.4 The Planning Statement was written prior to some of the works being applied for being carried out, including the base for the marquee, a gravel path, a reinforced mesh carparking area and vehicle access (consisting of a surface of road plannings), hence the Planning Statement is not entirely accurate. However, for clarification, the applicant's agent submitted further information on 2/2/23 to confirm that these works had already been provided on site and that the description of development should be amended as retrospective to reflect this.
- 5.5 It was also stated that the marquee that had previously been in use was being used in accordance with existing permitted development rights but that this would be taken down and permission sought for a different marquee for a 3 year period. Revised plans were submitted showing the works already carried out and the proposed marquee.
- 5.6 The marquee would measure 12m (w) x 24m (l) and rise to 7m at its apex. It would be a 'Celeste PVC' type marquee' and be constructed of PVC and canvas. It would be located approximately 6m south-west of Dunston Hall Farm and approximately 7m from the nearest grade II listed former barn building. A proposed site plan, elevations, and an image of the proposed marquee are shown below. Images are also shown of the existing wire mesh carparking area and access road surfaced with road plannings.







## 6.0 ASSESSMENT OF PROPOSALS

6.1 The key issues in this application are considered to be:

- Principle of use and development
- Impact on neighbouring residential amenity
- Impact on heritage assets
- Highway safety and parking provision
- Biodiversity and impact on protected species and trees

### **Principle of use and development**

6.2 The proposed temporary marquee would be ancillary to the Dunston Hall wedding venue use granted consent subject to conditions, in 2021 (ref: CHE/21/00430/FUL). Therefore, the principle of a wedding venue use in this location has already been granted and was considered to be consistent with Local Plan policies, namely CLP1 and CLP2 which seek to deliver wider regeneration and sustainability benefits to the area including economic growth under policy CLP6 and tourism under policy CLP7.

- 6.3 It is considered that the current proposals are in accordance with the criteria set out in policy CLP2 (i) of the Local Plan, in that they demonstrate that the proposed use needs to be in a specific location in order to make functional links to an existing use.

### **Impact on neighbouring residential amenity**

- 6.4 Concern has been raised previously during consultation on previous applications (ref: CHE/21/00430/FUL & CHE/21/00374/LBC) by the neighbours at Dunston Hall Farm and Dunston Cottage (the Bungalow) that the proposed wedding venue would result in noise and nuisance to neighbouring residents (NB: Dunston Farm is now owned by the applicant, hence concerns about residential amenity at this property is currently no longer an issue).
- 6.5 As a result of this concern, conditions were placed on the planning consent to ensure that the development complied with Local Plan policy CLP14: Healthy Environment. These stipulated that:
- The number of guests attending any event shall be limited to no more than 120 at any one time (condition no.4).
  - There shall be no firework displays associated with wedding events held at the Hall (condition no.5).
  - 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 (condition no.7).
  - To the exterior of the premises and within the grounds there shall be no amplified sound (condition no.8).
  - 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 (condition no.17).

6.6 It is considered that the same conditions will apply to the current application. These conditions will continue to establish the parameters under which the wedding venue use operates, and which will include the marquee. Given the proximity of the proposed marquee to neighbouring residential areas and recent complaints about loud music, it is considered appropriate to secure a robust Noise Survey to be prepared and submitted for approval by the Council prior to the use and occupation for the marquee. This will include the measures the applicant proposes to use in terms of noise generation and how it can be mitigated to overcome impacts on local residents. This can be secured by a new condition arising specifically from the proposed marquee and be seen as part of the wider events management plan for the site.

### **Impact on heritage assets**

6.7 None of the existing works or proposed marquee are within the curtilage of the listed buildings. Development proposals that are adjacent or close to listed buildings are normally assessed in terms of the impact they would have on the setting of the listed building. But no permanent structures as such are being proposed as part of this application. Whilst the marquee would have a significant visual impact on the setting of the grade II listed barns to the south of Dunston Hall, and some peripheral impact on grade II listed Dunston Hall to the north, this would only be a temporary impact. The existing green mesh car parking area and access lane are considered to have a low visual impact and blend in reasonably well with existing environs of Dunston Hall and its garden centre.

6.8 Moreover, the applicant's justification for the marquee is to provide temporary facilities for wedding venue guests whilst the grade II listed barns, which are in a very precarious structural state, are being repaired and refurbished under application CHE/22/00618/LBC. It is considered that a temporary consent for a marquee will provide the applicant with the required facilities to allow the wedding venue use to be sustained and continued, and thus allow the repair and restoration of the grade II listed barns, which is considered to be a key heritage objective.

### **Highway safety and parking provision**

- 6.9 The application would not result in any new access point onto the highway, as any vehicles accessing the newly created green mesh car parking area would use the existing vehicle access that serves the garden centre and existing carpark.
- 6.10 DCC Highways are not objecting to the application.
- 6.11 The proposed temporary green mesh parking area is designed to be an 'occasional' car parking area for those using or accessing the marquee. The proposed site plan shows that there would be spaces for 20 vehicles. The area blends in well with surrounding lawn and grass, as the wire mesh allows grass to grow through the mesh. 20 temporary vehicles spaces are considered to be the maximum considered appropriate for the proposed temporary marquee given the sensitive location and the number of spaces which exist at the site associated with the hall and garden centre.
- 6.12 DCC Highways refer to the previous planning application (CHE/21/00430/FUL) when they recommended a condition limiting guests to 50. This was on the basis of limiting traffic generation, parking, and potential intensification of use of the access however due to concerns that this limit would not economically sustain a wedding venue use, the planning committee view was that this should be raised to 120 guests. This was approved but subject to a number of conditions to ensure highways safety, including the provision of a suitable car park design; improved visibility splays; access track improvements; and a car park management plan.
- 6.13 The same conditions can be applied to the current planning application.

### **Biodiversity and impact on protected species**

- 6.14 The grade II listed barns and stables north of the proposed marquee are known to have a presence of bats. This has been evidenced by previous surveys and the Derbyshire Wildlife Trust requested that updated Bat Survey work as part of the recent

planning and listed building consents (ref: CHE/22/00618/LBC, CHE/22/00111/FUL & CHE/22/00112/LBC).

- 6.15 The Derbyshire Wildlife Trust confirm that they have no objections to the proposals but recommend that given the proximity of the marquee to bat roosts during the installation or operation of the marquee no light should be directed at any integrated bat boxes within the outbuilding closest to the marquee. This can be secured by condition.
- 6.16 They also recommend that the marquee is removed once the outbuildings are operational to restore the habitats and flightlines to the south for resident bats. This application is predicated on the removal of the marquee when those buildings do become operational, so this advice will be followed.
- 6.17 The Council's Tree Officer has commented on the loss of some trees and vegetation as a result of the works already carried out, and he recommends that a landscaping restoration scheme is provided once the marquee and temporary ground works are removed. This can be secured by condition.

## **7.0 CONSULTATION COMMENTS**

### **Chesterfield Civic Society**

- 7.1 The Civic Society highlight the historic significance and evolution of Dunston Hall and the associated barns and outbuildings and refer to comments they have made on previous Dunston Hall applications. They do not object to the proposed temporary marquee on the grounds that it would adversely affect the setting of any of the listed buildings at Dunston Hall.
- 7.2 They highlight the impact the marquee and associated carpark would have on any potential occupiers of Dunston Farmhouse given its close proximity and that this would result in a loss of privacy and amenity and reduce the property value (NB: Dunston Hall Farmhouse is now owned by the applicant).

- 7.3 They state that the applicant has not given any reasons for wishing to erect a marquee and create additional parking spaces and that a car-park at the front of Dunston Hall is currently being built.
- 7.4 They highlight the recent applications to convert the former farm buildings to use in connection with his business and they are not clear why the applicant needs this additional accommodation. The Civic Society feel that it is incumbent on the applicant to explain the reason for this further work.

### **CBC Tree Officer**

- 7.5 The Council's Tree Officer requested that an Arboriculture Impact Assessment (AIA) be submitted with the application on the basis that there was a lack of clarity about what impact the proposals would have on existing trees.
- 7.6 This was subsequently prepared by TGA Arboricultural in accordance with relevant standards to record the species and dimensions of the relevant trees, and to assess the trees for their quality and benefits within the context of proposed development. A Tree Schedule was also included showing comments and recommendations for each tree identified.
- 7.7 The Council's Tree Officer was consulted on the Tree Survey and commented that *'there are no objections to the application in general because there will be minimal impacts on the retained trees, however, there are concerns with regards to the trees and vegetation removed and other construction impacts to facilitate the development before a decision has been made on the application. It is therefore recommended that a condition is attached if consent is granted to the application for a landscaping restoration scheme once the marquee and temporary ground works are removed'*.

### **CBC Forward Planning**

- 7.8 Forward Planning apply the policies in the adopted Local Plan, including those related to the Councils Spatial Strategy (CLP1); Principles for Location of Development (CLP2); Biodiversity (CLP16); Sustainable Travel (CLP22); Economic Growth (CLP6); Design (CLP20); and Heritage (CLP21).
- 7.9 They confirm that the site is not within a built-up area and is located immediately to the south of Dunston Hall Farm and to the east of the Dunston and Sheepbridge Green Wedge (GW3) as identified on the Local Plan Policies. The red line boundary intersects very slightly with the Green Wedge at the most easterly point of the site.
- 7.10 Overall Forward Planning consider that the proposed development does not generally accord with Local Plan policies, unless it is determined that the development meets the exception in policy CLP2 (criteria i). This states that exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use needs to be in a specific location in order to make functional links to other, existing uses.
- 7.11 They state that if the Case Officer is minded to approve the proposal, biodiversity net gain, electric vehicle charging (temporary/portable charging stations are readily available) and cycle parking will all need to be secured via condition.
- 7.12 Forward Planning also subsequently raised the issue of potential amplified sound at the proposed marquee as a result of comments from the Council's Environmental Health Officer. They state that the proposed development would need to have an acceptable impact on amenity to comply with Local Plan policy CLP14.

### **DCC Highways**

- 7.13 DCC Highways make reference to comments they made on previous Dunston Hall applications (ref: CHE/21/00430/FUL), where they recommended the wedding venue use be restricted to 50 guest to lessen the impact of traffic generation, parking, and



potential intensification of use of the access (NB: Planning Committee subsequently recommended that guests be limited to 120).

- 7.14 Subsequent comments received from DCC Highways on 24/2/23 state that they have no highway safety objections to the application.

### **CBC Environmental Services**

- 7.15 The Council's Environmental Services Officer raised concerns about potential noise emanating from the proposed marquee and confirmed that he had received complaints from the public when it was previously installed in 2022. He also confirms that he witnessed the marquee in use himself and on one occasion believes that it may have given rise to an actionable noise nuisance and Abatement Notice.

- 7.16 As such, he recommends that its use should 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 event management plan shall be in operation during any events held at the site.

### **Derbyshire Wildlife Trust (DWT)**

- 7.17 The Derbyshire Wildlife Trust confirm that no notable habitats have been recorded to date on or adjacent to the site and that the site is not covered by statutory or non-statutory nature conservation designation. They note that impacts are limited to the loss of a small area of amenity grassland and are unlikely to have a substantive adverse effect on biodiversity.

- 7.18 They confirm that they are aware of the bat roosts in the adjacent listed buildings and that bat licenses have been sought by the applicant to carry out listed building conversion works under the



relevant consents (ref: CHE/22/00618/LBC, CHE/22/00111/FUL & CHE/22/00112/LBC).

- 7.19 Given the proximity of the marquee to these buildings the DWT advise that during the installation or operation of the marquee no light should be directed at any integrated bat boxes within the outbuilding closest to the marquee. If lighting is required, they advise that the LPA should request details of the type and location(s) to be approved prior to installation. They also recommend that the marquee is removed once the outbuildings area operational to restore the habitats and flightlines to the south for resident bats.

### **Local Residents**

- 7.20 A total of 15 objections to the proposals have been raised from local residents who live in the residential properties around Dunston Grange Farmhouse (approx. 250 meters south of the marquee) or at the new Skylarks development (south of Dunston Grange Farmhouse).
- 7.21 The objections are primarily based on the potential for loud music in and around the marquee. This is because residents experienced loud music in 2022 and complaints were made to the Council. It is feared that the loud music will continue should a temporary marquee be granted consent. Local residents' comments on the noise issue can be summarised as follows:
- Loud music has been played until late at night and this has caused a lack of sleep.
  - Loud music has meant that windows have not been able to be opened, particularly in the summer.
  - Loud music has deterred outside garden activity, particularly in the summer and weekends.
  - Loud music has been played during unsociable hours, and there are no sound barriers.
  - Loud music has caused dogs to bark in the nearby kennels which is a nuisance to residents as well as cruel to the dogs.

## **Closest resident at Dunston Cottage**

7.22 The resident at this property has made a number of comments, the key points of which are summarised as follows:

- All the works being requested by the applicant in his “application” were completed months ago, for example the Marquee was erected on the prepared crushed stone based area by 1st August 2022.
- The access road was completed and all the very mature trees that were in the previous boundary between Dunston Hall Farm and the land owned by Harrison, which can be seen on Google maps, as they were before work commenced on site in May - July 2022, were felled and totally removed.
- Re visual and conservation issues, very large, mature trees, old dry stone walls and bushes have that provided habitat for numerous species of wildlife have been totally obliterated, any tree protection orders in place?
- Re Highway safety, increased traffic and no signage mean that cars are attempting to turn into my driveway then reverse back onto Dunston Road, which is very dangerous, to find where to get onto the road leading round to Dunston Hall Farm and the marquee.
- There are conditions to the Dunston Hall holiday let and wedding Venue, which prohibit amplified music outdoors. I have a recording of amplified sound coming from the marquee on the 4th November 2022. The Marquee is on land at Dunston Hall.

## **8.0 CONCLUSION**

8.1 Subject to conditions to ensure the protection of residential amenity, landscaping and biodiversity, it is considered that the proposed temporary works and temporary marquee are acceptable in planning terms. The principle of the proposed wedding venue use has already been consented at Dunston Hall, subject to conditions via application CHE/21/00430/FUL.

8.2 In this context it is considered that the proposals are in accordance with the criteria set out in policy CLP2 (i) of the Local

Plan, in that the development proposals demonstrate that the proposed marquee needs to be in a specific location in order to make functional links to an existing use.

8.3 The proposed use would be ancillary to the granted wedding venue use, so the proposals should not be generate any new wedding venue guests over and above 120 (which was included by planning committee via planning condition on CHE/21/00430/FUL).

8.4 Regarding the impact on the setting of the listed buildings, this is not considered to be major issue given the marquee is not a permanent structure and will eventually be removed. Any temporary harm to the setting of the listed buildings should be balanced against the benefits the eventual repair and refurbishment of grade II listed barns to the north, which to a certain extent is predicated on the viability and success of the wedding venue business.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANTS**

9.1 The Government (since the 1st December 2012) requires Local Planning Authorities to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way.

9.2 The Conservation Officer has been available to liaise with the applicant to ensure that any proposals were consistent with local and national planning policies regarding the historic environment.

## **10.0 HUMAN RIGHTS ACT 1998**

10.1 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.

10.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational, or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

10.3 The interference caused by a refusal, approval, or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

10.4 The recommended conditions are 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.

## **12.0 RECOMMENDATION**

12.1 That the application be **GRANTED PLANNING PERMISSION** subject to the following conditions:

01. This permission is valid for a limited period only, expiring on 13th March 2026. On or before that date the marquee shall be removed from the site and the land shall be restored in accordance with an agree Landscaping Plan as outlined in condition No.3 of this consent.

Reason: The development meets a short term need and is of a type not considered suitable for permanent retention in accordance with policies CLP20 and CLP21 of the Adopted Chesterfield Local Plan.

02. The development hereby approved shall only be carried out in full accordance with the approved plans and drawings with the exception of any specified conditions, pending listed building consent and approved non-material amendment:
- Location plan, revised (PM100)
  - Proposed site plan, revised (PM300)
  - Plans & Elevations (PM200)

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.

03. Prior to removal of the marquee hereby approved, details of the restoration treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after the removal of the marquee. Details shall include:
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
  - b) a schedule detailing sizes and numbers of all proposed trees/plants
  - c) Sufficient specification to ensure successful establishment and survival of new planting.
  - d) details of the timing schedule (month/year), method and restoration works for the development site.
04. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than

trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality

05. Prior to the temporary marquee hereby granted consent becoming operational, a Noise Assessment shall be submitted to the Council for approval in writing. The Noise Assessment shall be in accordance with standard BS4142 and shall include:

- The reason for and scope of the report.
- Location plan of proposed use and likely noise receptors.
- Methodology used including proposed noise generation, location of noise monitoring, equipment used, weather conditions, etc.
- Any reasons for deviations from standard methods.
- Table of results.
- Comparison of survey results with noise standards.
- Recommendations for noise control measures.
- Calculations of the noise reductions expected to support any suggested noise control measures.

Only those measures agreed by the Council in writing shall be implemented as part of the development.

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

06. In accordance with the consent and attached conditions granted under CHE/21/00430/FUL, the number of guests attending any event shall be limited to no more than 120 guests 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.

07. There shall be no firework displays associated with wedding events.

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

08. The number of wedding or similar events taking place at the premises shall be limited to no more than two per week.

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

09. Unless otherwise agreed by the planning authority in writing, there shall be no direct lighting shone towards Building D (as shown in the Bat Survey Report, Middleton Bell Ecology, Sept 2022, ref:CHE/22/00111/FUL).

Reason: To protect ecology and biodiversity in accordance with policy CLP16 of the Chesterfield Local Plan.

### Notes

01. 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.