

SITE PLAN ATTACHED

04. HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX

CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO WEDDING AND EVENTS VENUE WITH FORMATION OF ASSOCIATED CAR PARK AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00755/FUL

WARD	Hutton East	8/13 WEEK DATE	12.08.2015
PARISH		POLICIES	NPPF NPPG GB1 GB2 CP1 C14 C15 C16 C17 T2 PC4 C5 C7
CASE OFFICER	Mrs Charlotte White	01277 312536	
Drawing no(s) relevant to this decision:	PLANNING STATEMENT V.4; ADDENDUM PLANNING STATEMENT V2; HISTORIC BUILDING APPRAISAL; TRANSPORT STATEMENT; SOC - HUTTON HALL; SOC - HUTTON HALL OUTBUILDINGS; SOC - HUTTON HALL WALLED GARDEN; 100 01; 101; 102; 103; 104; 106; 107; 205; 400 00; 401 00; 402 01; BUSINESS PLAN 2015; CALENDAR OF EVENTS; 402/01; 404/02; WATERMAN SUPPORTING STATEMENT HW; NOISE ASSESSMENT; TRAVEL PLAN V6; 01 SITE SURVERY; SCI;		

1. Proposals

Planning permission is sought to change the use of the Grade II* Listed Building and its grounds from a dwelling to a wedding and events venue. It is stated that the 'other events' will only include wakes and funerals. It is proposed to erect a seasonal marquee to the rear of the building and a car park will be formed within and adjacent to the Grade II Listed walled garden. A new entrance door to the side of the Listed Building will be created, replacing a window opening and there will be internal changes with the construction of toilet facilities.

The information provided with the application indicates that the weddings and events will accommodate a maximum of 120 guests. The marquee will be used between April and October each year for dining purposes only. All dancing and other festivities would take place within the main house with dancing within the 'blue room'. The aim is that this wedding venue would promote and increase the number of Weddings at the nearby All Saints Church, which has recently seen a decline in the number of weddings. A letter of support from Father Bob Martin of All Saints Church has been submitted with the application.

The car park proposed constitutes a total of 59 parking spaces within the walled garden and on the land to the west of the site, adjacent to Hall Green Lane. The car park will be gravel topped asphalt within the walled garden with the car park spaces and overflow parking area constructed of grass guard. For weddings utilising the Church, guests would park at the Hall and walk across the moat to All Saints Church. Otherwise guests would park in the walled garden and walk through the footpath to the new side access door into the Hall. Solar lighting bollards are to be utilised. The existing 1970s garage would be demolished to create access to the parking areas from the main drive. An opening will be created through the walled garden to provide an overflow parking area. Cars would enter the site from the north entrance and exist via the car park from the southern exit. Larger vehicles such as minibuses and catering trucks would however leave via the northern entrance. It has been indicated that no coaches would be used with mini-buses and taxis encouraged.

The entire ground floor of Hutton Hall would be given over to the wedding party. A bridal preparation suite will be provided on the first floor. A catering company would manage the weddings, with a catering preparation area to the rear of the marquee. When the marquee is removed in the winter months, the catering will take place in the main kitchen in the main hall or the catering vans themselves. The catering company would arrive at 9am when the bride arrives and would stay until the last guest leaves; with dancing finishing at 11.30pm and all guests to leave by midnight.

A bar will be provided in the conservatory to service the wedding breakfast in the marquee with the main bar for the evening entertainment provided in one of the ground floor reception rooms.

April - October weddings would utilise the marquee for dining with smaller weddings - up to 58 seated guests from November to March whereby the guests will be seated in Hutton Hall (the blue room) for the wedding breakfast. The overflow car park beyond the walled garden will be closed (except for the exit) during winter weddings. The marquee will be used for dining purposes only with small speakers only to allow background music to be played. For the marquee to be installed some minor levelling work will be needed to 75mm-100mm, with a 100mm layer of type 1 laid and a base of tongue and groove timber floor resting on aluminium beams.

The transport Statement submitted indicates that it is anticipated that around 35 events per year will occur at the Hall, following a successful change of use, but this could increase to a maximum of 75-100 weddings and events per year. However, the calendar of events submitted indicates that there will be 42 events in the first year (2016-2017), 65 events in the second year and 78 events in the third year. The Travel plan indicates that provisionally there will be 1 wedding a week but that could expand to include a mid-week function in the summer if there was demand.

Initially 5 members of staff will be employed including a gardener, security, wedding co-ordinators and back office support (accounts/admin). A maximum of 15 additional members of staff will be needed for each event (e.g. waiters and waitresses).

The application has been submitted with schedule of condition reports for the house, outbuildings and walled garden, a heritage statement, a transport statement, a travel plan, a planning statement, a statement of community involvement, a planning statement addendum, a calendar of events and a confidential business plan.

2. Policy Context

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guide (NPPG)

Local Plan Policies

GB1- New Development
GB2 – Development Criteria
CP1 – General Development Criteria
C14 – Development affecting Conservation Areas
C15 – Listed Buildings – Demolition, Alteration or Extension
C16 – Development within the vicinity of a Listed Building
C17 – Change of use of a Listed Building
T2 – New development and Highway considerations
PC4 - Noise
C7 – Development affecting preserved trees, ancient woodlands and trees in Conservation Areas.

3. Relevant History

- 15/00756/LBC: Change of use of existing Grade II* Listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. – pending.
- 02/00132/FUL: Continued Use Of Grounds For Holding Up To Six Wedding Receptions Per Year. -Application Refused

- 02/00131/FUL: Retention Of Entrance Gates. -Application Permitted

4. Neighbour Responses

20 notification letters were sent out, a site notice was displayed and the application was advertised in the press. In total 113 representations from residents have been received:

64 identical 'standard' letters of objection have been received and a further, 47 bespoke letters of objection have been received which make the following summarised comments:

- Unacceptable noise nuisance and disturbance in a quiet area from traffic, guests, the marquee, music and speeches, fireworks, smokers and vehicles - detrimental to the wellbeing of the neighbourhood and residential amenity and destroy the tranquil setting and peace and quiet for residents. Thick walls would not prevent noise if windows and doors opened and it is impracticable for windows and doors to remain shut.
- Highway concerns including, additional traffic and dust, narrow rural/residential surrounding roads, unsuitable for extra traffic and no pavements or street lighting, congestion, danger to pedestrians, cyclists, horse riders, dog walkers, children and other road users. Likely that vehicles will arrive and leave at the same time. Goods vehicles will need to use the narrow roads. Unsuitable for coach traffic. Sharp bends and limited visibility. Roads used by large farm traffic such as tractors. Could increase accidents. Coaches would block certain parts of the roads. Not all accidents are reported. Insufficient parking. Further damage to the roads and verges.
- Is in a Conservation Area and the Green Belt. Breach of Green Belt Policy and would significantly harm the Conservation Area.
- Challenge special circumstances exist to preserve Hutton Hall.
- Its condition has deteriorated.
- If sale price reflects current condition it would sell as a private residence. Previously marketed for too much.
- Unacceptable detrimental impact on character of the surrounding area. The car park will change the streetscene and would be intrusive and unsightly in a Conservation Area.
- Overbearing.
- Light pollution.
- Unacceptable impact on other peoples enjoyment of the countryside.
- Contrary to National and Local Policy (including Local Plan Policies CP1, C14, GB17).
- Concerns about adequacy of traffic survey and statement submitted.
- Reports that there were no issues when the venue has been used for weddings in the past are incorrect and planning permission was refused for events in 2002. When used as an events venue some years ago the noise was apparent, loud and intolerable.

- No proposal to upgrade sewer and proposal would impact utility services e.g. Sewers and water.
- Conflict of interest for Councillors.
- Lack of neighbour consultation and time to respond and limited community involvement.
- Consider the elderly patients in Hutton Village Nursing Home.
- Drunk guests wondering around the area and drunk driver concerns and anti-social behaviour.
- Risk of extensions to opening hours
- Sets a precedent
- Would require internal rebuilding which would spoil the architecture.
- Not needed - several event venues near by. Other venues e.g. Marygreen Manor and Stockbrook Manor are located on major roads.
- Hutton Cricket and football clubs already cause congestion and on-street parking.
- Would be used all year round - not just during Spring/Summer e.g. at Christmas
- Harm wildlife. Ecology report is inadequate.
- Inadequate environmental study and concerns about impact of run-off water.
- Insufficient information submitted, including no archaeology survey, heritage statement and tree survey. No financial information or acoustic survey.
- May be more appropriate to utilise the building for apartments.
- Commercial gain.
- There are no business premises nearby.
- Concerned it would not increase weddings at the Church - trend to have weddings in one place.
- Brentwood employment benefits are limited e.g. the catering company is from Chelmsford.
- Nearest bus stop in several hundred yards away and there is limited bus service at weekends and no service at night. Travel to a wedding via train, bus, cycle, walking is unlikely. Not sustainable.
- Rev, Bob Wallace did not refer to the Church Committee prior to drafting his letter of support.
- Marquee is effectively a permanent structure.
- Concerned about loss of residential units
- Query use of solar panels.
- Does not constitute enabling development.
- No benefit to the local community
- Query if there are restrictive covenants.
- Lanes flood in sudden heavy rain.
- Is it due to the Registry Office in Brentwood closing?
- Could it mean filling in the pond for parking?
- Applicant cannot prevent coaches being used.
- Concerned about what the 'other events' will be and should be restricted.
- Concerns about adequacy of acoustic report.

2 letters have been received which are neither explicitly for or against the proposal which make the following comments:

- Approach lanes are all ancient green ways and should not be tampered with.
- Please place a sign showing the unsuitability for lorries at the Rayleigh Road/Hutton House corner.
- Lots of speeding traffic along Hall Green Lane.
- At the very least need substantial traffic calming measures installed.

A letter of objection has also been received from the Hutton Preservation Society which makes the following comments:

- Is in the Green Belt and Conservation Area and is a historic focal point.
- Realises the issues in upkeep of the property.
- Inaccuracies in Planning Statement
- Would require an expensive renovation before the scheme could take place
- Would put a strain on this peaceful area.
- There was much public concern in terms of noise and traffic from several commercial ventures held at the Hall a few years ago. Application was declined 02/00132/FUL
- Traffic survey undertaken in November when less traffic uses the area
- This small section of country in suburbia is unusual
- Lanes reflect the strip farming of its Saxon past
- The accident report does not reflect the minor collisions.
- Large container lorries using Sat Nav has exacerbated the problem and vehicle passing problems.
- Bikers, walkers, horse riders, nature-lovers, joggers and dog walkers use the lane as a recreational area
- Hall Green Lane is blocked by parked cars every week alongside the cricket club during the season.
- Large agricultural vehicles use these roads.
- Concerns regarding the water system, antiquated sewerage system, flooding in area including of raw sewerage.
- Will effect nearby Nursing home; increase in traffic and noise
- Employment opportunities will be imported from the Chelmsford based wedding planners
- Heritage statement is missing
- Should there be a archaeological survey?
- All Saints Church holds many events other than weddings - if used by the Hall how would this affect the Church's use.
- Rev. Bob Wallace retires August 2015 and his comments submitted with the application are his views only.
- Marquee would be semi-permanent not temporary
- Weddings in wet weather would mean guests having to walk over wet grass/flooded lanes to the Church.
- Concern about the wall being knocked down for the car park which is part of the original Tudor part of the Hall
- Are the transport choices sustainable?

- Will generate movement throughout the day e.g. deliveries and staff arriving.
- Noise and increase in traffic
- Travel plans are of limited use
- Optimistic to believe events will finish by midnight
- Untrue that Hutton Hall was the reason for the Conservation Area.
- More suitable option may be flat conversions

A letter of objection from CPRE Essex (Campaign to Protect Rural England) has been received which makes the following comments:

- Protection of the character of the whole Conservation Area has to be considered
- Would harm the setting of the Listed Building
- Whilst preserving an individual Listed Building is a worthy cause - it should not be at any cost
- Would result in environmental degradation.
- Detrimental impact on special character of Hutton Village Conservation Area by virtue of noise and traffic generation
- Encroachment beyond the site into the rural lanes beyond, adversely impacting the Green Belt and contravening policy
- Car parking and marquee would be contrary to Green Belt policy and would urbanise the Green Belt
- No very special circumstances exist that outweigh the Green Belt harm.
- Not a shortfall of event venues around Brentwood
- The three access roads have limited capacity and are unsuitable and unsafe to deal with the traffic volume. Traffic has to share these lanes with large agricultural vehicles.
- Would adversely affect the peaceful rural/semi-rural character of the lanes.
- Contradictions regarding the route for vehicles.
- Guests leaving at midnight will cause disturbance and would be dangerous using these lanes.
- Would interfere with the sleep of residents and affect their amenity.
- Traffic causes safety concerns - of pedestrians, cyclists and horse riders.
- Unlikely that public transport would be used - nearest bus stop is half a mile away and much of the route has no pavement.
- Insufficient information has been submitted to claim this is enabling development and alternatives have not been exhausted.
- Hope a less harmful means of securing Hutton Hall's future such as flats can be found.

5. Consultation Responses

- **Bat Group:**

Response awaited.

- **Essex Badger Protection Group:**

Response awaited.

- **Essex Wildlife Trust:**

Holding objection – ecology report needed: A phase 1 habitat survey and appropriate protected species surveys as required.

- **Natural England:**

Natural England has no comments to make on this application.

- **County Archaeologist:**

Hutton Hall is medieval in origin and would have served as the manorial centre for Hutton as well as a dwelling for the Abbey's bailiff. The hall is located within a rectangular moat, the south and west arms are still extant and water-filled, while the northern and east sides have been infilled (EHER 5350). The Hall is a grade II* listed building (EHER 27306) and the associated walled garden is also listed (EHER 27307). It is likely that there are below-ground remains within the gardens of the hall which could be associated with earlier phases of the manorial centre. The proposed development, particularly the plans for the car parking will affect both the walled garden and any earlier activity. While the walled garden is currently unmanaged it is highly likely that there are remains of structures and garden features within this area and this evidence may be damaged or destroyed by the groundworks associated with the development.

It is recommended that a Desk Based Assessment is carried out, focussing on cartographic evidence of the site to inform our understanding of the layout, usage and development of the garden area which would inform any future mitigation strategies.

In view of this the following recommendation is made in line with the National Planning Policy Framework

Recommendation: Full condition

'No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. A brief outlining the level of investigation will be issued from this office on request and in this instance there will be a cost implication for the developer.

- **Highway Authority:**

Although the site is not in an accessible and sustainable location in terms of alternatives to private car use, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, given the contents of the proposed Travel Plan submitted with the application, the existing use of the site and accesses, the scale and nature of the proposals, and the areas available for parking within the site, subject to the following conditions;

1. Prior to commencement of Hutton Hall as a wedding and events venue, the access to the south of the site along Hall Green Lane to be used for egress only, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. All access to Hutton Hall shall be via the existing main entrance located to the north of the site from Hutton Village/Hall Green lane only. The entrance must be clearly signed for visitors attending the weddings and events. Coaches only will exit via this point of access, as detailed within the Transport Statement.

Reason: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The exit from Hutton Hall for wedding and event guests shall be via the access located to the south of the site along Hall Green Lane only, as shown on Drawing No. 0003 Revision A01.

Reason: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The development shall not commence until a Travel Plan has been submitted and approved by the Highway Authority's, Essex County Council, Travel Plan Team. The approved travel plan shall be complied with during the operation of the site for the approved uses.

Reason: To reduce the use of motor vehicles and encourage other modes of transport and to provide management of the vehicles attending the site.

*Please note comments and recommendations from Essex County Council Travel Planning Team for amendments to Travel Plan as submitted.

5. The vehicle parking area shall be designed in accordance with The Parking Standards Design and Good Practice 2009, and shall be retained at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the approved uses of the site unless otherwise agreed with the Local Planning Authority.

Reason: To provide appropriate vehicle parking in the interest of highway safety and amenity.

6. The development shall not commence until the proposed secure cycle and motorcycle parking facilities have been provided and thereafter they shall be retained at all times.

Reason: To ensure appropriate cycle and motorcycle parking is provided in the interest of highway safety and amenity.

7. In order to accommodate the intensified use of the surrounding single track roads, the provision of vehicle passing places must be established in a position and to a specification to be agreed with the Local Planning Authority and the Highway Authority prior to commencement of Hutton Hall as a wedding and events venue.

Reason: To ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway safety to ensure accordance with Policy DM1. Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3QH

- **Environmental Health & Enforcement Manager:**

When considering this aspect of the Planning Application the applicants Noise assessment report NO. AA629/23/10/2015 will be used as a reference/data source.

Noise arising from music played in the Blue Room

The report outlines the investigation carried out regarding music levels within the Blue Room and outlines the range of frequencies that have been assessed.

The process employed whilst carrying out this investigation was satisfactory and this Department is satisfied with the results and conclusions arrived.

Noise from guest voices on departure

An additional assessment was carried out by Alpha Acoustics with relation to possible effects from raised voices from customers/guests leaving the property late at night.

Environmental Health is satisfied with the process and investigative procedure used and is in agreement with the results achieved.

Traffic noise arising from Wedding Guest's Cars

It is acknowledged that Hutton Hall is located in a quiet rural area immediately outside Hutton Village and as such vehicular activity to and from the venue might have an intrusive effect to those living close by.

With this in mind, Environmental Health had requested that the acoustic consultants of the applicants, Alpha Acoustics, carry out an assessment of the possible noise impact from the likely increased vehicle activity.

Assessments were carried out by Alpha Acoustics of the noise levels in the area at various times during the day and late evening.

Maximum likely cars/vehicles

It is agreed that the maximum figure of vehicle to use in this assessment would be what has been set aside for patrons within the grounds of the Hall, 60 spaces, therefore 60 cars. It is also understood that some additional vehicles may be involved such as Taxi's and catering vehicles.

Arrival and departure times

It is accepted that while some events may begin between 15:00hrs and 18:00hrs, these would most likely be tied in when the nearby church which would be involved in carrying out the wedding ceremony. It must be pointed out though, that Hutton Hall may also be hired out by customers who have had the ceremony earlier elsewhere and merely wish to use the Halls facilities for only reception purposes. In this case, such receptions could easily be asked to start at a later time, 19:00hrs - 20:00hrs. This being the case, this could have an increased acoustic effect on nearby residents.

Nevertheless, it is thought that noise effects to nearby residents during the 'arrival' times would not be significant.

With regard to likely departure time, the possible noise effect of vehicular traffic on neighbouring properties may increase.

Assumptions

Assumption 1

In the course of the Acoustics report it is assumed in 4.6.16 that the leaving traffic movements of the 60+ cars would be split equally in to the three road directions available. North into and through Hutton Village, north and then immediate west onto Hall Green Lane and South onto the small country lane/Church Lane.

It is the opinion of this Department that the latter route would be unlikely to be chosen by the vehicles as this would present an 'unknown' direction and therefore vehicular movement will most likely be divided up into the two remaining routes, via Hutton Village and west along Hall Green lane.

This would mean that such traffic would be channelled through these residential areas late at night at approximately 30+ vehicles per route (rather than the assumed 20+ per route of the 3 roads). This would obviously increase the expected impact to the residential areas by an additional 50% to that initially calculated within the report.

Assumption 2

It is postulated in 4.6.25 of the report that 'many people do not go to bed until at least midnight' and therefore the vehicular activity from the Hall will not affect sleep as many would not be sensitive to sleep disturbance.

It is the opinion of this Department that most people within this area will most likely be going to bed at approximately at 23:15hrs. Even in London, the average time for those retiring to bed has been calculated at 23:25hrs. This been shown in a recent survey and report 'The Great British Bedtime Report' as commissioned by the Sleep Council in 2013.

Therefore, even if it is accepted by the applicant that all reception activities are to cease at the earlier time recommended of 23:00hrs, by the time customers are actually leaving the grounds, the majority of residents in the area will be in their beds trying to get their sleep.

Assumption 3

It is assumed in 4.6.25 that existing traffic moving on these roads must have exceeded the recommended criterion. With this in mind, as there has been no 'apparent history of disturbance or complaint' then it is postulated that there will be little change.

It is the opinion of this Department that the existing traffic flow in this locality shows limited numbers of vehicles moving

a) Between 19:00hrs and 20:00hrs : 14 vehicles

b) Between 23:00hrs and midnight : 3 vehicles

Therefore with regard to a) if customers were to arrive late around this time (and we are assuming 30 vehicles (see earlier argument Assumption 1)) for a reception only event the predicted traffic flow would have increased by approximately 100%.

With regard to b) if customers were to leave between 11pm and midnight the traffic flow over this short period of time would have increased by a factor of 10.

Approximately 900% more than the original flow.

Assumption 4

The acoustic calculation for this assessment is based on a fairly unique situation and perceived problem. There is no specific guidance relating to the assessment protocol of this matter and therefore the Applicants Acoustics specialists have had to carry out the assessment on a 1st principle basis. With this in mind Alpha Acoustics have chosen to measure this situation using an 8 hr LAeq for the period of 23:00hrs to 07:00hrs. The definition of LAeq or Equivalent Sound Level 'is the sound Pressure Level in dB, equivalent to the total sound energy over a given period of time'. In layman terms it is a form of averaging out of the sound energy (expressed in dB's) over a stated period of time. As in with any averaging out procedure, the longer the period over the small amounts of high readings that might be recorded, the lower the representative figure is liable to be.

It is the opinion of this Department that as there will undoubtedly be a significant increase of relatively loud vehicular activity within a short period of time (approximately an hour) with relatively quiet long periods on either side of this event, the comparison should be made by comparing the noisy event with equivalent time periods of background noise levels normally experienced in the area.

Therefore, if a 1 hr LAeq were to be calculated for the time 23:00hrs - midnight and then compared with the already monitored ambient noise levels detailed within the report (see 4.3 Table 4.1) the resultant difference/comparison should show a significant difference in the noise levels.

Conclusion

Taking all of the above into consideration this Department confirms the following:
Noise arising from music played in the Blue Room

The emission of noise from the Blue Room during the reception event should not be a problem to local residents as long as certain precautions are taken into account.

Namely, the recommendations as outlined in the acoustics report 4.5.2 be confirmed in the form of conditions for the said Planning Application.

Noise from guest voices on departure

It is accepted that the assessment carried out by Alpha Acoustics (as shown in 4.7) relating to this possible issue is acceptable and that the likely impact of this activity will be insignificant.

Noise from vehicular activity from wedding guest's cars

For the reasons outlined in the discussion relating to Assumptions 1 - 4 this Department is of the opinion that there will be an increase in intrusive noise to nearby properties, particularly during the late evening periods between 23:00 - 24:00hrs.

It must be noted though that the degree of disturbance would be dependant on the degree of usage of the Hall and its facilities and that this assessment was based on the extreme 'worst case scenario' basis.

- **Historic Buildings And Conservation Officer:**

- Significance

Hutton Hall and attached stable block; listed in 1958, Grade II* (list entry No. 1280481). Walled Garden at Hutton Hall; listed 1994 (list entry No. 1197196). The Hall dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks. It comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central Ionic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. First floor, front central section reorganised as an interior conservatory/garden room. One room has inserted panelling of c1600. In the house are several C18 doors with fielded panels, also panelled walls (*Sourced at Historic England 2015 – Full listing text in Appendix 1*).

Hutton Hall is located centrally within the Hutton Village Conservation Area; designated in 1986 - this location has origins prior to the Domesday Book. The site and its curtilage are highly significant and contribute positively to the Hutton Village Conservation Area. The earliest record from Heritage Gateway refers to the Medieval Moat (1066 AD) which lies within its curtilage. The Conservation Area is rural in nature with verdant boundaries framing Hutton Hall; only glimpsed views of the Grade II* listed building within its core are facilitated from a public view.

The Hall has association with the Church of All Saints to the south-east; although this Grade II* church is of an earlier period, dating from early C14th.

Proposal

Change of use of existing Grade II* Listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee.

Background

Pre application advice was undertaken, my comments included the following:

Concern for the walled garden and the level of parking – this in turn may harm the rural quality of the Conservation Area –not all of the walled garden should be car park. In addition the wall itself is listed and must be protected from vehicular movements and potential damage. One opening would be acceptable given this is a rebuilt section. the trees which line the wall should be removed; there is a concern over the integrity of the wall given their location – tree officer to advise.

The long term conservation of the Hall is paramount – a schedule of repairs and works to be carried out under a LBC should be dovetailed into a future application. The Character and Appearance of the Conservation Area should not be diminished. Refer to Historic England for further advice given the Grade II designation’.*

Discussion

The grade II* listed building and grade II listed walled garden are significant heritage assets which contribute positively to the Hutton Village Conservation Area. There is considerable record of the Hall and its location (CA) held at the Essex Record Office and on the Heritage Gateway database. The location and its historic and social significance culminated in the designation of the location as a Conservation Area in 1986.

In assessing this application in respect of Conservation, I have had regard for *all* Heritage Assets impacted upon by these proposals. A site visit was undertaken on 28th August with the Historic Buildings and Areas Inspector of Historic England, Sheila Stones. The Grade II* listed building is not on the Heritage at Risk Register and whilst in need of repairs and a program of cyclical maintenance, is not currently in a state where I would recommend its inclusion in such. I understand there is flatted accommodation at the Hall which are not subject this Change of Use application; there are no proposals within this application for any alterations to them.

The proposals seek to convert the entire ground floor and selected rooms at first floor level of the Hall into a wedding and events venue to fund the upkeep of the house. The scale of the proposed weddings would be approximately 120 guests in total. In addition, a marquee to the rear of the building (south lawn) is proposed for use between April and October.

Principle of Change of Use (Change of Use):

In terms of the 'principle' of using part of the Grade II* Hall for weddings and events, I advise this can be acceptable when considering the proximity of the Hall to the Grade II* listed Church of All Saints. At pre-application stage the listed building owner stated supporting information in respect of the proposed use of the hall with the Church would form part of a future submission; unfortunately, there is no evidence within this submission to substantiate this intent. The Historic Buildings Appraisal as submitted by the applicant refers to the Church in section 5. 19 as of 'Good, much restored' condition. It is important to relate the intensity of use at the Hall with the heritage benefits for both Grade II* listed buildings, including their capacity.

In terms of the proposed marquee, this was initially illustrated in plan form as being at an acceptable distance from the building; however details of the structure were requested during the determination of this application which illustrated its scale and positioning (revised drawings 16276 – PH.16). Having assessed these revised drawings I advise this is substantial structure albeit of a 'temporary nature', its positioning is proposed as abutting the Grade II* building which is not acceptable. I note the south lawn is well screened from the Conservation Area however the setting of the listed building would be compromised by this positioning and scale; in addition the proposed abutment could undermine the structural stability of the Conservatory overall, therefore this must be reconsidered and fully justified.

The proposals to apply *Astroturf* within the setting of the Hall when the Marquee is removed are contextually inappropriate.

In terms of the works needed to be undertaken in respect of implementing the change of use outlined in this application; the majority of such would require Listed Building Consent separate to those proposed within this application. At the site visit in August, it was evident a soft strip of later fabric had been undertaken in the rear hall without consent; alongside plastering to ceilings in first floor chambers with gypsum plaster. The listed building owner has had advice from both myself and Historic England as to repairs which can be undertaken outside of this application and I confirm a more sympathetic approach with traditional materials including reversing the ceilings fabric is to be undertaken.

I reiterate that no further works other than those advised upon should be carried out at this listed building without Listed Building Consent.

Listed buildings:

In terms of the works to the listed buildings set out under this application, namely Hutton Hall and The Walled Garden, I advise:

The demolition of the 1970s garage is accepted, as I stated at pre-application stage, this structure contributes little at present and is aesthetically awkward in the setting of the listed building; therefore its removal should be undertaken with caution given its abutment of the listed wall.

The new opening proposed on the west elevation in place of the current window can be acceptable; it is clear from the site visit that there may have been an earlier opening here, the loss of historic fabric is limited and therefore acceptable in this instance. The relocation of the Conservatory door is not accepted, and the door should remain in situ as existing.

The walled garden itself is statutorily listed (see opening paragraph in the report). There is a section where the wall has been rebuilt and insensitive jointing/mortar is present in part; consequently I accept this location for opening up subject to detail. My concern is the extent of the parking indicated in the overflow area in terms of the subsequent impact upon the Conservation Area; the established landscaping at this location and the rural quality is intrinsic to the character and appearance of the Conservation Area. I also raise concern for the level of vehicular movement in such close proximity to the listed wall; this has been raised with the agent.

The materials for surfacing annotated namely the asphalt with resin bonded gravel is not acceptable, hoggin would be appropriate. The lighting bollards are not presently acceptable, a more sensitive detail with protection of the wall advised. The tree officer will be able to advise further on the landscape proposals and the revisions recently received. The boundary material of willow is not accepted, soft boundaries are the narrative which should be applied given the sensitivity of the site overall and its positive contribution to the Conservation Area, the desirability of such should be preserved or enhanced.

Summary:

I advise the proposals for hosting weddings and events in part of the listed building would not, in principle, cause harm to the significance of the Grade II* listed building; however the level of intensification is of concern given the details submitted for the Marquee and the extent of overflow parking visible from the Conservation Area in such close proximity to the listed wall. I would agree with the statement in the Historic Buildings Appraisal (Section 6. 4) that 'Any works to the Listed Buildings and Structures require sensitivity and great care in order not to harm the interest in these monuments' however this sensitivity should extend to include the setting of the heritage assets (The Hall and the Walled Garden) and the character and appearance of the Conservation Area.

The works to Hutton Hall as identified within this application are accepted in principle with the exception of the Conservatory and subject to further details by way of Conditions; the repairs to the building will provide a heritage benefit and contribute to the long term conservation of the Heritage Asset, however in planning terms this channeling of funding and costing for the conservation of the listed building, wall and grounds needs to be robustly evidenced.

Further works to implement any change of use in respect of the interior chambers are subject to a future LBC.

Recommendation:

In assessing this application the level of intensification has not at present been adequately justified in accordance with guidance in the National Planning Policy Framework in respect of works needed to fund the repairs and upkeep of the listed building. The level of such intensification at present raises concerns for the listed building given the abutment and scale of the Marquee and concerns for the Conservation Area given the extent of parking which would be visible from Church Lane. Should further information become available in respect of the above advice I would be pleased to provide additional comments. Should the justification be acceptable in planning terms I will be able to provide more details in respect of Conditions.

Please also refer to the Historic Buildings and Areas Inspector for advice given the Grade II* designation.

- **Arboriculturalist:**

There appears to be some works proposed within what are tree RPA ,a condition is suggested to protect those trees to be retained by the provision of a tree protection plan and method statement describing the measures to be taken to ensure trees are not damaged .

Hutton hall, Thanks for sight of the landscape plan it is now acceptable for the type of development and historic nature of the property.

- **Historic England:**

Thank you for your letter of 16 July 2015 notifying Historic England of the planning application for change of use of existing grade II* listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee.

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central Ionic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* for its architectural and historical importance. I visited the house on 28 August, accompanied by your Design and Conservation Officer Paulette McAllister, when the proposals were explained in detail to us by the applicants and their agent. The applicants are seeking to convert the entire ground and first floors of the Hall into a wedding and events venue, primarily to fund the upkeep of the house. The scale of the proposed weddings would be approximately 120 guests plus a 'Top Table.' In addition, they are proposing to erect a marquee to the rear of the building, immediately adjacent to the existing conservatory, for use between April and October each year. The marquee would be screened from view in all directions by existing dense vegetation

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathetic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst we discussed the entire scope of the change of use scheme, in this response I will focus on specific issues that were agreed by all parties would form part of the phase one proposals. All of these works require listed building consent. Initially we discussed the alterations at first floor level in the proposed 'Bridal Preparation Suite.' The asbestos ceiling tiles should be removed by a suitably qualified contractor as part of the first phase. The removal and replacement of the late 20th century partition at the head of the main staircase was discussed and detailed designs of its replacement should be submitted at this stage. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcome the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should be replaced with lime plaster as part of the phase one works.

At ground floor level we discussed the unauthorised 'soft strip' that has taken place, involving the removal of Formica panelling and other modern surfaces. Whilst in this instance Historic England would obviously not seek the retention of such unsympathetic fixtures, it is imperative that, in future any works, however minor, to this grade II* building should be brought to the attention of your Design and Conservation Officer who will then assess the requirement or otherwise for listed building consent. The proposals also show the relocation of the door from the conservatory to the garden. Historic England do not consider this can be adequately

justified in accordance with guidance in the National Planning Policy Framework and wish to see the retention of the door in its current position.

With regards to the parking spaces proposed within the walled garden; again Historic England does not have an in principle objection. However, we are concerned that the current proposal is for 60 car parking spaces and a robust justification is required for this level of parking, in accordance with guidance in the National Planning Policy Framework.

If the issues above are satisfactorily addressed, Historic England would be in a position to recommend approval of the proposals in their entirety.

Recommendation

Historic England consider the proposed change of use to wedding and events venue would not, in principle, cause harm to the significance of the grade II* listed Hutton Hall or its setting, in accordance with guidance in the National Planning Policy Framework. We have no objections to the majority of the external and internal alterations but require details of specific elements of the scheme to be resolved to our satisfaction; thereby enabling us to be in a position to recommend approval of the planning application for phase one of the development proposals in their entirety.

Additional Historic England Comments received following amended plans:

Thank you for your letter of 16 November 2015 notifying Historic England of amended plans in connection with the planning application for change of use of existing grade II* listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. My revised advice below also addresses the amended proposals.

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central Ionic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* in recognition of its architectural and historical importance and is within the Hutton Village Conservation Area.

Following a site visit on 28 August 2015 when the proposals were explained in detail by the applicants and their agent, I provided my formal response on 7 September regarding the scheme for conversion of the entire ground and first floors of the Hall into a wedding and events venue. The weddings would comprise approximately 120 guests plus a 'Top Table.' In addition, a marquee would be erected to the rear of the building immediately adjacent to the existing conservatory, for use between April and October each year. The intention would be for the marquee, which would have a footprint of approximately 16m x 9m, to be screened from view in all directions by existing dense vegetation.

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathetic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst the entire scope of the change of use scheme was discussed on site, my advice relates to elements that were agreed by all parties would comprise phase one of the works. All of these works require listed building consent. The alterations at first floor level in the proposed 'Bridal Preparation Suite' include the removal of asbestos ceiling tiles which must be carried out by a suitably qualified contractor. Also proposed is the removal and replacement of the late 20th century partition at the head of the main staircase, but detailed designs of its replacement have not been submitted as part of this application. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcomed the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should now be replaced with lime plaster. At ground floor level, we would have no objection to the insertion of a door in the west elevation.

Whilst we do not object to the proposal for a marquee in principle, we consider the scale and proposed location, shown on the amended drawings to be immediately adjacent to the conservatory, would be wholly inappropriate as it would harm the significance of the listed building through the impact on its setting.

Regarding the proposed use of the grade II listed walled garden for car parking purposes; again Historic England do not have an in principle objection. However, the scale of the current proposals, at 60 car parking spaces, would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

The proposals as currently submitted would be contrary to guidance in the National Planning Policy Framework as the works to the hall itself have not been adequately justified; the scale of the marquee would cause harm to the significance of the hall as a result of the impact on its setting and the level of parking proposed in the walled garden would cause harm to its significance as a result of the level of change in its character.

Historic England considers the level of supporting information submitted with the application to be inadequate. Any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with paragraph 134 of the National Planning Policy Framework, nor has it be shown that the size of the marquee and the number of parking spaces within the grade II listed walled garden would be the minimum required.

Recommendation

Historic England consider the proposed change of use to wedding and events venue to be a sympathetic re-use which, in principle, would not cause harm to the significance of the grade II* listed Hutton Hall. However, due to the absence of adequate supporting information it has not been demonstrated that the scale of the marquee and the extent of the parking provision would be the minimum required to be financially viable. The recently received additional information regarding the scale of the marquee does indicate that this element of the scheme would result in an unacceptable intensification of the use of the overall site and the marquee's close proximity to the building would cause harm to the setting of the hall. Also, the level of parking proposed in the grade II listed walled garden has not been demonstrated as being the viable minimum and would affect the character of the garden. We therefore recommend that the application for planning permission in its current form be refused by your authority.

Historic England would welcome discussions regarding change of use of the hall to a wedding and events venue on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

6. Summary of Issues

The application site is located to the East of Hutton Village and Hall Green Lane and to the north of Church Lane. The site is currently occupied by a large Grade II* Listed Building and its grounds which is currently used for residential purposes. Within the grounds is a Grade II Listed walled garden. The site is located within the Hutton Village Conservation Area and is within the Green Belt.

Relevant Site History

A planning application was previously submitted for the use of the grounds of Hutton Hall for the holding of up to 6 weddings receptions per year (ref. 02/00132/FUL) which was refused on two grounds which can be summarised as; 1. Green Belt; and 2. The impact of the proposal on the amenity of the neighbouring residents.

The main issues for consideration are :-

- o Whether the proposal would be inappropriate development in the Green Belt or result in any other harm to the Green Belt
- o The effect of the proposal on the significance of heritage assets or their settings - namely the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area (CA) and the effect of the proposal on the character and appearance of the area.
- o The principle of the loss of a dwelling
- o The sustainability of the location for the proposed use including highway safety and parking issues
- o The effect of the proposal on the living conditions of nearby residents especially as regards to noise and disturbance
- o Archaeology, ecology and trees
- o The benefits arising from the proposal
- o The balance between any harm arising from the proposal and those benefits.

Whether the proposal would be inappropriate development in the green belt or result in any other harm to the Green Belt:

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

The Planning Statement submitted comments that it is generally accepted that the erection of a seasonal marquee and the creation of a car park is inappropriate development in case law.

Paragraphs 89 and 90 of the NPPF set out some exceptions to inappropriate development in the Green Belt, including:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The re-use of buildings provided that the buildings are of permanent and substantial construction and provided it preserves the openness of the Green Belt and do no conflict with the purposes of including land in the Green Belt.
- Engineering operations provided they preserve the openness of the Green Belt and do no conflict with the purposes of including land in the Green Belt

In this case, the proposal seeks to re-use a permanent and substantial building; the re-use of the Listed Building at Hutton Hall; currently a dwelling as a wedding and events venue.

The proposed new car park would constitute an engineering operation; it is an activity that changes the character of the surface of the land by the laying down of hardstanding.

As such the proposed new car park and the re-use of the building would not constitute inappropriate development in the Green Belt, providing they do not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt, as discussed below.

With regard to the seasonal marquee, a marquee may not always constitute development. However, in this case, given the size of the marquee and the fact that it to be erected on site for a significant length of time each year - around 6 months a year, it is considered that the marquee hereby proposed would constitute a building operation and therefore constitutes development. Given the location of the marquee; located very close to the main building, it is considered that this part of the proposal could be considered an extension of the existing building; in the same way that case law has established that a detached garage located close to a dwelling is considered a normal domestic adjunct and can therefore also be considered an extension to a building.

In this case, the existing building of Hutton Hall is very large and it is considered that whilst the marquee is large, the marquee would not result in disproportionate additions over and above the size of the original building and does not therefore constitute inappropriate development in the Green Belt.

Openness and purposes of including land in the Green Belt:

The proposed reuse of the building in itself would not result in any material harm to the openness of the Green Belt or the purposes of including land in the Green Belt. However, the large marquee and the additional parked cars that would result from this change of use would result in some harm to the openness of the Green Belt. However, the parked vehicles would be very transient in nature and would not therefore have any permanent or material harm to the openness or purposes of including land in the Green Belt. The hardstanding required for the parking, given its nature, design and location would not materially harm the openness of the Green Belt.

However, the seasonal marquee will be in situ and used consecutively for some 6 months of each year and would therefore have a greater impact than the parked vehicles, which will move more regularly. The addendum to the planning statement submitted indicates that for the marquee to be erected, that some levelling works will be required to a depth of 75mm-100mm. A 100mm thick layer of well-compacted Type 1 will be laid before the base of the marquee - a carpeted tongue and groove timber floor resting on aluminium beams is to be laid. The floor plan submitted indicated that there will be a heater into the marquee and that there will be a PVC gutter connection between the marquee and the conservatory.

Whilst the marquee is large and will extend beyond the rear of the building, it is mainly located in very close proximity to the existing building. The marquee is also considered to be a proportionate addition to the building. As such, it is not considered that the proposal would result in significant or demonstrable harm to the openness of the Green Belt or the purposes of including land in the Green Belt. No objection is therefore raised in terms of Chapter 9 of the NPPF or Policies GB1 and GB2 of the Local Plan.

The effect of the proposal on the significance of heritage assets or their settings - namely the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area (CA) and the effect of the proposal on the character and appearance of the area:

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possess. S72(1) of this act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Chapter 12 of the NPPF aims to conserve and enhance the historic environment, with paragraph 132 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

The application has been submitted with a Historic Buildings Appraisal and schedule of condition reports for the house, outbuildings and walled gardens.

The Planning Statement submitted comments that the marquee would not be visible from public areas, the parking would be screened by the walled garden or landscaping and would therefore not be at odds with the character and appearance of the area.

The Heritage Statement comments that there would be some change in the setting of the Listed Building, resulting in limited harm to significance, but this will be mitigated by landscaping and that this harm must be weighed against the benefits of the proposal; including securing a viable economic future for the house and grounds which will make possible long-term maintenance and repair.

The Schedule of condition report submitted indicate that the Listed Building, walled garden and outbuildings require restoration and substantial money would be required for the necessary works, generated from the commercial use, with the Planning Statement commenting that without the marquee the income would be insufficient to fund the restoration of the Hall. The marquee and additional car parking would safeguard the heritage asset. The Historic Buildings Appraisal submitted makes comments such as the changes proposed are proportionate and will cause modest change and minor harm, but that these changes need to be balanced against the need to secure a sound economic future for the property.

As this Listed Building is Grade II* Listed, Historic England (HE) were consulted on this application. Historic England provided initial comments and then subsequent comments when amendments were made. HE originally commented that in principle, the change of use to a wedding and events venue would be a sympathetic use of the building and in principle there are no objections to the proposed alterations to the building. However, Historic England raise concerns regarding the relocation of the door in the conservatory which lacked justification and wished to see this door retained in its current position. Following these comments, an amended plan has been received which demonstrates that the conservatory door will be retained in situ.

In their initial letter, HE raised no concerns to the principle of providing parking spaces within the walled garden, but commented that concerns are raised with regard to the level of parking proposed; which requires robust justification.

HE initially concluded that the change of use to a wedding and events venue would not in principle cause harm to the significance of the Grade II* Listed Hutton Hall or its setting. No objection is raised to the majority of the external or internal alterations but further details of the specific elements of the scheme need to be resolved. The applicant has been advised of this and has been advised by the Historic England Inspector and the Council's Historic Buildings Consultant that a further Listed Buildings application for the 'phase 1' works required for this change of use, such as rewiring should be submitted prior to any such works being undertaken.

Following receipt of these initial comments from Historic England, some amendments and further information have been received, including the repositioning of the marquee to be closer to the Listed Building. Historic England has subsequently reiterated that the principle of the change of use is acceptable, and no objection is raised to the alterations to the house, such as the insertion of the door. However, Historic England commented that whilst they do not object to the provision of a marquee in principle, the scale and proposed location shown on the amended plans is wholly inappropriate as it would harm the significance of the Listed Building through the impact on its setting.

In their subsequent comments, Historic England also make it clear that whilst the walled garden could be used for car parking purposes in principle, the scale of the current proposals would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

HE also subsequently commented that the proposed works have not been adequately justified, the level of supporting information submitted with the application is inadequate, and conclude that any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required. HE therefore recommend that planning permission is refused for this proposal and suggest that any change of use of the Hall to a wedding and events venue should be on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

The Council's Historic Buildings Consultant (HBC) has commented that the Grade II* Listed Building and Grade II Listed walled garden are significant heritage assets which contribute positively to the Hutton Village Conservation Area. The Grade II* Listed Building is not on the Heritage at Risk Register and whilst in need of repairs and maintenance, is not currently in a state where the HBC would recommend it is included on the at risk register.

The HBC comments that the principle of using part of the Grade II* Listed Building for weddings can be acceptable, especially considering the location and relationship of the Hall to the Grade II* Listed Church of All Saints. The demolition of the 1970s garage is acceptable. The new door opening in the Listed Building is acceptable given that there may have been earlier openings here and the loss of the historic fabric is limited.

In terms of the alterations proposed to the Listed Wall, the HBC comments that there is a section of wall that has been rebuilt and insensitively jointed in part and as such this location for the opening is acceptable, subject to further details being provided and these works can be controlled via a condition. However, the HBC raises concerns about the extent of parking in the overflow area, in terms of its impact on the Conservation Area and is concerned about the level of vehicular movements in close proximity to the Listed wall. The HBC also raises concerns about the surfacing materials proposed and the indicative lighting bollards proposed. In this regard, conditions could be imposed requiring details of more appropriate lighting and hardsurfacing.

With regard to the siting of the marquee, the HBC comments that the revised position of the marquee compared to that originally submitted is not acceptable and would compromise the setting of the Listed Building, and the positioning of the marquee and its abutment to the listed building could undermine the structural stability of the conservatory. The proposal to cover the base area of the marquee with Astroturf when the marquee is removed from site is also contextually inappropriate.

Overall, the HBC raises concerns about the intensification of the use; with the proposal resulting in a significant increase in activity in and around the heritage assets in terms of comings and goings and alterations. It is considered that this proposal should be kept to what is minimally required to allow for the essential repairs and maintenance. However, it is considered that the channelling of funding has not been adequately demonstrated in this case.

Given this advice, it is considered that the proposed marquee would harm the setting of the Grade II* Listed Building and would undermine the integrity of part of the Listed Building (the conservatory) and the parking area proposed would harm the character and appearance of the Conservation Area and by virtue of its proposed scale, the parking within the walled garden would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

Where harm is identified to heritage assets, it is necessary to determine whether this harm is substantial or less than substantial.

The NPPG states that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. Significance derives not only from a heritage asset's physical presence, but also from its setting. In general terms substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a Listed Building constitutes substantial harm an important consideration would be whether the adverse impact seriously affects a key element of its special architectural historic interest.

The application indicates that the marquee will not be installed on site all year round, although it has the characteristics of a permanent structure and the vehicles parked within the car park proposed would not be in situ permanently. As such, and given that the NPPG advises that substantial harm is a high test, it is considered that this proposal would result in less than substantial harm to the heritage assets.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. Public benefits should flow from the proposed development. They should be of a nature and scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

In terms of optimum viable use, the NPPG states that if there is only one viable use for a heritage asset, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most profitable one.

In terms of public benefits, this proposal would provide a long term use for a large part of the Listed Building and the HBC comments that the repairs to the building as part of this proposal would provide a heritage benefit. However, it has not been demonstrated that the use hereby proposed is the optimum viable use, although the use hereby proposed would also result in some economic and social benefits.

However, it is considered that these benefits could be achieved without the harm identified: the marquee could be reduced in size and/or repositioned and if the scale of the use was reduced the marquee may not be required at all and the parking provisions could potentially be reduced.

The applicant claims that the marquee is needed and the numbers of guests proposed are needed to make the development viable. However, very limited information in this regard has been submitted. A business plan has been submitted, but no independent viability assessments have been submitted, for example. It has not been clearly and robustly demonstrated in this submission that the number of guests and events, the size of the marquee and parking provisions proposed are the absolute minimum required to make this proposal viable. It has not been demonstrated that a weddings and events venue is the optimum viable use of the building. Nothing has been submitted to demonstrate that other uses that may result in less harm have been considered.

It is also noted that the HBC comments that the Listed Building is not and does not need to be placed on the 'at risk register' (i.e. the current condition of the building is, in terms of restoration relatively good and urgent repairs are not needed).

HE similarly comment that the proposed works have not been adequately justified, the level of supporting information is inadequate, and any public benefits have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required.

In support of the application, the applicant has suggested that this proposal constitutes enabling development.

The Historic England document 'Enabling development and the conservation of significant places' considers the concept "enabling development" that would secure the future of a heritage asset. It states that in financial terms, the case for enabling development normally rests on there being a conservation deficit. This is when the existing value plus the development costs exceeds the value of the asset after development. Enabling development must always be justified by the inherent lack of viability of the heritage asset not the owner's inability to fund a commercially viable scheme.

In this instance, there is no indication that there is a conservation deficit; it has not clearly been identified that cost of the maintenance and repair of the asset is greater than its resulting value on the market. It has not been clearly demonstrated that this proposal constitutes the optimum viable use of the Listed Building. As such, it is considered that the proposal would not constitute "enabling development".

The principle of the loss of a dwelling

It is necessary to consider the loss of Hutton Hall as a residential unit. Policy CP1(vi) states that proposals should not result in the net loss of residential units. This proposal would result in the loss of one residential unit, contrary to this Local Plan Policy. It is considered that this Policy is in accordance with the NPPF which states that local planning authorities should boost the supply of housing significantly and should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable mixed communities.

The only justification for the loss of the residential unit provided with this application is that Hutton Hall has not been used as a residential property for a number of years and 2 flats and the property known as 'Beadles' will be retained.

However, it has also been stated that Hutton Hall was on the property market for a considerable length of time with no buyers. Whilst comments have been received from nearby residents that it was marketed for too much money, this would be unlikely to prevent serious potential purchasers considering purchasing the property or making offers. In a fairly recent appeal at The Woolpack (ref. 11/00272/FUL and APP/H1515/A/11/2159066/NWF) the Inspector concluded that she did not consider that the asking price would have necessarily deterred any serious bidders from making offers. It is also borne in mind that the dwelling is Grade II* Listed which would deter some purchasers. As such, given these circumstances and given that the other residential units are to be maintained on the wider site, on balance it is not considered that a reason for refusal on this basis could be fully justified.

The sustainability of the location for the proposed use including highway safety and parking issues

Over 100 neighbour objections have been received, many of which raise concerns in relation to parking and highway issues. This proposal has been submitted with a Transport Statement and amended Travel Plan (version 4). The proposal seeks to provide 59 parking spaces within the site. Access to the site will be via the existing, main entrance with only large vehicles allowed to exit from this access point once all the guests have arrived. All other vehicles will leave via the proposed exit, located further south - to reduce the vehicle movements close to the dwellings at the north of the site. Visibility splays of 70m will be provided which is suitable for the observed average speeds (average of 24.4mph).

In terms of Highway safety, the Transport Statement submitted comments that no personal injury accidents have been recorded during the 5 year period within the immediate vicinity of the site including Hall Green Lane, Hutton Village and Church Lane. Although the public highway is subject to a 60mph speed limit, the low vehicle speeds recorded and the lightly trafficked routes provide little risk in terms of potential highway safety issues. It is likely that the situation will not be altered by the proposed change of use, despite the intensification of trips produced by the use of the site.

In terms of sustainability, The Transport Statement outlines the public transport links in the area, including bus routes which run Monday-Sundays (bus stops are located 600m-650m walk from the site) and Shenfield Train Station which is located 2.4km away from the site. With regard to alternatives, the Transport Statement comments that the site affords reasonable accessibility for those wishing to travel to and from the venue via public transport.

In this regard, it is considered unlikely that wedding guests would utilise bus services and a taxi would be likely to be used from the Train Station to the venue, although staff could conceivably cycle from the train station, it is unlikely that wedding guests would. Guests are unlikely to walk to a wedding, especially considering that there is no footpath in the immediate area. However, it is apparent that alternative transport options would be available to people using the site if so wished. As such, whilst it is considered that the alternative public transport options may not be utilised, there are alternatives to the private car should people wish to utilise them.

In terms of sustainability, an amended Travel Plan has been submitted with this application which seeks to provide a long-term strategy to deliver sustainable transport. The Travel Plan encourages car sharing and indicates that a shuttle mini-bus service from Shenfield Station or local hotels could be utilised. A Travel Plan co-ordinator will be appointed prior to the occupation of the site, their role will encourage guests and staff to use alternative transport options or to car share and includes incentives such as trying to negotiate preferable rates with local guest accommodation to encourage guests to stay in the local area where more sustainable modes of transport can be prearranged, such as mini-buses.

The Transport Statement concludes that whilst the proposed number of vehicle movements would increase substantially as a result of this development, the majority of these movements would occur outside the traditional peak hours and the existing low level of traffic using the local highway network within the vicinity of the site would result in any increases in trips generated having a negligible impact on the local highway network.

The Highway Authority have commented that although the site is not in an accessible location in terms of alternatives to private car use, from a highways and transportation perspective the impact of the proposal is acceptable given the contents of the proposed Travel Plan, the existing use and accesses, the scale and nature of the proposal and the area available for parking within the site, subject to conditions. With the exception of condition 4 which is no longer required as the final Travel Plan (version 4) has now been agreed - all the other conditions are considered reasonable and necessary.

With regard to the last condition proposed; that vehicle passing places will need to be provided, the Highway Authority have confirmed that this will be at the developers cost and will be secured by either a S278 agreement or a minor works agreement between the developer and the Highway Authority. No S106 Legal agreement is therefore required. Following receipt of the Highway Authority comments, the applicant questioned the need for the passing places to be provided commenting that the passing places are unnecessary, with the resulting trips occurring outside of the traditional peak hour periods, with the trips being tidal in nature; with guests arriving and departing in the same time period which would prevent multiple vehicles attempting to pass on single track roads in the area with the vast majority of trips heading to the same direction (i.e. all arriving or all departing). It is also predicted that guests would arrive via the main roads which can accommodate two-way traffic.

The Highway Authority have subsequently commented that it is reasonable for the applicant to provide an improvement to the middle passing place location as this would offer a passing place approximately midway along the single track section. It is suggested grasscrete is utilised.

The applicant subsequently commented that the low traffic generation created by this development does not justify the need for a passing place and that this need has already been established. However, the transport statement comments that realistically this proposal will result in a large increase in trips generated by the site as a result of the change of use. As such, in this case, it is considered that this condition would be needed (a negatively worded, Grampian condition can be imposed in this regard). The applicant has subsequently indicated that they would be willing to provide for the cost of the grasscrete. Subject to such a condition, no objection is therefore raised on this basis.

As such, subject to the conditions recommended by the Highway Authority, it is considered that this proposal would provide adequate parking facilities and would not unduly harm the highway safety of the area. Whilst the site is not particularly sustainable, a Travel Plan has been submitted and it is apparent that there are other alternative transport modes and staff and guests would not be completely reliant on private vehicles, and will be encouraged to utilise alternative transport modes and to car share. As such, it is not considered that a reason for refusal on this basis could be fully justified.

The effect of the proposal on the living conditions of nearby residents especially as regards noise and disturbance

Given the nature of the proposal it is considered that the proposal would not result in any material overlooking, loss of privacy, dominance, overbearing impact or loss of light or outlook.

However, given the nature of the proposal, it is possible that this development could result in noise and disturbance to adjoining residents. A number of neighbour letters of objection received have raised concerns in this regard.

The Planning Statement comments that the marquee has been positioned to the rear of the property and can be insulated if necessary, but will only be used for dining. A separate vehicle exit has been proposed away from the adjoining dwellings to reduce noise levels. It is the intention not to have any coaches, with mini-buses and taxis promoted.

An acoustic survey was submitted during the life of the application. The subsequent survey submitted concludes that a comprehensive noise survey and analysis has been undertaken to establish baseline sound levels and includes trials of music played in the "Blue Room" and included road trips using the author's diesel car. The report concludes that with conditions, including maximum music levels, keeping all doors and windows closed, music is inaudible at the nearest receptors and there will be no adverse noise impact. Guests arriving and departing will cause only a very slight increase in daytime and night time period sound levels and neither will exceed the recommended criteria and there will be no adverse effect on the nearest receptors. The sounds of guests voices has been shown to be insignificant.

However, the report also concludes that the maximum sound levels for passing vehicles at the nearest receptors, on departing the venue, will slightly exceed the recommended criterion. However, the report comments that this is already the case with existing traffic on the public highway generally and for those leaving late night events at the Cricket Club and from previous events at Hutton Hall. It also comments that the additional movements will only occur over one 'night time' hour (23:00-00:00) when many are actually not in bed, and typically only 2 nights a week.

The acoustic survey therefore summarises that there will be no significant adverse noise effects on the nearest receptors

Following the submission of this report, the Environmental Health Officer (EHO) has provided detailed Environmental Health (EH) comments:

Noise arising from music played in the Blue Room

The EHO concludes that the investigation carried out in this regard was satisfactory and the EH department is satisfied with the results and conclusions arrived at.

However, Planning Officers do have some concerns about some of the mitigation measures required within the acoustic report. The mitigation measures include that the east facing windows which are currently sealed shut by paint is beneficial for sound containment and should be retained and that windows should be kept shut when music is played. However, this may not be favourable for the longevity of the Listed Building and there may be Building Regulation issues with these windows not being openable. However, a condition could be imposed on any grant of consent requiring these windows to be kept shut whilst amplified music is played. The report also recommends that when music is underway all doors are to be kept shut, and that the effectiveness of the main front door can be ensured by keeping weather seals intact and effective. It is considered to be very difficult to enforce a condition requiring all doors to be kept shut in this regard, as doors will inevitably be opened with people arriving and departing and undertaking activities such as going outside for a cigarette. The internal door into the blue room could not be realistically closed as people will be regularly going into and out of the blue room to fetch drinks, use the toilet, etc. Any changes to the main front door could need Listed Building Consent. It is not therefore considered that a condition could be imposed in this regard.

Noise from guests on departure

The EHO has commented that with regard to noise from guests on departure, EH is satisfied with the process of investigation and is in agreement with the results found.

Traffic Noise arriving from wedding guest's cars

In this regard, the EHO firstly recognises that when the Hall is used for reception purposes only, guests will arrive later than the times suggested in the acoustic report; e.g. 19:00 - 20:00 which could have an increased acoustic effect on nearby residents than if guests were to arrive for an earlier event. However, the EHO concludes that the noise effects to nearby residents during the arrival time would not be significant. However, at departure time, the EHO comments that the possible effect of vehicular traffic on neighbouring properties may increase:

The EHO raises some concerns about some of the assumptions made, including that guests leaving the site will use the 3 surrounding roads evenly, the assumption that many people do not go to bed until at least midnight and comments that if the activities cease at 23:00, by the time the guests actually leave, the majority of residents in the area will be in their beds trying to sleep, and the EHO comments that existing traffic flows in this locality are currently limited with the proposal significantly increasing the number of vehicles in the area. The EHO also raises concerns about the report's averaging out of the sound energy and comments that there will undoubtedly be a significant increase of relatively loud vehicular activity within a short period (approximately an hour) with relatively quiet long periods on either side of this event and the comparisons should be made by comparing the noisy event with equivalent time periods of background noise levels normally experienced in the area. The EHO comments that if the calculations were undertaken for the time 23:00 - 00:00 and then compared with the ambient noise levels, this would show a significant difference in the noise level.

The EHO therefore concludes that there will be an increase in intrusive noise to nearby properties, particularly during the late evening period between 23:00 - 00:00. However, this degree of disturbance would be dependent on the degree of use of the Hall. In this regard, Planning Officers note that a number of these weddings will be in the summer months when people will reasonably expect to use their gardens in the evening and have their windows open. It should also be noted that the Transport Statement submitted with this application indicates that realistically, this proposal will result in a large increase in trips generated by the site as a result of the change of use.

The NPPF states at Paragraph 123 that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The NPPF also makes reference to the Explanatory Note to the Noise Policy Statement for England which comments at paragraph 2.14 that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects...there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk to direct health effects. Paragraph 2.18 states that there is a need to integrate consideration of the economic and social benefits of the activity...with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. Paragraph 2.22 states that the first aim of the Noise Policy Statement for England is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of the

Government policy on sustainable development, with the second aim to mitigate and minimise adverse impacts on health and quality of life.

The NPPG states that local planning authorities should consider whether or not a significant adverse effect is likely to occur, whether an adverse effect is likely to occur and whether a good standard of amenity can be achieved. This includes identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation (003):

- Significant observed adverse effect level: This is the level of noise exposure which has significant adverse effects on health and quality of life.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

The NPPG provides advice on how to recognise if noise could be a concern (005): When noise starts to cause small changes in behaviour and attitudes such as having to turn up the volume on the television or needing speak louder, the noise starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic, social benefits derived from the activity causing the noise).

The NPPG provides a table which summarises the noise exposure. In this regard, it is considered that the development hereby proposed would result in 'lowest observed adverse effects' whereby noise can be heard and causes small changes in behaviour and attitude e.g. where there is no alternative ventilation, having to close windows for some of the time (in this instance when guests are leaving the venue) because of the noise and the potential for some sleep disturbance. The development affects the acoustic character of the area such that there is a perceived change in the quality of life. The action required for such harm is to mitigate and reduce to a minimum that harm.

In terms of mitigation, Paragraph 008 of the NPPG states that there are 4 broad, general types of mitigation:

1. Engineering - reducing the noise generated at the source/containing the noise generated.
2. Layout - optimising the distance between the source and noise-sensitive receptors, incorporating good design to minimise noise transmission.
3. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels at different times of the day
4. Mitigating the affect including through noise insulation when the impact is on a building.

Care should be taken when considering mitigation to ensure envisaged measures do not make for unsatisfactory development.

In this instance, the applicant has designed the proposal as far as possible to mitigate the impact of noise and disturbance, with the parking and marquee located away from the adjoining dwellings to the north. And the internal layout/use of the rooms in the Hall have been carefully considered.

However, these mitigation measures have not overcome the observed adverse effect of the nearby residents by virtue of the vehicular movements.

Paragraph 206 of the NPPF states that conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise
6. Reasonable in all other respects.

The six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

As alluded to above, the acoustic report recommends a number of conditions that should be attached to the blue room including that the doors should remain shut whilst music is played. Such a condition would be extremely difficult to enforce and is considered to be unreasonable. The NPPG makes it clear at Paragraph 004 that unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.

It is also considered that there are no other planning conditions that could be imposed to mitigate the harm identified in terms of noise and disturbance to neighbours in terms of vehicular noise. Whilst conditions could potentially be imposed restricting the operating hours of the premises and the levels of use, the applicant has applied for a venue to accommodate up to 120 guests with the dancing finishing at 23:30 with all guests to be expected to leave by midnight. Imposing conditions restricting the hours of the premises and the number of guests could adversely impact the viability of the use. It would not be reasonable to restrict the hours of the wedding venue to earlier in the evening as this could completely undermine the use hereby proposed. For example, a condition restricting the operating hours to 21:00 is likely to result in an unsatisfactory wedding venue and therefore an unsatisfactory development.

It is therefore considered that the noise generated by the proposed use would cause a material change in behaviour such as residents avoiding certain activities and/or keeping windows closed for most of the time when the noise is present, which cannot be mitigated by conditions. In these circumstances the NPPG indicates that the planning process should be used to avoid this effect occurring. This may be achieved by different design solutions or the imposition of conditions. The NPPG recognises that it is undesirable for such exposure to be caused but it goes on to indicate that decisions must be made taking account of the economic and social benefit of the activity causing the noise.

It should also be noted that there are existing residential properties within the site, including flats and the dwelling at 'Beadles' which are very close to the proposed development, but have not been considered in the acoustic report submitted. Whilst these properties are currently in the ownership of the applicant, the residential amenity of these residents also needs to be considered and these properties could be sold by the current owners.

Archaeology, ecology and trees

Archaeology

In terms of archaeology, the Historic Environment Officer at Essex County Council has commented that Hutton Hall is of medieval origin and would have served as the manorial centre for Hutton as well as a dwelling for the Abbey's bailiff. The Hall is located within a rectangular moat and is Grade II* Listed and the associated wall is also Listed. It is likely that there are below-ground remains within the gardens of the Hall which could be associated with earlier phases of the manorial centre. The proposed development, particularly the plans for the car parking will affect both the walled garden and any earlier activity. It is highly likely that there are remains of structures and garden features within this area and this evidence may be damaged or destroyed by the groundwork associated with the development. It is therefore recommended that a condition be attached to any grant of consent in this regard requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation. Subject to such a condition no objection is raised on this basis.

Trees and Landscaping

In terms of the impact of the proposal on trees, the Council's Tree Officer has commented that there appears to be some works proposed within the root protection areas (RPAs) and as such a condition needs to be attached to any grant of consent to protect those trees to be retained. A tree protection plan and method statement are required. Subject to such conditions no objection is therefore raised on this basis.

The Tree Officer originally raised concerns to the landscaping proposed, particularly the hedge proposed near the highway boundary. As such, an amended landscape plan has now been received, and the Tree Officer has confirmed that the landscape plan is now acceptable for the type of development and historic nature of the property. The HBC has, however, raised concerns about the willow hereby proposed. As such, it is considered that further consideration needs to be given to the landscaping proposed in this sensitive, Conservation Area location. A condition requiring further and amended landscaping information would therefore need to be attached to any grant of consent. Subject to such a condition, no objection is therefore raised on this basis.

Ecology

In terms of ecology, no ecology reports were originally submitted with the application. However, a holding objection was received from the Essex Wildlife Trust (EWT), based on the absence of any ecological surveys. The EWT commented that a phase 1 habitat survey and appropriate protected species survey reports should be submitted.

Following receipt of these comments, the applicant submitted an extended phase 1 habitat survey which concludes that the site is not situated within nor bounds any statutory designated location and that it is not considered that the proposals would have any adverse impact upon statutory or non-statutory designated locations. No trees or buildings with bat roosting potential would be lost as a result of the proposal. The local bat population would be unaffected by proposals and that commuting/foraging behaviours would continue unaffected. The low impact, solar lighting proposed would not have any adverse impact upon the bat's foraging and commuting behaviours. It is not considered likely that great crested newts or reptile species would be adversely affected by the proposal. No active or inactive badger setts were found and no evidence of badger activity was identified in the areas affected by the development. Foraging and commuting areas for badgers would remain intact and such behaviours would be likely to be unaffected by the proposals. The report concludes that subject to the guidance contained in the report, the proposal could proceed without detrimental impact on any legally protected species. Subject to the development being undertaken in accordance with the recommendations of this report, it is considered that the proposal would not result in any adverse impact to ecology. No objection is therefore raised on this basis.

Other Matters

The majority of the neighbour concerns raised have already been considered above, including, the impact on the Green Belt, Conservation Area, Listed Building, sustainability, the residential use of the Hall, the impact of the character of the area and the impact on the residential amenity of adjoining residents, including in terms of noise and disturbance. Highway impacts, highway safety and parking have also been considered. Whilst neighbours have raised concerns about the timing of the traffic survey undertaken, the Highway Authority have raised no such concerns.

In terms of concerns that the proposal is overbearing given the nature of the proposal and the location of the marquee and car park, it is considered that the proposal would not result any undue overbearing impact to the adjoining residents. In terms of concerns that the proposal would impact other peoples enjoyment of the countryside; given that the site is not currently publically accessible, it is not considered that the proposal would adversely impact other peoples enjoyment of the countryside.

The concerns raised about sewer capacity are not a material planning consideration and would be dealt with under the Building Regulations. Neighbours have raised concerns about a conflict of interest with Councillors. It is noted that Cllr Sanders's father is the applicant; however Cllr Sander's has had no involvement with this application. Members are required to declare any interests at Planning Committee and will be provided legal advice from the Council's legal representatives in this regard. Sufficient neighbour consultation was undertaken and neighbours were given adequate time to respond to the consultations. Damage to front garden verges is a civil matter and any anti-social behaviour would have to be reported to the police.

Neighbours have also raised concerns regarding the opening hours being extended. The operating hours can be controlled by planning condition in this regard. With regard to comments that the lanes are used as a 'rat-run' and that Satellite Navigation Systems already direct large vehicles down these country roads and that additional road signs and traffic calming measures are needed; such issues are beyond the remit of the local planning department and these concerns should be directed to the Highway Authority. In terms of a precedent being set by this proposal - each planning application must be considered on its own merits.

Neighbours also raise concerns about the development itself causing traffic and dust. However, any works would be transient in nature and a condition can be imposed on any grant of consent requiring a construction method statement to alleviate such issues. In terms of comments that there are existing facilities of this nature nearby and therefore this event venue is not needed, this is not a material planning consideration; the application must be considered on its planning merits. Commercial gain or profits and covenants are not material planning considerations. The potential closing/relocation of the registry office in Brentwood is not a material planning consideration.

There is no indication that solar panels are proposed as part of this development; given that the building is Grade II* Listed it is highly unlikely that solar panels would be permitted here. There is no indication or proposal to fill in the pond for parking purposes. Given the nature and scale of the proposal it is considered that the proposal will have no significant adverse flooding implications.

The benefits arising from the proposal

The planning statement submitted outlines the economic, social and environmental benefits of the proposal, including that the proposal will generate employment and help local businesses such as local hotels, will positively contribute to the social cohesion of the area, and comments that there are limited similar venues within Brentwood Borough. It is also stated that the proposal will result in new tree and shrub planting and that all works undertaken will be for the long term benefit of the local environment.

In this regard, it is considered that the main benefits in terms of economic, social and environmental benefits will be economic. It is considered that the proposal would provide some new jobs and provide some further business for local companies such as taxi companies and local hotels. There would also be some social and environmental benefits; with the Hall having the ability to support the Grade II* Church which is reportedly experiencing a decline in weddings. In terms of environmental benefits, the proposal would result in additional tree planting, however that could be undertaken without this proposal and it has been identified that the proposal would harm the residential amenity of adjoining residents which results in environmental harm.

As such the main benefits of this proposal can be summarised as; safeguarding the future of part of the Grade II* Listed Building, generating employment, and economic benefits, including aiding local businesses. The proposal also has the potential to aid the nearby Church and will result in new tree and shrub planting.

The balance between any harm arising from the proposal and those benefits

The proposal does not constitute inappropriate development in the Green Belt. However, the proposal would result in harm to the character and appearance of the Conservation Area, harms the significance of the Grade II* Listed Building and would harm the setting of the Grade II* Listed Building and that of the Grade II Listed walled garden. In each case, the harm would be material, but in terms of the Framework, it would be 'less than substantial'. The proposed development would also result in unacceptable levels of noise and disturbance to nearby residents.

The application sets out a number of matters that must be balanced against the harm identified above.

Whilst the economic benefits do weigh in favour of the application, and whilst there are some social benefits, there are also environmental and social harm as identified above (harm to heritage assets and the residential amenity of adjoining residents). Paragraph 8 of the NPPF states that the three dimensions of sustainable development should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. This is clearly not the case here; economic, social and environmental benefits are not achieved simultaneously here.

It has been identified that the proposal would materially harm the residential amenity of the nearby residents and would result in material harm to the heritage assets; this harm would be material but, in the terms of the Part 12 of the NPPF, it would be less than substantial. The NPPF indicates that any harm to heritage assets should require clear and convincing justification and "less than substantial" harm should be weighed against the public benefits of the proposal including securing its optimal viable use. On balance, it is considered that the economic and social benefits of this proposal as outlined above do not clearly outweigh the harm identified to the heritage assets and the adjoining residents. As such, the proposal is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11507

The proposed development would materially harm the designated heritage assets; the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area. The proposal would materially harm the setting of the Grade II* Listed Building and Grade II Listed walled garden and would materially harm the significance of the Grade II* Listed Building and does not preserve or enhance the Conservation Area. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), this harm would be less than substantial. The public benefits of the proposal do not clearly outweigh the harm identified, contrary to Chapter 12 of the NPPF, the NPPG and Policies C14, C15, C16 and C17 of the Brentwood Replacement Local Plan 2005.

R2 U11508

The proposal would result in unacceptable, material levels of noise and disturbance to the adjoining residents. The noise generated by the proposal would cause a material change in behaviour of these nearby residents such as residents avoiding certain activities and/or keeping windows closed as a result of the proposal. The benefits of the proposal would not outweigh this material harm, contrary to the NPPF, NPPG and Policies CP1(ii) and PC4 of the Local Plan.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, C14, C15, C16, C17, T2, PC4, C5, C7 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U02679

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action via pre-application in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: