



25 February 2014

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/13/00802/FULR3N

**PROPOSAL: CHANGE (ADDITIONAL) USE OF SAVILE RESTAURANT AS A
WEDDING VENUE. INSTALLATION OF MARQUEE FIXINGS AND
REALIGNMENT OF PATH AND ERECTION OF A TEMPORARY
MARQUEE FROM APRIL TO SEPTEMBER (INCLUSIVE)**

LOCATION: RUFFORD ABBEY, RUFFORD COUNTRY PARK, OLLERTON

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for a change of use to allow weddings to be celebrated in The Savile Restaurant at Rufford Country Park as well as the realignment of a path and the installation of marquee fixings to facilitate the erection of a temporary marquee from April to September inclusive to allow its operation as a wedding venue. The key issues relate to impacts on highly graded heritage assets and balancing the benefits the proposals may offer against the enjoyment of those using the wider facilities and impacts upon residential amenity. The recommendation is to grant planning permission subject to the conditions set out at Appendix 1.

The Site and Surroundings

2. Rufford Country Park sits within 150 acres of historic parkland, woodland and gardens and is managed by Nottinghamshire County Council (NCC). It is situated 3km south of Ollerton and 27 km north of Nottingham on the A614 Nottingham to Doncaster road. The park includes the remains of a medieval monastery and later country house estate, a contemporary craft centre, gardens, woodland walks, children's play village, sculpture trail and a lake (see Plan 1).
3. The country park contains a considerable collection of designated and non-designated heritage, some of which is of the highest grade and therefore of national importance. These include Grade I, II* and II listed buildings, a

Scheduled Ancient Monument and the whole site is part of a Grade II Registered Park and Garden.

4. The main buildings within the country park are grouped around the remains of the original 12th century Cistercian Abbey and the country house built in its stead albeit largely demolished in 1956. The Jacobean wing (Grade I listed) and former stable block and coach house (Grade II listed) have been converted to provide office space, a craft shop and ceramic gallery, and a café.
5. The group of buildings also incorporate the Rufford Orangery (Grade II listed), a brick structure originally constructed in 1725 as a bathing facility and one of the earliest in the country. It was roofed over and converted into an Orangery (glass house) in the 19th century. The Orangery underwent some restoration in 1995 to make it accessible to the public. The glass roof was not reinstated and the structure presently comprises a walled courtyard area surrounded by brick walls approximately 3.6m in height.
6. The main visitor car park is situated to the west of these buildings, accessed directly from the A614. Between the car park and these buildings is area used for the erection of a seasonal temporary marquee used as a visitor attraction/education facility, sited on a sand-based all-weather surface. This development was subject of a separate application reported to Planning and Licensing Committee on 6 December 2013. The permission granted authorised the retention of the sand-based carpet, concrete surround, and fixing points until 31 December 2014 with the temporary erection of the marquee between 1 April and 30 November 2014.
7. Residential properties within Rufford village, accessed from May Lodge Drive, adjoin the Country Park on its southern boundary. These properties are in close proximity to the main buildings at the country park and include several listed buildings of the original country house estates (such as the head gardener's house, the brew house and water tower). The side wall of the Orangery forms the garden wall of the Garden House and the attached 18th century kitchen garden wall forms a garden boundary to several other 20th century residences.
8. The Rufford Mill buildings are situated to the north of Rufford Lake adjacent to a secondary car park for the country park accessed off Rufford Lane. These buildings incorporate a gift shop, conference facility (known as the Talbot Suite), toilet facilities and office space. The Talbot Suite has the benefit of planning permission for holding weddings and has proved popular as a civic wedding reception facility.

Relevant Planning History

9. Application Reference 3/12/01274/CMA (November 2012) – Refused planning permission for alterations to the Orangery to allow it to be additionally used as a wedding venue, and the erection of a temporary marquee adjacent to The Savile Restaurant as part of a change of use to allow the holding of wedding receptions, for the following reasons:

- a) In the opinion of the County Planning Authority (CPA) the proposal would result in an unacceptable intrusion upon the residential amenity of properties on May Lodge Drive, Rufford.
 - b) In the opinion of the CPA the proposal would restrict public access to Rufford Orangery, The Savile Restaurant and their immediate surroundings, detracting from the visitor attraction of Rufford Country Park.
 - c) In the opinion of the CPA the proposal would result in potential for unacceptable conflict between visitors to Rufford Country Park and wedding party guests.
10. Application Reference 3/13/00493/FULR3N (December 2013) – Granted planning permission for the retention of the sand-based all-weather surface (Paragraph 6) until 31 December 2014, and the temporary erection of the marquee between 1 April and 30 November 2014. The permission requires the sand-based carpet, concrete surround and fixing points to be removed and reinstated by 31 January 2015.

Proposed Development

- 11. The application presented for determination seeks to overcome concerns raised in respect of Application Reference 3/12/01274/CMA by seeking planning permission to allow weddings to be celebrated in The Savile Restaurant. The Orangery, which abuts residential development on May Lodge Drive and was the subject of the earlier application, would remain unaltered. As in the previous application, planning permission is also sought to host wedding breakfasts in a temporary marquee proposed to be installed directly south of the Grade I listed Jacobean wing and The Savile Restaurant within the former Victorian gardens (see Plan 2).
- 12. As previously, the proposals seek to build on the success of the existing wedding business offered at the Talbot Suite, Rufford Mill and is seen by the applicant as an effective way of generating income to help maintain and manage the country park at a time when other available funding has been reduced.
- 13. The marquee is proposed to be in situ from the beginning of April until the end of September. It is anticipated that there would be up to 40 weddings a year in The Savile Restaurant with only a single wedding to be held each day. It is not proposed to host weddings on Sundays, Bank Holidays or whilst hosting other major events, which are the busiest days for the country park. The ceremony would be conducted in The Savile Restaurant with the marquee hosting the wedding breakfast and speeches. Evening receptions would be accommodated within The Savile Restaurant. On average, it is anticipated the facility would cater for 40-50 wedding guests in the daytime (ceremony and wedding breakfast) and 100 guests in the evening, with a maximum capacity of 120. The application form refers to the proposed use being from 09:00 to 00:30 hrs, although the applicant anticipates most wedding ceremonies taking

place between 14:00 and 17:00 hrs whilst the premises licence limits the use of the marquee to between 10:30 -00:00 hrs.

14. The applicant states that The Savile Restaurant would remain open to the public during 'most of the six month period' and when the marquee is not in use for weddings it would be available for use by community groups. The applicant anticipates hosting approximately 40 community events in the marquee, mainly during the school holidays.
15. The marquee would measure approximately 20m by 10m by 2.35m (to eaves) with a maximum ridge height of 4.67m (see Plan 3). The proposed marquee fixings would involve the installation of permanent, flush fixing head plates and the submission refers to the need for the base and marquee positions to be agreed on site to ensure drainage and any unknown archaeology is suitably protected. A 'floating floor' system is envisaged to sit above the grass. The area around the marquee would need to be levelled. The application is accompanied by a Heritage Impact Assessment.
16. Security staff in the car park would ensure that guests park on the northern side of the car park, remote from neighbours. The application states that the proposals should not impact significantly on numbers already visiting the attraction which is served by a large car park with overflow parking facilities. Access to and from The Savile would be via the courtyard following a defined route (see Plan 2) to minimise impact upon neighbours, and guests would be reminded of the need to be quiet. Reference is also made to the monitoring of speeches taking place within the marquee, and dancing and music within The Savile Restaurant, to avoid noise nuisance arising. The application is accompanied by a Noise Assessment Report.
17. In support of the proposals the applicant reports that weddings hosted for the last five years at the licensed Talbot Suite have been well managed with good relations maintained with neighbours. Weddings at The Savile Restaurant would, the applicant states, be managed by the same team to the same standards. The applicant proposes to issue a contact telephone number for the duty manager to enable any issues of concern to be swiftly resolved.
18. The application proposes the diversion of an existing pathway alongside the Grade 1 listed structures so as to maintain pedestrian links (Plan 2). The pathway would be to the same width (1.8m) as that outside The Savile Restaurant, at a maximum gradient of 1:20, and would be surfaced to match the adjacent pathway in natural limestone. A lighting column and a bin would be relocated.
19. NCC Culture Committee (8 October 2013 – Item 10) approved an outline Development Plan for Rufford Country Park and noted that a Conservation Management Plan for the Park is to be completed by December 2014 thereby providing the conservation, heritage and commercial planning and policy context for a range of new development opportunities to take place. A draft of that Conservation Management Plan is anticipated to be available in March 2014 with a final version expected to be completed by the end of 2014.

20. The planning application makes references to the marquee at the front of the Abbey being removed or halved in size. Whilst this is understood to have been the intention at the time the current application was prepared, Application Reference 3/13/00493/FULR3N subsequently sought planning permission for its temporary retention which Members will recall approving at the Committee meeting of 6 December 2013.

Consultations

21. **Newark & Sherwood District Council** *comment that no objection is raised provided that the County Council is satisfied that the proposed development complies with relevant Development Plan policies.*
22. *The removal of the existing marquee will greatly improve the setting of the front elevation of Rufford Abbey. Relocating it would obviously have impacts on the rear elevation where it would detract from the Abbey. However, it is not directly against the historic structure and would be set to one side near the modern Savile Restaurant. Again the structure is temporary and there will be months of the year when the site would be marquee-free allowing a better appreciation of the site. Considering the benefits that the increased revenues would have on the viability and maintenance of the site as a whole, it is considered that the benefits of the marquee outweigh the harm to the setting of the listed building.*
23. **Rufford Parish Council** *objects to the proposal on the following grounds. The proposal would restrict public access to Rufford Abbey and The Savile Restaurant detracting from the visitor attraction of Rufford Country Park. A large and popular area would be inaccessible to the public on the busiest day of the week and during the height of the visitor season. Potential conflict arises between visitors in the Country Park and wedding party guests due to the close proximity of the marquee and access areas, the reason why the previous planning application was refused.*
24. *The erection of the marquee in the proposed location close to the restaurant will cause an intrusive block against the visual amenity of the listed Rufford Abbey. Installing the marquee in any location between the restaurant and the Orangery would have a negative effect on the setting of the Abbey and park.*
25. *Support is given to the point raised in an objection letter from nearby residents seeking an amendment to the application to exclude Sunday openings. The Parish Council also seek answers to the questions posed in that letter of objection, particularly:*
- a) use of the Orangery for late night drinking;*
 - b) whether or not English Heritage has been informed of the latest proposals; and*
 - c) whether or not the restaurant will remain open to the public during wedding parties.*

26. *The Parish Council considers that the proposal will create further noise and disturbance by persons leaving the Country Park at night and comment that no details are supplied regarding any supervision of those leaving the car park or using the proposed route.*
27. *The Parish Council request sight of any proposed conditions and wish to address Committee.*
28. *Following receipt of a letter from the applicant seeking to respond to the above concerns, the Parish Council has confirmed that their position has not altered and remains of the view that there is still a potential conflict between visitors to the Country Park and those attending the private wedding celebrations. Representations made by local residents are fully endorsed. The Parish Council comment that it would appear that English Heritage has reservations about the erection of the marquee which should be fully investigated before determining the application.*
29. **English Heritage** *confirms their involvement in pre-application discussion on the construction of a temporary marquee adjacent to the Grade 1 listed standing remains of Rufford Abbey and later Jacobean house. The Scheduled Monument Consent (SMC) for the marquee has been granted.*
30. *English Heritage refer to the previous refused application to use the Grade II* Rufford Orangery as a wedding venue incorporating temporary removable cover over the courtyard with associated permanent fixing, the covering over the plunge pool and the erection of a temporary marquee and resiting of a path by the Grade I listed structures. In responding to that previous application English Heritage did not object to the principle of that new use for the Orangery as a wedding venue and recommended NCC took in-house conservation advice regarding detailing of the works. English Heritage raised concern, however, in relation to the impact of the proposed temporary gazebo on the significance of the orangery and the proposed temporary marquee on the setting of the Grade I listed and scheduled remains of the Jacobean country house and monastic structures. It was recommended that the determining body be satisfied that a clear and convincing justification has been submitted and that the degree of harm is necessary to deliver substantial public benefits that outweigh the loss of heritage value during the period of its installation.*
31. *English Heritage note that the current application is solely for the erection of the temporary marquee and re-siting of a path by the Grade I listed structures. They comment that their advice and recommendation relating to the marquee has not changed and is given in line with the NPPF and their own guidance including 'The Setting of Heritage Assets' (2011), 'Temporary Structures in historic places' and 'Conservation Principles'.*
32. *Rufford Country Park has a very rich and diverse historic environment which focuses on the scheduled monument of Rufford Abbey, a Cistercian monastic house of 12th Century origin comprising impressive standing remains (also listed Grade I with the later Jacobean house), the foundations of the cloistral complex and ancillary buildings, and water management earthworks. It lies*

within a Grade II registered park which contains several other listed structures including the Grade II former orangery. English Heritage are encouraged NCC is now commissioning a conservation management plan for the Park to enable a full understanding of significance and to establish policies for future management but express concern that the application precedes the plan and question whether its determination is premature.*

33. *English Heritage has already advised NCC on the proposed construction of a temporary marquee adjacent to the Grade I listed structure. The SMC was granted on 29 May 2012 subject to conditions that:*

a) no ground works shall take place until the applicant has confirmed in writing the commissioning of a programme of archaeological work before and/or during the development in accordance with a written scheme of investigation which has been submitted to and approved by the Secretary of State advised by English Heritage;

b) equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument /ground disturbance other than that which is expressly authorised in the SMC;

c) by virtue of section 4 of the 1979 Act, if no works to which the SMC relates are executed or started within the period of three years beginning with the date on which the SMC was granted, the consent shall cease to have effect at the end of that period (unless a shorter time period is set by a condition).

34. *If planning permission is granted English Heritage recommend that the above conditions relating to archaeology are repeated in the decision notice.*

35. *The proposed marquee is to facilitate weddings associated with a change of use within the Savile Restaurant. The financial justification for the proposal is set out within the submitted Heritage Impact Assessment and English Heritage strongly advise NCC to consider whether the information is sufficient to fully justify the proposal. Various locations were considered for the marquee determined by a geophysical survey to minimise impact upon archaeology. It was agreed by all parties that the proposed location would be likely to have the least impact on archaeology.*

36. *Careful consideration was equally given to the impact of the proposal on the setting of the highly graded assets recognising the applicant's need to locate the marquee close to the Savile Restaurant to make use of existing facilities. The preferred location will therefore visually impact on the setting of the Jacobean wing and this is undoubtedly harmful to its significance, disturbing views and affecting the character and experience of setting. The reduced size of the marquee is of benefit. Strong concern is however expressed in relation to the statement within the application that a separate application will be made for the retention of the unauthorised marquee to the side of the standing remains. English Heritage's understanding was that the proposed marquee by the Savile Restaurant irrespective of size would replace the unauthorised marquee, the location of which is considered more harmful to setting.*

37. *Any harm to significance should require clear and convincing justification (refer to NPPF para 132). This justification should demonstrate the need for the marquee as part of increasing Rufford's offer as a wedding venue and that it will secure optimum viable use of the heritage asset in support of its long term conservation. Should planning permission be granted, as a temporary measure, it will provide an opportunity to evaluate the benefits and disbenefits.*
38. *English Heritage remains concerned by the impact of the proposed temporary marquee on the setting of the Grade I listed and scheduled remains of the Jacobean country house and monastic structures. English Heritage consider this less than substantial harm and recommend NCC is satisfied that a clear and convincing justification has been submitted and that this degree of harm, which should be considered exceptional, is necessary to deliver substantial public benefits that outweigh the loss of heritage value during the installation period.*
39. **NCC (Built Heritage)** *comment that, in order to assess cumulative impact, the proposals need to be considered alongside the separate planning application for the proposed retention of the marquee to the front (reported to Committee on 6 December 2013).*
40. *The proposed use of the Savile Restaurant as part of the new use would not cause any harm. Indeed the information submitted is convincing and suggests that the restaurant is likely to remain open for longer periods of general public use. Whilst there is no reason to question that statement, clearly the new use of the existing building can only occur alongside the installation of the proposed marquee.*
41. *In principle the use of large marquees for events in the vicinity of high grade designated heritage assets is discouraged in planning guidance. Planning case law supports the general view that the use of temporary marquees in close proximity to Grade I listed buildings and Scheduled Ancient Monuments is not welcomed since such marquees are often large, highly visible, impose on important views of the protected architecture, the events may not enhance public enjoyment of the site and their installation can disturb very significant archaeological remains.*
42. *The consultation response from English Heritage has indicated that the marquee will cause a degree of harm to the setting of the Jacobean wing of the Grade I listed country house. In accordance with paragraph 132 of the NPPF 'any harm' to a heritage asset must be subject to a 'convincing justification'. English Heritage have indicated that such harm would be 'less than substantial' and should therefore be considered against paragraph 134 of the NPPF requiring a judgment balancing this harm against any clearly defined public benefit.*
43. *With regards to NPPF paragraph 132, the justification for the new marquee would seem to be:*

- a) it is essential for the wedding venue use and all other options are unsuitable;
- b) the wedding use will provide essential income for the site that will be directed back to the care of the heritage asset.
44. *Mitigation for the marquee has been offered by the careful consideration of its location and orientation so as to avoid archaeological remains of greatest significance and minimise the visual impression of the marquee from elsewhere in the Park.*
45. *The view expressed by English Heritage that the proposal for the new wedding venue should be considered as causing 'less than substantial harm' is concurred with given it would be for a limited period each year, that it would be in place of part of the other marquee and that the financial value of the wedding venue is provided to the conservation of the site's heritage. As English Heritage make clear, the issue of financial benefits for conservation of the site is a critical part of the justification for the development which must be assured and secured through an appropriate mechanism e.g. all net profits arising from the new use as a wedding venue should be identified on an annual basis. Such funds could then be appropriately allocated to help fund enhancement and conservation projects such as those forming Heritage Lottery Funded applications. The decision to release such funds should be subject to the agreement of an appropriate body (such as the Rufford Development Group) and person (such as the Council's Lead Heritage Professional) and be made on the basis of heritage need.*
46. *In the absence of a Conservation Management Plan (as highlighted by English Heritage) that could deal with the wider issue of the balance of commercial use and heritage projects at Rufford Abbey, it is recommended that any planning approval is conditional on the applicant providing an indication of heritage projects they might be considering and the mechanism for identifying the profit from the wedding venue that can assist with pursuing those projects.*
47. **NCC (Archaeology)** *is satisfied that the development would not adversely affect the archaeological features of interest at the site. A planning condition is suggested to enable the County Archaeologists to monitor the groundworks.*
48. **NCC (Highways) Newark & Sherwood** *comment there is ample car parking provided within the Rufford Park and that the proposal is not expected to impact significantly on the public highway. No highway objections are raised.*
49. **NCC (Noise Engineer)** *confirms that the noise impact assessment has considered noise levels from the use of the marquee for wedding breakfasts and associated speeches. The assessment predicts a worst case scenario of 80dB within the marquee which, when corrected for a distance of 50m and for screening from the 3.6m high brick wall, equates to a predicted worst case noise level of 30dB in the garden area of the nearest receptor. Only background music is permitted inside the marquee under the terms of its*

existing Entertainment Licence already granted by Newark and Sherwood District Council.

50. *The civil ceremonies and evening entertainment will all take place inside The Savile Restaurant and should not therefore cause any adverse noise impact to nearby receptors.*
51. *NCC (Noise Engineer) is satisfied that existing controls within the Entertainment Licence, which stipulates a noise limit of 50dB (L_{aeq} 15mins) at the boundary of the nearest receptor, is an adequate noise control. The question is asked whether the licence will still be valid and that noise controls will be enforced by the district council under the terms of the licence.*
52. *The following additional controls are recommended to accompany any grant of planning permission:*
- a) Only one wedding ceremony per day be allowed to take place;*
 - b) The marquee shall only operate for licensable activities between 1st April and 30th September;*
 - c) Guests leaving The Savile Restaurant to use the diverted footpath as shown on Drawing No. SK1 Rev a;*
 - d) Signage reminding guests to keep noise levels to a minimum when leaving the site;*
 - e) The northern part of the existing car park to be used by guests attending an evening wedding reception. A car park attendant should be present to direct guests when they arrive.*

Comment: The Environmental Health Officer at Newark and Sherwood District Council has confirmed that the existing licence would still apply and that the Environmental Health Section would have no objection to relying on the noise limit set out in the licence.

53. **Severn Trent Water Limited** *raises no drainage concerns.*
54. **The Garden History Society, Western Power Distribution and National Grid (Gas)** have not responded. Any response received will be orally reported.

Publicity

55. The application has been publicised by means of a site notice, press notice in the Newark Advertiser and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. Three letters/emails of representations have been received from two separate residences objecting to the proposals on the following grounds:

- a) Concern that the proposed marquee will not satisfy a key reason in refusing the previous application, namely that the County Planning Authority's view that the proposal 'would result in potential for unacceptable conflict between visitors to Rufford Country Park and wedding party guests'. Surprise registered that an almost identical application was refused a few months ago and that none of the issues seem to have been addressed. The application appears to have been fast tracked.
- b) The scheme still involves a large private area being set up in the middle of an area of the country park used intensively by the public on the busiest day of the week and during the busiest period of the year. The gatherings would be private affairs which the visiting public would not be allowed into. There would therefore be disruption to Park visitors, at peak times, with such visitors being ushered away from The Savile Restaurant and the marquee during weddings. Whilst the marquee occupies a small footprint in relation to the size of Rufford Park, it is suspected that 80% of visitors, many of whom are elderly, mostly occupy 20% of the concentrated space around the Coach House and Savile Restaurant area.
- c) Concern that authorising a wedding venue, and specifically the use of amplified music if not entirely contained within the restaurant, would shatter the peace that is enjoyed by residents of May Lodge Drive after the Park closes and cause disturbance late into the night especially at weekends. Concern is also raised about the impact of wedding guests upon the peace of the area.
- d) The marquee is considered an ugly structure detracting from the pleasant visual appearance of the listed building around the restaurant where the public like to sit.
- e) Will the Orangery be open for alcoholic drinks during weddings? Concerns are expressed about potentially 120 guests drinking alcohol until 12.30am and wandering around the Orangery adjacent to residential property.
- f) Confirmation sought as to whether English Heritage is content with the proposal. The consultation response from English Heritage includes phrases suggesting the organisation is not content and that the case for commercialisation has to be very strong in order to overcome the harm. English Heritage are also 'very concerned' that a separate application would be made to retain the unauthorised marquee given their understanding that the proposed marquee would replace the existing one which is in a location more harmful to the setting.
- g) Query whether the application is premature given concerns raised by English Heritage that the proposals precede the Conservation Management Plan for the park. The Plan should be completed prior to

considering this application for a second wedding venture which could compromise the public's enjoyment of the park and its heritage value.

- h) Discrepancy in application documents as to whether weddings would be hosted on Sundays.
- i) Query over application references to this being a temporary arrangement and a more permanent replacement.
- j) Clarification sought as to whether or not The Savile Restaurant would be open to the public during weddings given the intention to host on nearly every Saturday between April and September inclusive.
- k) Applicant refers to the scheme having the 'least negative effect' implying all options have a negative effect, but questioned whether it is essential to accept any negative effect. Commercial benefits to Rufford Park are recognised but a venture in the almost saturated wedding venue market which excludes the public is not considered desirable. Five wedding venue business are already available in the area and a further venue could impair local business rather than enhance it. A commercial strategy for the Park should consider the public, the Park revenue and commercial partners and all parties can co-exist as demonstrated by the Earth and Fire festival. Weddings, however, are a strict transaction between a private party and the park with the public excluded.

56. Councillor John Peck has been notified of the application.

57. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

- 58. The existing wedding business operated at the Talbot Suite, Rufford Mill has proved highly successful with the applicant reporting that it is the third most popular approved premises in the county. Given that the demand for weddings is largely for Fridays and Saturdays in the spring and summer months, the applicant reports that the Talbot Suite is effectively close to capacity and that there is a proven demand for an additional wedding venue at Rufford. The applicant also comments that the revenue generated from an additional wedding facility would greatly assist in the future management and maintenance of the country park, particularly given the significant reduction in budget which the service faces. These arguments were also identified in seeking to justify the submission of the previous application to utilise the Orangery as a wedding venue.
- 59. An issue raised in representations is that consideration of a second wedding venue at Rufford Country Park should properly await the outcome of the Conservation Management Plan currently being prepared with Heritage

partners and scheduled to be completed by December 2014 with a draft anticipated to be available in March 2014. English Heritage and the County Council's Built Heritage Team also note the absence of such a Plan and comment that such a document could deal with the wider issue of balancing commercial use and heritage projects at the site. The applicant's case is that, whilst having the Conservation Management Plan in place would be ideal, providing a future 'direction of travel' for the country park, this particular application is for a dedicated seasonal commercial venture which importantly would generate an income stream needed to plug a real and substantial gap in funding for the maintenance and management of the Park.

60. The applicant has also referred to the fact that wedding venues tend to be sourced a long time in advance and any planning permission awaiting the completion of the Conservation Management Plan would risk losing important potential income for the Park. For this reason the applicant is keen to see the application determined at this juncture and the proposals need to be judged on their merits.
61. The current application proposes to install a marquee for wedding breakfasts over the Spring and Summer period whilst utilising the existing Savile Restaurant for ceremonies and evening functions. The public would continue to enjoy full access to the Orangery which was the subject of the refused planning permission, but would be excluded from The Savile Restaurant whilst weddings are being hosted.
62. The applicant anticipates the proposed marquee hosting up to 40 weddings per year with no more than one wedding a day. No weddings are proposed to be hosted during the Country Park's busiest days namely Sundays, Bank Holidays and when hosting other major events. Whilst clearly there would be days when the proposed marquee is not in use, notwithstanding some community usage also being envisaged, the applicant wishes to avoid erecting and demounting the marquee for individual weddings given there are substantial costs associated with both operations thereby defeating the primary aim of the proposals.
63. An issue raised within representations queries references within the application to the proposals being a temporary arrangement whilst also referring to a more permanent replacement. The applicant has clarified that such comments were made in relation to the marquee at the front of the Abbey which formed the subject of a separate planning application.
64. In additional supporting correspondence the applicant argues that the current proposal addresses all three reasons for refusing planning permission, a view disputed by objectors. The extent to which the current application addresses the previous reasons for refusal is explored later in this section.
65. The application originally stated that the existing marquee to the west of the stable block and coach house would be halved in size as mitigation for the marquee proposed in this application or even removed. However, the applicant has since clarified their intention to retain the existing marquee for a temporary period prior to its permanent removal and Members will recall that

Committee approved that retention for a period expiring on 30 November 2014.

66. It is acknowledged that consultees and other interested parties have submitted their representations in the expectation of a removal or reduction in size of that original marquee. It is, however, pertinent to note that if planning permission were to be granted for the proposed marquee, the lead-in time associated with booking wedding facilities is such that it is not envisaged that the marquee would need to be installed until April 2015. By such time the currently approved marquee would have been removed in line with the terms of the temporary planning permission issued, thereby ensuring that both marquees were not erected at the same time. The applicant is agreeable to not erect the wedding marquee until April 2015, should planning permission be forthcoming, although clearly the fixing points would need to be installed in advance in line with the requirements of both the County Archaeologist and the terms of the time-limited Scheduled Monument Consent.
67. It is recognised that the applicant could potentially apply to retain the currently permitted marquee for a period of time beyond that currently permitted. Were this to be the case the County Council would of course need to assess that proposal on its individual merits in the full knowledge of any wedding marquee it may be minded to approve under the current application. The fact that the applicant may need to install the fixings in advance is not considered an issue given that they are designed to be flush with ground level and therefore would not contribute to any cumulative impact upon the setting of the heritage asset.
68. The Newark and Sherwood Core Strategy (NSCS) Development Plan Document (March 2011) Core Policy 7: '*Tourism Development*' is supportive of new tourism and visitor based development at existing heritage based tourism attractions subject to the development being acceptable in terms of:
 - a) Scale;
 - b) Design;
 - c) Impact upon local character;
 - d) The built and natural environment including heritage assets;
 - e) Amenity;
 - f) Transport;
 - g) And specifically subject to compliance with criteria 5 and 9 of the Spatial Policy 9 which require development to:
 - 5) Not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including listed buildings or locally important buildings, especially those identified in Conservation Area Character Appraisals; and

- 9) Not be located in areas of flood risk or contribute to flood risk on neighbouring sites.
69. The application site is not located within an area at risk from flooding and therefore satisfies Spatial Policy 9 criterion 9. The effect that the development would have in terms of its scale and design are considered as part of the wider assessment of the heritage asset set out below, along with impacts to local amenity and transport.

Assessment of impact to the heritage asset at Rufford

70. National Planning Policy Framework (NPPF) paragraph 132 advises 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, grade I and II* listed buildings, grade I and II* registered parks and gardens should be wholly exceptional.
71. Where a proposed development will lead to substantial harm to significance of a designated heritage asset NPPF Paragraph 133 advises that consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a 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 (NPPF Paragraph 134).
72. NSCS Policy 14: '*Historic Environment*' encourages the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens and Listed Buildings.
73. Newark and Sherwood Allocations and Development Management Development Plan Document (NSDM) (July 2013) Policy DM9 '*Protecting and Enhancing the Historic Environment*' requires planning applications to demonstrate that a proposal is compatible with the fabric and setting of a listed building. Impact on the special architectural or historic interest of the building will need to be justified.
74. As English Heritage have identified, Rufford Country Park has a very rich and diverse historic environment. Particularly pertinent to this application is the

impact of the temporary marquee on the setting of the grade I listed and scheduled remains of the Jacobean country house and monastic structures and the grade II registered park.

75. The application is accompanied by a Heritage Impact Assessment (HIA) to help assess the impact of the proposals upon the heritage asset of Rufford. The HIA comments that the proposed location of the marquee has been informed by the results of a geophysical survey which considered various locations so as to minimise impact upon archaeological resource. English Heritage confirms that the proposed location would be likely to have least impact with the survey producing no evidence of any archaeological significance. This position has also been confirmed in the consultation response from the County Council Archaeologist subject, however, to a planning condition to enable the hand dug footings for the marquee fixings to be appropriately supervised. The use of permanent footings would ensure that the same precise positioning is achieved year on year.
76. The HIA argues that the impact of the 20m by 10m marquee upon the setting of the Abbey and the park has been lessened by its proposed siting close to the Jacobean brick wall. The historic buildings would form a significantly larger back-drop to the marquee and help compact its visual impact and thereby minimise its impact on the appreciation of the Abbey remains for arriving visitors. The applicant states that every location between the Orangery and The Savile Restaurant entrance has been assessed, taking account of operational requirements for any marquee to be proximate to existing facilities at The Savile, with the proposed location concluded to have the least negative effect.
77. English Heritage advises that the proposed location will nevertheless visually impact upon the setting of the Jacobean wing being undoubtedly harmful to its significance, disturbing views and affecting the character and appearance of its setting. NCC's Historic Buildings Officer also makes the point that generally the use of temporary marquees in close proximity to grade I listed buildings and Scheduled Ancient Monuments is unwelcomed since such structures are often large, highly visible, impose on important views of the protected architecture and may not enhance the public enjoyment of the site. In this case English Heritage consider the identified harm as being less than substantial and, in line with guidance contained within the NPPF, such harm needs to be weighed against the public benefits of the proposal including securing the optimum viable use of the designated heritage assets. Accordingly English Heritage advises of the need for NCC to be satisfied that a clear and convincing justification has been submitted and that the degree of harm is necessary to deliver substantial public benefits that outweigh the loss of heritage value during the periods of its installation.
78. The justification for the marquee, set out in the HIA, argues that:
 - a) it is essential for the wedding venue use and all other options are unsuitable; and

- b) the wedding use would provide essential income for the Park which would be directed back to the care of the heritage asset.
79. As NCC's Historic Buildings Officer has recognised, mitigation has been offered through the careful consideration of the marquee's location and orientation so as to avoid archaeological remains of greatest significance. The comments from both English Heritage and NCC's Archaeologist confirm the proposed siting would achieve this aim. NCC's Historic Buildings Officer also comments that the siting minimises the visual impression of the marquee from elsewhere in the Park. Furthermore, views would not be afforded of both the proposed and existing marquees together and, indeed, Members will note the applicant's willingness not to install the proposed marquee (if permitted) until April 2015 i.e. post the expiry of the existing temporary planning permission.
80. NCC's Historic Buildings Officer considers that the proposed use of the Savile Restaurant would not cause any harm. As far as the marquee is concerned, the Historic Buildings Officer concurs with English Heritage's view that, whilst harm would arise to the heritage asset, such harm would be 'less than substantial'. In coming to this conclusion NCC's Historic Buildings Officer refers to the wedding venue being operated for only a limited period of each year, thereby enabling the heritage asset to be appreciated in its full context, albeit it is acknowledged that this would be in the period October to March inclusive. A similar stance is taken by the District Council noting that the marquee would not be installed directly against the historic structure, being set to one side of the modern Savile Restaurant.
81. The proposed siting of the marquee would necessitate the diversion of a short stretch of pathway alongside the Grade 1 listed structures in order to maintain pedestrian links. It is proposed that this would be constructed to the same width (1.8m) as that outside The Savile Restaurant, at a maximum gradient of 1:20 and surfaced in natural limestone to match the adjacent pathway.
82. It is noted that the existing ground levels where the marquee would be erected are uneven. The applicant has confirmed that a 'floating floor' would be used thereby avoiding the need to undertake any groundworks which could potentially threaten the heritage resource with the exception of the fixing points, the pathway diversion and relocated bin and lighting column.
83. The applicant is promoting the scheme as a means of plugging a substantial gap in the budget facing the service. The Historic Buildings Officer notes that the financial value would be provided to the conservation of the site's heritage. This is recognised as a critical element of the justification for the development and would need to be secured through an appropriate mechanism. Similarly, the District Council considers that the benefits which the increased revenues would have on the viability and maintenance of the wider site would outweigh the harm to the setting. The acknowledgment by both NCC's Historic Buildings Officer and the District Council that the development would generate additional revenue for managing the heritage asset therefore satisfies the test set out within NPPF Paragraph 134.

84. Representations comment that the applicant describes the scheme as having the 'least negative effect' implying all options have some negative effect. As NCC's Historic Buildings Officer acknowledges, the use of large marquees in the vicinity of high grade designated heritage assets is generally resisted. However, where the identified harm is less than substantial, as is the case here, such development may be acceptable provided a clear and convincing justification is mounted in weighing up the public benefits of a proposal. Where such arguments are adequately made, as would appear to be the view of the District Council and NCC's Historic Buildings Officer, some less than substantial harm may be acceptable in line with the guidance in the NPPF.
85. Representations question whether English Heritage is content with the proposal. The consultation response from English Heritage certainly expresses some concerns, although it is noted that the references to some phrases quoted by a neighbouring resident were in relation to the previous application involving the use of the Orangery. Whilst English Heritage rightly urge NCC to be satisfied that sufficient information is provided to fully justify the proposal, an objection is not raised.
86. Representations also refer to English Heritage being very concerned at the submission of a separate application to retain the more harmful location of the existing marquee. As explained above, the application originally included reference to halving the size of the existing marquee, however the applicant has since confirmed their intention to seasonally use the full sized existing marquee for events over a temporary period. As Members may recall in considering the application for the other marquee, English Heritage felt able to support the continued use of that marquee, in a more harmful location, for a limited twelve month period.
87. English Heritage do, however, comment that the Scheduled Monument Consent for the marquee granted in May 2012 was subject to conditions (see para 33) which should be reproduced on any planning permission NCC may be minded to grant.
88. Whilst the marquee fixings would be retained all year round, these are designed to be flush with the ground and therefore would be unobtrusive. It is recognised that the fixings for the marquee to the front of the Abbey are of a different design involving the insertion of timber posts. The applicant has confirmed that this simply reflects the fact that the marquee permitted to be used temporarily at the front of the Abbey is of a much older design and, whilst its fixings are more intrusive, they have not been replaced as they remain serviceable.
89. The proposed marquee is not considered suitable for permanent retention and, whilst the applicant's desire not to constantly erect and demount the structure over the April to September period is understood, clearly this would expose the structure to the elements for six months of the year. To ensure that the heritage asset is preserved in line with the requirements of NSCS Policy 14: '*Historic Environment*', it is recommended that a condition survey of the marquee is undertaken after three years including a requirement to

undertake any necessary repair, maintenance works to ensure that this non-permanent structure remains in a visually acceptable condition.

90. The proposed retention of the marquee throughout the months of April to September (inclusive) would inevitably damage the underlying grass coverage and such damage would, of course, be exposed at times when the marquee is demounted. This consequence is regrettable however it needs to be balanced against the fact that the 'floating floor' system would beneficially avoid the need for evasive groundwork (other than the marquee fixing points) and, given that only a temporary planning permission would be suitable in the event that a grant of permission is supported, opportunities exist for the grass to grow back or for more suitable surfacing to be explored.
91. Given the Conservation Management Plan is not currently available NCC's Historic Buildings Officer recommends that any planning approval requires the applicant to indicate the heritage projects that may come forward.

Assessment of impact to users of the Park

92. The impacts of the proposal upon other users of the country park is a key issue and Members are reminded that this was one of the reasons for refusal cited when Committee determined the earlier application involving the Orangery. This concern also features heavily in the objections received from local residents and Rufford Parish Council.
93. Objections are raised that the proposed wedding use would give rise to a potential conflict between wedding party guests, who may reasonably expect some exclusivity for their wedding celebrations, and the wider public wishing to visit the country park and appreciate its offer. The applicant has confirmed that when wedding bookings are currently taken for the existing venue at Rufford Mill, parties are clearly advised that the venue is within a country park setting and that consequently a level of public interaction must be expected. Whilst the marquee would clearly be installed during those months when the park would be reasonably expected to be at its busiest, the applicant argues that the proposed wedding venue would avoid the park's busiest days (Sundays, Bank Holidays and during the hosting of major events). The applicant also advises that most wedding guests would arrive after the Park is closed.
94. Objections are raised that the development would involve a large private area being set up in the middle of an area of the country park used intensively by the public. In response, the applicant argues that the marquee represents a footprint of just 200 sq.m. set within a park of 220 acres. It is accepted that the overall footprint of the marquee is very small in terms of the wider park, although the argument expressed in representations that the area around the Savile Restaurant and Coach House is popular accommodating a high proportion of the park's visiting public is also valid.

The proposals are typically expected to generate 40-50 daytime wedding guests and would in any event be restricted to a maximum of 120 given the Savile Restaurant could not accommodate any more. The applicant considers

this would have minimal impact upon the overall ambience of Rufford when considered against the number of daytime visitors which can often exceed 1,000. The applicant argues that one of the advantages of the current application over the refused scheme is that the public would not be excluded from the Orangery when weddings are hosted, thereby overcoming one of the elements for refusing the earlier proposal.

95. On the days when weddings are proposed to be hosted, the Savile Restaurant would not be available to the general visiting public. Restricted public access to the Savile Restaurant was also included in the reasons for refusal. The applicant has confirmed, however, that The Savile is currently not available to all visitors with party bookings being taken which, on occasions, sells out and results in prospective diners having to be turned away. The applicant also refers to the Savile being closed for several weeks over the winter period, although clearly the proposal has no impact over the winter period.
96. The applicant comments that the Abbey end of the park is served by two catering outlets, the Savile and the Coach House Coffee House (situated a short distance away) which would be available to general visitors. The applicant concedes that both the Savile and the Coach House Coffee Shop are generally full on Sundays and Bank Holidays, but argues that this explains the reasoning for not proposing to host weddings on such days and that adequate capacity will remain to cater for the general public during those busy times.
97. After wedding ceremonies have been conducted, those wedding guests not involved in wedding photographs could, the applicant advises, be ushered immediately to the marquee. This, the applicant argues, would reduce potential conflict with other park users and unlike the Rufford Mill facility, guests would not have to wait for the room to be turned around.
98. The applicant comments that, whilst the main purpose of the application is to generate income for Rufford, a secondary benefit arises in respect of the Savile Restaurant. This facility is described by the applicant as being a very labour intensive operation and by utilising it as a wedding venue would assist in allowing it to continue to cater for visitors to the country park throughout the year.
99. Whilst the proposal would clearly give rise to a degree of conflict between wedding parties and the general public, the applicant is of the view that the public nature of the country park is made clear to parties when considering making bookings for weddings, such functions would be appropriately managed by staff already familiar with hosting such events and, ultimately, argue that the proposals aim to replace a significantly reduced budget which would directly contribute to the management of the heritage asset thereby ensuring the visitor experience is not otherwise diminished. The applicant has also commented that alternative means of generating income have been considered, for example selling fishing permits, but such activities are also not without some tensions between potential users and the visiting public.

100. In representations the marquee is described as being an 'ugly' structure which would detract from the pleasant visual appearance of the listed building. The marquee would certainly be of a functional design and, as referred to above, would cause harm to the setting of the listed building. However, such harm has been assessed as being 'less than substantial' and, in line with national guidance, such harm needs to be considered against the public benefits which the development would deliver including securing the optimum viable use of designated heritage assets.
101. The proposed diverted pathway, designed at an appropriate gradient of 1:20 and surfaced in natural limestone in line with the adjacent pathway, would maintain a suitable pedestrian link.

Assessment of impact to local amenity

102. It is recognised that the marquee would need to be located in a position proximate to the Savile Restaurant in order to function on a practical level with the serving of hot meals. The proposed siting for the marquee not only satisfies this need with respect to the heritage asset, but also ensures it is sited a reasonable distance from residential properties situated on May Lodge Drive to the south.
103. The application proposes that the marquee hosts the wedding breakfast and speeches whilst the civil ceremonies, evening receptions, amplified music and dancing would be held within the Savile Restaurant. A maximum of one wedding per day would be entertained. Under the terms of its existing Entertainment Licence issued by the District Council, only background music would be permitted within the marquee. The Noise Impact Assessment predicts a worst case scenario of 80dB within the marquee which, when adjusted for the distance to the nearest house (50m) and accounting for the 3.6m high brick wall, anticipates a noise level of 30dB in the garden area of the nearest receptors.
104. NCC's Noise Engineer is satisfied that suitable control is in place given that the Entertainment Licence stipulates an appropriate noise level at the boundary of the nearest receptor which the District Council's Environmental Health Officer has confirmed can be relied on. NCC's Noise Engineer also considers that the functions proposed within the Savile should not give rise to any adverse noise impact to nearby receptors. Members are advised that evening entertainment including the playing of music has taken place within the Savile Restaurant for several years without complaint to Newark and Sherwood District Council. The applicant has confirmed that noise levels associated with both speeches within the marquee and dancing/music within the Savile would be monitored so as to avoid noise nuisance arising.
105. It is, however, recognised that disturbance could arise from noise generated by departing wedding guests on what would otherwise be a peaceful setting enjoyed by local residents, a concern raised in representations. The applicant proposes that guests would depart via a defined route as shown on Plan 2. This would entail guests departing the Savile and using the short stretch of diverted pathway before joining the existing pathway in a general southerly

direction towards the Orangery before accessing an existing set of steps and proceeding through the courtyard towards the car park. The applicant has indicated that a combination of signage and staff would be deployed to remind guests to depart quietly with respect for nearby residents. Subject to conditions NCC's Noise Engineer raises no objection.

106. The fact that wedding guests would have been directed to a dedicated parking area on the northern side of the car park should ensure that residents are not disturbed by car doors, starting/revving of engines or glare from headlights.
107. The applicant's intention to issue neighbouring residents with a contact telephone number for the duty manager to enable any issues of concern to be swiftly resolved is welcomed.
108. In response to concerns raised, it is not the applicant's intention to utilise the Orangery as part of the wedding celebrations and it would continue to be closed at its normal time. This would therefore overcome legitimate concerns expressed in representations regarding potential disturbance into the evenings or the Orangery's use for late night drinking.
109. In conclusion, it is not considered that the proposals would result in an unacceptable intrusion upon the residential amenity of properties on May Lodge Drive, another reason for refusing planning permission for the earlier application.

Assessment of access and transport

110. Rufford Country Park is served by an extensive car park with overflow car parking areas. Whilst the proposal would add to the number of visitors coming to the site the existing car parking facilities are described by NCC Highways as being 'ample' and not expected to impact significantly on the public highway. No objections are raised on highway grounds.
111. The application refers to car park staff directing wedding guests to the northern side of the car park (see Plan 2). As noted above, this would have the benefit of minimising any potential disturbance associated with departing guests and could be made the subject of a planning condition.

Other Issues

112. As noted above, the proposal is considered unsuitable for permanent retention. Nevertheless, it is considered that sufficient justification has been demonstrated to provide support for the proposals on a temporary basis. The applicant has indicated that a very short term permission would not be feasible as the costs associated with the marquee, the flooring system, installing the fixing points, diverting the pathway and repositioning other features would not be recouped. The applicant has indicated that a 10 year permission would be preferable but that the minimum viable period would be five years. Bearing in mind the public benefits that would be delivered by the proposals in terms of maintaining the heritage asset in the wider public

interest, a grant of planning permission is considered to be supportable, although a five year permission is recommended. This would also give the opportunity to review the situation in the light of the Conservation Management Plan outcomes and the operational impacts of the proposal. Given the applicant's undertaking not to erect the marquee, should planning permission be granted, until April 2015, a permission expiring at the end of October 2019 is suggested to facilitate a five year period.

113. In terms of drainage, surface water would drain to ground whilst the scheme does not propose any foul sewage connections given use would be made of existing facilities within The Savile Restaurant. The site does not lie within Flood Zone 2 or 3 and no objection is raised by Severn Trent Water Ltd.
114. Comments raised in representations that the proposals may introduce competition to other wedding facilitators in the locality are not a material planning consideration and whilst objectors gave referred to the wedding venue market as being 'almost saturated', clearly the applicant is of the view that demand can be met on the periods this proposal looks to provide.
115. In response to the issue raised by the Parish Council, English Heritage has been informed of the latest proposals. The suggestion that the current application has been fast tracked is disputed with the submission having undergone the necessary process and scrutiny.

Other Options Considered

116. Alternative proposals for the hosting of weddings were the subject of a previous planning application considered by Committee. The proposed siting of the marquee has assessed locations between the Orangery and The Savile Restaurant. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

117. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

118. None.

Financial Implications

119. The proposal would reduce the need for the frequent erection and demounting of the marquee avoiding the service incurring associated costs.

The application is promoted as a means of balancing a reduced service budget. Whilst financial costs have no bearing on the consideration of the suitability of development, in this case the revenue generated would be provided to the conservation of the heritage assets and therefore can be balanced as a wider public benefit in the consideration of the proposals.

Equalities Implications

120. None.

Crime and Disorder Implications

121. The development would be undertaken within the boundaries of an existing country park generating additional visitors to the facility. Visitors would benefit from the existing security arrangements of the country park. The development would result in additional usage of the country park during the evening period when the site would normally be closed. Visitors to the venue during these extended time periods would be protected through the use of appropriate security staffing as part of the site management arrangements.

Human Rights Act Implications

122. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property) may be affected due to the proposals having the potential to introduce impacts of noise and disturbance to occupiers of residential properties on May Lodge Drive. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as assisting with the management of the heritage asset and public open space at Rufford Country Park and the ability of management procedures to suitably control such potential impacts. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

123. None.

Human Resources Implications

124. None.

Implications for Sustainability and the Environment

125. The application has taken into account the heritage asset and the marquee would be sited using fixed installation points so as to minimise impact upon the historic resource.

Conclusions

126. The application represents a revised proposal for an additional wedding venue at Rufford Country Park following the refusal for an earlier scheme using the Orangery. The current application avoids the use of the Orangery and would not restrict public access to it, thereby overcoming an element of the earlier refusal.
127. The current application still involves the erection of a marquee for six months of the year which would have a harmful impact upon Rufford's heritage asset. However, such harm has been assessed as being 'less than substantial' and, in line with national guidance, is capable of being supported where the determining body considers there is a clear and convincing justification that substantial public benefits would outweigh the loss of heritage value. In this case the marquee would be installed for a temporary period and the development would be reversible. NCC's Historic Buildings Lead Officer considers that the public benefit argument could be met where the net profit from hosting weddings at the Savile Restaurant are appropriately secured to help fund suitable conservation projects which a planning condition could provide for.
128. The proposals have been demonstrated as being capable of being carried out without unacceptable harm to the amenity of local residents achieved by avoiding the use of the adjacent Orangery and through a mix of planning controls and management procedures. This is considered to overcome another reason for refusing the earlier scheme.
129. In terms of interaction between wedding party guests and general users of Rufford, it is acknowledged that there would still be a degree of conflict in that the proposals would involve the general public being excluded from the Savile Restaurant and the marquee whilst weddings are being hosted. However, the applicant has indicated that there are currently occasions when members of the public are excluded from the Savile Restaurant and proposes to minimise such conflict by not hosting weddings on Sundays or Bank Holidays, the busiest days at the country park. It is also true that, to some extent, any venture designed to generate revenue to replace reduced maintenance budget will involve some degree of contact and interaction with the general public enjoying Rufford's offer. The applicant points out that the facilities currently offered may be enjoyed to a lesser extent by the general public if some alternative scheme, such as that proposed, cannot come forward to plug the budget reduction.
130. It is acknowledged that the Conservation Management Plan (CMP) is at an advanced stage and should help define the balance of managing the heritage asset and the commercial operations at Rufford. However, operating as a wedding venue is recognised as involving lengthy lead-in times in terms of advance bookings and the Applicant is therefore keen to for this decision to

be taken in advance of the CMP being finalised. A temporary planning permission is recommended, however, to enable the position to be reviewed in the light of its operating impacts and in the light of the longer term aspirations arising from the CMP outcomes.

Statement of Positive and Proactive Engagement

131. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

132. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation [SHB 14.02.14].

Comments of the Service Director - Finance

The financial implications are set out in the report [SEM 14.02.14].

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Report Author / Case Officer

David Marsh

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PSP.JS/PB/ep
14 Feb 2014

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Definition of Permission and Commencement

1. Planning permission is granted for the erection of the marquee, subject of this application, for a temporary period expiring on 1 October 2019. Within one month of the expiry of this permission, or such other timescale as may first be agreed in writing by the County Planning Authority (CPA), the fixing points shall be removed and ground reinstated in strict accordance with a methodology that shall have been previously submitted to the CPA for its approval in writing.

Reason: For the avoidance of doubt as to the development permitted and to secure site restoration in order to remove harm to heritage significance. Time -limited planning permission is granted with regard to the justification provided for the development and the public benefit offered through contributing to the maintenance and management of Rufford Country Park in advance of its Conservation Management Plan being completed.

2. The marquee hereby permitted shall not be erected prior to 1 April 2015.

Reason: To ensure that the siting of the marquee hereby permitted is not erected during the lifespan of the marquee temporarily permitted at

*the front of the Abbey (under Planning Ref. 3/13/00493/FULR3N)
so as to accord with the application proposals as submitted.*

3. The CPA shall be notified in writing of the date when wedding services commence at least seven days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Schedule of Approved Documents and Drawings

4. Unless otherwise agreed in writing by the CPA, or where amendments are made pursuant to the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Planning Application Form & Supporting Planning Statement received by the CPA on 29 May 2013;
- b) Design and Access Statement received by the CPA on 29 May 2013;
- c) Heritage Impact Assessment received by the CPA on 29 May 2013;
- d) Noise Assessment Report prepared by Acute Acoustics Ltd on 2 July 2013 and received by the CPA on 2 July 2013;
- e) Drawing No. SK1 Rev a entitled 'Location' received by the CPA on 24 May 2013;
- f) Drawing No. SK2 Rev b entitled 'Marquee near Savile Restaurant' received by the CPA on 29 May 2013;
- g) Drawing No. SK3 Rev a entitled 'Location – Exit route from Savile at night' received by the CPA on 29 May 2013;
- h) Drawing No. SK6 Rev a entitled 'Elevation – Marquee near Savile Restaurant' received by the CPA on 29 May 2013.

Reason: In order to define the extent of the permission hereby approved and for the avoidance of doubt.

Siting of Marquee

5. Prior to the installation of the marquee hereby permitted, details of any alterations to the existing surfacing within the footprint of the marquee and the route of the proposed diverted footpath shall be submitted to and approved in writing by the CPA. The ground shall thereafter be developed in accordance with the approved details.

Reason: To ensure the protection of the heritage asset at Rufford in accordance with the objectives of Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

6. No ground works shall take place until the applicant has confirmed in writing the commissioning of a programme of archaeological work before and/or during the development in accordance with a written scheme of investigation which has been submitted to and approved by the Secretary of State advised by English Heritage. The ground works shall thereafter be implemented in full accordance with the approved scheme.

Reason: To ensure that adequate archaeological investigation and recording is undertaken and to accord with Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

7. The marquee fixings shall be hand dug and monitored by the County Archaeologist. No less than one week's notice shall be given to the County Archaeologist to enable the groundworks to be monitored.

Reason: To ensure that adequate archaeological investigation and recording is undertaken and to accord with Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

8. Equipment or machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument/ground disturbance other than that which is expressly authorised in the Scheduled Monument Consent.

Reason: To ensure that adequate archaeological investigation and recording is undertaken and to accord with Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

9. The marquee hereby permitted shall not be erected between 2 October and 31 March inclusive.

Reason: To ensure the protection of the heritage asset at Rufford in accordance with the objectives of Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

Conservation Management

10. Prior to the erection of the marquee hereby permitted, details of a mechanism shall be supplied by the operator to the CPA for its written approval detailing how net profits arising from hosting weddings at the Savile Restaurant and marquee over the life of the development hereby permitted will be allocated in order to help fund enhancement and conservation projects directly related to Rufford Country Park and its heritage assets. Such a mechanism shall identify the range of heritage projects that may be considered and detail the mechanism for identifying the net profit element from the wedding venue hereby permitted. Funding shall be allocated in accordance with the approved details.

Reason: To ensure the protection of the heritage asset at Rufford in accordance with the objectives of Newark and Sherwood Core Strategy Core Policy 14: Historic Environment and as justification for the impact associated with the development permitted.

Protection of Residential Amenity

11. Only one wedding ceremony shall be allowed to take place each day with the exception of Sundays, Bank and Public Holidays when no wedding ceremonies or receptions shall be hosted.

Reason: To ensure satisfactory protection for the amenity of surrounding residential properties in accordance with the requirements of Newark and Sherwood Core Strategy Core Policy 7: Tourism Development and to minimise conflict with general with general visitors to Rufford Country Park during its busiest times.

12. Noise from all activities associated with wedding ceremonies and celebrations held within the Savile Restaurant and the marquee hereby permitted shall not exceed 50dB (Laeq 15 mins) when measured in the garden of The Garden House, May Lodge Drive.

Reason: To ensure satisfactory protection for the amenity of surrounding residential properties in accordance with the requirements of Newark and Sherwood Core Strategy Core Policy 7: Tourism Development.

13. Only incidental background music shall be permitted to be played within the marquee hereby permitted and no dancing shall be permitted within the marquee. Any music that is played shall ensure that the noise threshold of 50dB (Laeq 15 mins) set out above is not exceeded.

Reason: To ensure satisfactory protection for the amenity of surrounding residential properties in accordance with the requirements of Newark and Sherwood Core Strategy Core Policy 7: Tourism Development.

14. The operator shall implement a late night noise management plan to ensure that wedding guests leave the venue in an orderly manner which minimises disturbance to the occupiers of nearby residential property. The steps to be taken by the operator shall include, but not necessarily be restricted to, the following:

- a) Managing guest car parking so as to ensure that wedding party guests are directed to use the northern part of the existing car parking areas which are remote from the boundaries of residential properties. A car park attendant shall be present to direct guests when they arrive;
- b) The completion of wedding celebrations by 00:00 (midnight) including the closure of bars and cessation of any music;

- c) The deployment of appropriate personnel to ensure that guests are directed to leave the Savile Restaurant towards the car parking area through the courtyard area as identified on Drawing No. SK3 Rev a entitled 'Location – Exit route from Savile at night' received by the CPA on 29 May 2013, a route which ensures maximum separation from residential properties on May Lodge Drive;
- d) The erection of temporary signage reminding guests to keep noise levels to a minimum when leaving the site and follow the designated footpath route;
- e) The issuing to those residents on May Lodge Drive adjoining the site of a contact telephone number for the Duty Manager in order for any issues of noise/disturbance arising from weddings hosted at the Savile Restaurant to be promptly investigated and resolved.

In the event that the above measures do not suitably control late night noise, to the satisfaction of the CPA, the operator shall, upon the written request of the CPA, review their late night noise management plan and submit a revised plan to the CPA for its approval in writing. The revised plan shall incorporate supplementary measures to control any adverse impacts and include a timetable for the implementation of the supplementary measures. The revised plan shall be implemented following its written approval by the CPA in accordance with the approved timetable.

Reason: To ensure satisfactory protection for the amenity of surrounding residential properties in accordance with the requirements of Newark and Sherwood Core Strategy Core Policy 7: Tourism Development.

Condition Survey of the Marquee

- 15. A condition survey of the marquee hereby permitted shall be undertaken during September 2017. The condition survey shall examine the general appearance of the marquee with particular consideration to its visual appearance, discolouration, wear and tear and structural stability. The results of the condition survey shall be presented within a written report incorporating photographic evidence and recommendations of any repair/maintenance works or replacement as may be required. Any replacement of the marquee shall be of no greater dimension and shall utilise the same installation points as those hereby approved unless undertaken with the prior written approval of the CPA. The report shall be submitted to the CPA for its written approval and any repairs, maintenance or replacement works shall be undertaken in line with the approved report prior to the marquee being erected in April 2018 or such other timetable as may be agreed in writing by the CPA.

Reason: To maintain the marquee in a suitable condition in the interest of visual amenity and to ensure compliance with Newark and Sherwood Core Strategy Core Policy 14: Historic Environment.

Notes To Applicant

1. With reference to Condition 2, the prohibition on erecting the marquee prior to 1 April 2015 does not extend to the installation of the marquee fixing points which may be installed in advance subject to meeting the requirements of any other relevant planning conditions and the Scheduled Monument Consent concerning their installation.
2. With reference to Condition 10, the operator is advised that the decision to release funds should be subject to the agreement of an appropriate body, such as the Rufford Development Group, and person, such as NCC's Lead Heritage Professional, with such decisions made on the basis of heritage need.
3. Care will need to be taken when removing the fixing points. With reference to Condition 1, the methodology for the restoration of the site shall be developed in consultation with the County Archaeologist and shall make provision for archaeological supervision during site works.