



6 December 2013

Agenda Item: X

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

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/13/00493/FULR3N

PROPOSAL: RETROSPECTIVE APPLICATION FOR PERMISSION TO INSTALL A 20M X 20M SAND CARPET BASE WITH CONCRETE APRON AND GROUND FITTINGS FOR SUPPORT, PLUS APPLICATION FOR TEMPORARY SEASONAL ERECTION OF A MARQUEE 20M X 20M ON THIS BASE FROM APRIL TO NOVEMBER (INCLUSIVE) IN 2014 TO PROVIDE SHELTER AND WET WEATHER COVER FOR PUBLIC EVENTS AT THE COUNTRY PARK.

LOCATION: RUFFORD ABBEY COUNTRY PARK, RUFFORD, OLLERTON

APPLICANT: NCC CHILDREN, FAMILIES & CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the retention of an area of sand based all-weather surface and the seasonal erection of a marquee from April until November (inclusive) in 2014 at Rufford Abbey Country Park. The key issue relates to heritage impact of the proposed development on the setting of Rufford Abbey. The recommendation is to grant planning permission subject to the conditions set out in 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 27km 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 (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 a seasonal temporary marquee is erected and struck (on up to 28 days each year) on a 20m x 20m sand-based area. The marquee is used during the summer months as a visitor attraction/education facility (Plan 2).
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.

Proposed Development

Background

9. The sand-based carpet to the west of the stable block and coach house has been laid without the benefit of planning permission.
10. The temporary erection of moveable structures (the marquee) for not more than 28 days in any calendar year is development permitted by Schedule 2 Part 4 *Temporary Buildings and Uses* of The Town and Country Planning (General Permitted Development) Order 1995 as amended.
11. 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

(Objective 2), providing the conservation, heritage and commercial planning and policy context for a range of new development opportunities to take place.

Proposed Development

12. Planning permission is sought to retain the 20m x 20m sand-based surface area, perimeter concrete edging and anchor points.
13. In addition, permission is sought for the seasonal erection of a 20m x 20m marquee, erected as a double portal frame structure with eaves 2.9m in height and a ridge height of 5.2m (Plan 3). The marquee would be erected throughout April to the end of November in 2014.
14. The application, as originally submitted, sought planning permission to erect the marquee throughout April to October in both 2014 and 2015. However, in response to issues raised by consultees, the applicant has revised the proposal in recognition that the Conservation Management Plan is being prepared. Permission is therefore sought to retain the marquee for an extended period in 2014 only to incorporate events in November related to World War 1 and enabling any longer term provision to reflect the outcomes of the Conservation Management Plan.

Consultations

15. **Newark & Sherwood District Council** – No objection on balance because of the public benefit offered and subject to NCC being satisfied that the proposed development complies with the relevant Development Plan policies. *The marquee does cause harm to the setting of the listed buildings, registered park and garden and Scheduled Ancient Monument. Other locations would have a much lesser visual impact than the application site, but locations further away from the main visitor facilities would be less inclusive and less practical. The public benefit of the marquee needs to be balanced. It would sustain and create the use of the site which directly relates to the conservation of the site. Under-use or ceasing use of the site would make the buildings very vulnerable, very quickly, to decay and neglect.*
16. *Without a more comprehensive assessment of how to use all the buildings on the site of Rufford Abbey, the proposal provides the most obvious short term solution to the requirement for covered spaces for functions. If other spaces become available this is obviously an easily reversible structure.*
17. **Rufford Parish Council** – No response received.
18. **English Heritage** – *English Heritage is disappointed that a Conservation Management Plan has not yet been prepared for the site. In the continued absence of this vital document and continued presence of the unauthorised marquee base it is challenging to offer advice which is pragmatic with regard to the immediate operational needs of this important public amenity, and yet is proportionate to the importance of the assets concerned and the impact of the location upon their [heritage] significance.*

19. *Temporary planning consent should only be considered on the basis that it allows a period in which the impact of works can be assessed. This is not reasonable in this case as the installation has been in place for three years and the impacts are evident. Immediate enforcement would however appear to place unreasonable operational pressure on this public facility and likewise the immediate development of an alternative location without the benefit of a proper conservation management plan would appear to present a significant risk of un-assessed negative impacts and unmanaged costs.*
20. *Exceptionally, pragmatic recommendations are based upon the balance of immediate and longer term public interest:*
 - a) *consent for retention in the current location should be refused planning permission given the evident and avoidable setting impact upon the significance of the nationally important designated heritage assets (in line with the National Planning Policy Framework (NPPF)).*
 - b) *a stay of enforcement may be made for a period of 12 months such that those parts of the Conservation Management Plan required to inform a sound and structured decision on marquee provision can be brought forward, and planned events are not compromised.*
21. **NCC Built Heritage Team** - *The Design and Access Statement clearly sets out the existing value of the marquee to the functionality of the country park in terms of visitor facilities, and its contribution over many years. It also sets out alternative options and explains why these are less favourable or feasible. It is clear that the negative impact of not having a covered area for the busier part of the year would be very considerable in terms of public benefit. It is also clear that there is demonstrable need for a more suitable permanent solution.*
22. *The marquee and base cause harm to the setting of the abbey and the development needs to be considered against National Planning Policy Framework (NPPF) Paragraph 132. The base is permanent and is not mitigated as a temporary feature would be. The permanence of the base and its imposition as a very alien feature within the setting of the historic parkland should if possible be mitigated in other ways. The following issues should be dealt with through a conditional approval:*
 - a) *the marquee to the front of the abbey should be limited to a maximum 10m x 20m footprint at all times;*
 - b) *at least half the base is removed and reverted to grass (subject to archaeological considerations);*
 - c) *a more suitable and permanent solution should be investigated that includes the enhancement of the area of the park between the car park to the stable block, including the staff parking and bin store areas;*
 - d) *time-limited permission should be granted for two years during which time a more suitable permanent solution should be fully examined.*
23. **NCC Archaeology Team** – *A conservation management plan is currently being drafted for Rufford and its grounds, which will assist greatly in all*

aspects of decision making and will help to protect the site's very considerable heritage value. Once the plan has been adopted it will help identify appropriate locations for new facilities, potentially including alternative sites for the marquee. Some alternative locations for the marquee have been considered, but it is pleasing that these have not been pursued.

24. *The existing anchor points and sand-base for the marquee were installed without archaeological input or mitigation, and there is no information on which to judge whether or not buried archaeological remains were affected by their installation, which is regrettable. From an archaeological viewpoint it would be preferable for the existing fixings to be re-used, rather than the facility being moved to an alternative location, which might result in additional damage to buried archaeology.*
25. *It may well be feasible to identify a more appropriate location for the marquee in the future, and in the light of the Conservation Management Plan, in which case appropriate archaeological mitigation can be determined at that time. In the interim, the re-use of the existing facility is preferable. It is recommended, however, that if this application for retrospective planning permission is granted it should be conditional upon appropriate archaeological works being undertaken as and when the area is being restored, and the impacts of the permanent fixings being remediated.*
26. **NCC Highways Development Control** – No objection after consideration of issues of highway access, capacity and safety, parking, servicing and sustainability
27. **NCC Countryside Access Team** – No public rights of way are affected.
28. **The Garden History Society** - No response received.

Publicity

29. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
30. Councillor John Peck has been notified of the application.
31. No representations have been received.

Observations

32. 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, and World Heritage Sites, should be wholly exceptional.

33. 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 or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
34. Newark and Sherwood Core Strategy Development Plan Document – March 2011 (N&SCS) Core Policy 14 *Historic Environment* seeks to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, listed buildings and buildings of local historic importance.
35. Newark and Sherwood Allocations and Development Management Development Plan Document - July 2013 (N&SDM) Policy DM9 *Protecting and Enhancing the Historic Environment* requires applications to demonstrate that a proposal is compatible with the fabric and setting of a listed building. Impact on the special architectural or historical interest of the building will need to be justified.
36. Heritage consultees and Newark and Sherwood District Council acknowledge the public benefit that the provision of a facility brings to Rufford Country Park. Different options for the siting of a marquee have been explored in consultation with English Heritage, the only option which could be more acceptable being in a location more remote from Rufford Abbey, thus losing its significance.
37. Although providing a robust surface, the sand-based carpet is an alien feature in the context of the setting of Rufford Abbey and adjacent listed buildings. As such the sand-based carpet is considered to cause substantial harm to significance of the highest calibre of designated heritage assets and it would be inappropriate for planning permission to be granted for its permanent retention. However, it is considered that suitable justification, including consideration of the public benefit offered by the facility, has been provided, as required by N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* to enable permission to be granted for the short-term retention of the sand-based carpet, providing a suitable surface on which to erect the marquee for public events.
38. The applicant has drawn attention to the planned programme of events for 2014 including those planned to commemorate the outbreak of World War 1. A significant period is required to plan the events, not least the availability of a suitable venue. Although NCC Built Heritage Team has recommended that only a 20m x 10m marquee should be permitted, it is considered that the harm caused by the marquee would not be significantly reduced by the erection of only half of the structure. Whilst it would not be appropriate to grant a permanent planning permission for the sand-based carpet, in advance of a

more suitable proposal coming forward and the completion of the Conservation Management Plan, it is recommended that planning permission is granted for the retention of the sand-based carpet, surrounding concrete enclosure and anchor points for a time limited period expiring on 31 December 2014. There is potential to encounter archaeology when removing the sand-based carpet and associated fixing points, which should be undertaken in accordance with an approved methodology in consultation with NCC Archaeology Team, prior to being restored to grass, or such other surface as may first be approved by a separate grant of planning permission (Condition 1).

39. NCC is actively progressing a Conservation Management Plan for the Country Park, which will include, in consultation with Heritage partners, the opportunity for more appropriate visitor/event facilities. It is anticipated that the Plan will be completed by December 2014, and allow alternative options to be explored prior to the recommended time-limited planning permission having expired.
40. Although cost is not a determining factor in the acceptability of development, the erection and striking of the marquee is at a public cost of £2000 on each occasion. The planned programme of events for 2014 extends beyond the 28 days on which the marquee could otherwise be erected on the site as permitted development. Having regard to the exceptional planned programme of events, the public benefit offered by the facility, and the anticipated completion of the Conservation Management Plan by December 2014 allowing time for preferable permanent alternatives to be explored, it is recommended that planning permission should be granted for the erection of the marquee for the period April-November 2014 inclusive.

Other Options Considered

41. The report relates to the determination of a planning application. Although alternative proposals that fulfil the service need have been investigated, the County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

42. 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

43. The proposal would facilitate the hosting of public events encouraging visitors to engage with the cultural heritage of Nottinghamshire.

Financial Implications

44. The proposal would reduce the need for the frequent erection and striking of the marquee.

Equalities Implications

45. None.

Crime and Disorder Implications

46. None.

Human Rights Implications

47. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Safeguarding of Children Implications

48. None.

Implications for Sustainability and the Environment

49. None.

Statement of Positive and Proactive Engagement

50. In determining this application the County Planning Authority has worked positively and proactively with the applicant by 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

51. 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.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 20.11.13]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report. [SEM 25.11.13]

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

Rufford

Councillor John Peck

Report Author/Case Officer

David Marsh

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For any enquiries about this report, please contact the report author.

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25 November 2013

RECOMMENDED PLANNING CONDITIONS

1. Planning permission is granted for the retention of the sand-based carpet, concrete surround, and fixing points until 31 December 2014. Within one month of the expiry of this permission, the sand-based carpet, concrete surround, and fixing points shall be removed in accordance with a methodology that shall be submitted to the County Planning Authority (CPA) by no later than 31 October 2014, and approved in writing by the CPA. The site shall be restored in accordance with the approved details by no later than 31 January 2015, or such other timescale as may first be agreed in writing by the CPA.

Reason: For the avoidance of doubt as to the development permitted and to secure site restoration in order to remove substantial harm to heritage significance.

2. Planning permission is granted for the erection of the marquee, subject of this application, between 1 April – 30 November 2014.

Reason: For the avoidance of doubt as to the development permitted. Time-limited planning permission is granted with regard to the justification provided for the development and the public benefit offered in advance of the Rufford Country Park Conservation Management Plan being completed.

Informative

1. Care will need to be taken when restoring the site, particularly when removing the fixing points. With reference to Condition 1, the methodology for the restoration of the site shall be developed in consultation with NCC Archaeology Team and shall make provision for archaeological supervision during site works.