



20th November 2012

Agenda Item:

REPORT OF GROUP MANAGER PLANNING

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/12/01274/CMA

PROPOSAL: ALTERATIONS TO RUFFORD ORANGERY YARD TO COVER PLUNGE POOL, PROVIDE FIXINGS AND ASSOCIATED BASES FOR A PARTIAL TEMPORARY COVER. CHANGE (ADDITIONAL) USE AS WEDDING VENUE. REMOVAL OF MARQUEE BASES NEAR CAR PARK. TEMPORARY MARQUEE FIXINGS AND ASSOCIATED BASES INCLUDING MOVING A PATH NEAR THE SAVILE RESTAURANT

LOCATION: RUFFORD ORANGERY, RUFFORD COUNTRY PARK, OLLERTON

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for alterations to the Rufford Orangery and the erection of a temporary marquee as part of a change of use to allow the holding of wedding receptions. The Rufford Orangery is a listed building and is set within a Registered Park and Garden, adjacent to a scheduled ancient monument. Accordingly the development raises key issues relating to its impact on these important heritage assets. The development site is also located within close proximity to residential properties and therefore the protection of residential amenity is a key consideration. The recommendation is to grant planning permission, subject to planning conditions.

The Site and Surroundings

2. Rufford Abbey Country Park sits within 150 acres of historic parkland, woodland and gardens and is managed by Nottinghamshire County Council. The country park is situated two miles south of Ollerton, 17 miles north of Nottingham on the A614 Nottingham to Doncaster road. The park includes the remains of a medieval monastery and 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 twelfth-century Cistercian abbey and the country house built in its stead – but 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 bathing area no longer contains water but the plunge pool area is open at two points with metal railings to protect the public from falling into the (dry) pool.. The glass roof of the Orangery was not reinstated and the structure presently comprises a walled courtyard area measuring some 26m by 10m surrounded by brick walls approximately 3.6m in height. 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 a seasonal temporary marquee structure, erected during the summer months as a visitor attraction/educational facility. (see plan 1)
6. 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. These residential properties are identified on Plan 2.
7. The Rufford Mill buildings are situated to the north of Rufford Lake adjacent to the secondary car park for the country park accessed off Rufford Lane. These buildings incorporate a gift shop, conference area (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 very popular as a civic reception facility.

Proposed Development

8. The proposed development seeks to retain the present visitor attraction of The Orangery and allow its use for holding wedding services as part of a wedding venue which would also utilise the existing Savile Restaurant and a re-sited marquee.
9. To make the Orangery suitable for holding wedding services it is proposed to remove the existing modern metal railings which surround the plunge pool opening and introduce a floor of non-slip triple glazed glass. The glass would be held in place by a steel support frame to be anchored through the sandstone

blocks around the pool edge (this area of stone was rebuilt in 1995 and is of low heritage significance). The sunken plunge pool area would be cleaned, repaired, vented and illuminated using LED lighting. The existing display plinth in the Apsidal Gallery would be removed. Six metal ground fixings would be discretely installed within the existing paved area in the Orangery to provide an anchoring point for posts to support a temporary gazebo roof structure which would be erected prior to a wedding to provide shelter for guests and removed afterwards.

10. Wedding activities within the Orangery would be limited to hosting the civil ceremony only. The front section of the Orangery comprises a glazed room with glass doors, this section would accommodate the registrar, bride, groom and approximately 24 guests on three rows of seats. Other guests would be seated in the open section of the Orangery beneath the temporary gazebo.
11. The wedding breakfast and reception facilities would be held within the Savile Restaurant and a marquee. The existing marquee structure which is sited on land to the west (front) of the Jacobean building would be permanently taken down and the land reinstated to natural grass. This existing marquee, which utilises two structures tied together, would be re-erected utilising one of the two sections on a grassed area immediately adjacent to the frontage of the Savile Restaurant. Since the proposed marquee would only utilise half of the existing marquee structure it would have half the floor area, measuring 20m x 10m. During the course of processing the planning application the location of the proposed marquee has been moved by 2m to allow greater space between the marquee and the Jacobean building. The location of the marquee has been informed by the results of a geophysical survey of the area to ensure that archaeological areas of interest are not disturbed by the ground fixings. The marquee would remain erected for the summer period (approximately six months) and would be used for wedding dining, speeches and the like, but would not be used for loud music or dancing. The marquee would be used by community groups when not in use for weddings, similar to the existing marquee.
12. The Savile Restaurant would be used for the evening celebrations including amplified music and dancing.
13. In the supporting heritage impact assessment the applicant states that the expansion of revenue from wedding functions would help off-set an anticipated reduction in the net operating budget for the country park, thus ensuring that the existing country park service provision at Rufford is not reduced. The applicant states that the existing wedding facility within Rufford Mill is very popular with 88 weddings hosted during 2012 and consequently the preferred Saturday dates sell out very quickly leaving considerable demand for another wedding venue at Rufford.
14. Various options for providing wedding facilities have been considered including:
 - a. Keeping the existing marquee. This has been rejected due to its location at the front of the buildings resulting in adverse impacts to the setting of

the historic asset, and operationally it is too far away from the kitchen to enable food to be served satisfactorily.

- b. Putting a permanent roof over the first floor medieval dormitory has been dismissed due to excessive costs, design complexities, impact to the character of the Schedule Ancient Monument and distance to the kitchen from the venue.
- c. Re-instating a permanent glazed roof over the Orangery to allow it to be used for wedding dining has also been rejected due to the distance of this building from the kitchen.

The preferred option which seeks to install a temporary gazebo over the Orangery to allow it to be used for hosting wedding ceremonies, the use of a marquee for wedding breakfasts and the use of the Savile Restaurant for evening functions has been identified as the preferred option because it offers customers separate spaces for different parts of the celebration and allows general visitors to continue to enjoy Rufford Abbey with minimal inconvenience.

- 15. The planning application is supported by a noise assessment report which provides calculations of the predicted level of noise from wedding receptions at the nearby residential properties. The contents and conclusions of the noise report are assessed within the planning observations section of this report.

Consultations

- 16. Newark & Sherwood District Council: *As a general principle the Borough Council has concerns about the erection of the marquee in the Orangery and share English Heritage's concerns about how it impacts on the sense of space and interpretation of the building. However, considering that the marquee in the Orangery is temporary, would be taken down after events and the fixings for it are not into the historic fabric, the impact would be less than substantial on the special interest of the building. The District accept that the marquee within the Orangery brings benefits in terms of making greater use of this building and the obvious revenue benefits from weddings, which would help maintain and secure the longer term viability of the structure. Under the guidance of National Planning Policy Framework, the less than substantial harm to the significance of the building would be outweighed by the benefits given in terms of maximising the use of the building and helping secure its future. The concerns are also partially mitigated by the fact the marquee within the Orangery is temporary and only to be erected for functions, so there will still be opportunities to see and interpret the building as it is now. The proposed glazing over the plunge pool would have an overall beneficial impact. The supporting frame is as discrete as possible and subject to regular cleaning and maintenance of the glass, the visibility through to the plunge pool would still be good. The scheme also has a real benefit in removing the railings around the plunge pool which currently 'clutter' this area and distract from the pool and the building itself.*
- 17. *With regards to the proposed new marquee by the Savile restaurant, there are no objections to the removal of the existing marquee. The removal of this structure would greatly improve the setting of the front elevation of the building.*

Relocating it will obviously have impacts on the rear elevation and it is fair to say it will detract from the setting of the building here. However, it is not directly against the historic structure here and is set to one side, near the more modern Savile restaurant. Again, the structure is temporary and there will be months of the year when the whole site will be marquee free, allowing a better appreciation of the site. Considering the benefits that the increased revenues will have on the viability and maintenance of the site as a whole it is concluded that the benefits of this marquee outweigh the harm to the setting of the listed building and therefore do not object to this element. It is also noted that the archaeology has been considered satisfactorily as part of the choice of site. Furthermore no objections are raised to the proposed diversion of the pathway to allow the marquee to be sited.

18. *The District Council state that they are currently dealing with an application for Listed Building Consent and will impose appropriate controls under this application to secure the protection of the historic asset.*
19. Rufford Parish Council: *Object to the development on the following grounds:*
 - a. *The use of the Orangery for wedding ceremonies would cause unacceptable levels of noise and nuisance to adjoining residential properties. The Parish Council challenge the conclusions of the noise assessment report which makes comparisons with similar wedding ceremonies held in the Talbot Suite since the Talbot Suite is a brick building and the Orangery is an open air structure. Also the results of the monitoring show that noise levels frequently come very close to the 50dB limit set by the licensing agreement; this suggests there is a strong likelihood that levels will be exceeded in the future.*
 - b. *The proposal to erect a gazebo within the grounds of the Orangery is totally inappropriate for a listed historic building.*
 - c. *The moving of the present marquee to a location closer to Rufford Abbey will cause an intrusive block against the historic buildings.*
 - d. *The proposal is in direct conflict with the existing use of Rufford Country Park as a place for the enjoyment of the general public. Weddings already take place elsewhere in the Country Park and should be sufficient for the need.*
 - e. *The proposals will put added pressure on the capacity of the Country Park to cope with increased traffic volumes.*
20. English Heritage: *Raise no objection in principle to the development subject to expert in-house conservation advice being taken regarding the detailing of the works to the plunge pool and gallery. The temporary gazebo within the Orangery and marquee to the front of the Jacobean country house would have negative impacts to these buildings and therefore English Heritage recommend that the planning authority should satisfy itself that a clear and convincing justification has been submitted and that the degree of harm is necessary to deliver public benefits.*

21. 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 Archaeologist to monitor the groundworks.*
22. NCC (Built Heritage): *Is satisfied that the proposed location for the marquee utilising a smaller footprint than the present marquee, would not increase the harmful impact of this type of temporary structure on the setting of the designated heritage assets of the park. They are also satisfied with the confirmation that income from the weddings will contribute to the conservation of the park and its heritage. The introduction of a temporary gazebo into the Orangery will have no permanent negative impact on the setting or character of the listed building. A planning condition is suggested to control the surfacing of the footprint of the proposed marquee.*
23. NCC (Landscape): *It is recommended that the proposed marquee is moved approximately 1-2m further away from the Jacobean building to ease the spatial effect upon the access path between this building and the marquee. It is also recommended that the covering of the plunge pool should be designed to ensure that it is non-slip.*
24. NCC (Highways): *There are no highway objections to this planning application as the proposal does not affect the public highway.*
25. NCC (Noise Engineer): *Has undertaken a review of the noise assessment. The methodology of the noise assessment takes a background noise measurement carried out in the garden of The Garden House which identified an average La90 noise level of 42dB. Noise levels were recorded during a civil wedding ceremony with 43 guests in attendance held in The Talbot Suite within Rufford Mill and used as the baseline to assess future noise impacts from the use of The Orangery. Measured noise levels were typically 55-60dB during the period before the ceremony when guests were arriving and waiting prior to the ceremony. During the ceremony, noise levels varied from 45-55dB when the registrar was officiating to brief periods of levels of 70-88dB when the entrance music was playing and during short bursts of applause lasting a few seconds. It is stated in the report that the higher noise levels measured during the music and dancing at the end of the ceremony have been ignored as music played at this level will not be permitted in The Orangery.*
26. *From the noise data obtained a typical source noise level of 70dBL_{aeq},15mins for the wedding ceremony held in The Talbot Suite has been derived. A comparison of the dimensions of the two venues has been made along with differences in room characteristics. The Talbot Suite being completely enclosed whereas The Orangery has no roof. These differences have been determined to result in a 3dB reduction in the source noise level from 70dB to 67dB. This value of 67dB has been used in the noise assessment for predicting future levels of wedding ceremony noise in the garden of The Garden House.*
27. *The predicted future level of wedding ceremony noise in the vicinity of the breakfast patio area of The Garden House has therefore been calculated as being 45dBL_{aeq},15mins, with noise levels being lower in the remainder of the*

garden area. Adopting Nottinghamshire County Council's (NCC) allowable noise limit of 5dB(A) above background noise level the noise limit is 47dBLaeq, 15mins, and therefore the predicted noise is within this threshold. This predicted noise level also satisfies the licence noise level of 50dBLaeq, 15mins, and is below the World Health Organisation's (WHO) outdoor noise threshold limit of 50dBLaeq which is set to protect the majority of people from being moderately annoyed during the daytime and some 10dB below the WHO's outdoor noise threshold of 55dBLaeq to protect the majority of people from being seriously annoyed during the daytime. These WHO noise thresholds are for a time period of several hours whereas the single wedding ceremony to take place in The Orangery would be unlikely to exceed 1hour.

28. *Notwithstanding the above, some parts of the wedding ceremony would be audible from the garden of The Garden House, but not at a level that adversely affects its existing level of amenity. A doubling of the number of guests to approximately 90 would increase the predicted noise level by 3dB(A).*
29. *To conclude the submitted noise impact assessment report demonstrates that noise levels from the single wedding ceremony to be held in the Orangery would not result in an adverse impact in the garden of The Garden House. The noise report also considers impacts from other noise sources eg guests leaving the Savile Restaurant and car park after midnight and measures to control these to acceptable levels should be incorporated as conditions in any grant of planning permission.*
30. Severn Trent Water Limited: *Raise no objections.*
31. Western Power Distribution & National Grid (Gas): *No representations received.*

Publicity

32. The application has been advertised as affecting a listed building by the display of two site notices and the publication of a press notice within the Newark Advertiser. Neighbour notification letters have been sent to the occupiers of eight residential properties on May Lodge Drive in accordance with the County Council's adopted Statement of Community Involvement. Three letters of representation have been received from residents of May Lodge Drive which raise objections to the development on the following grounds:
 - a. Nuisance and noise: The noise assessment uses a model which incorporates various assumptions and therefore is not as accurate as measuring the real thing. The over-arching guidance for the noise disturbance issues is that '*music levels from the Marquee and Orangery should not exceed 50dBLAeq over any 15 minute period measured at the boundary of the nearest residential premises*', yet it is clear from the noise report that the noise level from the wedding peaked three times at levels greater than 80dB. Sudden bursts of noise such as clapping and cheering could prove to be very annoying, in-fact the noise report acknowledges that wedding ceremonies within the Orangery would probably be audible within

the gardens of the nearest dwellings, such noise is likely to cause most annoyance. The Talbot suite is an enclosed building with closed doors, there are no doors to close within the Orangery. The Orangery building has potential to reverberate noise which does not appear to be considered within the report

- b. Increased traffic and parking: The facility would cater for up to 120 extra wedding guests and cause additional strain on traffic and parking. The existing facilities are struggling to accommodate daytime visitors and congestion occurs outside the park with new traffic lights proposed to be installed. Noise will occur from guests leaving late at night (up to 00:30hrs) in cars, mini-buses and coaches and after drinking alcohol.
- c. Diminution of historic interest: The erection of a gazebo in the centre of the Orangery would be totally out of keeping, a fact recognised by English Heritage. A restored glass roof would be more appropriate and assist with controlling noise.
- d. Reduction of enjoyment of facility by the public: The development would exclude public from entering the Orangery up to seven days a week throughout the summer and exclude visiting public from the Savile Restaurant. The Apsidal Gallery which is used to display artwork would also be lost. These activities would substantially alter the character of the historic site and the ability of the public to enjoy the existing facilities at the expense of private functions.
- e. Possible increase in crime and safety issues: Increasing the number of people and access to alcohol up to 00:30hrs will inevitably increase the risk of crime with particular concerns regarding broken glass and fire safety (a fire safety assessment has not been prepared).
- f. Possible alternative sites: Alternative facilities exist for weddings including the first floor of the former estate house. This option has not been chosen because of the cost of providing a new roof. The applicants do not appear to have considered the option of providing the facility under a gazebo as is the case within the Orangery.

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

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

Observations

35. The Newark and Sherwood Core Strategy (N&SCS) Core Policy 7: Tourism Development is supportive of new tourism and visitor based development at existing heritage based tourist attractions subject to the development being acceptable in terms of:
- Scale;
 - Design;
 - Impact upon local character;

- The built and natural environment, including heritage assets;
- Amenity;
- Transport;
- and specifically subject to compliance with criteria 5 and 9 of 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.

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 within the following section, impacts to local amenity and transport are considered within subsequent sections of the report.

Assessment of impact to the heritage asset at Rufford.

36. N&SCS 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.
37. To assist with considering the impact to the heritage asset the planning application is supported by a heritage impact assessment. This report identifies that the development would impact upon the heritage asset of Rufford.
38. With regard to the relocation of the marquee adjacent to the Savile Restaurant, it is considered that this marquee would harmfully affect the setting of this listed building primarily due to its close proximity to the building. However, this harm needs to be balanced against the fact that the marquee would replace an existing structure which is double the size of the replacement marquee and sited in a more prominent location at the frontage of the Rufford buildings. Furthermore the marquee is moveable and readily demountable and impacts would therefore be temporary, seasonal and reversible. The marquee has been sited so as to ensure that significant archaeological remains are not affected. It is concluded that the siting of the marquee would result in harm to the heritage asset, but the level of this harm would be less than substantial.
39. With regard to the works within the Orangery, these comprise the removal of the existing display plinth in the Apsidal Gallery, the erection of a temporary gazebo including six permanent fixings in the ground and the covering of the plunge pool. The loss of the display plinth would not affect the historical value of the Orangery but would have a minor impact to the art based visitor attraction at Rufford. The temporary gazebo is not in keeping with the historical character of

the Orangery, however the adverse impact is largely mitigated by the short duration the gazebo would be erected throughout the year with it being erected and taken down over a 24 hour period. The six permanent fixings in the ground would have a neutral impact. The glazed cover to the plunge pool would provide for the removal of the existing metal railings and thereby enhance the heritage asset of the Orangery by removing a modern feature. It is concluded that the works within the Orangery would have a minor negative impact to the heritage asset.

40. Chapter 12 of the National Planning Policy Framework (NPPF) provides government guidance relating to conserving and enhancing the historic environment. The government identify that planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environments including the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 134 states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.'

41. The heritage impact assessment report acknowledges the harmful impacts but identifies that the development would provide public benefits in terms of assisting with the maintenance of Rufford Country Park and its heritage asset. The applicant advises that Nottinghamshire County Council is, like every local authority, facing a reduction in resources. For 2012/13, the Country Parks and Green Estates service will have its net budget reduced by a further 20%. However, as Country Parks has a successful commercial section (catering and retailing), and the net budget includes self-generated income, the effect on service provision of these cuts will be less severe than would be the case if all of the budget were expenditure.
42. Nottinghamshire County Council's medium term financial strategy has been developed to include a budgeted surplus of £55,000 per annum from 2013/14. It is hoped that this will arise from the proposed wedding venue development. Without the budget surplus being met, the Country Park service would face the equivalent sized cut in its budget. The wedding venue development is believed to be commercially lucrative enough to meet the budget requirement and should ensure that the present Country Parks service provision will not be reduced.
43. English Heritage has not raised an objection to the development subject to the determining body (NCC) satisfying itself that a clear and convincing justification has been submitted to demonstrate the degree of harm is necessary to deliver substantial public benefits. Specialist advice has been sought from the NCC's Conservation Officer as well as Conservation staff at Newark and Sherwood District Council who acknowledge that the development would provide additional revenue for managing the heritage asset which outweigh any harm to the

heritage asset and therefore satisfies the test set out within NPPF Paragraph 134.

44. To ensure that that heritage asset is preserved in accordance with the requirements of Newark and Sherwood Core Strategy Policy 14: Historic Environment it is recommended that a condition survey of the marquee and gazebo is undertaken every three years, including a requirement for any necessary repair, maintenance or replacement works to ensure that these non-permanent structures remain in a visually acceptable condition throughout their operational life. Furthermore it is recommended that the marquee is not sited for more than six months each calendar year and the gazebo within the Orangery is not erected for more than 48 hours for each wedding occasion. Further details are also recommended to be submitted under a planning condition regarding the surfacing arrangements for the base of the marquee.

Assessment of impact to local amenity

45. Newark and Sherwood District Council has recently granted a premises licence for the Savile Restaurant and The Orangery for its use as a wedding venue. The conditions of this licence impose controls to minimise potential disturbance to surrounding property. These controls include:
- Limiting the use of The Orangery to one civil ceremony per day;
 - The ceremonies within The Orangery are permitted between 10:30 and 19:00hours on any day;
 - Only background music is permitted within the Orangery and such music shall not exceed a maximum level of 50dBL_{aeq},15mins when measured at the boundary of the nearest residential premises;
 - The use of the marquee adjacent to the Savile Restaurant for licensable activities is restricted to between the 1st April and 30th September between the hours of 10:30 and 00:00hours, with only background music permitted in the marquee.
 - Music for dancing (whether it be a disco or live band) associated with wedding celebrations is only permitted within The Savile Restaurant. This has been the situation for several years without complaint to Newark and Sherwood District Council.
46. To enable a detailed assessment of the noise emissions from the development a noise assessment report has been prepared in support of the planning application. The report considers the significance of noise generated from the holding of wedding ceremonies within the Orangery and the formal wedding breakfasts held within the marquee. The report does not incorporate a detailed assessment of noise associated with the use of the Savile Restaurant for evening receptions/dancing since these activities are already permitted within this building. However, the report makes a number of suggestions to manage potential disturbances associated with these activities.
47. The noise assessment report incorporates background noise monitoring undertaken on a summer Saturday afternoon measured from the garden of the

nearest residential property (The Garden House). This monitoring identified a background noise level of 42dB within this property's garden. Measurements were taken in the Talbot Suite at Rufford Mill to record the noise level from a wedding service similar in character to that proposed in the Orangery. The results of this monitoring identified that noise levels were typically 55-60dB during the period when guests were gathering before the ceremony and 45-55dB when the registrar was officiating (although brief periods were recorded of levels of 70-88dB when the entrance music was playing and during short bursts of applause), equating to a LAeq,15mins of 70dB. After taking account of the different building designs the noise consultant assumes that 67dB LAeq,15mins represents a more accurate worst case consideration for the Orangery. Calculations identify a predicted noise level at the nearest residential property (The Garden House) of 45dB LAeq,15mins, after allowing for noise attenuation provided by the brick boundary wall of the Orangery. This level of noise is within the accepted NCC noise criterion of 5dB above background noise levels, would meet the licensing condition as worded (50dB) and is below the World Health Organisation (WHO) outdoor noise threshold of 50dBLaeq, a level which protects the majority of people from being seriously annoyed from daytime noise.

48. Notwithstanding the detailed conclusions of the noise report, parts of the wedding service would be audible from nearby residential properties. Residents would be likely to hear some jovial noise including music, applause and conversation within the gardens of the nearby houses, the character of this type of noise however is not considered to be overly offensive. Any noise is likely to be for comparatively short periods during the daytime period and for a limited number of days in each year and therefore is not sustained in terms of its duration. A planning condition is suggested to require the Orangery to be locked shut after 7:30pm on wedding days so as to ensure wedding guests are discouraged from gathering within the Orangery area during the evening period. Overall it is concluded that noise emissions from the wedding ceremonies can be controlled to an acceptable level thus ensuring that disturbances to local residents are minimised.
49. The marquee adjacent to the Savile Restaurant would be used by guests after the ceremony for the wedding breakfast. Any music would be limited to a background level. The marquee would be located some 50metres from the nearest house and would be screened by the walls of the Orangery. These two features would provide a substantial amount of acoustic screening and ensure that noise levels from the use of the marquee would not generate significant nuisance to nearby residential properties.
50. The Savile Restaurant is located within the main complex of buildings at Rufford and is not directly adjacent to residential property. The building is of a solid brick and stone construction and therefore has sound insulation properties making it suitable for the noisier aspects of weddings including the playing of amplified music associated with evening receptions/discos. It is noted that the building has historically been used for evening entertainment activities without cause for complaint.
51. Wedding activities within the Savile Restaurant would continue to around midnight meaning that guests would disperse from the venue up to around

00:30hours at night-time. The noise assessment report acknowledges that the dispersion of potentially high spirited guests at this time of night could generate some noise, and therefore incorporates a series of recommendations to manage this noise including:

- directing guests to leave the evening reception via a designated pathway through the courtyard to the car park thus ensuring they are directed away from the rear gardens of dwellings on May Lodge Drive;
- the erection of signage to remind guests to keep noise levels to a minimum when leaving the site; and
- the management of car parking so as to designate an area at the north of the existing car park for wedding guests, furthest away from residential properties with the objective of reducing noise from car doors, engines etc.

Planning conditions can be imposed requiring the above measures to be put in place to control noise from wedding guest dispersal in the evening. Subject to satisfactory management by the operator it is concluded that excessive noise from guest dispersal can be controlled through such a planning condition.

52. Concerns have been raised by Rufford Parish Council and a local resident regarding the methodologies used within the noise report.
53. The Parish Council challenges the conclusions of the noise assessment report, in particular the appropriateness of using data from similar wedding ceremonies held in the Talbot Suite since this is a brick building and the Orangery is an open air structure. The noise report, however, recognises these significant differences in the internal acoustic characteristics of The Talbot Suite and The Orangery which has resulted in modifications being made to the noise model using accepted acoustic theory to ensure that the conclusions are reliable.
54. The local resident raises a number of technical concerns regarding assumptions built in to the model which potentially affect the magnitude of predicted impacts. These detailed technical concerns have been provided to NCC's Noise Engineer who is satisfied that the acoustic modelling uses accepted techniques for evaluating future noise impacts from a wide variety of noise sources and is therefore satisfied with the reliability of the results. The noise measurements of the wedding ceremony are representative of a typical wedding which attracts up to 50 guests. The licence does allow for a maximum of 120 guests, this additional number of guests would increase the noise level in the garden of The Garden House by approximately 3dB. This would still result in noise levels below the 50dB_Laeq,15mins specified in the premises licence. It is understood that guests do not receive drinks before or during the ceremony so concerns expressed regarding guests being inebriated and excessively loud in The Orangery should not happen.
55. Overall, it is concluded that the noise from a single wedding ceremony to be held in the Orangery, the use of the marquee for the subsequent wedding breakfast and the Savile Restaurant for the evening reception including disco/dancing would not result in significant increased noise that would cause unacceptable

disturbance to surrounding residential properties, subject to the imposition of planning conditions to control the following matters:

- a. Only one wedding ceremony shall be allowed to take place each day from the Orangery.
- b. The Orangery will only be allowed to be used for the single wedding ceremony between 10:30 and 19:00 hours Monday to Friday.
- c. Noise from all activities associated with a wedding ceremony being held in The Orangery shall not exceed 50dB_Laeq,15mins when measured in the garden of the property The Garden House.
- d. Only live or recorded music that is incidental to wedding ceremonies be allowed in The Orangery with no dancing.
- e. The marquee shall only operate for licensable activities between 1st April and 30th September.
- f. Guests leaving The Savile Restaurant to be directed to the car park area via a footpath route which avoids passing close to the rear boundary gardens of residential properties on May Lodge Drive.
- g. Signage reminding guests to keep noise levels to a minimum when leaving the site.
- h. Guests attending weddings shall be encouraged to use the northern part of the existing car parking areas.

Assessment of access and transport

56. Rufford Country Park is served by an extensive car parking area with overflow car parks already on site. The development would add to the number of visitors within Rufford Country Park however the existing car parking facilities are sufficiently sized to accommodate this additional usage. Off-site highway impacts are therefore not anticipated as a result of the development and no objections are raised by the Highways Authority .

Other Considerations

57. Concerns have been raised by local residents that the use of the Orangery for wedding ceremonies, the erection of the marquee and use of the Savile Restaurant would detract from the visitor attraction at Rufford Country Park, excluding the public from entering these areas during wedding ceremonies. Whilst it is acknowledged that these facilities would not be accessible to the public at times when weddings are being held, Rufford Country Park provides a varied visitor attraction with multiple areas of interest. The loss of public access to these facilities for comparatively short periods of time would not significantly affect the overall visitor attraction of the country park and this loss needs to be balanced against the benefits of additional revenue derived from the development which would assist with enhancing the management of the country park.

Other Options Considered

58. The planning application considers a number of options to provide a wedding facility at Rufford. The options considered are set out within paragraph 14 of the report including the reasoning for selecting this preferred option. The County Planning Authority is under a duty to consider the planning application as submitted.

Human Rights Act Implications

59. 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 may be affected. The proposals have the potential to introduce a limited increase to the existing background noise environment at nearby residential properties on May Lodge Drive. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of assisting with the management of the heritage asset and public open space at Rufford Country Park. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

60. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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

Crime and Disorder Implications

61. The development would be undertaken within the boundaries of an existing country park generating additional visitors to the facility. Visitors to the facility 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.

Conclusions & Statement of Reasons for Decision

62. The development is supported by Newark and Sherwood Core Strategy (N&SCS) Core Policy 7: Tourism Development insofar that it provides a visitor based facility which supports the management of an important heritage asset. The assessment of the planning application has demonstrated that the development would not result in any significant harmful impacts in terms of its scale and design and would not have adverse impacts to local transport.
63. Whilst it is acknowledged that aspects of the development would have some negative impacts to the heritage asset at Rufford, particular due to the proximity of the marquee and gazebo to listed buildings, these impacts have been

assessed against N&SCS Core Policy 14 relating to the protection of the Historic Environment and in particular Paragraph 134 of the National Planning Policy Framework which acknowledges that any harm to a designated heritage asset can be weighed against the wider public benefits derived by a development. In this respect the development would provide a revenue stream which would be used to support the management of the historic asset at Rufford which, on balance, ensures the heritage asset at Rufford is satisfactorily protected.

64. The noise assessment has demonstrated that appropriate controls can be imposed to ensure that the wedding facility does not generate significant levels of noise thus ensuring that the amenity of surrounding residential properties is suitably safeguarded.
65. It is therefore concluded that the development represents an appropriate form of tourism/recreation development which complies with the criteria of N&SCS Core Policy 7 and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATIONS

66. 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.

SALLY GILL

Group Manager

Constitutional Comments

Committee have power to decide the Recommendation.

[SHB.05.11.12]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications.

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 Electoral Division: Councillor John Peck.

Report Author / Case Officer

Mike Hankin

0115 9696511

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

W001041.doc – DLGS REFERENCE

PSP.JS/PAB/EP5352 – COMMITTEE REPORT FOLDER REFERENCE

2 November 2012 – Date Report Completed by WP Operators

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County Planning Authority (CPA) shall be notified in writing of the date when wedding services commence at least 7 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 Drawings

3. 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. Design and Access Statement (V2-9/10/12) received by the CPA on 15th October 2012.

- b. Noise Assessment Report received by the CPA on 6th September 2012.

- c. Revised Heritage Assessment received by the CPA on 15th October 2012.
- d. Drawing No. SK1 Rev. a: Location Plan received by the CPA on 15th October 2012.
- e. Drawing No. SK2 Rev. a: Plan of Marquee near Savile Restaurant received by the CPA on 15th October 2012.
- f. Drawing No. SK3 Rev. b: Plan and Sections of Plunge Pool Void to be Covered, received by the CPA on 15th October 2012.
- g. Drawing No. SK4 Rev a: Plan & Sections of Plunge Pool, Existing received by the CPA on 6th September 2012.
- h. Drawing No. SK6 Rev.a: Existing and Proposed Elevations, received by the CPA on 15th October 2012.
- i. Drawing No. SK8 Rev a: Exit route from Saville at night, received by the CPA on the 7th November 2012.
- j. Drawing No. Structure 1 Marquee Base Details of Base received by the CPA on 6th September 2012.
- k. Drawing No. Structure 2 Rev. E: Plunge Pool to be covered Structural Details, received by the CPA on 15th October 2012.

Reason: In order to define the extent of the permission hereby approved.

Siting of Marquee

- 4. Prior to the commencement of works associated with the siting of the marquee to the rear of the Savile Restaurant, the existing marquee structure which is seasonally sited to the front (west) of the main buildings at Rufford (identified in green shading on Drawing SK1 Rev a: Location) shall be permanently dismantled. The underlying artificial grass surfacing to the base of the marquee shall be removed and the ground shall be prepared for grass seeding. The land shall thereafter be grass seeded in the first available seeding season following the removal of the marquee. Any grass which fails to establish shall be reseeded at the earliest appropriate opportunity.

Reason: To ensure that the existing marquee structure is permanently removed from the site so as 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.

- 5. Prior to the installation of the marquee structure to the rear of the Savile Restaurant, details of any alteration 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 details as approved.

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 development shall take place in connection with the siting of the marquee or ground installations for the mounting of the demountable gazebo in the Rufford Orangery prior to details of a scheme for an archaeological watching brief having been submitted to and approved in writing by the CPA. The scheme shall thereafter be implemented in full accordance with the approved details.

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 shall not be erected at the site between the 2nd October and the 31st 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.

Siting of gazebo within Rufford Orangery

8. No development shall take place in connection with the resurfacing of the plunge pool until details of a scheme for the cleaning, venting, illumination and periodic maintenance of the sunken plunge pool area have been submitted to and approved in writing by the CPA. The development shall thereafter be carried out in accordance with the details as approved prior to the first wedding ceremony taking place.

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.

9. The temporary gazebo within the Rufford Orangery shall only be erected between 1st April and 30th September in any year. The demountable structure shall not be erected any earlier than 24 hours preceding a wedding ceremony taking place and shall be dismantled within 24 hours following the completion of a wedding ceremony.

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.

Protection of residential amenity

10. Only one wedding ceremony shall be allowed to take place each day from the Rufford Orangery between the hours of 10:30 and 19:00 hours. On days when wedding ceremonies are held the Orangery shall be looked shut no later than

19:30 hours. The Orangery shall only be used for hosting wedding ceremonies between the 1st April and the 30th September each year.

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.

11. Noise from all activities associated with wedding ceremonies and celebrations held within the Rufford Orangery, the marquee and the Savile Restaurant shall not exceed 50dB_Laeq,15mins 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.

12. Only live or recorded music that is incidental to wedding ceremonies shall be permitted to be played within The Orangery with no dancing. Any music that is played shall ensure that the noise threshold of 50dB_Laeq,15mins set out within the preceding planning condition 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.

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

- a. Managing guest car parking to ensure that wedding visitors are directed to use the northern part of the existing car parking areas which are remote from the boundaries of residential properties.
- b. The completion of wedding celebrations by 00:00 midnight including the closure of bars and the switching off 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. SK8 Rev.a: Exist Route from Savile, 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.

In the event that the above measures do not satisfactory control late night noise, the operator shall, upon the written request of the CPA, review their late night noise management plan and submit a revised plan incorporating supplementary

measures to control any adverse impacts within an agreed timetable. The revised plan shall be implemented following its written approval by the CPA.

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 14 – Periodic Condition Survey of Marquee and Gazebo.

14. A condition survey of the marquee and gazebo shall be undertaken every three years following the commencement of the planning permission, as notified under the requirements of Condition 2. The condition survey shall examine the general appearance of both structures with particular consideration to their 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 or gazebo shall be of no greater dimension or installation points to those currently permitted unless undertaken with prior written approval of the CPA. The report shall be submitted to the CPA and approved in writing by the CPA prior to the structures being erected in the year following the survey being undertaken. Any repair, maintenance or replacement works shall be undertaken in accordance with a timetable to be agreed by the CPA.

Reason: To maintain the structures 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