

<b>Date of Meeting</b>	21 May 2015
<b>Application Number</b>	15/02009/VAR
<b>Site Address</b>	Arundells, 59 The Close, Salisbury, Wiltshire. SP1 2EN
<b>Proposal</b>	Variation of condition 7 of planning permission 13/04090/FUL to allow the use of the garden at Arundell's for a limited number of dedicated events and activities
<b>Applicant</b>	The Sir Edward Heath Charitable Foundation
<b>Town/Parish Council</b>	Salisbury City
<b>Ward</b>	St Martins and Cathedral
<b>Grid Ref</b>	414115 129644
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

### Reason for the application being considered by Committee

The application was called-in to Committee by Cllr Tomes due to the public interest shown in the application and the relationship to adjoining properties.

#### 1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) to **APPROVE** the application, subject to Conditions.

#### 2. Report Summary

The main issues in the consideration of this application are as follows:

1. Impact on Residential Amenity
2. Impact on Highway Safety

The application has generated a total of 47 representations from the interested parties, as follows:

- 32 representations in support of the proposed development (including a representation from Visit Wiltshire)
- 15 representations objecting to the proposed development (including Salisbury Cathedral Close Preservation Society and the Dean and Chapter, Salisbury Cathedral) on grounds including -
  - I. Highway/pedestrian safety and traffic generation
  - II. Adverse impact on the amenities of neighbouring residents
  - III. Inappropriate commercial use within a residential area

Salisbury City Council supports this proposal.

### 3. Site Description

The site is the Grade II\* listed building known as Arundells, 59 The Close, and is well known locally as the former home of Sir. Edward Heath (deceased). The house is set in large grounds, set back from The Close by a long driveway with gates and railings. A small shrub area lies behind the railings at the front of the property. The site lies in a Housing Restraint Area, within the Salisbury Central Area and Conservation Area, in an Area of Special Archaeological Significance.

### 4. Planning History

S/2012/0021	Change of use to enable part of the dwelling to be open to the public from March to November (temporary for 3 years)
S/2012/0022	Signage and external handrail to facilitate opening of building to the public (temporary for 3 years)
S/2007/0058	Minor temporary alterations including fire doors, handrail and railings
S/2009/0061	Variation of condition 4 of consent no. S/2007/1755 to permit opening from SATURDAY - Tuesday inclusive from 12:30 – 5:30 pm between the first Saturday in April and the last Tuesday in October
S/2007/0057	Temporary Change of Use for 5 years from private dwelling to mixed use as a private dwelling and dwelling open (in part) to the public. minor temporary alterations including fire doors, handrail and railings. Erection of new ticket booth/shed.
S/1998/0389	Various surgery to various trees
S/2010/0496	Demolition of pergola, construction of glasshouse and replacement paving
S/2010/0497	Demolition of pergola, construction of glasshouse and replacement paving
S/1985/0563	L/B Application - internal alterations
S/1999/0589	Fell one Poplar tree and repollard one Lime tree
S/2011/0623	Temporary change of use from 02/07/11 to 29/10/11 from private dwelling in part open to the public between 11.00am and 5.30pm on Saturdays, Mondays-Wednesdays inclusive, August Bank Holiday Sunday and other Sunday's at the Applicants discretion
S/2011/0624	Temporary consent: Signage and alterations (internal and external) to facilitate area of dwelling to be open to the public
S/1998/0655	Refurbishment of stable block (renewal of 93/0228)
S/2004/0877	Demolition of: restaurant, glazed lean-to and redundant garden shed, and alterations to provide disabled access to the museum and restaurant comprising: external hardsurfacing ramped access, enhanced lavatory accommodation including new disabled wc and forming ambulant wc's on the first floor, new extract fan to first floor kitchen and erection of new store room for restaurant to replace lost storeroom

- S/2004/0874 New storeroom for restaurant alterations to escape door to exhibition room 2 and associated external works
- S/2006/1165 Removal of ceiling, partition wall, infill floor, new portion of floor, alterations to fire place, blocking up of doorway to create new library room
- S/2006/1166 Removal of existing stud partitions, removal of cornice, removal of existing floor, install new stone floor, block up existing fireplace, use existing stack for Aga flue pipe, expose existing stonework
- S/1985/1256 Police security hut
- S/2009/1493 T1 Ginko re-brace, T2 Magnolia prune and tidy, T3 Yew adjacent to folly crown clean, T5 group x 10 Poplars pollard to 5 metres, T6 Poplar fell, T7 Yew crown clean and deadwood, T8 Walnut crown clean and dead wood, T9 Poplar fell, T10 Poplar deadwood, T11 Yew crown lift to 3 metres, T12 Goat Willow crown lift to 3 metres, T13 Poplar pollard to 5 metres, T14 Poplar deadwood, T15 Lime crown lift to 4 metres and thin by 20%, T16 Apple remove deadwood, T17 Poplar reduce by 30%, T18 Hazel reduce by up to 2 metres and reduce overhang from car park, T19 Hornbeam fell, T20 Yew crown clean and reduce back from car park by 20%, T21 Hornbeam x 2 deadwood and thin by 20%, T22 Lime x 3 reduce by 20%, T23 Lime pollard to previous cuts, T24 Hornbeam x 6 Pleach, T25 Hornbeam reduce by 20% and crown clean.
- S/2011/1513 Installation of a non-illuminated blue enamelled circular plaque to the front wall to commemorate Sir Edward Heath
- S/2004/1538 Branch end pruning to a Copper Beech
- S/2006/1604 Works to drawing room fireplace, kitchen fireplace, creation of ground floor cloakroom & new replacement window & underfloor heating
- S/2009/1648 Variation of Condition 4 of consent no. S/2007/1755. permit opening of the house on Wednesdays and four bank holiday Sundays in addition to Saturdays, Mondays and Tuesdays from 12:30-5:30pm from the first Saturday in April until the last Wednesday in October
- S/2007/1755 Change of Use to enable part of dwelling to be open to the public (temporary for 3 years) & construction of hand rail
- S/2007/1756 Signage & alterations (internal & external) to facilitate area of dwelling to be open to the public
- S/2003/1846 Repair of floor above cellar upgrading floor to 1 hour fire resistance providing a 1 hour fire door to the cellar and providing ventilation to the cellar
- S/2009/1843 T1 1 x Robinia Frisia crown thin/remove ten horizontal/crossing limbs. T2 1 x Taxus crown lift to 3.5m.  
T3 1 x Taxus crown lift to 3.5m. T4 1 x Robinia Frisia crown lift to remove damaged/horizontal limb
- S/2006/1872 Stone cleaning to the east elevation of north canonry
- S/2006/2171 Formation of 2 ensuite bathrooms to existing bedrooms at first floor, alteration of stud wall on existing bathroom, new

	bedroom door opening, alteration to remove wall in first floor wc, alteration of bedroom door to bed 2
S/2001/2274	Improvement to fire safety to 2nd floor flat including forming new partition and door to kitchen and formation of new jib fire door in existing wall
S/2007/2561	Substitute traditional hinged doors in place of up and over fitting to east elevation of northern garage
13/04090/FUL	Proposed permanent change of use of the property to use class d1 and retention of its existing residential housekeepers flat under use class c3(a)
13/06081/VAR	Remove Condition 2 of S/2012/0022 (The building shall revert back to its former condition with the handrail and railings all be removed on or before 30th November 2014)

## 5. The Proposal

Planning permission was granted for the permanent change of use of the house to allow continued public access in November 2013 under planning reference 13/04090/FUL. This permission contains a number of conditions as to how the house can be used, in particular relating to the timing and form of 'dedicated events' that may be held at the property. Condition 7 of the planning approval requires that all events that take place at Arundells are held only within the house and they are restricted in number to no more than 24 per year.

The current application seeks to vary the planning condition relating to functions at Arundells to allow the use of the garden of the property for a limited number of dedicated outdoor events and activities, in addition to those already permitted within the house.

## 6. Local Planning Policy

Wiltshire Core Strategy (WCS) core policies CP39, CP57 and CP58 are relevant, as well as the aims and objectives of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

## 7. Summary of consultation responses

Salisbury City Council – Supports the application

WC Highways officer – No Highway objection

WC Public Protection officer – No objection, subject to Conditions

Conservation officer – No objection

## 8. Publicity

The application was advertised by site/press notices and neighbour consultation letters.

The application has generated a total of 47 representations from the interested parties, as follows:

- 32 representations in support of the proposed development (including a representation from Visit Wiltshire)
- 15 representations objecting to the proposed development (including Salisbury Cathedral Close Preservation Society and the Dean and Chapter, Salisbury Cathedral) on grounds including -
  - IV. Highway/pedestrian safety and traffic generation
  - V. Adverse impact on the amenities of neighbouring residents
  - VI. Inappropriate commercial use within a residential area

Salisbury City Council supports this proposal.

## 9. Planning Considerations

The enhancement of tourist related development within the city is supported in principle by adopted WCS Core Policy CP39.

The main planning considerations in respect of the proposed variation of Condition 7 to planning approval 13/04090/FUL are considered to be the impact of the proposal in terms of Highway safety, and the impact of the proposal in respect of the amenity of nearby residents.

### Highways considerations

Concerns have been raised in third party representations that the proposal would have detrimental impacts in terms of Highway and pedestrian safety. The Highways officer has assessed the proposal and provides the following consultation response:

*“Arundells is located within Salisbury city centre and is well served by public transport including frequent Park and Ride services. There is ample parking available in the public car parks and on-street parking is controlled in the vicinity of the site. I am satisfied that the proposal should not add to the on-street parking pressures in the area.*

*I do not wish to raise a highway objection or offer any highway related conditions in this instance”.*

It is therefore considered the proposed variation of Condition would not be detrimental in terms of Highway safety.

## Impact on amenity

The Public Protection officer has visited the applications site and surrounding area and given careful consideration to the potential impact of the proposed development in respect of the potential for the generation of noise and disturbance. The consultation response of the Public Protection officer is as follows:

*“Currently the Sir Edward Heath Charitable Foundation are restricted to holding 24 events within the property between the hours of 11am and 10pm on any day. The type of dedicated events and activities are restricted to seminars, lectures, music recitals, board or other working meetings, wedding photography (but no wedding receptions) and private or corporate lunches or dinners. The events are limited to invitation only and for up to 60 people. The Foundation now proposes to hold 24 events annually in the rear garden at Arundell’s in addition to the 24 events inside the property. They have mentioned in their planning statement that these events will be the same type of dedicated events and activities that are detailed in the informative (and listed above) will be for no more than 150 people and run until 10.15pm.*

*We are not objecting to this application because we have no evidence that the proposals will result in an unreasonable interference at nearby residential properties. We are aware that other premises in the area have similar events which we do not receive complaints about. It would therefore be unreasonable to prevent any events of this nature happening in the garden of Arundell’s. The applicant has put forward proposals for managing the impact of events and it is anticipated that this will be sufficient.*

*We do have concerns that noise from some of the events held outside could have an impact at nearby residential properties. There are a number of residential apartments located approximately 66 meters south of the proposed location for these events and further residential properties adjacent to Arundell’s. Although the type of events and activities they propose to hold outside are not perceived to be as noisy as events such as parties, functions and wedding receptions it is inevitable that there will be an increase in noise levels in the surrounding areas. The applicants have stated they would propose to hold a number of events with the use of amplification systems. We would have significant concerns that amplified music in such close proximity to residential properties, with the addition of 150 guests and minimal attenuation between the source and properties sound levels may have an adverse impact at residential properties and levels of amenity. Therefore, to reduce the likelihood of an adverse impact on residents nearby we would recommend a condition is attached to any planning permission granted to restrict the use of the gardens to 24 events with non – amplified music only.*

*We would also recommend that conditions for the following are attached to any planning permission granted;*

- Restrict the hours of use to 11.00am to 10.15pm on any day in the garden to reduce the impact of events on nearby residential amenity.*

*- Limit the type of activities/events held in the garden, specifically to the activities/events detailed in the informative of the previous planning application (13/04090/FUL)*

*- Require, through a condition, that events are managed in accordance with the submitted and updated Noise Management Plan.*

*Should residents living nearby feel that they are being unreasonably disturbed by noise from events, this department has powers under the Environmental Protection Act and Antisocial Behaviour Crime and Policing Act to investigate and take action if necessary”.*

Subject to the Conditions recommended by the Public Protection officer, it is considered the proposal would not have undue impacts on the amenity of nearby residents.

## **10. Conclusion**

The proposal would not be detrimental in terms of Highway safety. Subject to the Conditions recommended by the Public Protection officer, it is considered the proposal would not have undue impacts on the amenity of nearby residents.

## **Recommendation**

That the application is **APPROVED**, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number T.0230\_02B dated September 2013 and deposited with the local planning authority on 11.09.13, and  
Drawing number T.0230\_01 dated May 2013 and deposited with the local planning authority on 11.09.13.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely as a museum with ancillary housekeepers flat, and for other specified dedicated events and activities, and for no other purposes within Class(es) D1, D2 and C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England)

Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

4. This consent shall endure solely for the benefit of the Trustees of Sir Edward Heath Charitable Foundation.

REASON: Planning permission is granted for the proposed use in view of the unique recent history of the property which is supported by tourism policies. However, without this historical linkage, the property would have less attraction and any future use would therefore have to be assessed having regard to the proposed use and its relationship to residential properties within The Close

5. When the property/land ceases to be occupied/operated by those named in condition 4 above, the use hereby permitted shall cease and the use of the land/property shall revert to a single dwellinghouse.

REASON: Planning permission is granted for the proposed use in view of the unique recent history of the property which is supported by tourism policies. However, without this historical linkage, the property would have less attraction and any future use would therefore have to be assessed having regard to the proposed use and its relationship to residential properties within The Close.

6. In respect of guided tours or other such access provided to the public, the use hereby permitted shall only be open to the public between the hours of 11:00am to 5:30pm. Opening days shall be limited to Saturdays to Thursdays inclusive.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

7. In respect of dedicated events inside the property, the use hereby permitted shall only be between the hours of 11:00am to 10:00pm on any day. Dedicated events inside the house shall not exceed 24 events in any calendar year.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

8. In respect of dedicated events outside of the house (i.e. within the garden of the property), the use hereby permitted shall only be between the hours of 11:00am to 10:15pm on any day. Dedicated events within the garden of the property shall not exceed 24 events in any calendar year.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

9. Outdoor events at the property shall be operated and managed in accordance with the submitted revised Noise Management Plan (as submitted to the local



planning authority on 15.04.15).

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

10. Notwithstanding the requirements of Condition 3 (above), no sound-amplifying equipment, loudspeaker or public address system shall be installed or operated and no amplified music played within the garden curtilage of the premises.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

**INFORMATIVE -**

For the purposes of this planning consent, 'dedicated events and activities' shall be restricted to seminars, lectures, music recitals, board or other working meetings, wedding photography (but no wedding receptions) and private or corporate lunches or dinners.