

**NORTHERN AREA COMMITTEE 5 OCTOBER 2006
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

Agenda Item 10

Update on new dwelling under construction on land at Hillview, Allington (adjacent to site the subject of the report, and in same ownership):

During a recent visit by Enforcement Officers it was noted that whilst the height and other dimensions accorded with the approved scheme, there were several elevational differences apparent between the plans approved and the dwelling under construction, including, amongst other things: south elevation - construction of a basement level garage, access drive and retaining walls; south west elevation - construction of a canopy and changes to fenestration; north west elevation - conversion of the garage to a habitable room (in breach of condition 3 attached to planning permission S/04/1853) and substitution of dormer by a rooflight; north east elevation - enlarged roof light.

The owner was advised by letter on 2nd October to contact the Planning Office urgently to discuss how the above matters can be addressed and warned that any further work undertaken on the development in the meantime is at his own risk.

Please see following comments:-

Dear Mr Hawkins

I am advised that you are to make representations regarding the land at the rear of properties at Bourne View, Allington and that the matter is to be discussed at a Planning meeting tomorrow night. Regrettably I am unable to attend tomorrow's meeting as I am in Manchester on business.

I had not seen a copy of your report (nothing has been sent to me), until I looked at the Council's website this evening and therefore wish to raise a few points which I hope you can add as late correspondence to the report.

I have taken advice from several sources in respect of this matter and remain of the belief that Enforcement action is not justified in this instance.

I would like to reiterate that on my possession of the land in Nov 1999, after I had cleared the ground from Cars, Milk Floats and household rubbish and at the time the Planning Application was made there was a bund in existence. This you can see clearly in the picture on the right which was taken from the Northern most boundary of my land.

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The only works undertaken by me since that time has been to excavate the area, remove the deposits placed by the previous owner and council tenants and more recently replace it with a new bund in readiness for planting out with a hedgerow to provide privacy to both Council tenants and myself and improved landscape.

The picture to the left shows the view from the same position as the picture taken on 11/9/99 and to the right, the land to the rear of the council houses as of Today and before planting.

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You will see from the before and after pictures that the height of the replaced bund is not much different than how it was in the Winter of 1999. It will of course settle and I expect during the winter it will drop around 150-300mm. It is certainly not 1.5-2.0m in height anywhere along its length.

I had a lengthy discussion about this area of land with Adele Poulton in 2000 and as part of my conditions for planning I had agreed the work I have carried out to clean the site of rubbish and return it to fields.

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This I have carried out, by removing over 50, 20 tonne lorry loads of "muck" away at a huge expense.

I would like to say that I am totally disheartened and disappointed by your actions and being accused of carrying out operational development in this vicinity after the immense amount of work I have undertaken to clean the land and return it to its natural setting.

Please can you ensure that this email and its contents are discussed in full at the Northern Area meeting tomorrow as late correspondence.

Many thanks

Andy Rhind-Tutt

Planslist
Item No .3

**S/2006/1770 - OUTLINE PLANNING FOR ONE CHALET BUNGALOW ON LAND AT WAYSIDE,
STOFORD BOTTOM,STOFORD SALISBURY SP2 OPW**

Additional Committee Report

The following additional comments are made on the case-officer's report for the application for a new dwelling at Wayside, Stoford. The comments should be read in conjunction with the previously submitted committee report.

Rights of way over Mount Pleasant

Clarification has been sought from Wiltshire County Council on the possible imposition of a condition regarding the clarification of land ownership of the access road (see full report).

Highways are now aware that Certificate D has correctly been served, and that the planning consultation process has been fully adhered to. As such, Highways wish the following to be deleted from their recommendation dated 14th September 2006: - 'The applicant has not shown the access road to be in their control and a notice has not been served on the owners, according to the application form.'.....'Providing the applicant can confirm a vehicular right of access in perpetuity over the access lane'...

To summarise Highways advice, it has been confirmed that the applicant does not need to confirm a vehicular right of access in perpetuity over the access lane before development commences.

It must be stated again that land ownership disputes as such are regarded as civil matters, and cannot be considered as a material planning considerations.

Visibility Splays/ Loss of Hedging

The creation of a visibility splay at the entrance to the new dwelling would result in a reduction in the height of the hedge alongside Mount Pleasant Road to 600mm. The vegetation at the bottom of Mount Pleasant Close will also be reduced in height to 1.0m.

See Appendix 1 (site plan for area of hedging affected).

It is recommended that a condition to provide additional screening higher than 600mm alongside the development site (but behind the visibility splays) is added to any approval.

Impact of development on Archaeology

Norman Parker, the local expert on air raid shelters, managed to visit Wayside on 27th September. He has confirmed that the structure is an air raid shelter constructed of concrete with a corrugated

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iron roof and brick-line steps down into a room 10ft x 6ft and 8ft high. It is a privately built shelter – possibly a communal effort.

Norman has described the air raid shelter as not having any historical significance. As he is an expert on this subject, this Authority considers that the creation of a new dwelling and removal of the shelter will not be detrimental to archaeological features in the area.

Revised 'Reason for Approval'

The 'reason for approval' in the committee report states that *two* residential dwellings could be accommodated on the site to be appropriate to the character of the area. This was intended to refer to the existing dwelling at Wayside and the proposed new dwelling, however this is slightly ambiguous. Therefore, it is the officer's recommendation that this be amended to one dwelling.

Comments on additional Third Party Letters of Objection (13 received)

A petition has also been received, signed by 39 people

Many of the issues raised in the additional letters of objection have already been covered in the officer's report. Members should refer to the main report for these objections and the case-officer's position on the issues.

In addition to the objections already covered in the report, the following objections have been received in the late correspondence:

- The new dwelling will overshadow the neighbouring property
- The access for emergency vehicles will be difficult and unsafe
- The tree roots of the sycamore will be damaged, and may put many houses in the area in danger
- Private letters between the applicant's solicitors and neighbours have been used in support of the application. These should not have been available for public viewing without prior consent.
- The new dwelling would be overshadowed by trees, and therefore require additional lighting in the winter, which is not environmentally friendly.
- Surface run-off from fields above Mount Pleasant onto the road will be increased if any kerbstones are removed as part of the application.
- The access at the top of the application site is brand-new, and is not existing as stated in the application. (It is worth noting that the access was in existence at the time of the application being registered)
- Additional risk to children and elderly adult pedestrians walking alongside the development site.
- Vehicles for the new dwelling will have to reverse onto Mount Pleasant, which will have an adverse impact on highways safety.
- The new dwelling will result in loss of private views and reduce land values (It should be noted that private views and land values do not constitute material planning considerations).
- A member of the public has queried the scale of the new dwelling, fearing that if outline permission is approved, the footprint of the chalet bungalow could end up being much larger than shown on the submitted plans.
To clarify this issue, the footprint of the dwelling cannot be increased in scale at the detailed application stage. Any scheme for a larger dwelling would require a fresh planning application (either outline or full), which would be judged on its own merits.
- Concerns have been raised that the planning application form has been defaced by the applicant without authorisation. (Infact, a principal planning officer made the alterations to the

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form to include Layout and Scale instead of 'Design', in line with national guidance forms on outline applications.)

Summary of late correspondence

The objections raised in the late correspondence have been fully considered by the case-officer against the criteria set out in the Salisbury District Council Local Plan. Overall, it is considered that no further issues have been raised which would warrant refusing this application.

Appendix(1)