

## Planning Officer's Report – LDCA NOVEMBER 2021

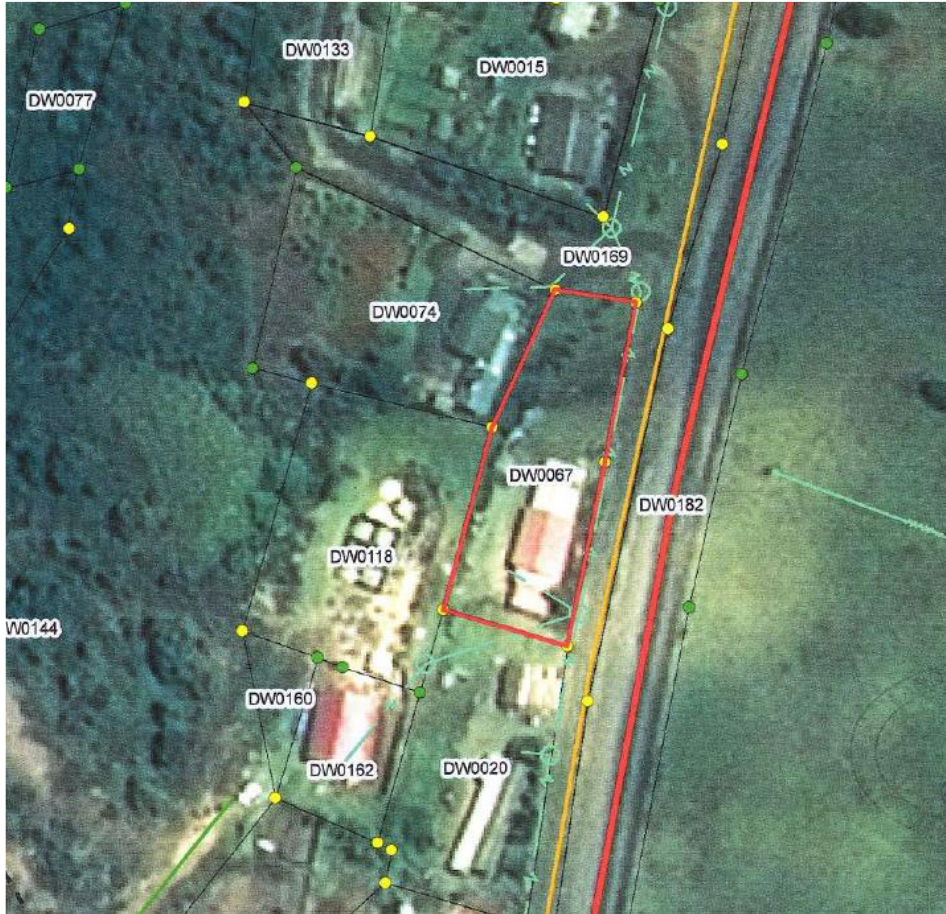
<b>APPLICATION</b>	<b>2021/60</b> – Retention of Tyre Retaining Wall (Retrospective Application)
<b>PERMISSION SOUGHT</b>	Permission in <b>Full</b>
<b>REGISTERED</b>	25 <sup>th</sup> July 2021
<b>APPLICANT</b>	Patrick Crowie
<b>PARCEL</b>	DW0067
<b>SIZE</b>	0.27 acres (1,106m <sup>2</sup> )
<b>LOCALITY</b>	Deadwood Plain
<b>ZONE</b>	Intermediate
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Residential House
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Sentinel Newspaper on 29<sup>th</sup> July 2021</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul>
<b>EXPIRY</b>	12 <sup>th</sup> August 2021
<b>REPRESENTATIONS</b>	None Received
<b>DECISION ROUTE</b>	<del>Delegated</del> / <b>LDCA</b> / <del>EXCO</del>

### A. CONSULTATION FEEDBACK

a) Sewage & Water Division	No Objection
b) Energy Division	No Objection
c) Fire & Rescue	No Objection
d) Roads Section	No Objection
e) Property Division	No Response
f) Environmental Management	No Response
g) Public Health	No Response
h) Agriculture & Natural resources	No Response
i) St Helena Police Services	Not Consulted
j) Aerodrome Safe Guarding	No Objection
k) Sustainable Development	Not Consulted
l) National Trust	No Response
m) Sure SA Ltd	No Objection.

**B. PLANNING OFFICER'S APPRAISAL****LOCALITY & ZONING**

The application site is located on the west side of the service road that runs adjacent to the Haul Road in Deadwood Plain, approximately 1km north of the junction with Foxy's Garage. The site is designated within the Intermediate Zone and has no proposed conservation area restrictions.

**Diagram 1: Application Site****BACKGROUND TO THE DEVELOPMENT**

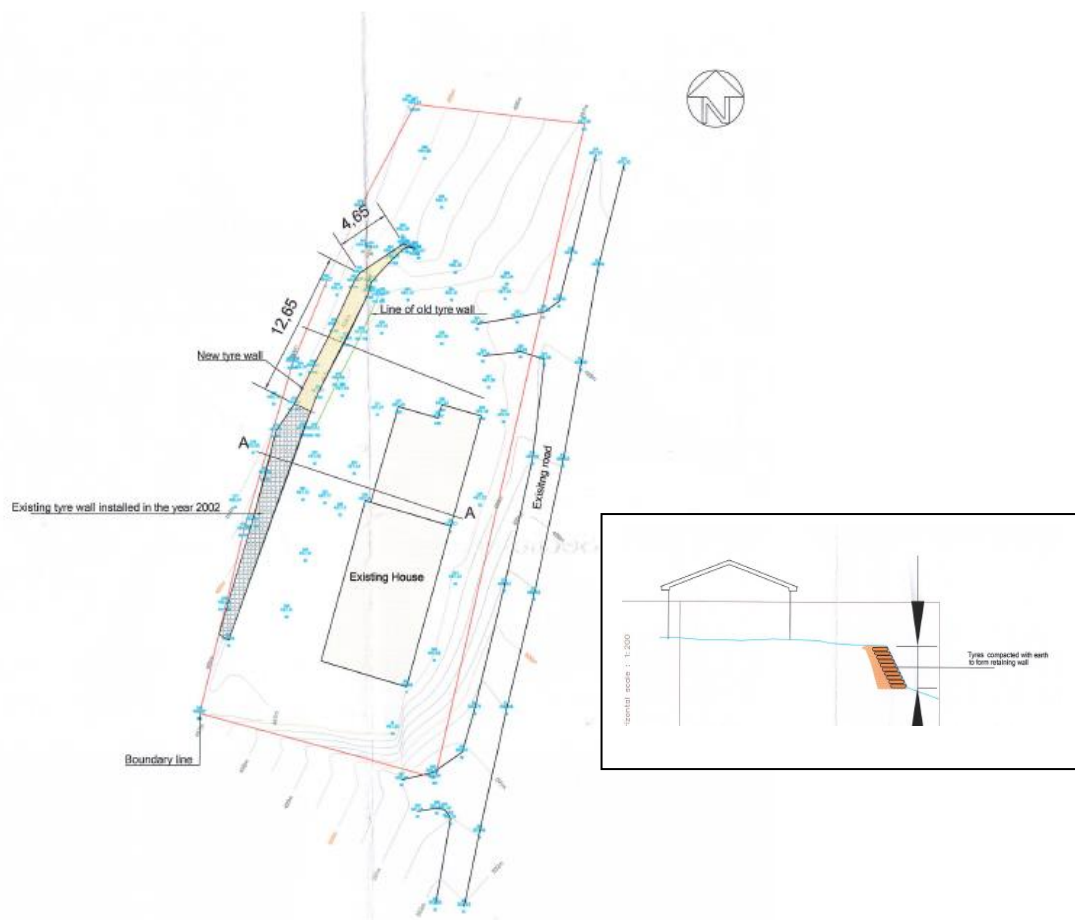
The applicant has constructed a retaining wall using old tyre filled with earth to shore the bank on the western boundary of the plot without the benefit of a development permission. The nature of this work has been over a number of years and over time the height of the retaining wall has increased as new layer of tyres have been added to shore up the ground higher up.

To the west of the application site is another dwelling which on a lower plain that now has the tyre wall as the retain wall. From the inspection of the wall it is obvious that the lower section has been there for some while and the upper wall has been more recent. It is difficult to assess how safe and effective this retaining wall is and

whether it would meet the current requirement of Building Regulations. However as the tyre are filled with earth and are stepped-back with each new layer, it would appear to be effective. Further it is probably sustainable as it is recycling material that would otherwise be discarded to landfill site.

The issue was raised as a complaint from the owner/occupier of the neighbouring property who is concerned about the safety of the retaining wall and the appearance of the retaining wall constructed with old tyres. In view of the complaint received it was necessary to investigate and as no development permission has been obtained or granted in this respect, the owner was advised to remove the retaining wall or to submit a development application seeking retrospective permission to retain the development. This application has been submitted to retain the development as constructed.

**Diagram 2: Site Plan and Section**



### Proposed Development

The retaining wall that has been constructed is 2.29m high on the western boundary of the applicant land plot and set a meter or so within the boundary. The applicant's main reason for the construction on the wall to stop the land erosion and provide stability to the land. The method of construction and the use materials (old tyres filled with earth) in this particular may be considered to be an appropriate in many

other cases where the visual intrusion in the landscape or appearance to the neighbouring property is not contentious. In accordance with the Ordinance and development regulations, the construction undertaken constitutes development and therefore requires development permission.

### **Diagrams 3 and 4: Tyre Retaining Wall**



There is impact on the amenity of the neighbouring property arising from the development that has taken place, in particular the visual impact of the material that are used in the construction of the retaining wall.

### **POLICY CONSIDERATION**

The relevant policies of the Land Development Control Plan (LDCP 2012 - 2022) that are applicable in the assessment of the proposed development are set out below:

- Intermediate Zone: Policies IZ1 (a, b, f, g and h)

### **OFFICER ASSESSMENT**

The development undertaken is not in compliance with LDCP policies set out about, particularly in terms of the materials (old tyres) that have been to shore-up the land,

that impacts the visual amenity of the landscape. It is visibly intrusive for the neighbour as it is so close to the property. However in the wider landscape the visual impact is probably negligible as it would blend in with natural colours of the hillside and less obvious in many cases than the lighter colours of the housing development that is visible in the landscape.

### **CONSULTATION**

There is no objection raised by the stakeholders in respect of this development.

### **REPRESENTATION**

There is representation received from the owner/occupier of the neighbouring property to the west of the application site. It is the owner who raised the issue in the first instance. The representation considers the retaining wall is dangerous and causes harm and injury to the amenity and livelihood.

### **OFFICER RESPONSE**

The development as constructed appears to be stable in terms of how the each layer of tyres has been assembled, filled with soil and staggered, however it would require structure assessment to ensure that it is stable. In this respect it is difficult to be certain the retaining wall as constructed is dangerous. However given the closeness of the retaining wall to the property of the objector there is visual impact on the amenity through visual intrusion.

### **OFFICER ASSESSMENT**

The development has been in the process of construction this development has progressed over many years and as this process has been gradual, the development cannot be considered to have been completed to fall within the five year rule. The applicant has also not been able to provide the evidence to this effect. Similar to the nature of the development does not fall within the remit of permitted development due to the height of the retaining wall being above 1.8m and also the use of the material appropriate to the development.

In view of this, the need for a development application is established. The issue is mainly the design of the retaining wall and the use of materials. With the materials used the design and construction method is acceptable, however the structure stability of the wall falls with Building Regulation to consider. The use of old tyre for the stabilising of the bank is common practice and is also very effective, but would normally be for a shallow bank. The height in this instance is a concern particularly in terms of visual impact as it is visible over the buildings on the neighbouring property.

The development is not in full compliance with the policies set out in the LDCP as this should be appropriate to the location. It is considered that this matter of degree, as the material may be considered to be acceptable in many instances. Further it is



sustainable as the development is recycling material that would otherwise dumped in the landfill with some environmental consequences.

It is worth considering in that if the applicant had sought development permission before undertaking the development would the Authority be minded to grant development permission with the materials proposed, or would the Officer and the Authority advised the applicant to consider alternative materials.

### **C. PLANNING OFFICER'S RECOMMENDATION**

Having considered the overall impact of the development that has been undertaken, in particular the visual impact on the neighbouring property and on the wider landscape, the issues in the representation received and the Intermediate Policies that are applicable, the development is not overly obtrusive in the landscape or the amenity of the neighbouring property being at the rear of the property and high bank being so close to the property before the development was undertaken and is partially hidden by the out buildings.

It is also considered that recycling of materials meets with the wider remit of the sustainability objectives. The material being appropriate to the development and in-keeping with the surrounding development and environment is relevant in this respect, however it is considered the use of old tyres may be appropriate in this instance as it meets sustainable principle that support recycling of materials in development.