

Planning Officer's Report – LDCA NOVEMBER 2021

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| APPLICATION | 2021/60 – Retention of Tyre Retaining Wall (Retrospective Application) |
| PERMISSION SOUGHT | Permission in Full |
| REGISTERED | 25 th July 2021 |
| APPLICANT | Patrick Crowie |
| PARCEL | DW0067 |
| SIZE | 0.27 acres (1,106m ²) |
| LOCALITY | Deadwood Plain |
| ZONE | Intermediate |

A. PLANNING BACKGROUND

The development application was discussed at 3rd November 2021 meeting and the decision was deferred to enable the Authority to review the development undertake and assess the impact of the development on the neighbouring property and wider landscape. The site visit was held on 16th November attended by five members of the Authority.

The proposed development was viewed from the neighbouring property to assess the impact on the amenity of the neighbour and any safety issues to the property and from the application site to assess how the bank has been constructed and stabilised. Members of the view that there is a visual impact on the amenity of the neighbour through the materials (old black tyre) used, however as the bank is at the rear of the building and partially hidden behind the outbuildings to the side of the house, the visual impact is not considered to be significant and over-bearing.

Visual impact of the bank in the wider landscape is considered to be minimal and over time with further coverage of foliage it would be insignificant. There are also no immediate area in the vicinity of the site where it can be viewed.

As regard to construction and stability of the bank, it would appears that it is reasonably stable as the layer of tyres have been filled with earth and are staggered back and now appear to be well bedded into land. The construction of the bank, as it is not related to a development of a building would not normally require building regulation approval. The assessment of the banking of the land in this instance is a development planning issue and the consideration would mainly be the visual impact arising from the development.

Having viewed and assessed the development that has taken place, it is considered that there is some adverse visual impact on the neighbouring property. However, given that the bank is to the rear of the property and partially hidden behind the outbuildings it is not overly damaging to the amenity of the neighbouring property and enjoyment of the occupier. The bank would also appear to be well-constructed and stable from the visual inspection. Some of the banking has been in place for some time overtime is being covered over by the growth of foliage.

The applicant would be advised to stimulate foliage growth over the area, taking advice from a specialist in this field of work. Similarly the Planning and Building Control Service takes no responsibility for the safety of the tyre wall banking that has been constructed and would advise the applicant to seek assessment from a structural engineer for his own peace of mind and any civil liability.

The report of the 3rd November is attached as Annex to this report.

B. 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.

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| LOCALITY | Deadwood Plain |
| ZONE | Intermediate |
| CONSERVATION AREA | None |
| CURRENT USE | Residential House |
| PUBLICITY | The application was advertised as follows: <ul style="list-style-type: none"> ▪ Sentinel Newspaper on 29th July 2021 ▪ A site notice displayed in accordance with Regulations. |
| EXPIRY | 12 th August 2021 |
| REPRESENTATIONS | None Received |
| DECISION ROUTE | Delegated / LDCA / EXCO |

A. CONSULTATION FEEDBACK

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| 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 |

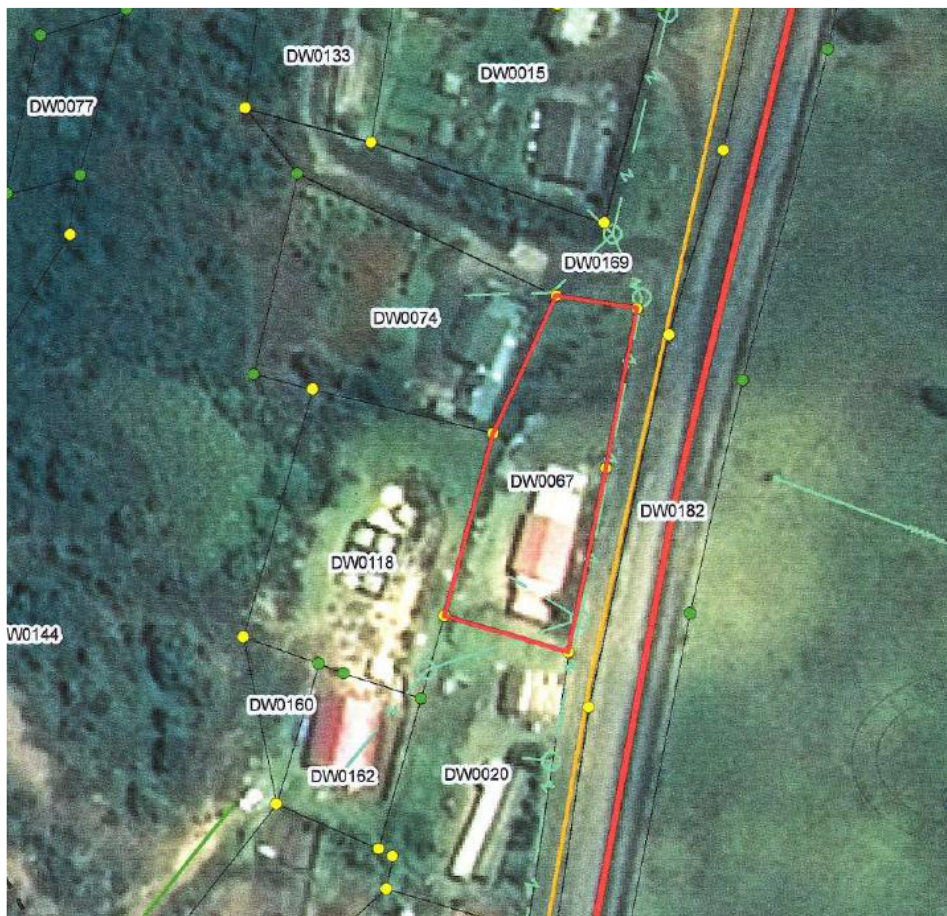
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|---------------------|---------------|
| l) National Trust | No Response |
| m) Sure SA Ltd | No Objection. |
| n) Heritage Society | No Response |

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

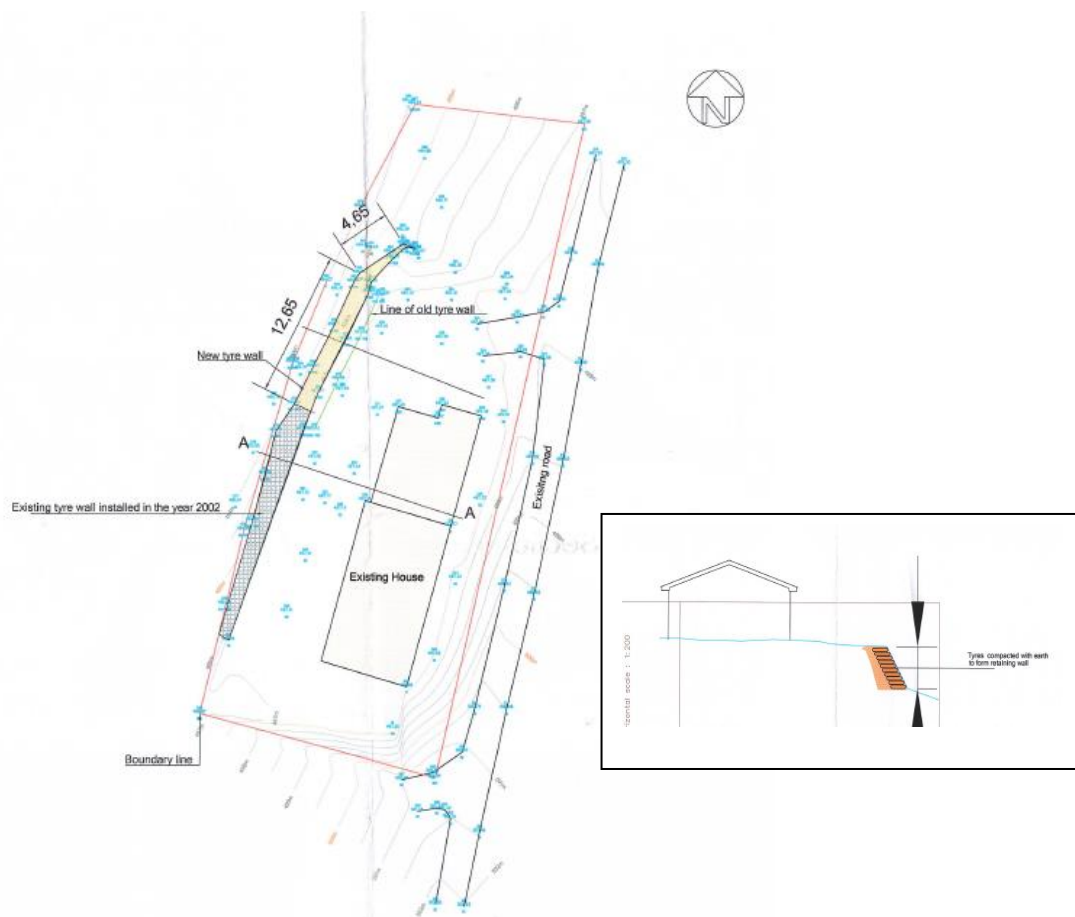
The applicant has constructed a retaining wall using old tyre filled with earth to shore the bank on the western boundary of the plot without the benefit of a development permission. The nature of this work has been over a number of years and over time the height of the retaining wall has increased as 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 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 not 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 owner who raised the issue in the first instance. The representation considers the retaining 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 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 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 of a development application is established. The issue is mainly is 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 for shallow bank. The height in this stances is a concern particularly in term of visual impact as it is visible over the buildings on the neighbouring property.

The development is not in fully compliance with the policies set out in the LDCP as this should 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.