

## **9 DCSE2008/1992/F - CONSTRUCTION OF RETAINING WALL AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE.**

**For: Mr A. Chowns per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL.**

**Date Received: 1 August 2008**      **Ward: Kerne Bridge**      **Grid Ref: 59828, 20834**

**Expiry Date: 26 September 2008**

Local Member: Councillor JG Jarvis

### **1. Site Description and Proposal**

- 1.1 Thorny Orchard is a triangular parcel of land that extends to 0.6ha. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been terraced following the grant of planning permission in 2004 for the erection of a building for the storage and repair of vehicles (DCSE2004/0220/F).
- 1.2 The existing planning permission has been partially implemented but it became apparent that the blockwork wall that currently remains in situ did not accord with the approved plan and furthermore it was established that as constructed the wall would not provide adequate support to the public footpath, which passes along an elevated route immediately above the wall.
- 1.3 Whilst the originally approved scheme envisaged a stone-faced retaining wall, it is now proposed to erect a 'timber crib' wall at this location in replacement of the proposed stone wall. The proposed wall would measure 34 metres long and 3.7 metres high at its northern end rising to 5.7 metres where it adjoins the site entrance. The wall would comprise a timber framework infilled with a granular material and planting bags, which would, over time, allow plants to become established across the wall face.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan**

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy E8	-	Design Standards for Employment Sites
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy T6	-	Walking

### **3. Planning History**

- 3.1 DCSE2003/1002/F Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery - Withdrawn 22.10.03
- DCSE2003/2157/F Retention of existing replacement hay barn, hardstanding and terrace - Approved at SAPSC 05.11.03, contrary to officer recommendation

DCSE2004/0220/F Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery - Approved 13.05.04, contrary to officer recommendation

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager expresses concerns regarding the proposed, existing and on-going works on site, including the proposed retaining wall, the formation of satisfactory visibility splays and turning circle and the stability of the bank adjacent to the highway.

"I have concern regarding the stability of both the existing wall and the proposed replacement retaining wall with any possible (structural) impact on the adjacent public highway and the public right of way above. Both the Construction Projects Officer and Public Rights of Way Officer have serious concerns. The heights of the wall and the distances involved combined with the topography of the area make these walls very significant structures and there are concerns that the wall could collapse onto the highway. With regard to the proposed new retaining wall the developer would need to submit a document describing how the wall will be designed, to be approved by the Council. It is likely that a structural/geological investigation would need to be undertaken and calculations submitted."

4.3 Public Rights of Way Manager: "Of paramount concern is the safety of people walking along the public footpath and assurance should be sought that a chartered engineer has approved the design. It is also important to ensure that the construction work is overseen by a chartered engineer to ensure the final structure is safe." It is also stipulated that the public footpath be restored to its historic width following completion of the project and that a safety fence of sufficiently robust construction should also be the subject of a planning condition. Responsibility for maintaining this fence will rest with the landowner.

#### **5. Representations**

5.1 Walford Parish Council: No objection. "It was considered that the proposed wall would be an improvement on the existing 'new' wall as long as the project was carried out exactly according to these plans."

5.2 Two letters of objection have been received from Mr F. Myers MBE, Wythall, Walford, Ross-on-Wye, HR9 5SD and Mr. G Lewis, 23 Coughton Place, Coughton, Ross-on-Wye, HR9 5RX. The content of these letters is summarised as follows:

- The wall is substantially longer and taller than envisaged under the original planning permission because the applicant has excavated into the hillside. The approved wall was 8-9m from the southeast boundary and 14m long. The proposed wall is now 34.5m long with a height of 5.7m;
- it was formerly stated that the adjacent public footpath would be unaffected - it is now necessary to install timber posts and railings atop the proposed wall to accompany an elevated footpath;

- Footpath WA50 has been closed as a result of being undermined and has also been reduced in width;
- it is abundantly clear that the present application is for a completely different structure to that envisaged in planning application DCSE2004/0220/F and this new application appears to attempt to mask the fact that the site has been developed way beyond the scope of the original permission;
- the vehicular access has moved and the previously stipulated visibility cannot be achieved;
- the planning permission was granted against officer advice and the site is now much larger than was approved. Trees that were to be retained have also been felled;
- the Council should not accept piecemeal applications to regularise offending items. The applicant should be required to restore the site to its formerly approved dimensions, whereby a much smaller retaining wall would be satisfactory;
- the original was an ill-conceived planning permission imposed upon local residents, which has destroyed the appearance of this part of the Area of Outstanding Natural Beauty.

5.3 In response to the concerns expressed by the Public Rights of Way Manager, the scheme engineers (Phi Group Retaining Structures) have responded as follows:

- The Permacrib retaining wall system carries a 60-year guarantee against insect and fungal attack and the components are pressure treated to BS8147:2003;
- the detailed design will be supervised and signed off by an experienced Chartered Engineer with construction overseen on site;
- a safety fence/guard rail can be provided to the client's specification or void formers can be installed as works proceed for a fence to be installed post construction if required;

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

6.1 The application seeks planning permission for the erection of a retaining wall on the site, which itself has the benefit of planning permission for the erection of a building for the storage and repair of agricultural, horticultural, automotive and plant machinery (DCSE2004/0220/F). The grant of approval in 2004 was contrary to professional advice. Officers recommended refusal on the basis of the suggested adverse impact upon the landscape quality of the AONB. Nonetheless that permission has been implemented and pre-commencement conditions discharged. The key issues in the determination of the current application (as it was in the 2004 proposal) is whether the impact of the proposed works is acceptable given its location in the Wye Valley AONB and ensuring that the works as proposed do not compromise the use of the section of public footpath which skirts the southern boundary of the site.

6.2 Ground works have occurred beyond the scope of the original site of the 2004 permission. This work has ceased without recourse to enforcement action. However, the implementation of the planning permission has identified technical difficulties around the site access. The proposed wall is no longer in the position as shown on the original approved plan, but is positioned further to the southeast. This necessitates a longer, taller wall.

- 6.3 Your officers accept that the development as a whole has an adverse impact upon the landscape quality of this part of the AONB. The ground works, retaining wall, proposed building and ancillary works have and will continue to impact on the character of the area, giving the site a more industrial appearance. However taking the development and site as a whole, the proposed retaining wall needs to be assessed in relation to whether or not it creates additional harm over and above that already approved by the 2004 permission. In this respect, unlike the approved stone wall, the 'Permacrib' construction will allow foliage to grow across the face of the wall over time with the effect that the structure will eventually blend into the backdrop provided by the hillside. The proposal would also have the dual function of allowing the effective implementation of the 2004 permission and provide for the support of the adjacent public footpath, which would otherwise remain unsafe. Notwithstanding these benefits, it is acknowledged that the proposed wall is substantially bigger in scale than that approved in 2004.
- 6.4 It should be borne in mind that approval of this application will not prejudice the local planning authority's power to pursue enforcement action against other aspects of the development that do not accord with the previously approved plans, and these form part of an ongoing investigation.
- 6.5 On balance, the proposed wall is not considered to cause further significant harm to the character or appearance of the immediate landscape over and above that which has already been approved by the 2004 proposal and provides an acceptable solution to the problems encountered in the implementation of the original planning permission.
- 6.6 In the event that Members do not find this current proposal acceptable, your officers will need to consider the expediency and appropriate nature of any enforcement action. As always, Members should determine the current application on its merits giving appropriate weight to planning policies and all other material planning considerations.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. The development hereby approved, which shall include any necessary fence/guard rail to serve the adjoining public footpath, shall be completed in accordance with the approved plans and associated conditions attached hereto within 12 months of the date of this permission**

**Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.**

- 2. B02 (Development in accordance with approved plans and materials )**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

- 3. Within 3 months of the date of this permission, details of the construction methodology for the retaining wall hereby approved shall be submitted for the written approval of the local planning authority. The development shall be carried out in accordance with the approved design.**

**Reason:** To ensure that the construction of the wall is in accordance with the approved details in the interests of providing effective support to the adjacent public footpath so as to comply with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4. **Within one (1) month of the date of this permission a scheme of landscaping shall be submitted for the written approval of the local planning authority. The scheme shall include a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with the plant and grass establishment.**

The landscaping scheme approved under this condition shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs, or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

**Reason:** In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 5. **Within three (3) months of the date of this permission, details of the fence/guard rail to serve the adjoining public footpath WA50 shall be submitted for the written approval of the local planning authority. Details shall include sections and elevations at a metric scale of not less than 1:20. The fence/guard rail shall be completed to a timescale that accords with condition 1.**

**Reason:** To ensure that the public footpath is safe for use by members of the public so as to comply with Policy T6 of the Herefordshire Unitary Development Plan.

**INFORMATIVES:**

- 1. **N19 - Avoidance of doubt - Approved Plans**
- 2. **N15 - Reason(s) for the Grant of Planning Permission**

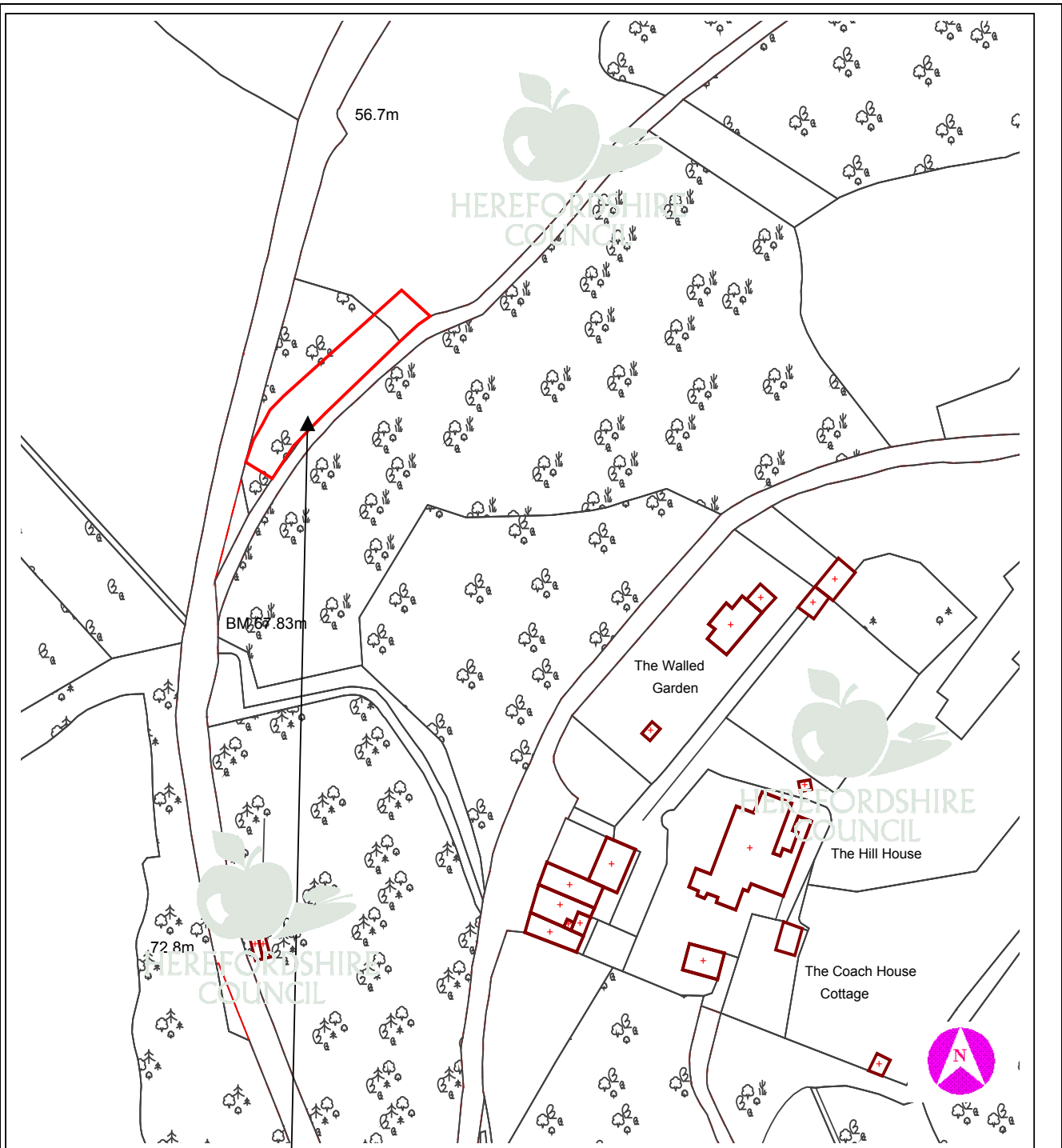
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/1992/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Thorny Orchard, Part of OS Plot 8691, Coughton, Ross on Wye, Herefordshire

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