
Site Address:	Boundary wall to front of 97-109 North Street, Emsworth, PO10 7PH		
Proposal:	Replacement and repair of retaining wall		
Application No:	APP/15/00653	Expiry Date:	10/09/2015
Applicant:	Mr Simon Little	Team:	Team 2
	Havant Borough Council		
Agent:	Mr Robin Seamer	Case Officer:	Rachael McMurray
	Havant Borough Council		
Ward:	Emsworth	DMC Lead Member	

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is located on North Street in Emsworth and comprises a brick wall which extends along the front of No's 97-109 North Street and finishes just before the railway bridge. The wall sits opposite the vehicular access to the Emsworth Railway Station. No. 97 North Street sits at the corner of Sultan Road.
- 1.2 The existing wall is of brick construction and forms a boundary with the pedestrian footpath which runs under the railway bridge. Above the wall sits a bank of landscaping which forms part of the front gardens of No's 97-109 North Street. These properties comprise a terrace row which is positioned 8m-11m back from the line of the wall.

2 Planning History

Please see background to the application in Section 3 of the report.

3 Proposal

- 3.1 The proposal includes the removal of a section of existing wall along North Street and its replacement with a new retaining wall. The wall would be formed using precast concrete 'L' shaped units fixed to a reinforced concrete base and faced with brick to match the local vernacular.
- 3.2 For safety reasons the wall would also extend above the retained ground level. From the road side, the wall would be approximately 1m higher than it is now, and the residents of No's 97-109 North Street would be able to see a 1m (approximately) high wall at the end of their gardens. With the removal of the trees and shrubs to make way for the construction of the wall, such a feature has to be provided to help to prevent the possibility of people falling from the higher level. There would need to be a global clearance of the gardens for a distance of 2.5m from the back of the wall in the gardens of 103 – 107, and 1.0m elsewhere, since all that soil will be removed to enable the works and so by definition there would not be any ground for the existing trees and other vegetation to stand in.

- 3.3 With regard to the background to this application, at the Council meeting held on 22nd July 2015 the Cabinet Lead for Planning and the Economy reported on this matter as follows:

"Dangerous Wall, North Street, Emsworth

Following complaints from the public, previous inspections by Building Control and a structural survey carried out by an independent engineer, the Council have acted under Section 78 of the Building Act 1984 (Emergency Dangerous Structures) and arranged for the fencing off to this wall by the railway bridge at Emsworth and the closing of the public footpath. This is due to the risk of imminent collapse of the wall and danger to the public.

The Highways Authority has enacted a diversion route, which because of the location of the wall, lack of footpath on the other side of the road, and public highway network has meant a particularly long route. Semi-permanent signage on the approaches to the bridge and the diversion route warning motorists of the likelihood of pedestrians crossing the road in the vicinity of Coldharbour Farm Road, and the lack of footway under the rail bridge has also been installed.

Legal investigations have revealed that there is no owner of the wall and therefore, following discussions with the Executive Head of Service, the Council is taking responsibility for its long term safety following the closure.

A design for the removal and replacement of the wall has been done and a planning application for the works submitted which is going to Planning Committee on the 13th August.

The tender document to procure a contractor is currently being worked on and it is intended for this to go out at the end of July.

Negotiations with adjacent landowners to which the wall supports are yet to be completed.

Assuming satisfactory outcomes to all of the above, the works would start around mid September. The works will involve excavations up to 3.5m deep (measured from garden level) immediately adjacent to the carriageway, movement of large and / or heavy plant, use of cranes and lorries, delivery and installation of pre-cast units, construction of in-situ reinforced concrete members and extensive inbound and outbound earthworks. It involves temporary propping of excavated surfaces, installation of drainage and alterations to public utility apparatus; materials storage and provision of statutory working and safety zones. There will be a need to close the road during the period of the works. The original programme was for 16 weeks and this has been reduced to 10 weeks by value engineering. The footpath would then re-open early December."

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Southern Gas Networks:

There is High Pressure apparatus in the vicinity. It is essential that no work or crossings of this high pressure pipeline is carried out until a detailed consultation has taken place.

You will note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes.

For safety reasons, safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (direct labour or contractors) working for you on or near gas plant. In addition please follow the advice given in our gas safety booklet (enclosed).

It must be stressed that both direct and consequential damage to gas plant can be dangerous both for your employees and the general public, repairs to any such damage will incur a charge. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

Case Officer Comment - the above information will be included as an informative on a planning decision.

Development Engineer - Highways:

The Highway Authority have no adverse comment on this application subject to a condition with regard to a plan showing site storage for materials and plant and a condition with regard to a construction method statement.

Case Officer Comment: A site storage compound plan was submitted on 6/7/15 and a construction method statement on 16/7/15. The Highways Officer has confirmed that both of these are acceptable and negate the requirement for conditions to be imposed.

Environmental Health Manager:

No objections

Crime Prevention:

Response still pending. Members will be updated prior to the committee meeting in the event that a response is received.

Network Rail:

No objections

Southern Water:

No objections

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 23

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

6.1 The proposed works will have a major impact on No's 96-98 North Street because of restrictions of access and the impact of large lorries and heavy machinery turning in the road. If the premises located here cannot be accessed, this could be harmful to the businesses in terms of potentially losing trade.

6.2 There is no information available to indicate how the work is to proceed, nor the area and times to which access is to be restricted, nor how the lorries will need to turn or where the machinery will be stored overnight.

Officer comment: There is information available on the website which shows the material storage compound and a map showing the points at which the road will be closed. Access from the south into the railway station and businesses on this side of North Street will not be restricted.

6.3 What will the effect on the gardens of No's 97-109 be in terms of the removal of landscaping?

Officer comment: In terms of tree/landscaping removal, there will need to be a clearance of the gardens for 2.5m from the back of the wall in the case of Nos. 103 – 107, and 1.0m elsewhere, since soil in that area will need to be removed to construct the wall.

6.4 No consultation with residents has yet taken place

Officer comment: The planning application has been advertised in accordance with statutory planning requirements. The Council (as applicant) will separately be writing directly to the owners of No's 97-109 to advise the programme of works.

6.5 The Council are overreacting replacing the whole wall as only the section in front of No's 107 and 109 is leaning outwards.

Officer comment: The Council's Building Control team have found the wall to be unsafe in its entirety. It should be noted that a short section of wall at the northern end adjacent to the railway line has been previously replaced and is not part of the proposed works.

6.6 An extra 1m in height is not necessary

Officer comment: Following the removal of the vegetation, it is considered necessary to increase the height of the wall by 1m above the garden levels of No's 97-109 North Street so that it forms a boundary wall to mark the end of their gardens.

6.7 Has the Council checked if Network Rail is the owner of the wall?

Officer comment: Network Rail have been contacted and have advised that they do not own the wall and are not responsible for it.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of the design and impact upon the streetscene
- (iii) Impact upon residential amenity
- (iv) Highway matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 The Council's Building Control officers have assessed the walls condition and the works outlined are considered to be necessary to address an ongoing safety issue which has resulted in the need to close the pedestrian footpath adjacent to the wall. The proposed works are therefore strongly supported in principle in terms of public safety.

(ii) Appropriateness of the design and impact upon the streetscene

The proposed replacement would run along the same length as the existing wall, however there would be an increase in height of 1m. The wall would be reinforced with a precast concrete retaining wall which would be situated behind the brick face. To break up the mass of brickwork, the design of the wall includes a section of 3 x blue header string coursing brick to reflect the point where the garden levels of No's 97-109 start. The wall would be constructed in Flemish garden wall bond with an attractive contrast of stretcher and header bricks. The wall would then extend 1m above this to form a boundary wall to the end of the front gardens. This would be finished with a half round brick on edge coping.

Overall it is considered that the replacement wall would be in keeping with the similar materials used in the local vernacular and as such, would not be contrary to Local Plan Policy CS16 (High Quality Design).

(iii) Impact upon residential amenity

A replacement wall which is safe and stable and of an appropriate design, would be a benefit to local residents for future years to come and would allow the pedestrian footpath on the north side of North Street to be opened again for use.

For the residents of No's 97-109 North Street, their front outlook would change due to the removal of the existing line of vegetation and screening at the front boundary of their front gardens. With the screening removed, the outlook would be onto the new boundary wall which would extend up 1m from their ground level and then beyond that, the buildings opposite the road.

Whilst the existing vegetation does form a degree of soft landscaping within an otherwise generally urbanised streetscene, it is not worthy of a tree preservation order. Given the importance of replacing the wall from a safety aspect, on balance it is considered that the loss of this landscaping should not warrant a refusal of the application.

(iv) Highway matters

The pedestrian footpath adjacent to the wall is currently closed due to safety concerns. The proposal would when completed allow for the safe re-opening of this route.

If approval is granted, the rebuilding of the wall would require a closure of part of the North Street for a number of weeks. This would be managed by the Council's Traffic Team, in consultation with Hampshire County Council as Highways Authority and does not fall within the control of the Local Planning Authority. This will cause disruption for users of the highway network, however this is considered to be necessary for the safe construction of the wall. Residents of 97-109 North Street would still be able to access their properties via Sultan Road as is presently the case. Vehicular access to the railway station and the adjacent businesses would remain available from the south.

8 Conclusion

- 8.1 Whilst the proposed development would result in a loss of landscaping and the closure of the road for a temporary period, it is considered that the need for the replacement wall to address safety issues outweighs these impacts and therefore the application is recommended for approval.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00653 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Existing retaining wall survey - DN: 2015_11/002
Retaining wall Isometric View - DN: 2015_11/002
Retaining wall typical cross section - DN: 2015_11/001
New retaining wall long section - DN: 2015_11/001
Retaining wall location - - DN: 2015_11/001
New retaining wall plan - DN: 2015_11/001
Site compound plan - received on 6/7/15

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the brick facing of the wall hereby permitted shall not commence until samples and details of the external facing bricks have been submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The development shall be carried out in strict accordance with a Construction Management Plan to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The areas of land required to be altered to construct the wall at the front of No's 97-109 North Street shall be reinstated to the previous ground level unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of the properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Appendices:...