

Planning Officer's Report - LDCA 15 NOVEMBER 2017

APPLICATION	2017/95 – Development of the Half Tree Hollow CDA – to include construction of Government Landlord Housing as well as Provision of Serviced Land Parcels for Sale – development to be Implemented in Three Phases
PERMISSION SOUGHT	Permission in OUTLINE
REGISTERED	3 October 2017
APPLICANT	Environmental and Natural Resources Directorate (ENRD) on behalf of St Helena Government (SHG)
PARCEL	1345 HTH (CDA)
LAND AREA	Approximately 17 acres (7 hectares)
LAND OWNER	Crown Estates
ZONE	Intermediate Zone
CONSERVATION AREA	Jamestown Conservation Area along eastern boundary
CURRENT USE	Vacant – new spine road under construction
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Sentinel Newspaper on 5 October 2017▪ Independent Newspaper on 6 October 2017▪ A site notice displayed in accordance with Regulations.
EXPIRY	20 October 2017
REPRESENTATIONS	One Received (Refer to Section F below)
DECISION ROUTE	Delegated / LDCA / EXCO
PREVIOUS APPLICATIONS	2013/82
SITE VISIT	20 October 2017

A. CONSULTATION FEEDBACK

1. Water Division	No Objection
2. Sewage Division	Objection Connect object to the application on the grounds of the Septic Tank at the Gun's site currently being over-extended, hence it became over time more ineffective and under-designed in treating raw sewage properly. As a result a subsequent odour nuisance is now prevalent – as only partly treated effluent is released from the Tank into the receiving environment. In light of this, a new sewage treatment facility is earmarked for Half Tree Hollow, which is currently the subject of a planning application. Once implemented, Connect will review its position on this application.
3. Energy Division	No Objection – application required for connection to Bulk Electrical Service
4. Fire & Rescue	No Response
5. Roads Section	No Objection - New access or any modification to this access should be cut in a suitable way for vehicles approaching the property and for coming on to the main highway. Signage to be implemented through to the highways Authority's drainage should be done to allow surface water to run off.
6. Property Division	Applicant
7. Heritage	No Response
8. Environmental Management	Screening Opinion Conducted – No EIA will be required
9. Public Health	No Response
10. Agriculture & Natural Resources	No Response
11. St Helena Police Services	Not Consulted
12. Aerodrome Safe Guarding	Not Consulted
13. Enterprise St Helena (ESH)	No Comments
14. National Trust	No Response

B. PREVIOUS PLANNING APPLICATION

Application 2013/82 (ENRD for SHG) - Layout for 65 land parcels, including details for 14 dwellings approved by Governor-in-Council on the 24th of October 2013. Apart from the Spine Road traversing the site (which formed part of the Application), this proposal was not implemented in full and the Applicant are now desirous to alter the layout designs in order to make it more feasible and practical. The Spine Road is a Form-giving Element and as such defines the altered Development Layout Designs.

C. LEGAL FRAMEWORK

The Applicant requests Development Permission in **OUTLINE** in accordance with Section 17 of the Land Planning and Development Control Ordinance, 2013, with the effect of which is to give **Approval in Principle** to the proposed development, but not permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take place.

OUTLINE Applications does not require full details as it is aimed to:

- i) test against **Policy Framework** and Planning Principles;
- ii) provide a **Forum** for initial stakeholder and public feedback; and
- iii) provide **Direction and Guidance** for later submissions (in Full) in order to highlight issues and streamline processes (taking cognisance of substantial costs and time inputs involved with detailed submissions).

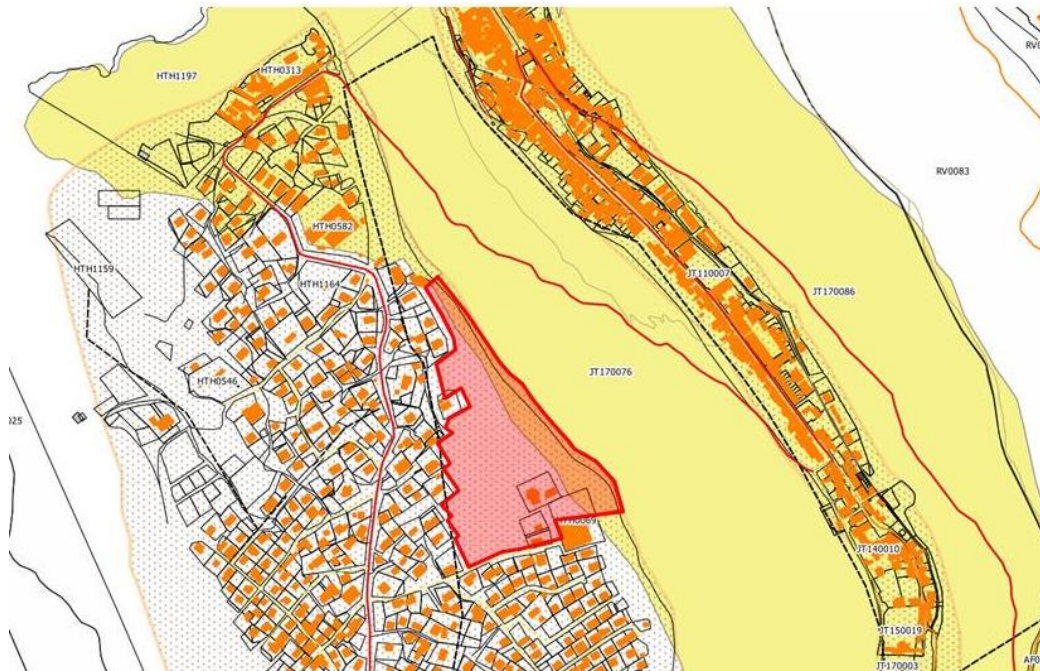
D. LOCATION AND ORIENTATION

The LDCP earmarked targeted areas, referred to as **Comprehensive Development Areas** (CDAs), located within the **Intermediate Zone** where there is the opportunity for significant development, primarily for residential development, which will achieve optimum use of the land if planned and developed comprehensively will be able to go ahead without time restriction if the developer is able to put in all services.

There is a presumption in favour of (**Policy IZ3**) housing development in the Comprehensive Development Areas in accordance with densities as proposed in Table H4. In this instance, it refers to densities **of at least 20 units** per hectare (resulting in parcel sizes of around 500m²) – anticipating approximately **60 dwelling units** within the HTH CDA.

The site further falls within the Intermediate Zone (just above the Heritage Coast Conservation Area (outside of redline area) and with a portion of the Jamestown Conservation Area along its eastern border (inside of red line area)). (Refer to Diagram 1 below)

Diagram 1: Location & Orientation



E. THE PROPOSAL

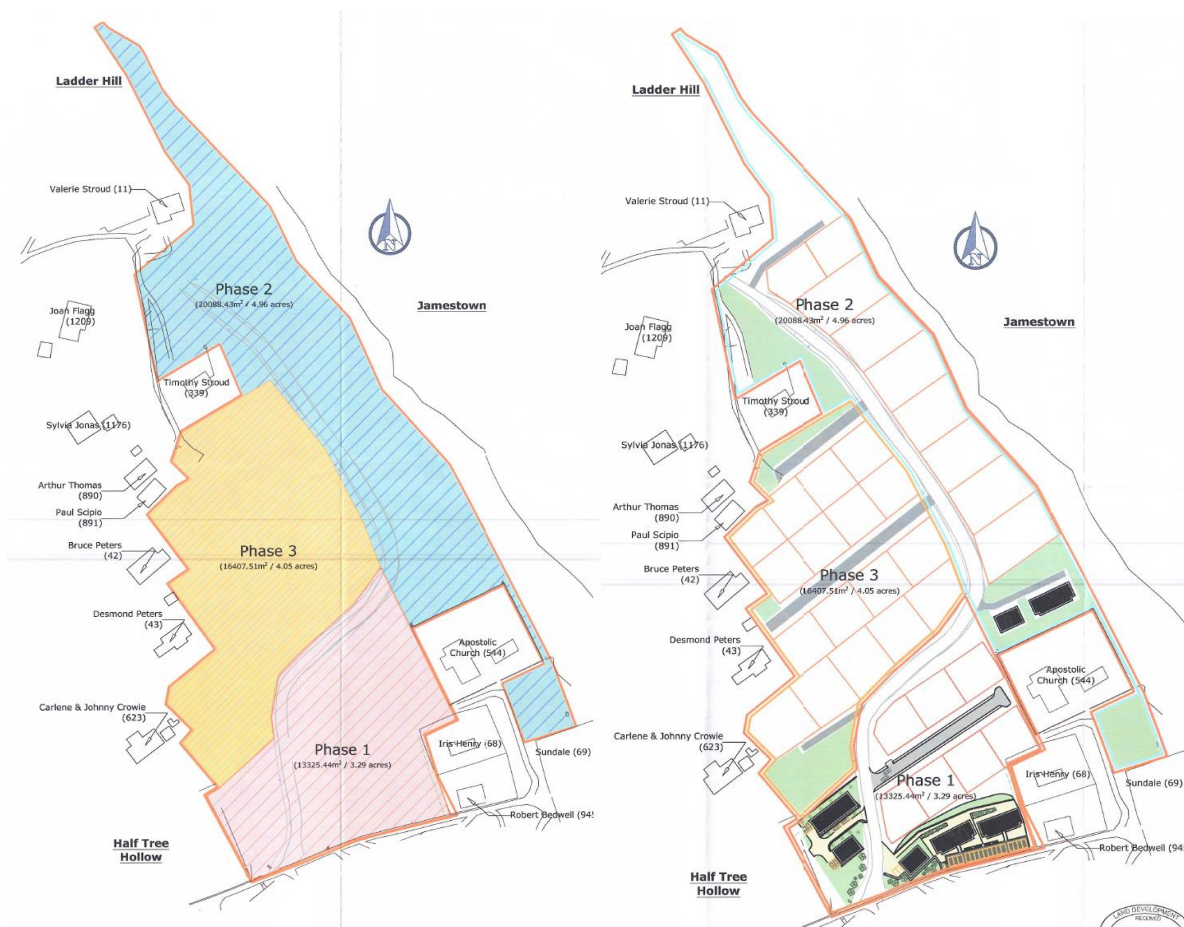
1. Phased Development of the Site

It is proposed to develop the Half Tree Hollow CDA in three phases (Diagrams 2 and 3). The most southern and first phase (at highest elevation) can be accessed by road and will accommodate primarily Government Landlord Houses, whereas Phases 2 and 3 will accommodate primarily “serviced (utility) land parcels” to be sold off and developed by individual land owners.

Of note is that the site will have green open spaces designed as **Sustainable Urban Drainage Systems (SUDS)** and **Rainwater Harvesting** to aid with the disposal of storm water prior to connection to the existing storm system. (Refer to Diagram 3)

It is proposed to connect the **Foul Water** to the **Existing Public System** at the Gun’s Site (note that this was not supported by the Utility Service Provider Connect St Helena). (Discussed under Section H and J below and not supported by the current LDCP Policies)

Diagram 2: HTH CDA Phases and Parcel Demarcation

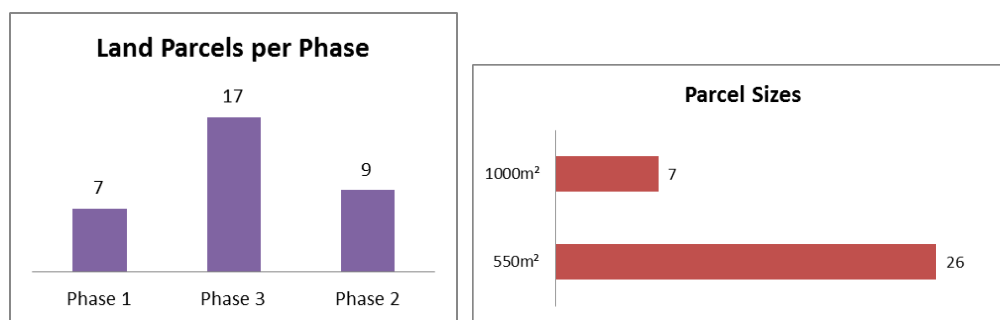


2. Serviced Land to be sold off for Development by Individual Land Owners

As mentioned, the largest portion of land, will be demarcated into **33 Individual Land Parcels**. These will be fully serviced land parcels (water, electricity, public road and stormwater) however each individual developer will be required to:

- i) Connect from his house to the public points (metered);
- ii) Excavate the site to create level platforms (if needed);
- iii) Form an access road from the public roadway to their two parking areas (or garage if it be) and built their house with or without outbuildings / other amenities (such as water storage tanks, landscaping, etc.) and as such will be required to meet the general standards and requirements of the Intermediate Zone Policies.
- iv) **Note** that the Applicant may (or envisage to) put forward a later proposal (perhaps during the Full Planning Application) to get approval on certain or all the land parcels for housing development – which can be sold to developers as a package – House Design with Approval)

Diagram 3: Number of Parcels per Phase and Overall Sizes



Altogether approximately **59 households** can be accommodated within this scheme, thus meeting the objective of the LDCP Policy (Table H4) anticipating that approximately 60 households should be accommodated within the CDA – at around 30 units per hectare and can thus be supported.

3. Government Landlord Housing

It is proposed to develop the Government Landlord Housing as per Diagram 4 and supplemented by Diagrams 5 – 7 indicating the Elevations and Floor layouts for each Type.

- The buildings will be constructed in the **traditional St Helena style** under pitch roof with gable ends and walls rendered, finished with exterior masonry paint.
- All units constructed to be **disabled friendly**;
- All units will have **Solar Heating**; and
- Final material selection will be subject to a **Value Engineering Process** to ensure value for money.

Diagram 4: Government Landlord Housing Details

			Units	Storeys	Accommodate	Unit Size	Bedrooms per Unit	Accommodate
Phase 1	Type A	Detached House	1	Single	1 Household	97m ²	2 Bedrooms	4 persons
	Type A	Detached House	1	Single	1 Household	97m ²	2 Bedrooms	4 persons
	Type B	Semi-Detached House	1	Single	2 Households	97m ²	2 Bedrooms	8 persons
	Type B	Semi-Detached House	1	Single	2 Households	97m ²	2 Bedrooms	8 persons
	Type C	Apartment Block	1	Double	4 Households	90m ²	1 Bedroom	8 persons
	Type C	Apartment Block	1	Double	4 Households	90m ²	1 Bedroom	8 persons
14 Households								40 persons
Phase 2	Type B	Semi-Detached House	1	Single	2 Households	97m ²	2 Bedrooms	8 persons
	Type B	Semi-Detached House	1	Single	2 Households	97m ²	2 Bedrooms	8 persons
	Type C	Apartment Block	1	Double	4 Households	90m ²	1 Bedroom	8 persons
	Type C	Apartment Block	1	Double	4 Households	90m ²	1 Bedroom	8 persons
12 Households								32 persons

Diagram 5: TYPE A - Elevations and Floor Layout

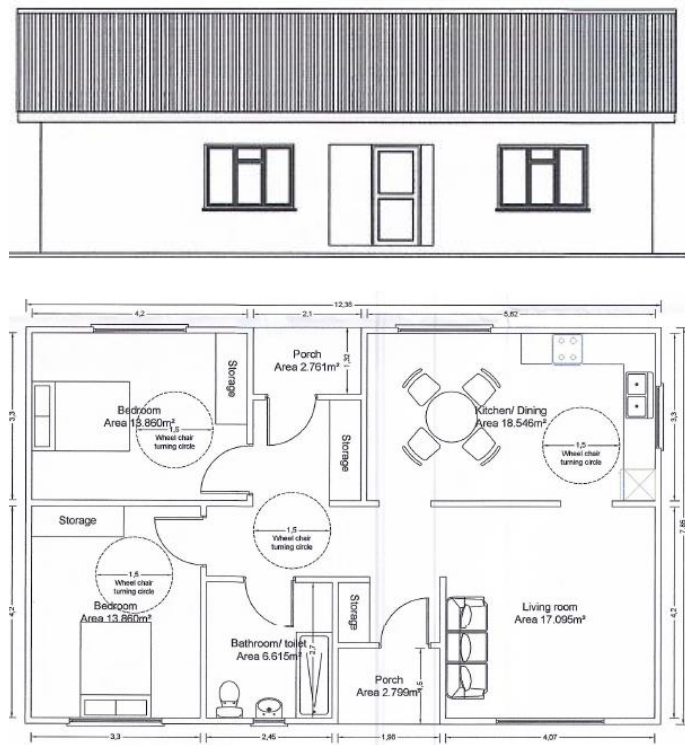
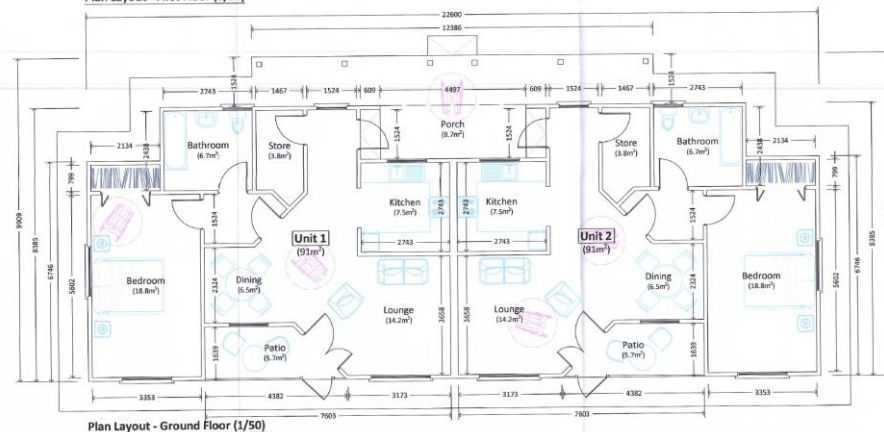
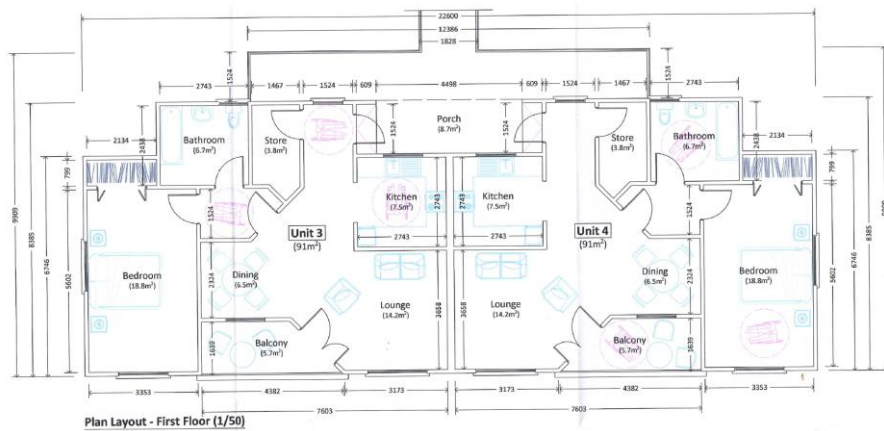
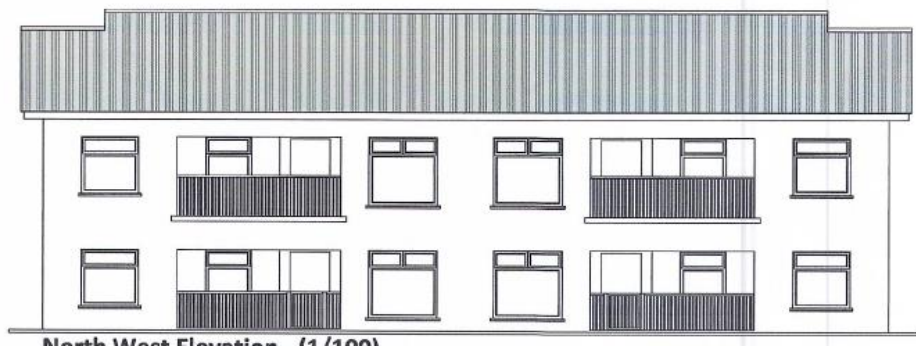


Diagram 6: TYPE B - Elevations and Floor Layout



Diagram 7: TYPE C - Elevations and Floor Layout



4. Site Gradient and Rational behind Design

The rationale behind the improved design is to limit excavations which could cause unnecessary exposed cut and fill-faces with the proposed landlord housing being examples (models) of how this can be done across the development (Refer to Diagram 8 below).

Diagram 8: Site Topography with Proposed Government Landlord Housing



F. REPRESENTATION RECEIVED

One representation was received from the land owners (Patrick and Patricia Peters) situated on Parcel 0827 and on the southern side of the public road south of and above the proposed Apartment Blocks (Government Landlord Housing). Refer to Diagram 9.

The concern (attached as **Annexure 1**) is mainly over view and the fact that a double storey building is being proposed across the road from them.

Diagram 9: Location of Objector in relation to the Development



Discussions took place between this land owner and the Applicant following submission of the Representation. The Applicant (on request by the CPO) explains that in order for the project to establish much needed / urgent Government Landlord Housing within HTH, Phase 1 was selected as the preferred location for various reasons:

- i) Feasibility of the project due to a concentration of existing bulk infrastructure in close proximity (which would lower the over cost) and minimise time delays;
- ii) Ability to maximise the land to its full capacity therefore high-density housing development proposed; and
- iii) The steep topography at this particular site would require significant additional cost for individual land owners, and by way of developing Landlord Housing, Government actually take this cost upon themselves; and
- iv) The ability to also provide disabled access to some of the units directly from street level.

Comments by CPO:

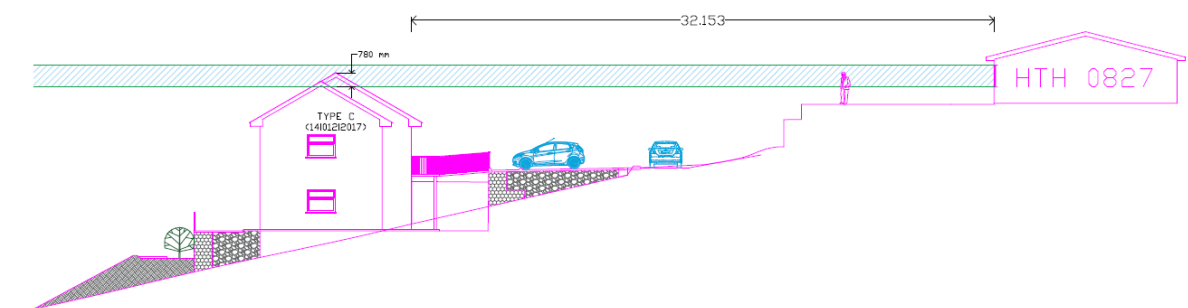
This property owner was privileged to for many years have had no development in front (apart from the houses and church which are mentioned) within an otherwise high density and heavily built up residential area of Half Tree Hollow.

Development of the CDA (after a long wait) would therefore come as somewhat of an annoyance to these land owners, together with the nuisance of construction works. These are however not reason enough to overrule the fact that the site has been earmarked as a CDA, which inevitably will bring development and in cases may even result in approvals of two storey buildings. The height of buildings or number of storeys are NOT restricted / regulated by the LDCP *per se*. The LDCP also does not limit or protect views. Under Policy IZ1(a) the merit for development is assessed on the basis of *“the siting, scale, layout, proportion, details and external materials in any development, including individual dwellings, form a coherent whole both in the development itself and in relation to surrounding development”* and *“the proposed use is not materially damaging to the amenity of existing development”*. This is effectively very open to opinion and thus requires adoption of a sensible, pragmatic and reasonable approach.

In **Diagram 10** below, it is clearly illustrated that the two buildings will be at least 30m apart. This is a significant distance in Half Tree Hollow terms where many a house is in significantly closer proximity to one another. Half Tree Hollow are also characterised by many a two storey / split level homes alongside, behind and in front of one another. This proposal is in no manner out of context with the overall context of HTH.

In addition to this, the objector (Parcel HTH0827) will perceive this building as a single storey building on the other side of the road as clearly illustrated by Diagram 10 below.

Diagram 10: Location of Objector in relation to the Development



Although the Objector feels otherwise, in my professional opinion the scale, proportion and design aligns with the objectives of the LDCP Policy and are not out of context for HTH and not detrimental to neighbouring properties. The Applicant is further willing to investigate the possibility of lowering the proposed building further to “open up view over the horizon” for the neighbours above.

G. SERVISABILITY OF THE LAND

1. Water and Electricity

Networks had in part been installed (below ground) and it is anticipated that further connection to the boundaries of land parcels will be installed in a below ground network. The aim is to implement this in phases as land is being sold off and funds released for further development.

This aligns with the objectives of the LDCP Policy and can be supported. Should this Application be approved, **final design details will however be required during Full Application stage.**

2. **Stormwater:** A Sustainable Urban Drainage System (SUDS) together with Rainwater Harvesting is being proposed in order to maintain Public Open Spaces / Green Belt for this CDA.

Diagram 11: Bulk Infrastructure Supply (Foul and Surface Water (Storm) Separated

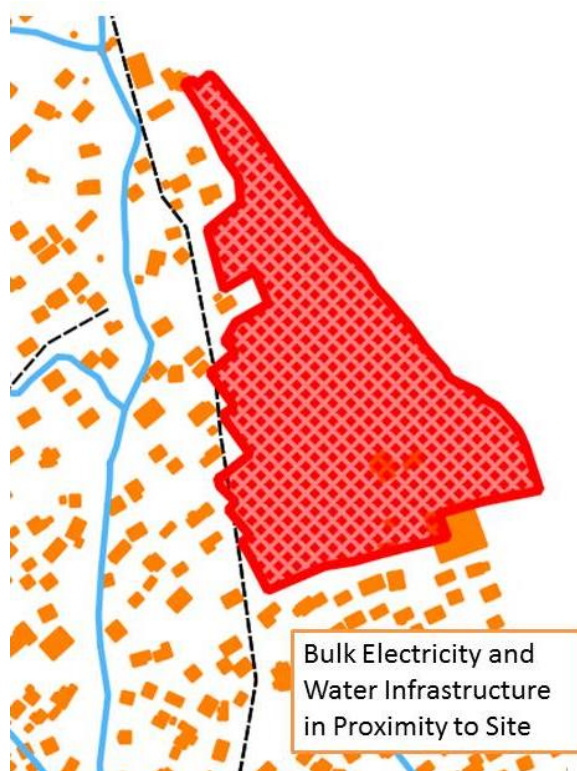
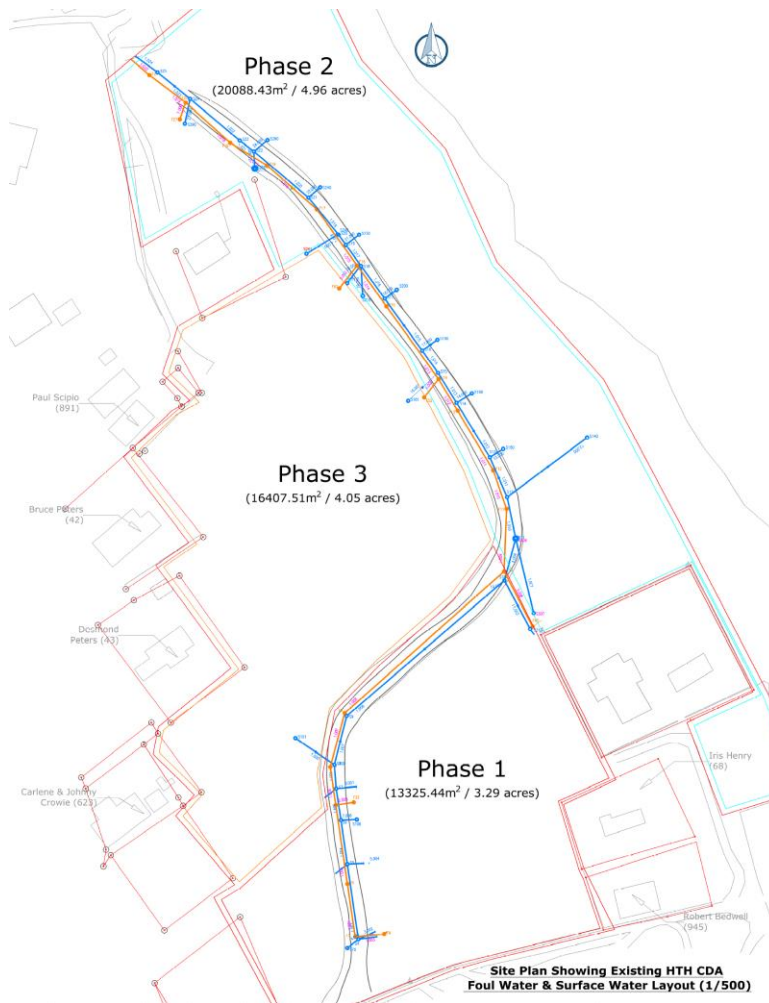


Diagram 12: Bulk Infrastructure Supply (Foul and Surface Water (Storm) Separated installed on site (following the Spine Road)



3. Sewerage Infrastructure: There is currently no proposal on the table that satisfy the objective of the LDCP Policy in terms of a sustainable sewerage handling. This is due to two reasons:

- i) The LDCP Policy does not support development of this scale to be connected into the current Sewage “treatment” Facility (namely the Tanks at the Gun’s Site) – and unless the HTH Sewerage System has been upgraded to a suitable standard, this development can potentially be implemented for all other reasons which meets the LDCP requirements, however dwelling units will effectively not be able to be **“occupied”** until sewage can be discharged of effectively. (Refer to Policy SD6 and SD2 in Section J below.
- ii) In addition to this, the Utility Service Provider (Connect St Helena) indicated that the existing system does not have the capacity to accommodate further increases **without resulting in the inevitable intensification of already seriously negative impacts as a result of**

densification in HTH such as the terrible odour nuisance and subsequent associated health risks.

H. ENVIRONMENTAL IMPACT ASSESSMENT

An onsite Screening (on request by the Applicant in accordance with the Ordinance) was conducted by the Chief Environmental Officer and the Chief Planning Officer. It was established that an **Environmental Impact Assessment will NOT be required.**

Mitigation may be necessary to potentially protect wirebirds (especially during breeding season) whilst construction is taking place. This can be mitigated and conditions placed during Full Planning Application if this project proceeds and would not require any action at this OUTLINE planning stage.

I. PLANNING OFFICER'S APPRAISAL

- 1) The **LDCP earmarked targeted areas, referred to as Comprehensive Development Areas (CDAs)**, located within the **Intermediate Zone** where there is the opportunity for significant development, primarily for residential development, which will achieve optimum use of the land if planned and developed comprehensively will be able to go ahead without time restriction if the developer is able to put in all services. This proposal aligns with this vision and can therefore be supported.
- 2) There is a presumption in favour of (Policy IZ3) housing development within the CDAs with **densities to accord with Table H4**. It accords with the Policy and can therefore be supported.
- 3) **Electricity and Water** can be supplied to the CDA with all low voltage cables and water mains to be laid underground as required by LDC **Policy E6** and **W4** and can thus be supported.
- 4) **Policy SW4** requires that CDAs will be permitted only where the development includes appropriate provision for **Solid Waste Storage and Collection**.
- 5) **Policy RT7** requires that for new Residential Development two off-road car parking spaces per unit of accommodation be provided. This has been addressed for the Government Landlord Houses and due to the sizes of the proposed land parcels can potentially be provided and thus be supported.
- 6) **Policy SI11** In relation to primary policy SI.1b, the development design briefs for CDAs requires the inclusion of community facilities (where needed) and public open space proportionate to the scale of the development and retention of existing established footpaths (where needed). The new and improved public roadway(s) in all probability will provide more effective means to traverse this area (even as pedestrians) and can thus be supported

- 7) **Policy IZ1(ii) and IZ1(h)** in relation to Water Security / Re-use of Rainwater: The Applicant proposes to capture water in holding tanks and reuse rainwater and potentially greywater for the Communal Open Spaces as proposed as part of the layout and thus accord with the Policies
- 8) **Policy SD6** ... highlights that *“Development Permission will not be granted for development or developments which, individually or cumulatively, will add 5 cubic metres or more per day to the volume of sewage discharged through these septic tanks until separation of storm water in times of significant rainfall has been effected, sufficient to avoid untreated effluent being flushed through the tank”*. The proposed development **deviates from the LDCAP Policy** in that sixty household units are being proposed. Even if only 12 household units in phase 1 is being developed, then it will exceed the 5 cubic metre restriction as set in the Policy.
- 9) **Policy SD2** requires that in CDAs (where there will be 10 dwellings or more to the hectare – in which case there is) Development Permission will only be granted where there is a **Communal Foul Sewerage System** (non-confirming) and **Separate Storm Water System** (conform) forming part of the development. In this instance the Applicant proposes to connect to the existing Public Gun’s Sewage Septic (holding) Tank - however Connect St Helena indicated that the will not support connection to this system at this stage.

If Approved in Outline, the Applicant will have to demonstrate to the satisfaction of the Land Development Control Authority that another means to handle Sewage Outfall for the CDA can be implemented.

J. PLANNING OFFICER’S STATEMENT & RECOMMENDATION

This development falls within the Intermediate Development Zone both in terms of scale, layout, proportion, details and external materials, not affecting the amenity of neighbouring properties and can be adequately serviced. Some mitigation is required to ensure long-term sustainability and practicality and would need to be demonstrated during Full Application Phase.

RECOMMENDATION: That **OUTLINE Development Permission** for the **HTH CDA** be **GRANTED** subject to the following Conditions:

- 1) **Permission:** This **Outline Permission** will lapse and cease to have effect on the day, **2 year** from the date of this Decision Notice unless an Application for Full Development Permission has been submitted by that date – extension may be requested with written approval from the Authority.

Reason: required by Section 31(1) of the Land Planning and Development Control Ordinance 2013.

- 2) The Application for **Full Development Permission** referred to in Condition (1) above shall include (but not be limited to):
- a) Full details with regards to Utility Infrastructure and Service Maps for Water and Electricity;
 - b) Full details with regards to Stormwater Management;
 - c) Detailed proposals towards Sewage Handling and Management and associated Infrastructure and Timelines;
 - d) Full details with regard to Public Roadways connecting with the Spine Road; and
 - e) Full details with regards to the Proposed Landlord Housing including site levels, heights of buildings, cut and fill operations and overall servicing of the land parcels.
 - f) Any other details that the CPO (on behalf of the Authority) may deem necessary to fully assess the development for Full Development Permission).

Reason: to ensure Appropriate development of the CDA as envisaged by the LDCP in relation with the Intermediate Zone Policies.

Note: Conditions relating to aspects such as Construction Management Plan, Environmental Surveys and Archaeological Watching Briefs will be set as part of the Full Development Permission (if granted) if and where considered necessary.

Right of Appeal: If you are aggrieved by this decision you may, within 28 days of the date of this notice, appeal to the Land Development Appeals Tribunal, with payment of a fee of £150, addressed to the Clerk of the Tribunal, using the prescribed form which is available from this office.



Rockaforte'
Lower Cow Path
Half Tree Hollow

20 October 2017

Mrs Riana De Wet
Chief Planning Officer
E & N R Directorate
Essex House

Dear Mrs De Wet

We wish to express our concerns with regards to the plans for the Half Tree Hollow Comprehensive Area Housing Project, Ref Application No : 2017/95.

The plans in Phase 1 show 2 X 2 storey buildings which one of them will be built directly in front of our dwelling house and another beside this on an angle along the road leading to Sundale.

We have also been told that the height of these 2 storey buildings will be 8.655m, but to the top of the roof would be equivalent to a single storey building on top of the road which I mentioned is directly in front of our house so we would be looking directly at the back walls of this building. We also have a dwelling to the right of us which also towers above the road and the Apostolic Church which is another tall building also below us. So a further two buildings in front would mean us not being able to see out at all as this would also rise above the skyline. This as a result could devalue our property.

We are not against any building going on below us but maybe some single storey ones would be a better option and the double ones much lower down the hill.

It would have been more appropriate if SHG had consulted us and the immediate neighbours or other residents to this plan before deciding on this. We would appreciate if this could be looked into further to consider our concerns on this matter.

We would therefore like to object against this part of the development until such time that our concerns have been considered by all parties involved.

Thanking you in advance

Patrick & Patricia Peters