

Planning Officer's Report – LDCA OCTOBER 2025

APPLICATION	2025/61 – Retention of a Covered Area (Retrospective)
PERMISSION SOUGHT	Full Permission
REGISTERED	16 July 2025
APPLICANT	Stephen McDaniel
PARCEL	JT020006
LOCALITY	The Mule Yard, Jamestown
ZONE	Intermediate Zone
CONSERVATION AREA	Jamestown Conservation Area
CURRENT USE	Bar/ Restaurant/ Social Venue
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none"> ▪ The Independent Newspaper on 18 July 2025 ▪ A site notice displayed in accordance with Regulations.
EXPIRY	01 August 2025
REPRESENTATIONS	Two Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

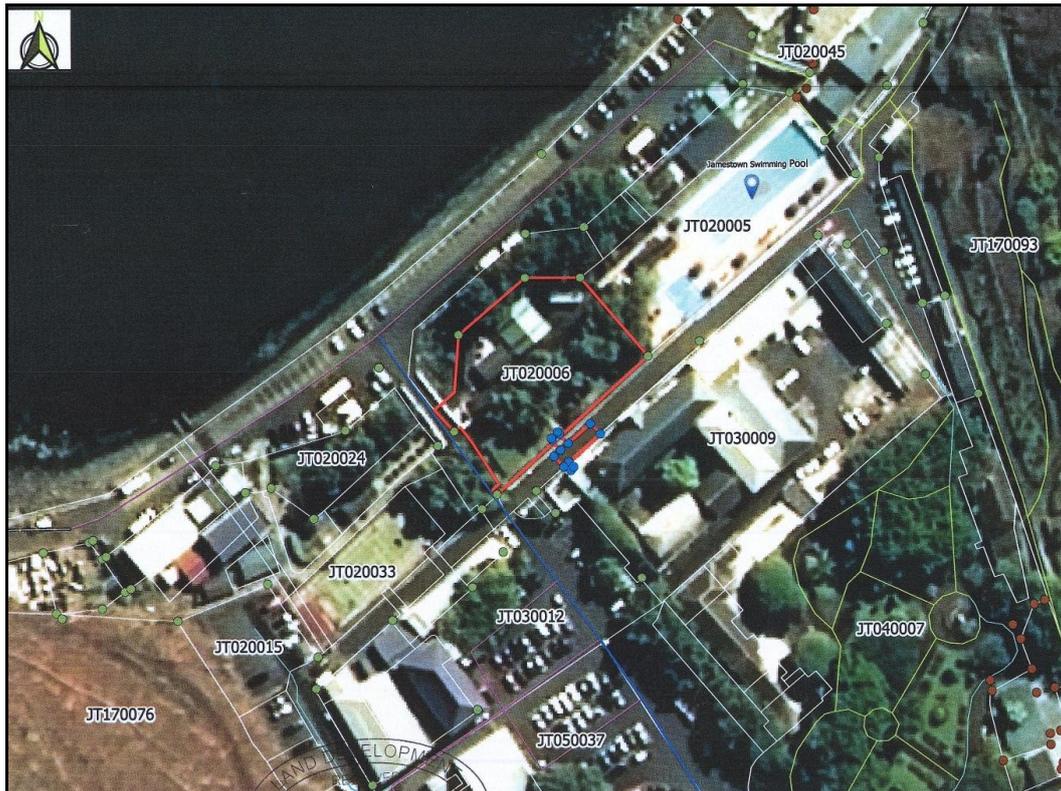
1. Sewage & Water Division	No Objection
2. Energy Division	No Response
3. Fire & Rescue	No Objection
4. Roads Section	No Objection
5. Property Division	No Objection
6. Environmental Management	No Response
7. Environmental Health	No Objection
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	No Response
10. Aerodrome Safe Guarding	No Response
11. Economic Development	No Objection
12. National Trust	No Response
13. Sure SA Ltd	No Objection
14. Heritage Society	No Objection
15. Maritime	Not Applicable

B. PLANNING OFFICER'S APPRAISAL

LOCALITY & ZONING

The development site is located at The Mule Yard in Jamestown where it is designated within the Intermediate Zone and the Heritage Coast Conservation Area. The Mule Yard is part of 'The Fortifications' Listed Grade I with Outstanding Group Value (O.G.V.) within the *Crallan Report* [1974].

Diagram 1: Location Map



PROPOSED DEVELOPMENT

This is a retrospective application for the retention of a bar covered area carried out some 4-5 months ago by the Applicant, who is the current tenant contracted to operate at *The Mule Yard*.

Within the justification written statement submitted by the Applicant, it states; "...the covered area was built to support the ongoing operations of the *Mule Yard Bar*, to provide essential shelter and protection from the elements and to enhance functionality, safety and comfort for both its customers and employees. The structure was designed to be coherent and complement the existing building using similar materials and colour scheme as the existing bar and surrounding environment. The roof covering is a combination of poly carbonate and metal roof sheets so as to not restrict the overall light in the area."

The unauthorised roof installation extends out from the existing bar roof overhang covering, with a gentle downward gradient that stops to rest on two wooden posts that are affixed to the fortification curtilage wall to the North West. There is also a smaller wooden post, not as easily visible on the taller part of the moat wall that supports part of the roof covering on the North side. Wooden materials are used for the upstands, the eaves and to connect the new roof with that over the band stand all in the same orange/brown of the existing bar building.

Diagram 2: Site Plan

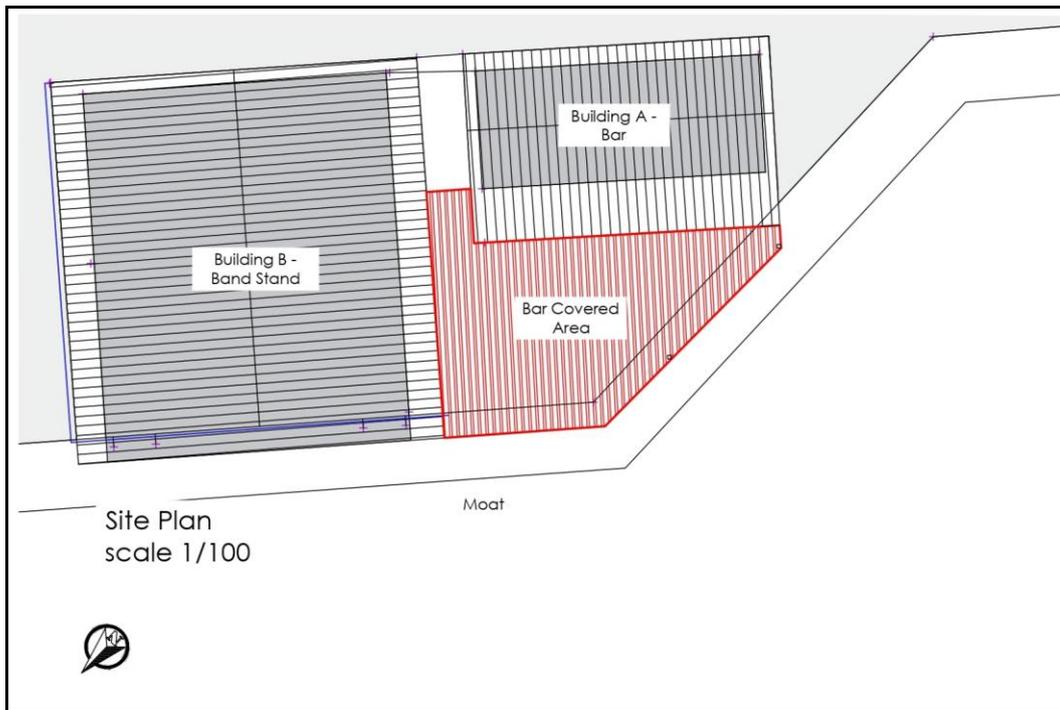


Diagram 3: North West Elevation

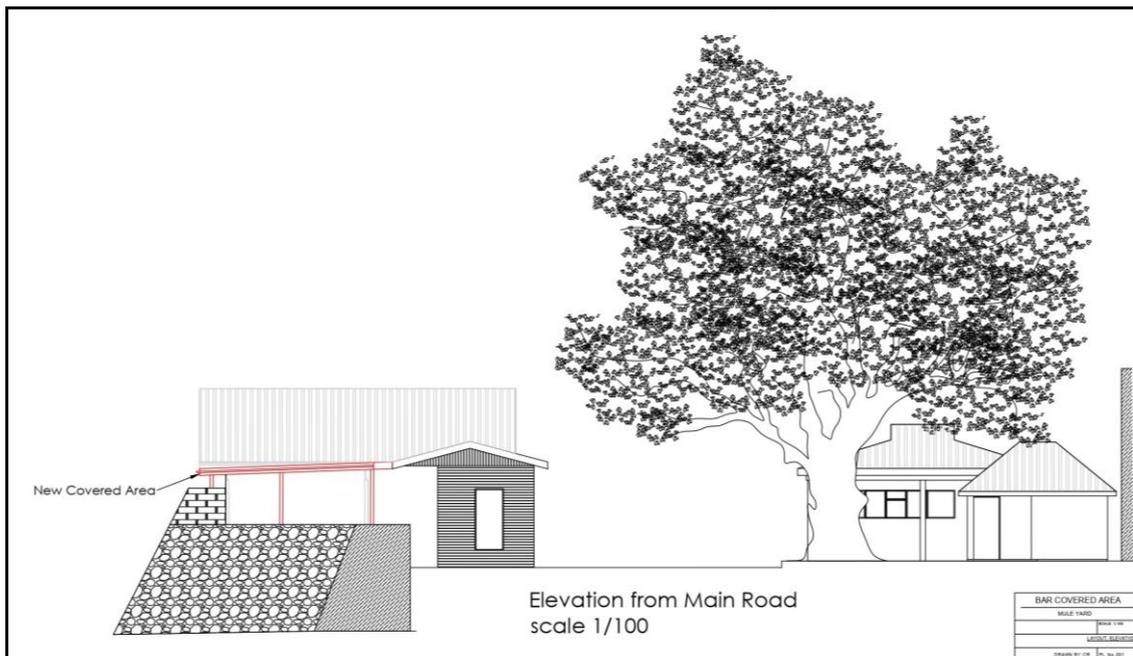


Diagram 4: Photograph taken from the Main Road to the North West



STAKEHOLDER FEEDBACK & REPRESENTATIONS

There were no objections received from stakeholders, however, there is one representation received from a member of the public as detailed below—

Representation 1 – Member of the Public

I can understand the desire of the lease holder to provide a covered area for its patrons. However, there is already a large covered area adjacent to it. Has it been considered to turn the bar building through 90 degrees to afford direct use of that area?

There is nothing in the application to suggest that the proposed covered area complies with Built Heritage policy BH1 of the LDCP, by enhancing and protecting the character of the Conservation Area. Appendix 7 on Listed Buildings shows that the entire ground area of the Mule Yard as well as the curtain wall is part of the Grade I Listed Monument. On the basis of LDCP policy, the application should not be permitted.

There are also wider concerns. A recent public meeting with the latest Wharf Working Group this year, noted that the whole area in front of the Terrace Wall should retain an open character. However it was also pointed out that the openness has been reduced by incremental additions over the years. Examples of this were raised by Exco at the Governor in Council meeting to decide the Coffee Shop fence application. This latest application presents yet another enclosure proposal.

The application also highlights the role of the landowner, the Crown Estate which is overseen by ministers, and where the LDCP also applies. How does this relate to applications like this, that need to be decided by the Governor in Council?

LEGAL AND POLICY FRAMEWORK

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: Policy IZ1
- Tourism: T.1
- Built Heritage: Policy BH1 a)
- Sewage, Storm and Drainage: Policies SD1 (b, c)

OFFICER ASSESSMENT

Viability of the existing use:

In assessing this retrospective application for the retention of a covered bar area at *The Mule Yard*, it can be considered to have been sensitively designed to blend in as closely as possible with the existing development, as can be seen in Diagram 4.

Historically *The Mule Yard* has operated as a social venue for decades, hosting various events and not just restricted to a bar with DJ and dancing and live music events, but also larger occasions for all the community to enjoy, such as; Saint Helena Day celebrations, Scouts Sports Day and also facilitating other outdoor activities such as family charity fun days and even the last 'Careers Fair'. It is evident that the *The Mule Yard* is an integral element of Saint Helena's culture for social activities, therefore it would be beneficial to consider the optimum functionality of the venue and the protection and safety of its users,

As such, this retrospective roof covering can be considered to provide additional protection from inclement weather for customers as an added safety feature whilst with open sides which does not completely enclose the outside space. The new roof covering would extend the area of covered space associated with the functionality of the bar/band stand providing an enlarged fully covered area, supporting economic viability by being better able to operate in all weather conditions.

Impact on the Historic Assets:

It is noted that the area, whilst Heritage Coast Conservation Area and part of the Grade I Listed Monument, around the application site tends to have more temporary looking buildings: some are converted containers, including the Mule Yard Bar and the cover to the bandstand is a simple timber frame with sheeting roofing. This is to a degree to enable flexibility of the space where customers can flow around the

buildings and, in more favourable weather conditions can sit out on the grassed areas beyond the bar/band stand area.

These two wooden posts affixed to the fortification wall is primarily the only physical impact on the fabric of the Grade I Monument of the fortification wall, which can be considered minimal. Also, it is a structure that can be removed at any time with minimal damage to repair the wall to its original state.

The roof covering is not considered to particularly enhance or preserve the Historic Assets, however, as a viable use, it does indirectly support the protection of the conservation area by ensuring that the site is kept in use and maintained such that it is not abandoned/becomes dilapidated. As such while harm arises, it does act to support Built Heritage policies.

Notwithstanding, the proposal does not represent high-quality design expected in a Historic Conservation Area and could detract from future developments expected to come forward on the Wharf/Seaside now that cargo operations have relocated to Rupert's Bay. In addition, the tenant indicates that they have a short-term lease. Property Services have confirmed that the lease is until March 2026 in the first instance but could be extended until March 2028, subject to agreement with the lessee. Also new operator may not want to retain the additional roof feature. It is therefore suggested that a temporary consent of, say 2 years, could be considered.

Given that the roof is attached to the existing buildings and is of simple materials which can be easily removed and the space returned to its former state, it is considered that the harm identified to the Historic Assets would be for a limited period and would be mitigated once it is removed and the monument "made good".

Impact on general visual amenities of the locality:

The newly installed roof covering extends out directly from the existing bar roof overhang, with a slight downward gradient that stops to rest on two wooden posts that are affixed to the fortification curtilage wall to the North West. A third, smaller wooden post supports part of the roof covering on the North side, but is less visible. An upstand between the new roof and the existing green roofed bandstand area is also visible.

It is considered that while the proposal is visible from public viewpoints on Seaside and from the bridge and gates to the west, that its visibility is limited when seen against the backdrop of the higher more solid bar and band stand and that it would not significantly reduce the sense of openness of the surrounding area.

Considering the above points, the retrospective approval of the covered area would result in some harm which would be ameliorated by its removal and it could prejudice the future improvement of the area, such that is considered to be acceptable on a temporary basis only in line with Built Heritage, Intermediate Zone, Tourism and drainage policies of the LDCP.

C. RECOMMENDATION: The application is to be referred to Governor in Council in accordance with Section 23 (2) of the Land Planning and Development Control Ordinance, 2013 and 'Directions to the Chief Planning' dated 14th June 2022, as the development is within 50 metres of the sea, and that Development Permission be **GRANTED** subject to the following Conditions:

1) This permission shall only be for a period of 2 years from the date of the approval. Within 2 months of the end of the 2 year temporary period, the covered area shall be removed entirely and any waste materials disposed/or recycled off site and any works to the Grade I Monument made good. Should the business not extend the tenancy beyond March 2026, the removal and making good shall be undertaken no more than upto 2 months of the tenancy ending.

Reason: The covered area is not of a high-quality of design and results in some harm to the historic assets it is could, if permanent, result in prejudicing future improvements to the Wharf/Seaside area contrary to Built Heritage Policies contained in the Planning and Development Control Ordinance 2013 and Economic Development proposals being brought forward under Tourism Policy T.1 (following relocation of cargo operations to Rupert's Bay in line with Planning Policies EP.1 and EP3).

2) The development shall be implemented in accordance with the drawings listed below and the details specified on the Application Form and Photograph registered 16 July 2025, stamped and approved by the Planning Officer, on behalf of the Land Development Control Authority (LDCA), unless the prior written approval of the CPO (on behalf of the LDCA) is obtained for a minor amendment to the approved details under Section 29 "Minor Variations" of the Land Development Control Ordinance, 2013.

Reason: Standard condition to define the terms of the development and to ensure that the development is implemented in accordance with the approved details.

Drawing No.	Drawing Type	Rev No.	Date Received
Drawing 1	Location Map	-	16 July 2025
Drawing 2	Site Plan	-	16 July 2025
Drawing 3	Elevation Plans	-	16 July 2025

3) **Storm Water Practices:** Storm water should be managed on site and not allowed onto the public roadway or neighbouring properties.

Reason: To protect public and private amenity and accord with LDCA SD1.

- 4) All **External Lights** attached to the covered area shall be designed and sited such that they do not emit light at or above the horizontal and the light source (lamp, bulb or LED) shall not be visible beyond the site boundaries.

Reason: to avoid light pollution and to protect the dark skies status of the island in accordance with LDCP policy E8.

- 5) Within 2 months of this decision, the **colour of the roof** of the covered area and upstand between it and the band stand shall be painted (or otherwise provided with a colour application) dark slate grey.

Reason: to blend the building into the landscape, in accordance with the Adopted Policy on Colour of roofing materials.

Informatives:

This Development Permission does not confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out whether building regulations approval is required, prior to the development commencing. This is to ensure development is carried out in accordance with the Building Control Ordinance 2013.

The applicant is advised that should they wish to extend the period of time for the proposal to be retained, they should submit a development application no later than 3 months before the temporary consent ending.