

Planning Officer's Report - LDCA December 2019

APPLICATION	2019/93 – Proposed two bedroom, two storey dwelling
PERMISSION SOUGHT	Permission in Full
REGISTERED	10 October 2019
APPLICANT	Dave Stevens
PARCEL	HTH1231
SIZE	0.34 acres
LOCALITY	Clay Gut. Half Tree Hollow Registration Section
LAND OWNER	Crown Estates
ZONE	Intermediate Zone
CONSERVATION AREA	None
CURRENT USE	Vacant
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 11 October 2019▪ A site notice displayed in accordance with Regulations.
EXPIRY	25 October 2019
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated / LDCA / EXCO
PREVIOUS APPLICATIONS	2018/27. Unchanged proposed two bedroom, two storey dwelling, which was refused on the 17 May 2018 due to a non-existent public sewerage network.
SITE VISIT	20 th November 2019

A. CONSULTATION FEEDBACK

a) Water Division	No Objection
b) Sewage Division	Objection
c) Energy Division	No Objection
d) St Helena Fire & Rescue	No Response

e) St Helena Roads Section	No Objection
f) Heritage	No Response
g) Environmental Management	No Response
h) Public Health	No Response
i) Agriculture & Natural Resources	No Response
j) Property Division (Crown Est)	No Response
k) St Helena Police Service	Not Consulted
l) Aerodrome Safe Guarding	Not Consulted
m) Enterprise St Helena (ESH)	No Objection
n) National Trust	No Response

B. DEVELOPMENT DETAILS SUMMARY

The proposed development is for a two bedroom, double storey dwelling house with an open deck/balcony covering 60% of the first floor. The total floor area of the development is 243m² with a dwelling foot print of 127m² and sits on parcel HTH1231 measuring 1407m², thus creating a plot coverage of 9%. The design and details of the proposed development is unique

It is proposed to create a mini-communal soakaway system between this development and the two adjacent plots with their individual septic tanks. The proposed mini-communal soakaway is intended to be positioned in the same area as the functioning soakaways of the existing two dwellings to the northwest of the proposed site.

C. PLANNING OFFICER'S APPRAISAL

Diagram 1: Location Plan

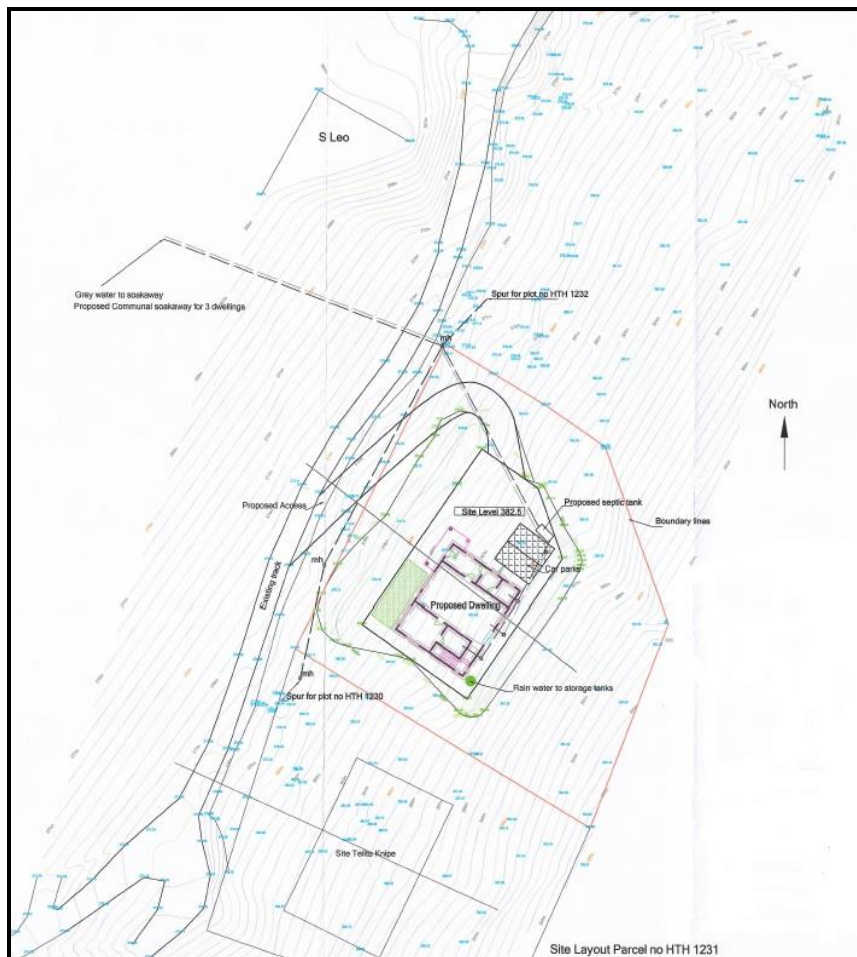


Report Author: P Scipio
 Authorised by: I Mohammed (CPO)
 Report Date: 04 December 2019
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Location: The site is located within the Half Tree Hollow registration section on the east side of Clay Gut closer to the northern section of this road. It is located within the **Intermediate Zone** where relevant IZ1 policies apply such as serviceability and impact on neighbouring amenity. There are no Conservation Area restrictions.

Site: The development site is owned by Crown Estates and sits on a relatively steep portion of land, measuring 1407m². The site is approximately 2m to the east of the existing access road at its nearest point.

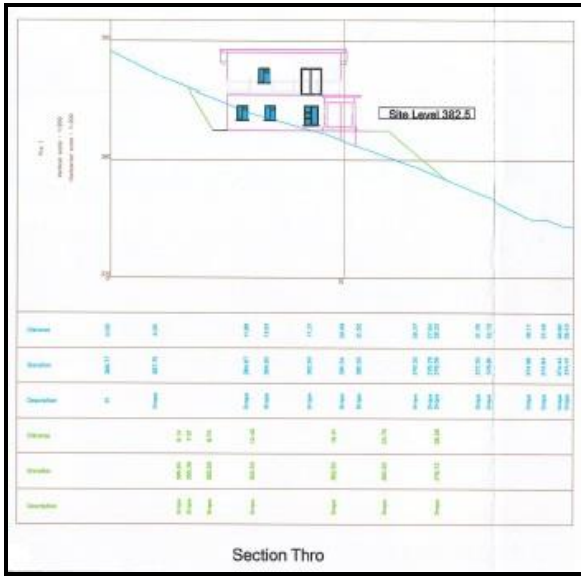
Diagram 2: Site Plan



The proposed excavation creates a level platform for 70% of the building's footprint, thus allowing the remaining 30% to be constructed on the sloped land at the front of the building. Engineering design details for the foundations and supporting walls for the built up section will need to be approved as part of the building regulation application. The proposed excavation will create an embankment height of approximately 3.4m, which is considered to be within the "**generally** 3m" margin as stated in the LDCP Policy IZ.1 f) and is acceptable in this instance.

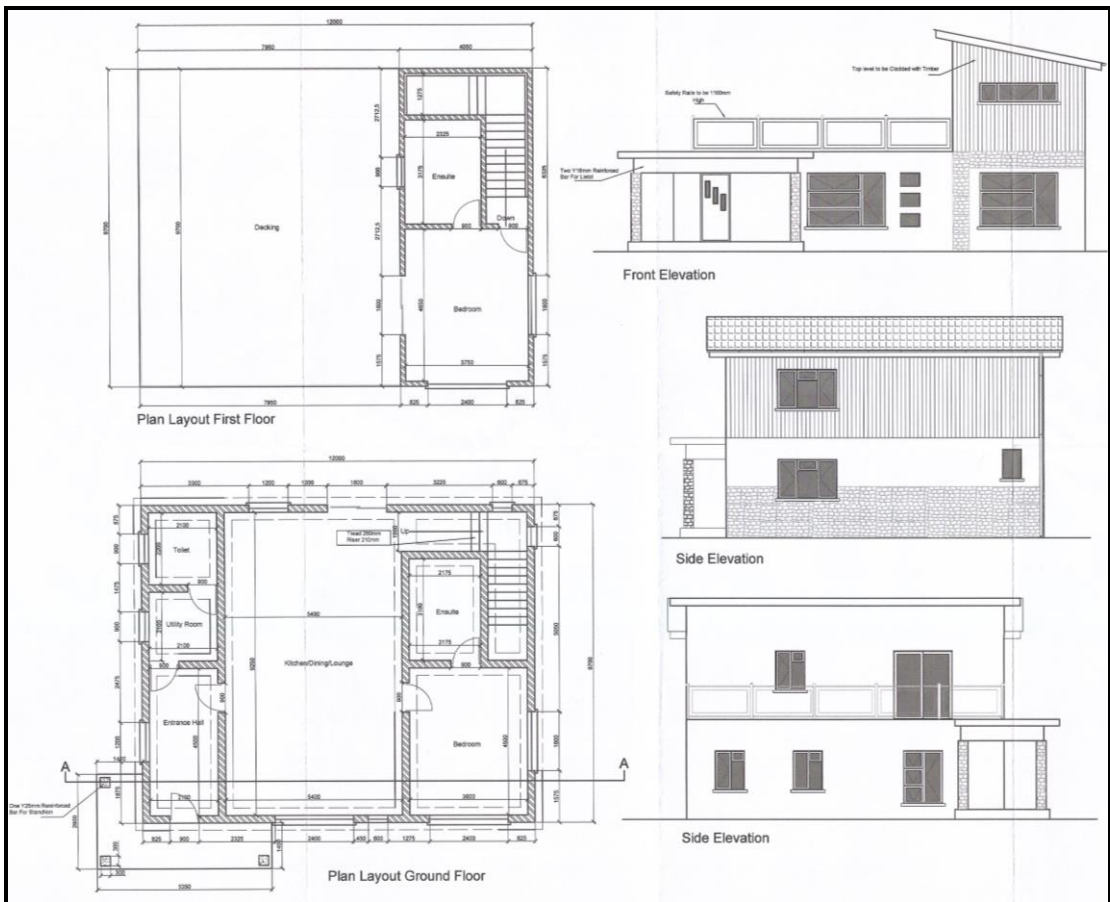
The site allows for two car parking spaces and adequate vehicle turning space and for the access road leading of the existing residential road to the west.

Diagram 3: Site Section



Proposed: The design for this proposed house is considered to be unique, being a partial double storey building with a mono-pitched style roof and an open deck/balcony covering 60% of the first floor. The apex height measures approximately 6.8m thus creating an above window/door to roof height on the first floor of approximately 1.6m which contributes to an unproportioned appearance on that elevation.

Diagram 4: Building Plan & Elevations



The ground floor layout consists of a porch, entrance hall, utility room, toilet, open plan kitchen, dining and living room and a bedroom with en-suite. Of note is that there is a large entrance hall providing access to the living room and the utility room, creating a considerable unused internal space. The access to the toilet is through the utility room, which is not ideal but not necessarily a planning issue and it accords with the Building Regulations. The first floor consists of the master bedroom with en-suite and a large decking area, where the users will have to traverse through the master bedroom to visit on deck – which again is not necessarily ideal, but not a planning issue.

Building Materials: It is proposed that the exterior walls will be concrete blockwork cladded in stone on the bottom floor and first floor cladded with timber, to give it a more natural appearance. The Roof will be of IBR and although the colour has not been indicated this can be conditioned to accord with the LDCP Policy on Roof Colour which in this case would be preferably grey or red and as such accords with Planning **Policy IZ1(a) and (b)**.

Background and Planning History: This proposed development is unchanged apart from the drainage proposal that was a previous planning application (reference: 2018/27) which was considered by the Land Development Control Authority (LDCA) at their meeting on 16th May 2018.

The application was refused development permission for the following reason only:

“Due to the location of this site (in Clay Gut) the following limitations are posed in terms of Sustainable Sewage Handling as required by the Land Development Control Policy:

- a) There is currently not an existing Public Sewerage Network to connect to (as was proposed for this development);*
- b) Soil Percolation Tests demonstrate that Cesspools and Soakaways in this area will not be feasible;*
- c) There are not sufficient resources available on Island to, on a regular basis, empty individual Septic Tanks – noting also that this generally includes removal of scum and grit from the first chamber of the Septic Tank to aid the overall operation of the tank, with the effluent released from the second chamber to soakaways for percolation (which in this instance has proven unsustainable).*

Reason: *in the interest of potential public health risks, risk of environmental pollution and associated nuisance and as such not in accordance with LDCP Policy IZ1(g)(i)”.*

The minutes from this LDCA revealed that the Chief Planning Officer (CPO) presenting the application considered that the proposed development with a modern design, part double storey with a mono-pitched roof didn't raise any design issues. The report stated that the house sits comfortably on the land and will not affect the amenity of surrounding properties and can thus be supported. It was felt by members that while all other aspects regulated by the LDCP policies can be supported with regards to this application, the significant concern over the handling

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of sewerage left them with no choice but to refuse the application. This was a directive at the time due to the severe capacity issues with sewage in this part of the Island and no alternative sewage management was considered by the applicant.

REPRESENTATIONS

There was an objection from Connect St Helena stating that there are currently no public sewerage capacity available in this area and that the Septic Tank at Ladder Hill is 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 as regards to allowing connection.

OFFICERS COMMENTS

The applicant under the advice from the previous CPO at the time of the first application, had proposed to create a mini-communal soakaway system between his and the two adjacent plots with their individual septic tanks. The proposed mini-communal soakaway was intended to be positioned in the same area as the functioning soakaways of the existing two dwellings to the northwest of the proposed. Because of the adequate functioning of the existing soakaways it is fair to conclude that the soakaway proposed with this application in the same area will be successful.

However, failure to receive approval for the proposed mini-communal soakaway, the applicant has confirmed in writing to sign up to an agreement on the future occupancy of the residential property. The Agreement will state that Applicant as the owner of the development and any subsequent owner(s) **will not** occupy the dwelling on completion until an approved sewer system is in place or is allowed to be connected to the main communal sewage system.

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: Policies IZ1 (a, b, f, g and h)
- Water; Policy W2
- Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
- Road and Transport Policies: RT1 (c and d), RT3 and RT7

OFFICER'S ASSESSMENT

Some of the internal design layouts are not ideal due to access to certain areas being possible only through other rooms, however, this is not necessarily controlled by Planning Policies and thus becomes the applicant's choice.

While the design is unique, the mono pitched roof on 25% of the top floor creates an appearance that could be viewed as aesthetically different from the norm and thus could be difficult to consider as being in compliance wholly with the LDCP Policies, i.e. IZ1 a) - *'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.'*

These design issues were brought to the attention of the applicant by the planning office with view to reconsidering the design and layout. However, the applicant in his reply to the planning office drew attention to the fact that the design was not an issue for the LDCA on his initial application in 2018 and that his application was refused only on the grounds for the sewerage issues, and thus was satisfied to submit the new application with the same design.

It is 18 months since the previous development application was considered by the LDCA, whilst there has been no new policy initiatives or change in policy, there has been a change in personnel in the Planning Service and the officers considering this application are of the view that the proposed design is not fully in compliance with the spirit of the above policy. This is a very objective assessment design proposal and it is considered necessary to bring this to the attention of the Members in the consideration of this application and the decision making. Members may feel comfortable in the uniqueness of this proposed design and are minded to reaffirm their previous decision or that they may share the concerns highlighted by the officers.