

## Planning Officer’s Report - LDCA January 2020

<b>APPLICATION</b>	<b>2019/101</b> – Comprehensive Development Area to Provided Access Road, Residential Service Plots for Private and Social Housing, Community Facilities Amenity Open Space and Retail Shop at Bunkers Hill
<b>PERMISSION SOUGHT</b>	Permission <b>HYBRID (PART OUTLINE, PART FULL)</b>
<b>REGISTERED</b>	07 November 2019
<b>APPLICANT</b>	Nigel George
<b>PARCEL</b>	AF0173 and RV 0046
<b>SIZE</b>	55.00 acres
<b>ACTUAL SITE SIZE</b>	55.0 Acres
<b>LOCALITY</b>	Bunker’s Hill, Alarm Forest
<b>LAND OWNER</b>	Crown Land Allocated to Applicant
<b>ZONE</b>	Intermediate
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Vacant/Grazing
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Independent Newspaper - 08 November 2019</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul>
<b>EXPIRY</b>	05 December 2019
<b>REPRESENTATIONS</b>	One received from Mr A Pearce
<b>DECISION ROUTE</b>	<del>Delegated</del> / <b>LDCA / EXCO</b>
<b>SITE VISIT</b>	Preliminary site visit prior to the Application being made and formal site visit on submission of the Application

### **A. CONSULTATION FEEDBACK**

- |                   |                         |
|-------------------|-------------------------|
| a) Water Division | No Objection - Comments |
|-------------------|-------------------------|

b) Sewage Division	No Objection - Comments
c) Energy Division	No Objection
d) St Helena Fire & Rescue	No Objection
e) St Helena Roads Section	No Objection
f) Heritage	No Response
g) Environmental Management	No Objection –
h) Public Health	No Response
i) Agriculture & Natural Resources	No Objection
j) Property Division (Crown Est)	No Response
k) St Helena Police Services	Not Consulted
l) Aerodrome Safe Guarding	Not Consulted
m) Enterprise St Helena (ESH)	No Objection
n) National Trust	No Response

**B. DEVELOPMENT DETAILS SUMMARY** (approximate / rounded figures)

The proposed development application covers up to 160 housing development plots, retail use, community facilities, amenity area and open space and amenity space may extend beyond the development application site. The total development application site is 55.0 acres (22.26 hectares). For the purpose of this development application, whilst layout of the application site is detailed there is no detail for the amount of land that will be built upon for each housing plot. The LDCP policy advises that the density of the development for Bunkers Hill should be a minimum of 15 houses per hectares. The density proposed is around 11 houses per hectares.

**C. REFERRAL TO GOVERNOR-IN-COUNCIL**

**This Application to be Referred to Governor-in-Council (in accordance with Directive dated 17 April 2014): 1** – The development of a site (or a group of two or more sites in the same vicinity) which exceed (or exceed in aggregate) five acres in area.

The Governor-in-Council further directs by way of clarification, that paragraph 6 and 7 are intended to include (without prejudice to their generality) all of the following current or proposed capital programme projects name those known as:

**CDA (Housing Development)** – To develop new housing service plots and homes for sale and social affordable.

## D. PLANNING OFFICER'S APPRAISAL

This is hybrid planning application seeking full development permission for the position of the new access road to the development, alignment of the main access road into and through the Comprehensive Development Area at Bunker's Hill, the position of the internal secondary roads to serve the plots, other associated land-use for shop and community open space and the layout of the services (electricity, water and sewage and OUTLINE development permission for up to 160 (one hundred and sixty) home land parcels, the alignment of the internal secondary roads, the position of other land-uses that will includes shops, community facilities, open space and general amenity area for which full development permission will be required.

**Diagram 1: Location Map**



The applicant was encourage to submit a hybrid planning application in respect of this development proposal as it was considered necessary and appropriate to deal with number of important detailed development issues which should be firmed-up at the early stage of the development process, such the access road to the site, the internal estate lay-out and in particular the location of the other uses, amenity space and how the development of the individual housing plots would be laid out to ensure that the volume of housing could be laid out and delivered.

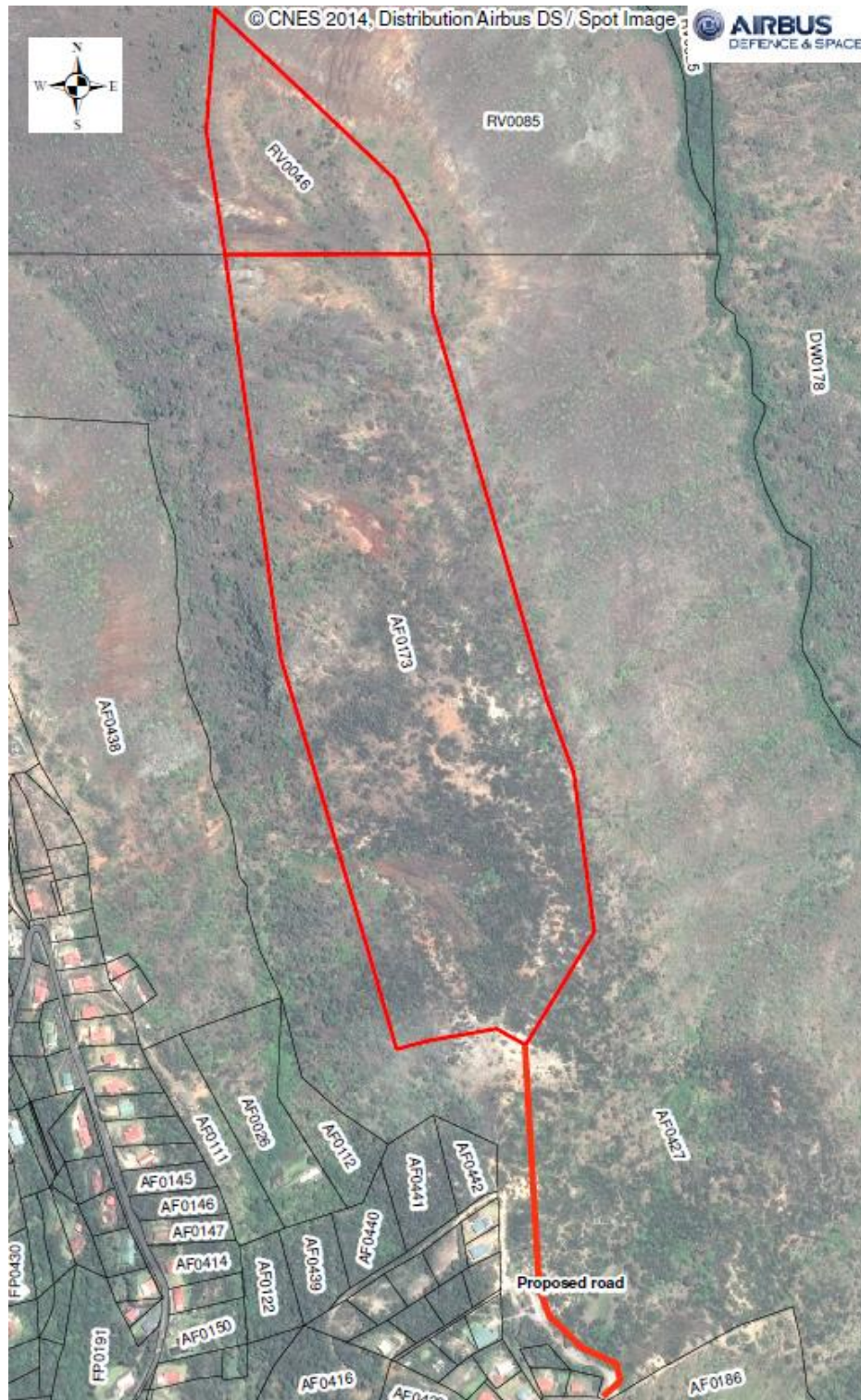
The total area of development (excluding the new access road to the site) is 55 acres (22.56 hectares) and the built development would cover a land area of around 30 acres (12.14 hectares) for this development application.

### **Proposed Development**

The development application site is located east of the housing neighbourhood in Alarm Forest with no direct road access to the two land parcels allocated for housing development in the Land Development Control Plan from an existing road network. The larger parcel in the south is within the Alarm Forest district and the smaller

northern parcel is in Rupert's Valley district. This is a narrow linear site stretching from Alarm Forest to Rupert's Valley, approximately 1.7km in length north-south and approximately 250m at the widest point east-west. The land is allocated in the LDCP for up to 150 housing units and will require an access road to enable future development.

**Diagram 2: Development Application Site**



The proposed development is to construct an access road of around 450m, on the western side of land parcel reference AF0427, from the most north-easterly point of the existing Alarm Forest access road northwards towards Rupert's Valley to the development site allocated to the applicant/developer. Whilst no details of the access road have been provided with the application, however the alignment of the road forms part of the development application to show how the development site will be accessed from the existing primary and secondary road network in the Alarm forest area. The future construction of the road will be required to meet the construction standards recently approved by the Highway Authority and adopted by the Roads Teams. It will also be subject to an appropriately worded condition on the development permission that will require full design and construction details to be provided and approved before construction of the road starts. This may also require some improvement, if considered necessary to the existing access road in Alarm forest to ensure that it is able to support the increase in the number of vehicles likely due to this development.

The proposed development will comprise of:

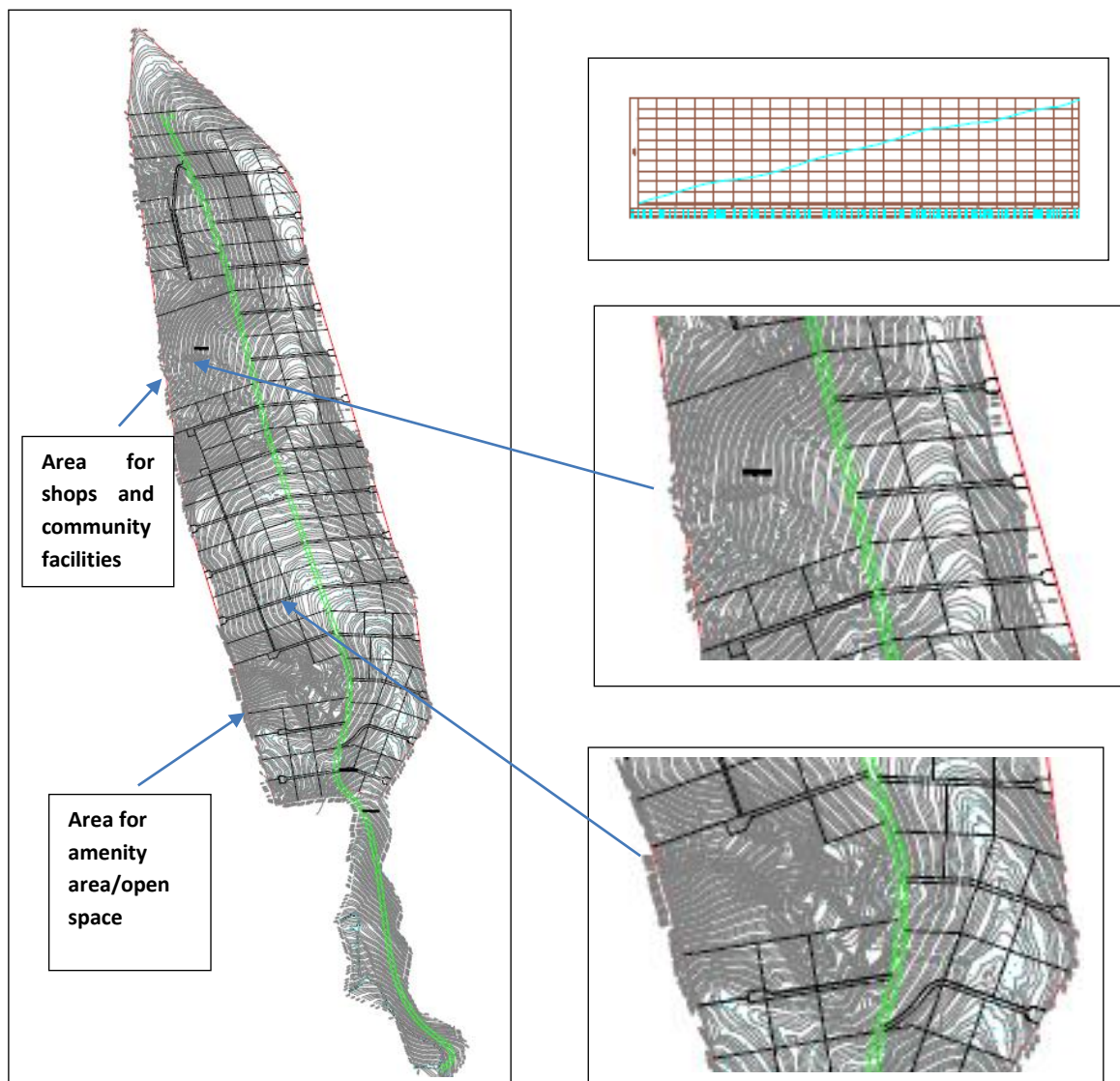
- Haul and Access Road 1.7km in length and 5m wide
- Approximately 150 – 160 homes that will include; 20+ social and affordable housing plots (single storey, split level, double storey) and approximately 130+ private market housing plots (single storey, split level, double storey)
- Shopping (local grocer etc.) and community facilities
- Recreational Area (Playground, Creche etc)
- Communal Septic Tanks
- Aboveground HV Power Line to the development site from Rupert's existing (Field road) 1050m (16 poles and 2 transformers)
- Water line from existing residential connection above Bunker's Hill, approximately 1.2km.

The current use of the area is as open landscape with a varying terrain with limited area of land that can be considered reasonably flat and therefore much of the future development in this area will require a degree of excavation to enable housing development on each of the development plots. There are no distinctive landscape features in the area, however there is considerable vegetation, trees and bushes amongst some very barren areas. The land slopes downwards from east to west and also downward from south to north with contour level varying from 288m in the north-west to 350m in the east at a more central point, with highest contours at 415m in the southern area of the site. Whilst in some area of the application site there is a gentle slope, however some areas of the site is considered to have steep gradient.

### Proposed Development Layout

The main access road through the development site will be aligned centrally south to north, whilst it is shown to be straight, however there may be some slight deviation once more detail design is worked out to follow the land contours. There will be number of service road both east and west off the main access road providing access to development plots. These road although shown as straight on the enclosed plan, however with the gradient, in view of the contour lines shown, these will need to be more thought given in designing on their exact alignment to ensure these are safe and usable by both vehicles and pedestrians.

**Diagram 3: Development Layout, Sections of the Layout and Road Section**



The residential development of the proposal is to deliver upto 160 residential units This includes a mixture of market housing, starter homes, social housing and has been layout of the development is designed so that it can be in delivered in three phases. The first phase is mostly southerly to deliver up to 80 home and amenity space and

the second phase is the middle section to deliver 40 homes and retail area and community facilities and the final phase in north section of the site to deliver up to 30 homes. The first phase also includes the access road to the site from Alarm Forest and the main road through the site. There is no design detail provided to indicate any housing lay out or design style for the buildings.

The housing development plots are of varying dimension from the small plot that are 35m by 35m (1045sqm) to the larger plots that are 60m by 35m (2110sqm). These plots are considered to be of sufficient dimension and area to enable a reasonable size residential building with associated space for access and car parking on site as well as sufficient amenity space. Even allowing for the topography of the area and any physical constraints on site there would be sufficient land available to accommodate development. Future development of these housing plots will need to ensure that the layout of the plots will minimise the level of excavation that will be required to enable construction. Where the development plot is below the road development would be designed so car parking and access to the house from the upper level.

The service access roads are shown as indicative and more details will need to be provided in the later stage of the development. Similarly there is no detail provided to show how the house/building will be placed on each plot. Each plot purchaser will require development permission to build their property and the exact siting of the building and design will need to relate to the topography of the plot. Similarly, the area identified for shops and community facilities to the northwest and amenity area and open space to southwest of the development will be subject further development applications when more details on their lay out and access is submitted for consideration and permission. As far as the outline application is concerned, these facilities appear to be well located in respect of the overall development as proposed.

The details submitted with regards to the sewage and water do meet the standard design requirements of Connect and these have been conveyed back to the applicant. The need for details design requirement have been agreed with applicant and these are being worked by the applicant's design engineers. These details can be included as a condition to the permission and would need to be discharged by the Chief Planning Officer in consultation with Connect.

### **Environmental Impact Assessment**

The applicant has submitted an Environmental Impact Assessment (EIA) in support of the development application. During the pre-application discussion with the applicant, the applicant was advised that in view of the scale of the development, the vast area of development and general unspoilt natural environment of the development area, an EIA would be required with the development application. Unfortunately there has

been no advice sought by the applicant and to discuss the content of the environment assessment that would normally be through a Screening Opinion or a Scoping Opinion requested of the Planning Officer by the applicant/developer. The EIA in view of the lack of a meaningful dialogue or discussion with the Planning Team or the Chief Environment Officer, it is considered to be very basic in its content and assessment of the potential impact.

Given the unspoilt nature environment of this area it is inevitable that although there is no conservation designation, however there is likely to be some ecological value of this area that should be careful managed during construction and post construction. The EIA is considered to be absent of any detailed environmental evaluation of the area and the focus of the document is very much on the assessment of potential risks and how these risk may be managed during the construction phase. The EIA is tool for identifying and evaluating the potential impact and then assessing the mitigation that can be put in place eliminate and/or reduce the potential adverse impact or maximise the potential benefits. It is considered the EIA that has been submitted fails to fully identify and evaluate ecological value of the area and how the development can be best laid out to ensure that any ecological features can be protected and similarly the future development fits well within the landscape of the area so that best use is made of the landscape features to lessen the impact of the development in the landscape. The EIA is merely a risk management exercise assessing the potential risks of occurrence and the consequences for the main receptors that have been identified and how these may be managed to reduce the negative impact. With a Construction Management Plan (CMP) or Environmental Management Plan (EMP) setting out the mitigation measures, the potential impact can be managed during construction.

Given the nature of this area and physical constraint in terms of accessibility, topography and availability of specialist knowledge and advice for preparing EIA and evaluating development options for this large area of land (masterplanning/urban design) the detailed information available and submitted with development application is considered to be reasonable for an Hybrid application to assess the impact of the proposed development to enable a decision to be made.

At the time writing the report, the comments of the Chief Environmental Officer had not been received. An addendum to the report will provided and made available on the government website before the report is considered at the meeting. Any issues and concern raised by the Chief Environment Officer will be analysed in the addendum and will be reported verbally at the meeting.



## **POLICY CONSIDERATION**

The proposed development application is assessed against the Principle and Strategy of the Land Development Control Plan and in respect of the policies that apply and these include the following:

**Principle 1 (3):** to provide for and enable appropriate and well-located housing development, including for domestic demand

**Intermediate Zone Policies:** IZ1, IZ3, IZ4 and IZ6

**Water Policies:** W2, W3 and W4

**Sewage and Storm Drainage Policies:** SD1, SD2 and SD7

**Solid Waste Policies:** SW3 and SW4

**Road and Transport Policies:** RT1, RT1, RT2, RT3 and RT4

**Social Infrastructure Policies:** SI1(b), SI11

**Housing Policies:** H1, H2, H4 and H5

**Employment Premises Policy:** EP1

## **REPRESENTATION**

Representation has been received from Mr Pearce and his major concerns are:

- the level of detail that has been submitted with the application which makes it difficult to assess and considers that the application should have been rejected;
- the Outline and Full permission being sought in view the level of details submitted and considers it be contrary to the ordinance;
- the drawings show a simple grid pattern of lines laid over a deeply undulating topography with virtually no relationship between the two and is clearly not a worked-out scheme and many of the plots indicated will not be viable;
- this is a major site with tremendous opportunities for future housing that is also visually prominent and with a spectacular view, so it needs to be very carefully considered to attain its full potential; and
- the Draft Environmental Impact Assessment is written by the applicant and is not impartial and so not an Environmental Impact Assessment according to the ordinance.

## **OFFICER RESPONSE**

The issues raised by this representation are legitimate in that there is unfortunately very little detail submitted with development application. However, as this is a Hybrid application seeking Full and Outline permission for number of elements of the development, there is sufficient information provided to be able assess the development proposal and make a recommendation. The EIA is considered to be very basic in its evaluation of the site and the assessment of the impact of the development on the area. It is considered that whilst considerable more information should be

provided to assess the development proposal, however with the appropriately worded conditions that will require more detailed design on the various aspects of the development, there will be a level of control on how the development is progressed managed and enable the Planning Service to ensure that developer complies with legal requirement and work is not undertaken until all details are provided and approved

#### **OFFICER ASSESSMENT**

The development proposal as set out in this application accords with the principles of the policy objectives in the LDCP. The Comprehensive Development Area were allocated to provide a comprehensive approach for the development and delivery of future housing, ensuring that the services and infrastructure is delivered to meet the needs of the area. The application is in compliance with the various LDCP policies against which the development has been assessed. Fundamentally, the Principle 1(3) is important in that the allocation and delivery of the housing development as set in the Housing Policy accords with this and the site assessment and development layout makes the best use of the land and its gradient. There is already considerable residential development in Alarm Forest just to the southwest of this sites that has been built over number of years and some of it is very recent. The access road in Alarm Forest that will provide access to the point where the main access road to the development will be begin is not considered to be of sufficient capacity to able to cope with projected increase in the vehicular movement arising from this development. This access road is mainly of single vehicle width, number of blind spots (limited on-coming vehicle visibility) and only small number of passing points to be able to meet the increase traffic along this section without some widening and improved visibility. It is also considered that this access road would be unable to cope with the heavy goods construction vehicles that the applicant may use for the land assembly and construction. The applicant will be required to review the capacity of this access road and in partnership with Road Services Team before any construction work on the development of this area commences upgrade this road to enable access to the site and ensure safety of the existing road users. This may also include any improvement to the junctions of the Alarm Forest access road with Tomb Road. All upgrade and improvement to the access road in Alarm Forest must be the responsibility of the applicant and these must be undertaken by the applicant to the requirement of the Road Service Team.

The design details for the main access road and the internal roads will provide good accessibility around the development. The site for retail store and community facilities and the amenity area and openspace are well located to provide recreational and social space for local residents. The phasing of the development is more of a management of the future development, however what is most important is that the

road network is provided with all utilities and services are underground to enable future development to proceed as plots are released and developed.

The main reason for insisting on a hybrid development application in respect of this development was to ensure that details of development layout, the access road and movement within the development are set out clearly at the initial stage as this was considered to be important in meeting the development principles. The outline permission would enable the details of the future development of each plot to deal with the layout of the house in terms of its footprint and design.

The details submitted with application provides layout of the development and meets with principle set out in LDCP.

Prior to submitting this development application, the applicant had dialogue with the officers in the Planning Team, however, although the submitted document indicates that there has been consultation with the stakeholders and community, there is no evidence or record of correspondence in this respect. With the limited level of detail provided with the application, the concern is that there does not appear to be much consultation with a number of stakeholders and the concerns that have been expressed by them supports that. The proposed development of this nature requires a well development land assessment, masterplanning for the development site and a higher level of input from the stakeholders and services providers to ensure issues and concerns are dealt with at an early stage of the development process.

In principle, the proposed development of this area of Bunkers Hill for residential development for up to 160 homes and other community facility with access from the access road in Alarm Forest is considered to be acceptable and can be supported. However, if the is made to grant permission, then development can only be allowed to proceed until the access road in Alarm Forest has been upgraded to enable this access road to meet the level of increased traffic that will arise from the development and ensure safe access for all road users. The future development will also need to be closely managed to ensure the developer meet his obligation and all conditions are fully discharged as required before any development is undertaken at all stages of the development process.

#### **E. CONCLUSION AND RECOMMENDATION**

**It is advised that the Land Development Control Authority Recommends to Governor-in-Council to Grant Development Permission for this Hybrid Planning Application, subject to the following Conditions:**

- 1) This **permission will lapse** and cease to have effect on the day, 5 years from the date of this Decision Notice, unless the development has commenced by that date.  
**Reason:** Required by Section 31(2) of the Land Planning and Development Control Ordinance 2013.
- 2) The **FULL Development Permission** is for the alignment of the access road, the internal road layout and indicative layout of the service roads and the development plots in accordance with drawing BGCD/001, ST78/19BH2, and ST78/19BH6 as stamped and dated by the Chief Planning Officer on behalf of the Land Development Control Authority subject to the Condition of this Decision Notice and unless the prior written approval of is obtained for an amendment to the approved details under Section 29 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.
- 3) The **OUTLINE Development Permission** shall be **implemented in accordance with the details** specified on the Application Form; Development Site Layout Drawing Nos BGCD/001, ST78/19BH1, ST78/19BH2, ST78/19BH3, ST78/19BH4 and ST78/19BH5 as stamped and approved by the Chief Planning Officer, on behalf of the Land Development Control Authority, subject to the Condition of this Decision Notice and unless the prior written approval of is obtained for an amendment to the approved details under Section 29 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.
- 4) Application for Full Development Permission will be made and consent obtained before any development subject of the **OUTLINE DEVELOPMENT PERMISSION** is commenced and the application should set out details of design and layout of the development, this also include the layout and design water and sewage system for each phase of the development.  
**Reason:** To ensure development is carried out in accordance with the approved OUTLINE Development Permission.
- 5) This Development Permission does not confer approval of the access road, the main internal road layout and the design and construction of these road and

**before any land assembly work** for the exact alignment of these roads commences, plans showing detailed alignment, road design and materials will be submitted to and approved by the Chief Planning Officer on behalf of the Land Development Control Authority in writing.

**Reason:** To ensure that the road are designed and constructed to meet with the Highway Authority design standards and ensure the safety of the road users, both vehicular and pedestrians.

- 6) This Development Permission does not confer approval of the service roads and housing plot lay out and the design and construction of these service roads and development of the housing plots and **before any land assembly work** for the exact alignment of these services roads commences, plans showing detailed alignment of service roads, exact layout of the housing plots, road design construction and materials will be submitted to and approved by the Chief Planning Officer on behalf of the Land Development Control Authority in writing.  
**Reason:** To ensure development of the area is designed and constructed to meet with the Highway Authority design standards for community access road and housing plots are accessible and able to accommodate suitable housing development.
  
- 7) Before any development subject of this approval is commenced the existing access road in Alarm Forest that will provide access to development site is upgraded to the satisfaction of the Highway Authority to enable this access road to safely accommodate the increase of vehicular traffic arising from this development and enable the construction vehicles associated with development to be able to safe use this road. The detailed proposal for the upgrade of this road will be submitted to and approved by the Chief Planning Officer on behalf of the Land Development Control Authority in writing.  
**Reason:** To ensure development of the access road is upgraded in term of designed and constructed to meet with the Highway Authority design standards to provide safe access for all road users.
  
- 8) 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.  
**Reason:** To ensure development is carried out in accordance with the Building Control Ordinance 2013.

- 9) **Site Verification:** All site boundaries, the extent of building(s) footprint and the extent of proposed re-grade of land shall be surveyed, set out and pegged clearly by the developer for verification by Building Inspector(s) before commencement of development and verified again following initial earthworks.  
**Reason:** To comply with the requirements of Policies IZ1 and H9, in the interests of orderly layout siting and design; to establish and ensure accurate setting out; to reduce cut into slope, protect services and to avoid possible encroachment onto adjoining properties.
- 10) During **Construction** of the development, no obstruction shall be caused on any public road and to reinstate damage to any public road and other public or private infrastructure/structure arising from implementation of the development permission.  
**Reason:** To ensure safe vehicular access and reinstate damage to public infrastructure arising directly from the approved development in accordance with Planning Policy IZ 1(g).
- 11) Excavation into slope and infilling to form level platforms or embankments shall be in accordance with the approved plans and engineering design principles. Deviation to be agreed with the Chief Planning Officer and Building Inspector. Land made unstable as a result of implementation of development shall be satisfactorily stabilised, consolidated or retained in consultation with the Chief Planning Officer and Building Inspector.  
**Reason:** In the interests of safety to maintain the stability of land and visual amenity and also to accord with LDCP Policy IZ1 (f).
- 12) Any excavation associated with any new, altered or extended building shall not be within three metres of a low-voltage (less than 1000v a.c) electricity conductor pole or overhead line conductors or a pole stay-anchor, or five metres in the case of a high-voltage (exceeding 1000v a.c) electricity conductor pole or overhead line conductors or a pole stay-anchor.  
No part of any new, altered or extended building shall be under any overhead electricity line or electricity cable.  
**Reason:** to ensure public safety and to protect the public electricity supply as directed by Connect St Helena Ltd.
- 13) All regraded land (including fill-faces and cut-faces) to be appropriately vegetated and landscaped, within a year following construction.  
**Reason:** to ensure that the development blends into the natural landscape and that soil be effectively re-used in garden areas in accordance with LDCP IZ1 (h).

- 14) The proposed dwelling shall **not be occupied** until its **Foul Drains** (to include both black & grey water) have been completed, approved and connected to an effective **Septic Tank and Soakaway System**. The system to be appropriately designed based on:
1. Standard engineering design principles to be endorsed by the Building Inspectors.
  2. All parts of the sewerage system, including any septic tank and pipework to be laid underground, apart from access covers and vents unless otherwise agreed with the Chief Planning Officer in collaboration with the Building Inspectors.
  3. The Septic Tank shall have a minimum internal capacity of 2700 litres (2.7m<sup>3</sup>).
  4. The design, sizing and functionality of the soak-away as per the percolation test results submitted remain the professional responsibility of your Designer and Contractor to ensure operational and installation compliance and suitability.

**Reason:** To avoid creating pollution and to accord with LDCP policies SD1 and SD7.

- 15) **Occupation** of the development is not permitted until it is adequately served by a potable water supply, adequate energy supply as well as a connected to an approved sewerage system.

**Reason:** To accord with **LDCP Policies IZ1, SD1, RT7 and W3**.

- 16) No **Roof Water or other Surface Water** shall be connected to or directed to any foul drain. Roof water shall be piped to storage tanks of minimum capacity 450 litres with overflow piped to landscaped areas.

**Reason:** to conserve rainwater and to avoid overloading the Septic Tank, in accordance with **LDCP Policy SD1**.

- 17) **Stormwater** should be managed on site and not allowed onto the public roadway or neighbouring areas.

**Reason:** To protect public and private amenity and accord with Development Plan **Policy SD1**.

- 18) Notwithstanding Condition 4, the **Driveway** to the new dwelling from the existing roadway (as indicated on the Site Layout Plan), to be appropriately formed (in accordance with the Island's Roads Policy) and surfaced (preferably

with a permeable surface material) sufficient for use by normal passenger cars and emergency vehicles.

**Reason:** to ensure that the dwelling has adequate access in accordance with LDCP Policy RT1 (d).

- 19) Any **External Lights** shall be designed and sited so that they do not emit light at or above the horizontal and the light source shall not be visible beyond the site boundaries.

**Reason:** to protect the Dark Skies status of St Helena in accordance with **LDCP Policy E8**.

- 20) The **Colour of Roof** shall be dark slate grey.

**Reason:** to blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

**Further Advisory:**

- i. Please ensure to select modest wall-colours (such as earthy tones, etc.) and natural external finishing (such as stone, wood) that will blend in with the natural and/or surrounding built environment.
  
- ii. Application required for electricity from Connect St Helena Ltd

**Please note that the LDCA, Planning and Building Control Division nor any of its employees warrant the accuracy of the information or accept any liability whatsoever neither for any error or omission nor for any loss or damage arising from interpretation or use of the information supplied by your Designer/Contractor.**