

## Planning Officer's Report - LDCA MARCH 2020

|                          |   |
|--------------------------|---|
| <b>APPLICATION</b>       | 2020/06 – Erection of a Sign (2m x 1m)  |
| <b>PERMISSION SOUGHT</b> | Permission in Full  |
| <b>REGISTERED</b>        | 21 <sup>st</sup> January 2020   |
| <b>APPLICANT</b>         | Craig Yon   |
| <b>PARCEL</b>            | JT010026  |
| <b>LOCALITY</b>          | Lower Wharf   |
| <b>LAND OWNER</b>        | Crown – Leased to Craig Yon   |
| <b>ZONE</b>              | Intermediate Zone   |
| <b>CONSERVATION AREA</b> | Heritage Coast NCA (Listed Building- Grade III)   |
| <b>CURRENT USE</b>       | Dive Centre   |
| <b>PUBLICITY</b>         | The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Sentinel Newspaper on 23<sup>rd</sup> January 2020</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul> |
| <b>EXPIRY</b>            | 6 <sup>th</sup> February 2020   |
| <b>REPRESENTATIONS</b>   | None Received   |
| <b>DECISION ROUTE</b>    | <del>Delegated</del> / LDCA/ EXCO   |

### A. CONSULTATION FEEDBACK

|                             |                      |
|-----------------------------|----------------------|
| 1. Water Division           | No Objection         |
| 2. Sewerage Division        | No Objection         |
| 3. Energy Division          | No Response          |
| 4. Fire & Rescue            | No Response          |
| 5. Roads Section            | No Objection         |
| 6. Heritage                 | Objection - Comments |
| 7. Environmental Management | No Response          |
| 8. Public Health            | No Response          |
| 9. ANRD                     | No Response          |
| 10. Crown Estates           | No Response          |

|                             |                      |
|-----------------------------|----------------------|
| 11. Police Services         | Not Consulted        |
| 12. Aerodrome Safe Guarding | Not Consulted        |
| 13. Enterprise St Helena    | No Objection         |
| 14. National Trust          | Objection – Comments |

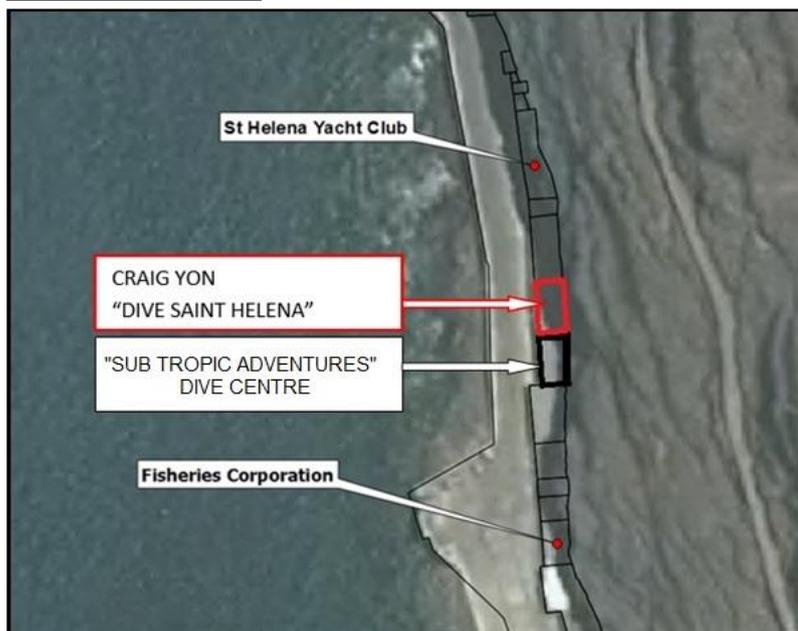
## B. DEVELOPMENT DETAILS SUMMARY

This is a retrospective application seeking permission to retain the advertisement sign for the Scuba Diving business erected on the front elevation of a grade 3 listed building at James Bay. The application building is adjacent to another scuba dive business premises, “Sub Tropic Adventures”. The sign is 2000 x 1000mm, located left of the main door and above window. There is no alignment with neither the door nor window or any other building feature. The advertisement sign was erected over 15 months ago, following permission granted to the adjacent premises.

## C. PLANNING OFFICER’S APPRAISAL

**Location:** The building is located in the Lower wharf area of James Bay fronting the ocean and is in the Jamestown registration Section. It is within the Intermediate Zone and is in the Heritage Coast Historic Conservation Area, where relevant Intermediate Zone and Built Heritage policies apply. The building is currently used as a dive Centre, and is next to similar scuba diving business “Sub Tropic Dive Adventures”. Both buildings are similar in their design and appearance, however due the upward slope of wharf level, the application property looks a little shorter in its height than the adjoining building.

**Diagram 1: Locality**



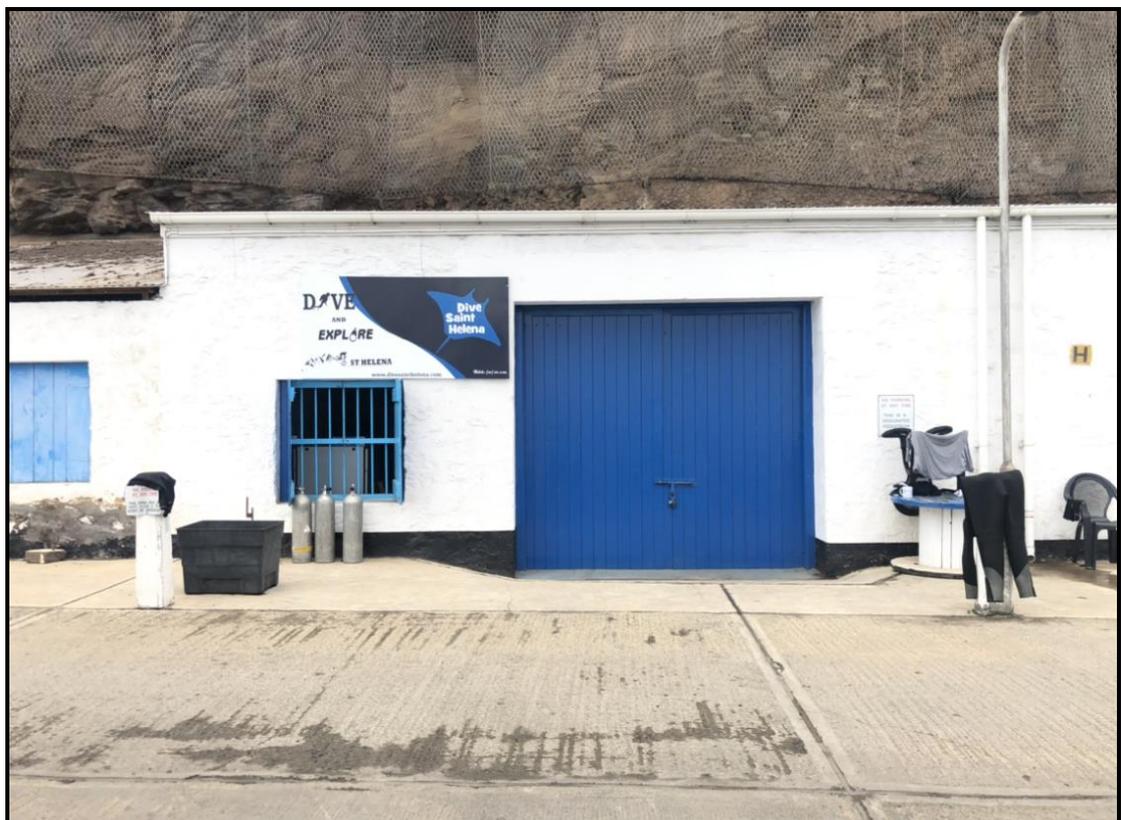
The building is a single storey stone structure and is Grade III Listed and holds Group Value within the Crallen Report.

**Proposed:** This retrospective application is to retain the advertisement sign erected on the front of the Grade 3 listed building that is constructed as a warehouse and advertising the Scuba Diving business operating from the premises. The proposed sign is timber framed 2000 x 1000mm, with a painted flat surface, located to the left of the main door and over the window.

**Diagram 2: The Installed Sign**



**Diagram 3: Position of Sign**



**Background and Assessment:** The adjacent property was granted permission for the erection of the advertisement sign (2m x 1m) for a period of three years on 25<sup>th</sup> September 2018 following the decision on the report made to LDCA at its meeting in September 2018, application reference 2018/63. The permission was subject to a condition stating that: “The sign must be installed as such to be aligned with the architectural feature of the elevation or be placed symmetrically on that elevation.” As the application premises is adjacent to this premises where development permission has previously been granted for the erection of advertisement sign it is considered that this application should be assessed and considered having regards to the previous decision of the Authority. The advertisement sign erected at the application premises is of similar dimensions on a building frontage that is identical in all aspects of its design, details, construction and colour scheme, albeit the application premises appears to be slightly shorter in its height.

The erection of the advertisement sign on the adjacent premises may be considered to be in compliance with the condition. The issues of concern is that advertisement sign was already made prior to permission being granted and given the dimensions of the sign, the position of erection of the sign was probably the most acceptable position.

**Diagram 4: Proposed Sign in Relation to Existing Adjacent Sign**



The occupier of the application premise has in many ways copied the consent of the development permission on the adjacent premises and has had the advertise sign of similar dimension made and erected in a similar position without development permission. Whilst the advertisement sign has been erected without development

permission, which is unlawful and it has taken considerable time to get the occupier of the premises to submit the development application, the main issue for consideration is whether the advertisement should be allowed to remain and given that businesses need to advertise their service could alternative position for the erection of the sign be more appropriate and/or more appropriate dimension for the advertisement sign be better for this building. In assessment with adjacent premises, the advertisement sign had already been made but not erected and it was agreed that it could be erected and was granted development permission.

Whilst these buildings are listed, more for their group value, these commercial warehouse buildings are of very simple design and construction with wide openings of solid wooden doors and simple square shaped window and very shallow mono roof that is almost flat. There are no details of features around the door and window openings. Along the Wharf there number of older buildings that are more reflective of the Island's historic architecture and heritage, however many of these building are in poor condition. Most of the buildings along the James Wharf do not have any signage, but with changing nature and role of James Wharf, with transfer of all shipping and freight operation to Rupert's Wharf, this area has the potential for more recreation, leisure and tourism related activities and signage for the buildings and uses may become a feature for the buildings. In view of this, there is a need to take a more flexible approach for advertisement signage for the buildings and business usage.

## **REPRESENTATIONS**

Two representations have been received during consultation on the proposed development from the Heritage Society and Saint Helena National Trust (STHNT).

**Heritage Society:** The representation raises concerns that some information regarding Grade III Listing of the building were not included on the consultation form; that the development application is seeking retrospective permission for the retention of the advertisement sign, the application must be forwarded to the Governor in Council for final decision, and whether there was any pre-planning consultation.

There is also concerns that the erected sign contravenes the LDCP policy for not being centrally positioned over a door or window and dimensions doesn't comply with policy either.

The representation also points out that the size and position of the sign on the adjacent building is identical to that of the application site and that while the application (2018/63) was approved by the LDCA in September 2018 the application was not passed to the Governor in Council for final permission as required. The representation request that action is considered for non-compliance of the advertisement sign on the adjacent building. The Heritage Society has submitted alternative design and position of the advertisement sign for the two buildings.

**Saint Helena National Trust:** The representation is concerned that the proposed advertisement signage affects Grade III listed buildings and the visual impact on the historic environment of the Wharf is given due consideration in respect of planning policy and law and that due process is pursued. It also point out that the current sign proposal, in terms of size and location on the front elevation of the building, does not comply for advertisements (including signage) laid out in the Land Planning and Development Control Ordinance, 2013, and attendant policy.

The representation recommends that the planning application (2020/07), a proposal for the Old Customs House, be considered in relation with this application for the cumulative impact to the historic wharf, which is recognized as a historic conservation area.

**Officer Response:** The Proposed Signage has been evaluated against the Advertisement Policy (Appendix 8 of the LDCP) and although it generally complies with the overall objectives of the Policy it should be noted that the policy aims to provide a steer and consistency in decision making and as highlighted in the policy, is “not hard and fast rules and there will be times when it is appropriate to depart from them.”

The development application is for an erection of advertisement sign on a commercial property on James Wharf with a very commercial and industrial environment. Whilst this is one of a number of buildings listed for their group value and within a historic conservation area, the buildings are of very simple design and construction with no architectural feature or details of note on the main elevation. The proposed advertisement sign is larger in its dimensions in assessment with the advice contained in the policy, however does not impinge upon any feature and detail on the building that has adverse visual impact on the building or the area generally.

The development application 2018/63 (Erection of advertisement sign of identical dimensions on the front elevation of the adjacent building was approved by the Land Development Control Authority in September 2018, thus making allowance for appropriate policy deviation.

Since 2016, approval has been given to new or renewal of signage on the following buildings, which exceed the recommended 400mm in height.

- The Standard – (Jamestown NCA) - 610mm
- The White Horse (Grade III & Jamestown NCA) - 780mm
- St Kebabees (Grade III & Jamestown NCA) – 500mm
- Rosie’s Bar & Restaurant (Heritage Coast NCA) – 1000mm

All the signs above vary in both design and size; even though they fall within an NCA or are positioned on a Listed Building.

The development application 2018/63 for the adjacent premises should have been reported to the Governor-in-Council for decision in accordance with the Section 23(1) of the Ordinance and the Direction dated 17<sup>th</sup> April 2014 (Section 3); “The development of any land covered by water or land within 50 metres of land covered by water.” It was considered and interpreted at the time by Interim Chief Planning Officer that the development application for the erection of the advertisement sign was not required to be reported to Governor-in-Council as it was not within the direction issued and being a minor application for advertisement sign that did not constitute development of land or building in its wider interpretation. Furthermore, the permission granted is for a temporary period only.

The development application 2020/07 will be considered on its merit. The assessment of the development application has regards to other development proposals in the area and will consider the cumulative impact of the development in the area.

#### **POLICY CONSIDERATION**

The proposed development is assessed against the Land Development Control Plan 2012 – 2022 (LDCP) Appendix 8: Advertisement Policy set out below:

##### **A. Explanation**

- 1) The purpose of a Planning Policy is to steer development, in this case the **display of signs and advertisements**, in a preferred direction and to ensure consistency in decision making. Policies are not hard and fast rules and there will be times when it is appropriate to depart from them; but once adopted they should be the starting point for decisions and, to achieve consistency, they should be adhered to unless there are clear and compelling reasons to the contrary in a particular case.

##### **B. Policy**

- 9) Avoid more Advertisements than are Necessary
- 10) Avoid Advertisements that are Larger or More Prominent than Necessary
- 11) Avoid Advertisements that do not Respect the Architecture of Buildings to which they relate

#### **OFFICER ASSESSMENT**

As outlined above, the Policy is there to ensure consistency in decision making while allowing some flexibility. In the case of application 2018/63 the Members considered that proposed advertisement sign in view of the details of the building and its

location and it was generally considered to be in compliance with the policy. The applicant erected the sign to align with the door opening to the left of the door and it sits above the window. The occupier of the application premises has copied the advertisement sign for the adjacent property and erected the advertisement sign to the left of the door opening and above the window. However, the application building is slightly shorter in height than the adjacent building, the advertisement sign protrude above the door opening.

Had the applicant sought advice from the Planning Service prior to the erection of the advertisement sign, the advice would have been to ensure it is narrower to align with the top of the door opening. Whilst there is breach of Land Planning and Development Control Ordinance as the development has been carried out without the benefit of development permission the occupier of the premises has now submitted development application since the issue was raised with the Planning Service and the occupier advised to submit the development application to regularise the advertisement sign as erected. The advertisement sign has already been erected on the front elevation of the application site for over fifteen months and it is considered that development permission be granted for a temporary period and should expire at the same time as the development permission expire for the adjacent property and development reference number 2018/63 on 25<sup>th</sup> September 2021. The Planning Service will work with the two business occupiers to formulate design for advertisement sign and position of erection which respects the character of the building and the area's historic designation.

It is also considered that as the permission granted is for a temporary period only, the development application is not required to be submitted to the Governor-in-Council for the formal approval in compliance with the direction issued by the Governor-in-Council in April 2014.