

Planning Officer's Report - LDCA OCTOBER 2020

APPLICATION	2019/48 – Proposed Pet Care Centre
PERMISSION SOUGHT	Permission in Full
REGISTERED	12 th June 2019
APPLICANT	Rodney Yon
PARCEL	SCOT0595
LAND OWNER	Crown Estates – Forest Boundaries
LOCALITY	Merrimens Forest
ZONE	Green Heartland Zone
CONSERVATION AREA	None
CURRENT USE	Forest
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 14th June 2019▪ A site notice displayed in accordance with Regulations.
EXPIRY	28 th June 2019
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

- | | |
|------------------------------------|---------------|
| 1. Water Division | No Objection |
| 2. Sewage Division | No Objection |
| 3. Energy Division | No Response |
| 4. Fire & Rescue | No Response |
| 5. Roads Section | No Objection |
| 6. Property Division | No Response |
| 7. Environmental Management | No Response |
| 8. Public Health | No Objection |
| 9. Agriculture & Natural Resources | No Response |
| 10. St Helena Police Services | Not Consulted |
| 11. Aerodrome Safe Guarding | Not Consulted |

- | | |
|--------------------------------|----------------------|
| 12. Enterprise St Helena (ESH) | No Objection |
| 13. National Trust | No Response |
| 14. Heritage Society | Objection - Comments |

B. PLANNING OFFICER’S APPRAISAL

LOCATION & ZONING

The application site is situated within Merrimens Forest, approximately 200m north of Sure’s telecommunication hut at White Gate. The development will be within the Green Heartland with no conservation area restrictions.

Diagram 1: Location Plan



THE PROPOSAL

An existing track runs beneath the site, which leads towards Model Cottage from White Gate. The access track is currently only utilised by Connect St Helena Ltd and Sure SA Ltd. The development will be sited above the existing track in the northern perimeter of the proposed fence line. In order to accommodate the proposal, excavation will be required measuring 1.9m in height. The development will consist of

a single storey building with a footprint measuring 11.5m by 7.4m, and four car parking spaces to the south.

Diagram 2: Site Lay out



The building will be used as a pet care centre, which will provide services that includes; kennelling for dogs and cats, whose owners are travelling overseas, kennelling and re-homing of stray dogs, microchipping of pets, sale of worm and flea treatments, general pet care including grooming and nail clipping. Kennelling would be a 24 hour service. Times for other services will be determined through clinics and appointments.

The centre will also offer the opportunity to provide training for persons interested in working and caring for domestic pets and will also provide essential information to the general public about pet care. The primary entrance to the building is from the south elevation of the building via a single entrance door. The layout consists of a reception area, care room, disabled friendly toilet, store room, utility area, cat room, and five dog units with dog runs.

The centre will work closely with the St Helena Society for the Prevention of Cruelty to Animals (SPCA), the local vet service and the St Helena Donkey Home. The applicant has discussed this project with SPCA, who recognise that such facility could be of benefit to the island.

PROPOSED DEVELOPMENT

The development will consist of a single storey steel structure building cladded with cement fibre boards with IBR roof sheets and small section of the roof on the east elevation with translucent sheets. The east side of the building will also include an enclosed area with 1.5m high chain-linked fence and timber posts for dogs. This will project 3.0m from the building.

Access will be gained from the track beneath the site. Sufficient space is available for car parking and on-site manoeuvrability of vehicles.

Diagram 3: Floor Plan of the Centre

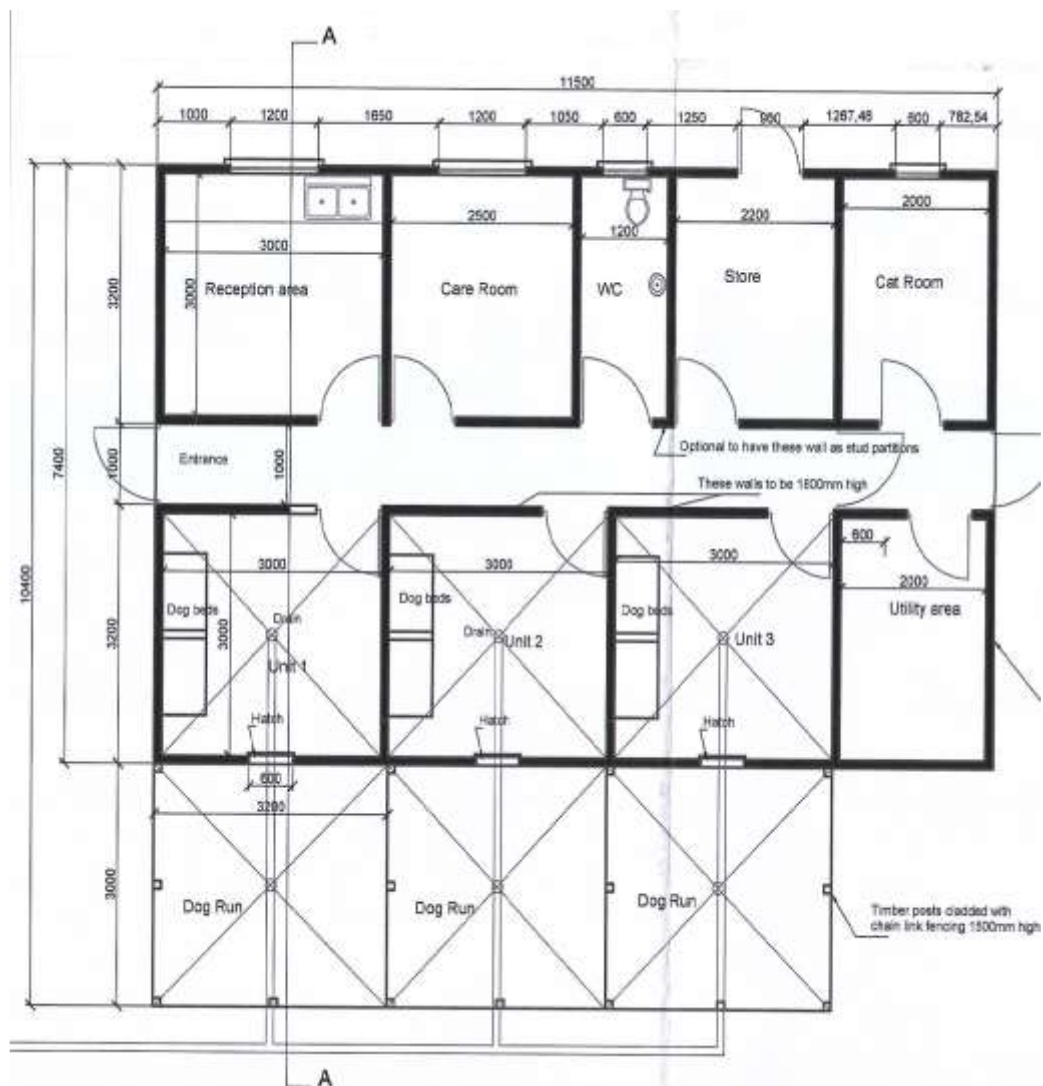


Diagram 4: West Elevation

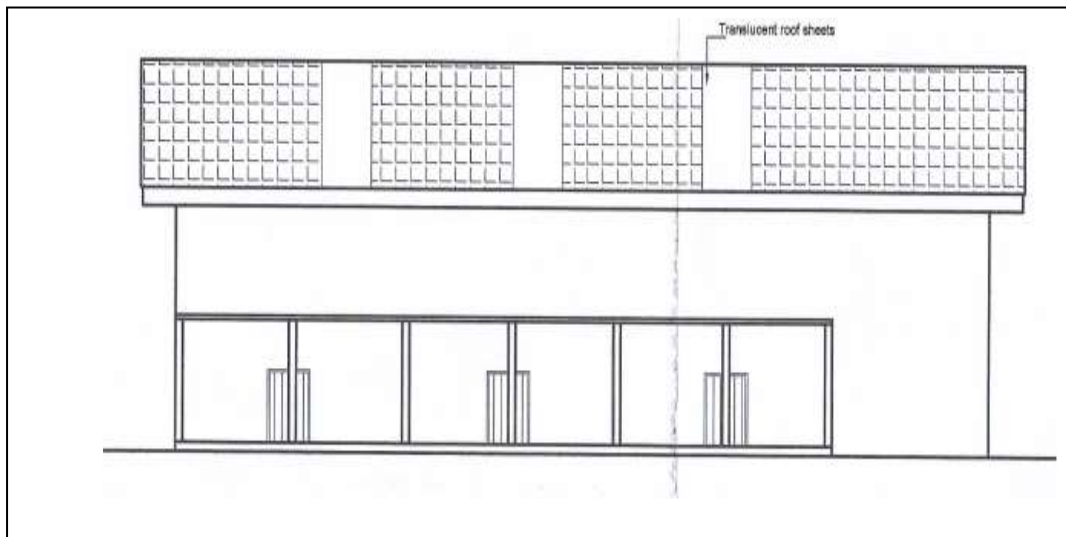
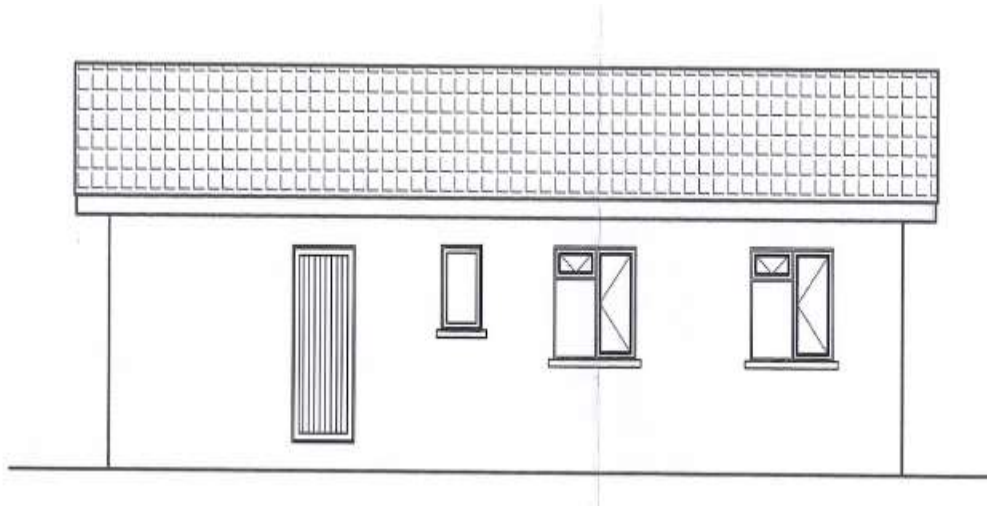


Diagram 5: East Elevation

Electricity is in the area and can be connect

ed to. The developer will need to apply for connection into the water mains. Sewage is proposed via a septic tank soakaway.

There is potential issue with the access track as it may not be suitable for normal vehicles, in view of this there may be a requirement for the access track to be upgraded to improve access for users. If permission is granted, then an appropriately worded condition will be included requiring the improvement to the access track to meet proposed use and be suitable for the increase in the number of vehicles that may potentially be visiting the centre. This will need to be undertaken by the applicant in consultation with other users; Sure and Connect.

C. POLICY FRAMEWORK

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:

- Green Heartland Zone: GH1, GH2, GH4, GH5, GH6
- Sewage and Storm Drainage Policies: SD7
- Social Infrastructure Policies: SI1(a)

The Green Heartland Zone Primary Policy GH1 states that: “There will be a presumption in favour of retaining the undeveloped nature of the Green Heartland and its natural ecology. The grant of the development permission will therefore be strictly controlled by the implementation policies”.

The proposed development is clearly contrary to this principle policy in that the proposal involves clearance of natural vegetation to enable the construction of a small building. The general area including the application site is probably very rich in its ecological values, however within the wider area there are number of developments prior to the introduction of the zonal policy being formulated within the current development plan. However, these developments now forms a back-drop to the local landscape. The proposed development whilst being contrary to the policy sits very discretely within this forested area and will be well shielded by the trees and vegetation.

Policy GH2 states that: “No Development permission will be granted for development which includes the construction of buildings above 550m contour line, however there a number of exemptions related leisure, tourism and nature conservation.”

The proposed development is sited between 570m – 573m contour line. Due to the location of the track, it would not be ideal to site the development beneath the 550m contour, as the building will then become visible from the main public road from Red Hill and would be visual intrusion in the landscape. The main objective of restricting development below the 550m contour line is to prevent development from being visually intrusive in landscape from higher vantage points such as a Diana’s Peak. The proposed development whilst being above the 550m contour line ensure that the any visual impact on the landscape is minimal and hence less intrusive.

Policy GH3 states that: “Except as provided for in policy GH2, permission will not be granted in the Green Heartland for development which includes the creation of sleeping or catering facilities or new dwellings ...”

The proposed development does not include sleeping accommodation or catering facility nor a new dwelling, although the proposal includes a construction of a building for a use that may be classified as being *sui genre* and can therefore be considered to be in compliance with this policy.

Policy GH5 requires that: “Where development permission is granted in the Green Heartland it shall be subject, in all cases, to the requirement to landscape the site to sufficient to conceal the development or blend it into the landscape, including a proportion of indigenous species appropriate to the scale and nature of the development.’

The area around the application site is in general well established with a relatively good coverage of trees and other greenery and vegetation. With the proposed building being discreet in this location, it is unlikely that it will be visible within the wider landscape and is unlikely seen from vantage points such as Diana’s Peak National Park, and would require landscaping, However, should it be considered the development could benefit from further landscaping, then an appropriate worded condition can be included, but this should be an assessment following the completion of the development should the authority be minded to grant development permission.

Policy GH.6 requires that: “In considering any development proposal in the Green Heartland there shall be a presumption in favour of identifying, protecting and promoting established footpaths, development which fails to do so will not normally be permitted.’

The existing track is used mainly by the service providers on the island. However it is known for dog walkers to also take advantage of this track. The track will remain unaffected as a result of this development and potentially there may be opportunities to promote the track for walking as a result of this business and its operation.

Policy SI1(a) in respect of Social Infrastructure is a Primary Policy and states that: “Development Permission will be granted for all development reasonably needed for the social development of the island and such development shall be designed to be sustainable in all services including collection, storage and re-use of rainwater and storage, treatment and re-use of grey-water”.

The proposed use meets the requirement of this policy in developing much need facility for the health, care and well-being of animals, in particular “domestic animals”. There is currently no such facility on the island. The issues to consider is whether proposed location is considered to the most suitable siting for such a facility and a further argument is whether the proposed use is considered to fall within the wider objective or spirit of policy GL4 which supports the development of small animal shelters, which is intended for farm animal and livestock.

REPRESENTATION

Representation has been received from the Heritage Society and have raised objections to the proposed development and these are summarised as:

- site is 570m above sea level within the Green Heartland Zone and since at least 2012 the Green Heartland Zone policy GH2 has said, “No development permission will be granted for development which includes the construction of buildings above the contour line of 550m” and none of the listed exceptions apply;
- if the venture fails will the building be demolished or could it be used as a house;
- kennels are noisy and there are local residential properties close by and the use could be uncontrolled noise through a 24 hour period;
- proposal could also affect the setting of the Plantation House and Knollcombes Historic Conservation Areas;
- existing road would seem inadequate and so road improvements over Merriman’s may be necessary;
- proposal includes use such as a shop and an educational facility and would this lead to further development at any time in the future;
- proposed building is right on top of the ridge only obscured from distant views by existing trees and if these removed and as these are under separate ownership the building would be exposed;
- bulkhead lights are inappropriate in that setting; and
- what would prevent similar developments all over the Green Heartland.

OFFICER RESPONSE

Some of the issues and concerns raised by the representation are valid, in that the development is contrary to Green Heartland Zone policies, however, if the proposed development is considered to be acceptable in this location then this will be assess as material consideration and whether these are sufficient grounds to enable the development to granted development permission. As regards to noise, the development is considered to be a reasonable distance from the residential property, with the nearest residential property being east of White Gate Road, which may be less 100m away, however given the difference in levels, density of trees in the forest and the number of physical barriers it is unlikely that there would be noise issue for the nearest residential that is east of White Gate Road.

As regards to number of other issues raised, the use being proposed is specific and the nature of the building proposed meets that requirement. Any future developments would be subject development permission if extension is proposed or the use and operation is considerably increased and any applications will be assessed in accordance with the development plan policies or other relevant and appropriate guidance.

D. MATERIAL CONSIDERATION

The location of the proposed development and the nature of the use within the Green Heartland within the rural setting whilst not wholly in compliance with the Primary Policy can be considered to be within the spirit of the policy objective as the development is site within and amongst the forested area and will not be visually intrusive in the landscape and due to size and mass would have minimal impact to the ecology of the area.

Similarly its location above the 550m contour line, ensure that due to physical constraint it remain less intrusive in the landscape than if it was located on a lower plain. Therefore the proposed location at a higher plain makes the development more acceptable.

The proposed facilities is considered to be meeting the service and/or use not currently available on the Island and would therefore meet the social obligation for the health, care and wellbeing of domestic animals (household pets). Whilst there may be other more suitable location for development of such a facilities, given the nature of use that could potentially create considerable noise, location away from the residential neighbourhood would be better. In view of this whilst there are residential properties in the close vicinity of the site, it is considered that the nature of the area and physical constraints would create a sufficient barrier to reducing the level of noise that could potentially cause nuisance to the neighbouring residents.

E. SUMMARY & CONCLUSION

The proposed development within the Green Heartland does not comply with various LDCP policies for the location of development in this zone and is therefore considered to be contrary to the development plan. However given the nature of the development and the use that cannot located within a residential neighbourhood, the location within densely forested area may be considered to be acceptable. The development would be not be visually intrusive in the landscape and will not be visible from other higher vantage points. There is need for such a facility on the island and the development and facilities would be beneficial. In this respect it meet the policy object for the development of social infrastructure.

The material considerations set out in the report provides sufficient justification to support the proposed development contrary to the development plan policies. The proposed is considered to be *sui genre* as it does not fit with any of the Use Class Order of the Land Planning and Development Control Ordinance 2013. In view of this if development permission is granted it would not set any precedence in consideration for any future development as the use is very specific and probably “one-off” and meets the social objective of providing a facility for the health, care and well-being of domestic animals.

As this development permission is departure from the Land Development Control Plan, the Principle Policy of the Green Heartland Zone, the development application will be reported to the Governor-in-Council in accordance with Section 23(2)(b)(i) of the Ordinance.

RECOMMENDATION

It is recommended that LDCA support the granting of Development Permission subject to the conditions. The observation and comments of LDCA will be reported the Governor-in-Council with a **RECOMMENDATION** that Development Permission be **GRANTED** 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 development shall be implemented in accordance with the details specified on the Application Form; Site Layout, Floor Layout and Elevations Plan as stamped received on 17th July 2020 and stamped approved by the 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) 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.
- 4) Following the completion of the development and before the occupation of the building, the applicant will submitted to the Chief Planning Officer in writing for approval on behalf of the Land Development Control Authority proposal for the landscaping of the development site and the landscaping must be completed within six month of the date of the Discharge of Condition.

Reason: to ensure that the impact of the development is remedied and ensure that development is concealed with the landscape in accordance with LDCP policy GH.5

- 5) Before construction commences, detail proposals for the upgrade of the access track will be submitted in writing for approval by the Chief Planning Officer on behalf of the Land Development Control Authority to enable safe access to the Centre for all visitors.

Reason: to ensure that the access track is of a required standard to enable vehicles and pedestrian to be able to access the site and meets the standard required by the Highway Authority for access purposes.

- 6) 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).

- 7) Should the development and use hereby granted development permission cease operation, the building must be cleared and the area returned to its original landscape within 12 months of ceasing operation, unless a similar use of domestic pet care becomes operational.

Reason: to ensure that the building does become derelict and an “eye-sore” in the forest to protect the amenity and landscape of the forest and its setting.

- 8) The proposed development 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 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.

- 9) 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.

- 10) 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 a landscaped area.

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

- 11) Details of the 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. The detail design of External Lighting will be submitted and approved by the Chief Planning Officer in writing on behalf of the Land Development Control Authority before they are installed.

Reason: to ensure that design of lighting is appropriate for the building and its use and to avoid light pollution and to protect the dark skies status of the island in accordance with LDCP policy E8.

- 12) The Colour of external walls shall be appropriate for the building location to be agreed in writing with the Chief Planning Officer on behalf of the Land Development Control Authority and 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.

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.