

## Planning Officer's Report - LDCA FEBRUARY 2021

<b>APPLICATION</b>	<b>2020/60 – Proposed Erection of a Notice Board</b>
<b>PERMISSION SOUGHT</b>	Permission in Full
<b>REGISTERED</b>	21 <sup>st</sup> January 2020
<b>APPLICANT</b>	Stephen Coates : Saint Helena Yacht Club
<b>PARCEL</b>	JT010021
<b>LOCALITY</b>	St Helena Yacht Club, The Wharf, Jamestown
<b>LAND OWNER</b>	Crown – Leased to SHYC
<b>ZONE</b>	Intermediate Zone
<b>CONSERVATION AREA</b>	Heritage Coast NCA (Listed Building- Grade II)
<b>CURRENT USE</b>	Bar and Social Club
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"> <li>▪ Independent Newspaper on 28<sup>th</sup> August 2020</li> <li>▪ A site notice displayed in accordance with Regulations.</li> </ul>
<b>EXPIRY</b>	21 <sup>st</sup> August 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

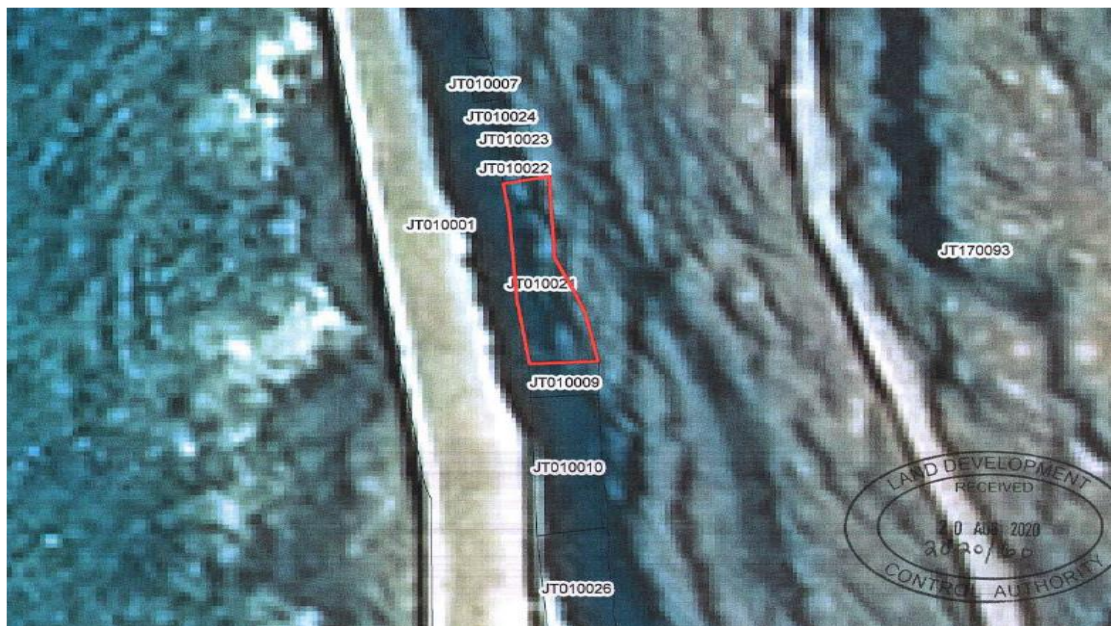
## B. DEVELOPMENT DETAILS SUMMARY

The proposal is to erect a timber framed notice board to the front elevation of the building. The purpose of such a notice board is to be able to publicise and provide information on the yacht club activities and forthcoming events to members, visitor and the wider public. At the present time, there is no scope on the front elevation of the building to provide information on the activities and events of the Yacht Club.

## 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 within the Heritage Coast Historic Conservation Area, where relevant Intermediate Zone and Built Heritage policies apply.

### Diagram 1: Locality



**Yacht Club Building:** This is a Grade II listed two storey building with five vertical bays each with casement sash windows in three bays on ground and four bays on the first floors. The entrance door, solid wood, is in the central bay. There is also a solid wooden door in most western bay. The central bay on the first floor also has a solid wooden door which would have opened onto the balcony. This has also been removed over the years and the club is looking into replacing this in the future. Between each of

the bay there is also a reason width of solid wall. The proposal is to erect the notice board on the wall between the first and second bay to the left of the central door.

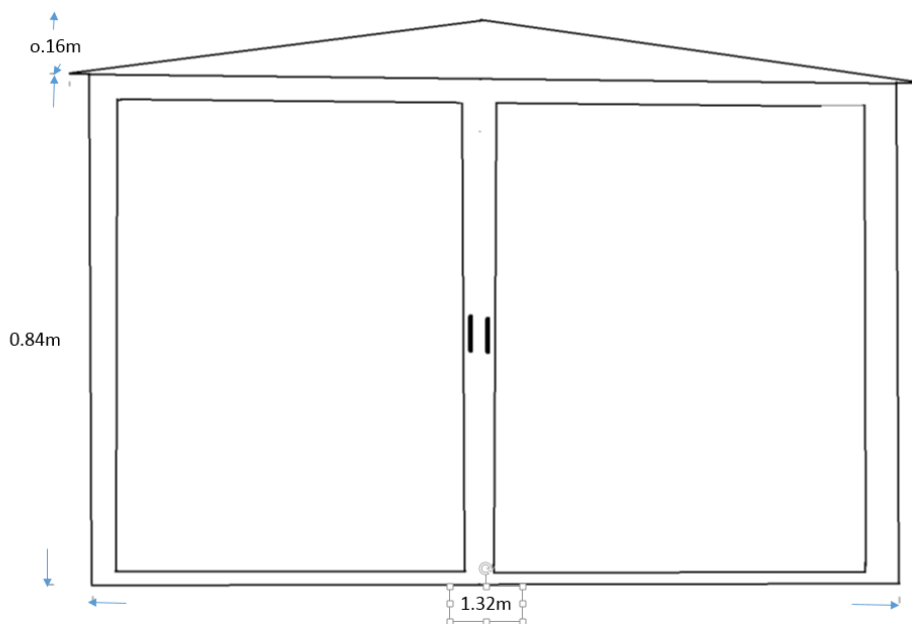
**Diagram 2: Elevation - Notice Board to be Erected**



All the buildings along James Bay Wharf, whether listed or otherwise, collectively have group historic and architectural value. The application building has recently been repainted and a logo of the Yacht Club has also been painted at the first floor level in two locations. The painting of the Yacht Club logo was not subject of a development application under the provision of the Advertisement Regulations, as it was considered that this did not constitute development and therefore development permission was not required.

**Proposed Development:** The Notice Board to be erected is wooden, consisting of two panels which are fitted with clear glass. The dimension of the notice board at its longest points is 1.38m by 1.06m and depth of 0.35m.

**Diagram 3: Proposed Notice Board**



Applicant has advised that this is the notice board that was previously erected on the building and was removed, but there is no further information available as to when and why it was removed. It has now been recovered from the stores and the club is now seeking to re-erect it back on to the building. There has been no photographic evidence provided by the applicant to this effect and no other evidence has come to light. The notice board has inscription “ST HELENA YACHT CLUB”, if that is evident enough. As there is no evidence or historic record, the exact position where it was erected is unknown also. The dimension of the notice board is slightly excessive to fit in any of the spaces between the openings without some over-hang. However, the appropriate place for erecting the notice board needs to be within any of area these areas between the bays. The applicant has not indicated the exact position. Having taken measurement of all the bays, they all appear to be of very similar width. Whilst the proposal is to erect it between the windows to the left of the door, however the area between the windows to the right of the door being slightly wider would be more appropriate, should Members be minded to grant development permission.

**Background and Assessment:** The application building has been in use as a Yacht Club for number of years and there has been no signage on the front elevation to identify the building or its use. Prior to the external renovation the Club sought advice from the planning officers as whether the renovation works to include repainting and to include yacht club logo in an appropriate location on the front elevation would require development permission. The details of the club’s logo to be painted were not provided during these discussions. However, the club was advised that the proposed works would not require development permission as it is considered that these works do not constitute development. The Club was also advised that the colour should be appropriate to the building and the logo should be of a reasonable dimension and to be proportional to the building. The officers did not indicate any measurements for the logo.

**Diagram 4: The Yacht Club Logo**



Following the completion of these work and insertion of the two logos on the elevation, issues were raised and concern expressed by Members and the public that development permission should have been sought for the club logos as this was signage and is considered to be advertisement under Advertisement Regulations. To Suffice the Members, legal advice was sought from the Attorney General and was advised that logo painted on the front elevation did not constitute development and therefore development permission is not required.

The erection of the notice board on the front elevation on a listed building or a building within a conservation area would require development permission as it would have impact on the appearance and integrity of the building. Although the Yacht Club have indicated that notice board was a feature on the front elevation of the building and was removed around 2015/2016, however no evidence has been provided to show exactly where on the building it was erected, questioned the need for development permission to put back a feature that is being replaced. The Club was advised that once a feature is removed, except for repair and maintenance of the building, the development permission previously granted or deemed permission will become extinct. In this case, the notice board has been removed for the front elevation for a number of years.

**Assessment of the Proposed Development:** The erection of notice board on the front elevation of the building, as being proposed, is not considered to be an advertisement and therefore it will not be considered under the Advertisement Regulations. The proposal should be considered as an alteration to the front elevation with the erection of a shallow depth cabinet used to provide information and will assessed against appropriate policies of the Land Development Control Plan. Notice board is considered to be an acceptable feature on public building or buildings providing community and social function and/or facility and these can include private sport and social club to provide information of services, activities and events. There are number buildings around Jamestown with notice board(s) erected on the front elevation.

Whilst the buildings along James Wharf are all listed on their merit, they also have group historic and architectural value. Most of these buildings are of very simple design and construction with wide openings of solid wooden doors and simple square shaped window and very shallow mono roofs that are almost flat in appearance. The buildings are in various uses as business premises, offices, leisure and/or warehouse operation and mainly used for storage. There are no details of features around the door and window openings of many of these building to indicated business and use, except few buildings who have in more recent years placed signage to their building to indicated their use. 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, following the 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 the buildings may require signage to reflect and promote their uses and these could become a feature for the buildings. In view of this, there is a need to take a more flexible approach for some changes to the front elevation and erection of advertisement and signage these buildings and business to promote their usage to visitors outside of normal business hours.

The assessment of the proposed development will be against the Built Heritage and other appropriate policies of Land Development Control Plan as set out in the report below.

#### **Diagram 5: Buildings Along the James Bay**



#### **REPRESENTATIONS**

Representation has been received during consultation on the proposed development from the Heritage Society. The issues raised in the representation also relate to the painting of the Yacht Club logo on the front elevation and questions the policy position and need for development permission. The representation also considers that the notice board should be assessed advertisement and states it should be assessed under the provision of the Advertisement Regulation. The summary of the representation is:

- on that basis the two painted flags already exceed the permitted advertisement limit and the proposed notice board is also an advertisement by the same definition, it is nearly three times the maximum dimension for one advert but there are already two existing;
- Paragraph 11 of policy requires consideration of an advertisement towards the architectural detail of the building, proposed notice board exceeds the space between the windows and cannot be considered to comply with the intentions of the policy;
- concerned that the Advertisement Policy has been undermined by recent advertisement approvals at the two diving clubs and the confusion created by the CPO declaration on the painted advertisements and the painted finishes of buildings in conservation areas in general;

- this has thrown into doubt the basis for fair planning decisions particularly in relation to protection of the historic environment through LDCP built heritage policies, those in the Ordinance and in the General Development Order.

**Officer Response:** The proposed erection of the notice board has not been evaluated against the Advertisement Policy and/or Guidance for the explanation set out about. The two Yacht Club Logos, previously painted onto the front elevation, are not part of this development application and their position has been explained. The issues set out in the representation by the Heritage Society whilst raising some points of relevance generally in terms of the impact on the listed building, however as the officers have given their interpretation that the proposed erection of the notice board is not an advertisement signage, the representation made can be noted as a concern expressed by the Heritage Society.

### **POLICY CONSIDERATION**

The proposed development is assessed against the LDCP Policies set out below:

- Intermediate Zone: Policy IZ1 a, b and c
- Built Heritage: Policy BH1

It is considered that the erection of the notice board on a building, particularly in an historic context can be an acceptable feature on building, particularly for buildings that provide community and/or social use to display information on the services delivered and events. In this context it is considered that the general principle of the policy IZ1 is not compromised. However in context to the Built Heritage policy, it is also considered that whilst the erection of the notice board on the front elevation may not be a feature that is part of the original building, however as the use of the building has changed over time and development evolves certain new features on building become acceptable. This building was originally in residential use, as a residence of Captain Wade and whether it was built that purpose it is difficult to know, however in recent years it has had number of uses. Prior to its current use as Yacht Club it was the office of the Island's sea rescue office one of the floors and Yacht Club on the other floor. With the current use, how the building is being used has changed with the forecourt of the building being used for sitting out area with table and chairs. Similarly, the aspirations of the Island to use James Bay for more leisure, recreation and tourism the public realm of this area will change with more community, social and leisure based activities and events that could be more than just 9 to 5 and seven day operation rather than the commercial transport freight operation along the ocean frontage of James Bay.

In the context of the use of the building for wider community and social purposes and with the changing environment of this area for tourism, recreation and leisure based activities once all freight operation has been transferred to Rupert's Bay, there may be a need from businesses to provide more signage on the buildings and information



boards. The erection of a notice board to provide information is considered to be the most effective means for doing this. The design and size of the notice board must be appropriate to the building to ensure that there is no adverse visual impact arising from the proposal.

#### **OFFICER ASSESSMENT**

As outlined above, the Policy is there to ensure consistency in decision making while allowing some flexibility. The application to erect the notice board on the front elevation is in principle acceptable, however issue here is whether the dimensions of the notice board are excessive for the area where the applicant wishes to erect. The notice board was originally erected on the front elevation of the building and re-erecting back is preserving the notice board. The notice board cannot be reduced in size to fit into the wall width.

In principle, it is considered that erection of the notice board on this building is acceptable being a use that within the remit of a community and social function. With the use being located on James Wharf, the Yacht Club is a use that would be considered a beneficial service for the Island's visitors and in promoting economic and tourism activity and operations. The club needs to provide information to visitors to the Island as well the locals. Unfortunately, the notice board the club is intending to use is of dimension that is slightly bigger than the space on the building they wish to erect.

**D. CONCLUSION AND RECOMMENDATION:** As the development application is within 50m of the coast line, the LDCA the decision on the application will rest the Governor-in-Council. The view of the LDCA will be report the Governor-in-Council. It is recommended that LDCA support the erection of the notice board as proposed and 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; location plan received on 21<sup>st</sup> August 2020 and elevation of the building and the details of the notice board to be erected 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 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.

- 3) No damaged shall be caused to the front elevation of this Listed Building or any of its architectural features of the building during erection of the notice board.

**Reason:** to ensure preservation of the Listed Buildings and accord with LDCP Policies BH1, BH2 and BH3.

**Note** that the Authority shall reserve the right to use its Power to Require Conformity under Section 38 of the Land Planning and Development Control Ordinance, 2013, should it be deemed necessary.

**Right of Appeal:** If you are aggrieved by this decision you may, within 28 days of the date of this Notice, appeal to the Land Development Appeals Tribunal, with payment of a fee of £150, addressed to the Clerk of the Tribunal, using the prescribed form which is available from this office.