

## DRAFT Planning Officer's Report - LDCA JULY 2022

<b>APPLICATION</b>	<b>2022/28</b> – Extension to Merrimens Fun Park (Formation of Pedestrian Ring Road, Boot Camp, Market, Catering and Fun Park Games Stalls and Extension to Go-Kart Track, Decking and Fence line).
<b>PERMISSION SOUGHT</b>	Full Permission
<b>REGISTERED</b>	6 <sup>th</sup> May 2022
<b>APPLICANT</b>	Craig & Paul Scipio
<b>PARCEL</b>	SCOT0595
<b>LOCALITY</b>	Merrimens Forest, St Pauls
<b>ZONE</b>	Green Heartland Zone
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Existing Fun Park
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"> <li>▪ Independent Newspaper on 6<sup>th</sup> May 2022</li> <li>▪ A site notice displayed in accordance with Regulations.</li> </ul>
<b>EXPIRY</b>	23 <sup>rd</sup> May 2022
<b>REPRESENTATIONS</b>	One Received
<b>DECISION ROUTE</b>	<del>Delegated</del> / LDCA / EXCO

### A. CONSULTATION FEEDBACK

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

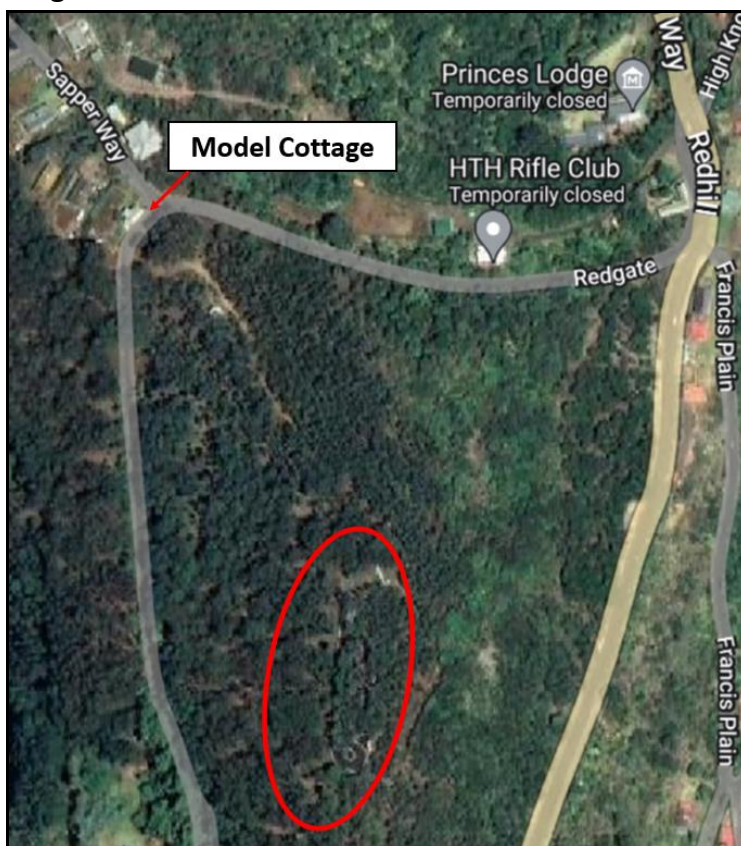
12. National Trust	No Objection
13. Sure SA Ltd	No Objection - Comments
14. Heritage Society	No Response

## B. PLANNING OFFICER'S APPRAISAL

### LOCALITY & ZONING

The proposed development site is within Merrimens Forest, St Pauls approximately 200m south west of Model Cottage. The site is also within a current National Forest however has no conservation area restrictions.

**Diagram 1: Location Plan**



### EXISTING

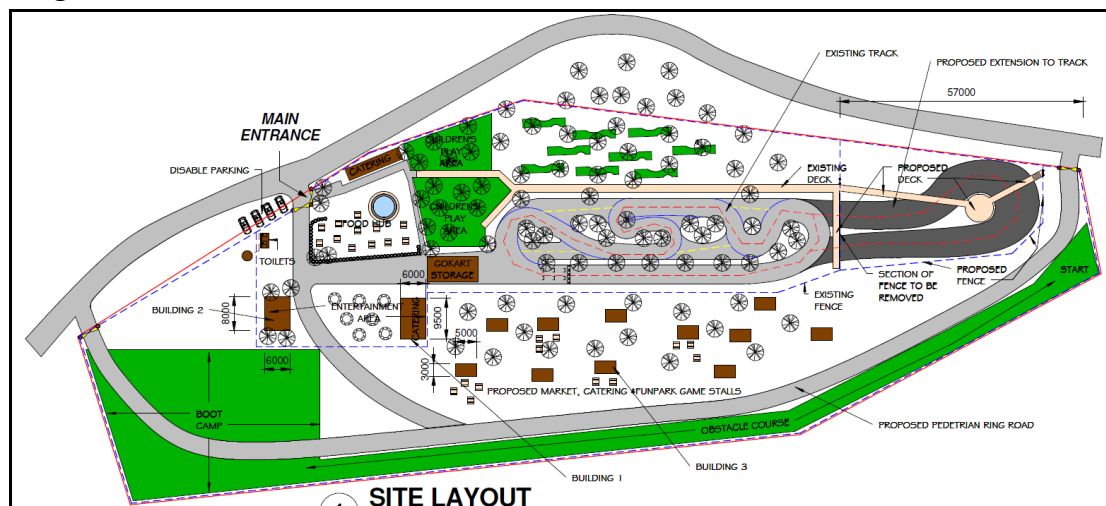
The plot is currently used as a Fun Park, where development permission was granted in May 2019 for a Go-Kart track, mini golf course, viewing deck, picnic area, wall climbing frame, kids soft play area and zip line. The developers has taken a phased approach due to the Pandemic, where only the go kart track, viewing deck and toilet block has been constructed.

### PROPOSED

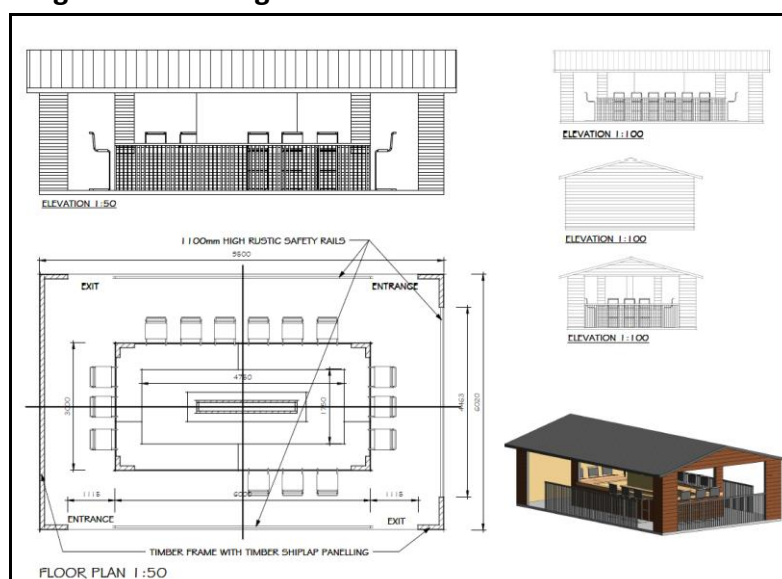
The developers now propose an extension to the existing go-kart track, which will measure an additional 50m in length. With this an extension to the deck has also

been proposed, which will be made from recycled timber within the forest. An entertainment area has been proposed beneath the food hub, where building 2 to be a stage area and building 1 a covered catering area has been proposed. Also proposed is a market/catering, fun park games stalls consisting of 11 units beneath the track. All buildings will coincide with the rustic theme of being constructed from timber. A pedestrian ring road has also been proposed from the northern end of the existing track to the southern end, allowing thru access when the park is open for the public, and easier access for those wishing to visit the stalls. Additional fencing is required to enclose the facilities within the property boundary. It should be noted that no additional land has been applied for and the development will be carried out within the developers existing boundary. There will be no excavation proposed for any of the development as the proposal will utilise the existing topography of the land, where the footpath will primarily consist of a layer of compacted rubble. The boot camp and obstacle course will be made from artificial grass and in some areas left as the natural forest floor.

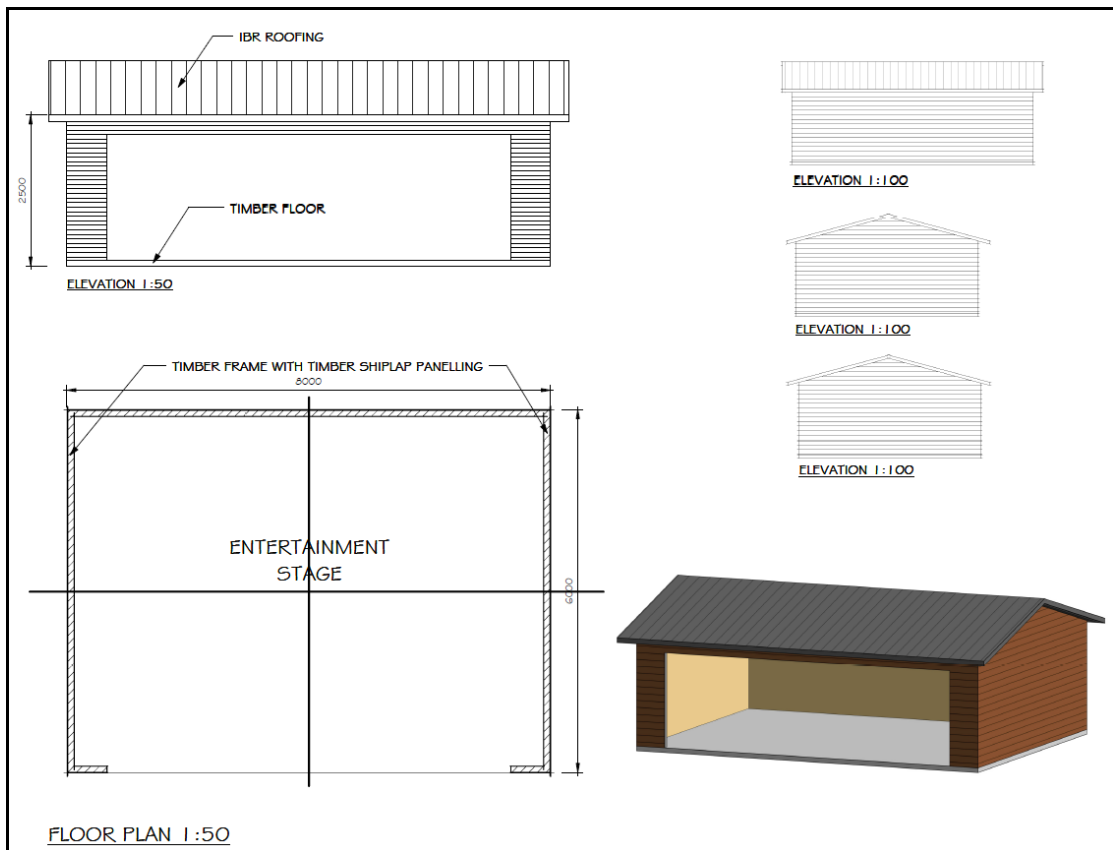
**Diagram 2: Site Plan**



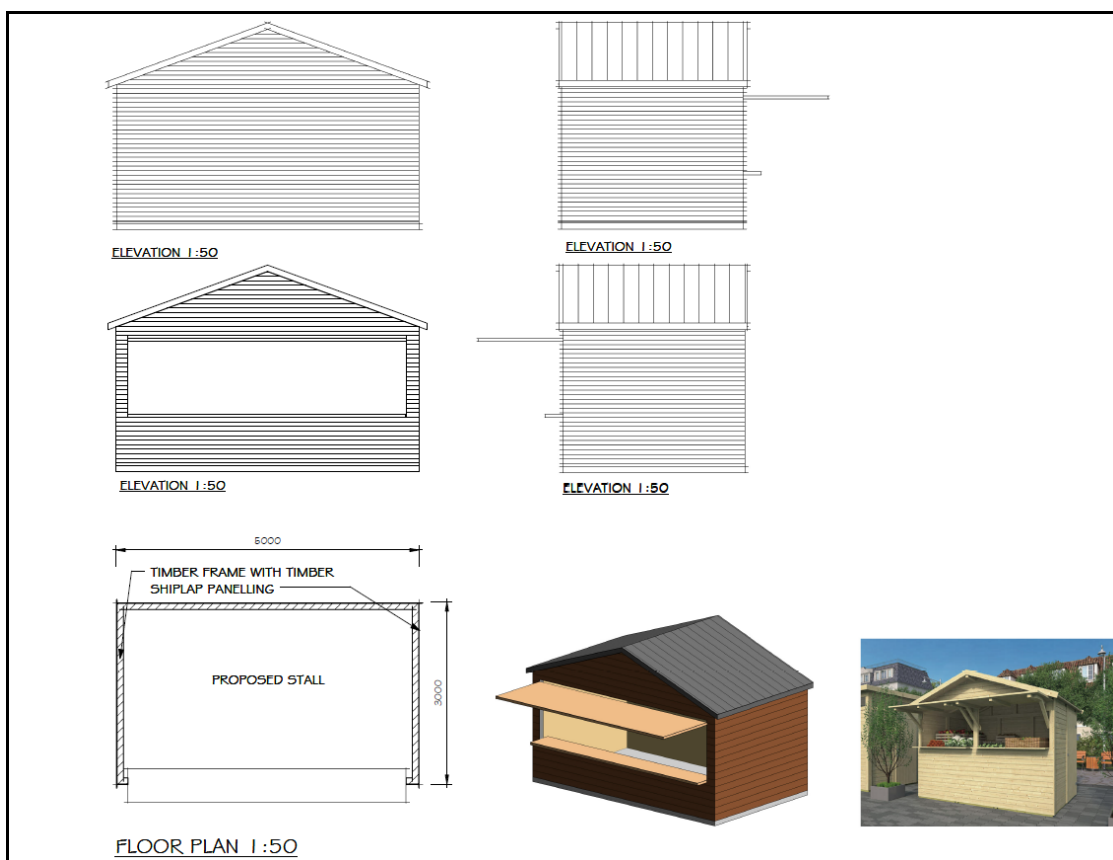
**Diagram 3: Building 1**



**Diagram 4: Building 2**



**Diagram 5: Building 3**



## STAKEHOLDER FEEDBACK & REPRESENTATIONS

One representation was received from a member of the public and comments from four stakeholders:

**Sure SA Ltd:** "... There are telecoms poles within the forest which may be within the vicinity of the development. Do not excavate within 3m of these poles."

**Sustainable Development:** "The initial development of Merryman's fun park was supported by ESH and SHG through the Approved investor process.

The business has proved a popular attraction to locals, and importantly young people on St Helena in the absence of other recreational attractions.

Sustainable development supports the proposed extension to continue the development of the site as a venue that helps make the island an attractive place for families and young people to live and work."

**Property Division:** "Approved but land surrounding the Merrimens Fun Park is managed by ANRD, under the NFE.

The spur leading to this park should be improved from the main road as there is a lot of loose stone on the main road that migrates from the track, in time it would also be pleasing to see improvements made to the access road from the junction to the park.

Approved, applicants should be advised to define the boundaries if not known."

**Fire & Rescue:** "The St Helena fire & Rescue Service would like to know what fire coverage will be provide i.e,

- Quantity of firefighting water on site?
- Where and how this water is stored?
- Can it be access by the SHF&RS in the event of an emergency?
- Is the road leading to the Fun Park free of obstacles (overhanging limbs, tree roots etc.), thus allowing the SHF&RS large appliance to get on site?
- Recommend having a fire break around the Park to prevent any potential fire/s spreading onto the adjacent forest.

The SHF&RS would also need to have sight of the building plans for the installation of fire protection systems, i.e. fire extinguishers. The Fun Park must also have a fire evacuation plan."

**Public Representation 1** – “My overall interest in this application is the protection of the special landscape of St Helena, and this application is on a site above the 550m contour where policies GH1 and GH2 prohibit new buildings. If the application is permitted what measures will be taken to ensure that those policies will not be voided for the rest of the island?

Will this application be decided by Governor in Council under section 23 as being inconsistent with the Development Plan?

The extension of the track, and what appears to be on the drawings as bridging over the track will likely exceed the top of the natural ridge line. Could both be repositioned slightly downhill (westwards), to reduce the impact on the ridgeline. Is it intended to put lighting on the bridge?

Is the Go-cart Storage building already in existence as it is not detailed on the separate drawings? Likewise is the other catering building near the main entrance already in existence?

Will existing toilet facilities be sufficient for the intensified use?

Section 14 of the application form asks for “Development plans to provide description of all site and external lighting (this should be downward facing only).” No lighting is shown. There is already lighting on site, so it is likely to be increased.

If permission is granted it will likely be a concession against the Green Heartland policies. That being the case should all lighting be specially designed in this location? It should be noted that light sources may be much more visible because they will be above the surrounding land.

What measures will be put in place for noise control? Will there be limits to opening hours?”

## **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:

- Green Heartland Zone Policies

## **OFFICER'S ASSESSMENT**

In assessing the proposal, we as officers now need to determine whether the proposal will create significant harm to the environment particularly as the development site is within the Green Heartland Zone.

Policy GH2 reads - ***‘No development permission will be granted for development which includes the construction of buildings above the contour line of 550m except***

***for: a) development required for the conservation, interpretation, study and appreciation of the natural ecology of the area (e.g. walk-ways, interpretation centre, etc.) and***

***b) tourism – related development within established forest areas in the form of eco-lodges that will, as an element of the development proposal, remain forested sufficient to conceal the development from any viewpoint within the Diana’s Peak National Park or visible in any view towards the National Park from a public road or public place.’***

The proposed pedestrian footpath can be supported due to being a walkway that not only serves the business but as thoroughfare when the park is open for all users of the existing footpath, allowing for appreciation of the natural surroundings and what the park has to offer, therefore promoting the existing footpath in accordance with policy GH.6.

In terms of policy GH2 b) the proposed development does not consist of any buildings in the form of eco-lodges. As there is no policy within the Green Heartland that aligns to this type of proposal, material considerations must therefore be used when assessing aspects of this development.

With regards to the representation submitted, the matter regarding the toilets is a building regulations issue, however it is not envisaged that additional toilet facilities are required. It is difficult to put a number on how many users are expected at the Fun Park at any given time, however the current facilities can accommodate 950 males and 120 females based upon the current Building Regulations. Noise mitigation has been carried out in the initial application, where the go karts had silencers installed to help with noise reduction. Although no lighting has been indicated, it will be conditioned that a lighting scheme is submitted in the event external lighting is proposed.

Conditions have been included to ensure appropriate fire mitigation is agreed with the Fire & Rescue Service prior to the new development opening to the public, and the access road is improved (subject to ANRD agreement).

As development of a similar nature has been permitted and implemented, the proposed buildings in their design and appearance are coherent with the existing development, consisting of temporary structures that can be easily removed. Furthermore the visual and environmental impact will be minimal in terms of the extension to the track, where no part of the development will be seen from Diana’s Peak National Park or visible in any view towards the National Park from a public road or public place, thereby demonstrates compliance with the objectives of policy GH2 b) albeit not an eco-lodge. What can also be seen as a benefit is the land for the proposal will not occupy any land outside of the developers current boundary, allowing optimum use of the land made available by ANRD. Lastly, the development

can be considered acceptable in terms of wider strategies of SHG by providing facilities that will encourage and support tourism and economic growth on the island.

**C. RECOMMENDATION:** The application is to be referred to Governor-in-Council in accordance with Section 23(2) of the Land Planning and Development Control Ordinance, 2013, 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; Site Layout, Floor and Elevation Plans registered on 6<sup>th</sup> May 2022, stamped and approved by the Chief Planning Officer (CPO), on behalf of the Land Development Control Authority (LDCA), unless the prior written approval of the CPO (on behalf of the LDCA) 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) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road and prior to occupation of the development the developer shall reinstate damage to any public road and other public or private infrastructure 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 LDCA Policy RT1.

- 5) Dust monitoring on site shall be undertaken on a daily basis. In the event that dust is at any time generated that is likely to travel outside of the site and



towards neighbouring properties, any of the following mitigation measures shall be taken:

- The erection of dust screens
- The damping down of materials that have the tendency to be carried by the wind
- Reducing the speed of site operated machinery
- In the event of adverse dry and windy weather conditions, site operations should be temporarily restricted or suspended

**Reason:** To assist the control and limitation of environmental particulate pollution.

- 6) **Roof Water Practices:** 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 not overload the septic tank in accordance with LDCP Policy SD1.

- 7) **Storm water Practices:** Storm water should be managed on site and not allowed onto the public roadway or neighbouring properties.

**Reason:** To protect public and private amenity and accord with LDCP SD1.

- 8) An external lighting scheme for fixtures to the building and the pedestrian footpath shall be submitted for the consideration and approval of the Chief Planning Officer on behalf of the Land Development Control Authority.

**Reason:** to avoid light pollution in accordance with LDCP Policy E.5

- 9) The **colour of the 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.

- 10) Development shall be such as to protect existing infrastructure:

- i) No excavations shall take place within 3m of any Low Voltage (LV) Pole & Sure SA Ltd Poles or Pole Stay anchor and 5m within any High Voltage (HV) Pole;
- ii) No building construction to take place below any LV or HV Lines;
- iii) No excavation or building construction to take place within 3m of the nearest overhead LV Line and 5m of the nearest overhead HV Line;
- iv) Excavation or construction does not pose any restriction for access to HV/LV lines and poles; and

**Reason:** to ensure safety and to protect the public electricity supply.

- 11) Prior to the new development opening to the public, appropriate fire mitigation will be agreed with the Fire & Rescue Service.

**Reason:** To ensure the appropriate provision of Fire & Rescue services in accordance with LDCP ES1.

- 12) The access road to the new development from the existing roadway, to be appropriately formed (in accordance with the Island's Roads Policy) and surfaced sufficient for use by normal passenger cars and emergency vehicles (subject to ANRD agreement).

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