

## Planning Officer's Report – LDCA FEBRUARY 2022

<b>APPLICATION</b>	<b>2021/45</b> – Proposed Construction of a 3 Bedroom Dwelling
<b>PERMISSION SOUGHT</b>	Full Permission
<b>REGISTERED</b>	17 <sup>th</sup> June 2021
<b>APPLICANT</b>	Marjorie & David Harding
<b>PARCEL</b>	BG0142
<b>SIZE</b>	1.04 acres (4238m <sup>2</sup> )
<b>LOCALITY</b>	Nr Head O'Wain, Blue Hill
<b>ZONE</b>	Green Heartland
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Vacant
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"> <li>▪ Independent Newspaper on 18<sup>th</sup> June 2021</li> <li>▪ A site notice displayed in accordance with Regulations.</li> </ul>
<b>EXPIRY</b>	2 <sup>nd</sup> July 2021
<b>REPRESENTATIONS</b>	None Received
<b>DECISION ROUTE</b>	<del>Delegated</del> / <b>LDCA / EXCO</b>

### A. CONSULTATION FEEDBACK

1. Sewage & Water Division	No Response
2. Energy Division	No Objection
3. Fire & Rescue	No Response
4. Roads Section	No Objection
5. Property Division	No Response
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 Response
12. National Trust	No Response

13. Sure SA Ltd

No Objection - Comments

14. Heritage Society

Objection - Comments

## B. PLANNING OFFICER'S APPRAISAL

### LOCALITY & ZONING

The application site is situated within the Head O'Wain area of Blue Hill, south west of the former clinic on the upper side of the main road. This plot in particular is designated within the Green Heartland zone after the LDCP was adopted in 2012. The plot is relatively large in size measuring just over an acre and is currently vacant. The area is forested with significant amount of vegetation.

The LDCP Review Working Group responsible for reviewing and updating the LDCP 2012 has been evaluating issues related to the re-defined boundaries that was adopted for the Green Heartland. This has resulted in a number of land owners being affected by the boundary re-alignments, where some landowners was never made aware of the changes. As an outcome of this review, the LDCP Review Working Group has resolved that those landowners, who has purchased land prior to 2012 in the Intermediate zone, now in the Green Heartland zone, should be exempt from the Green Heartland zone policy to enable developers to build their residential property.

**Diagram 1: Location Plan**

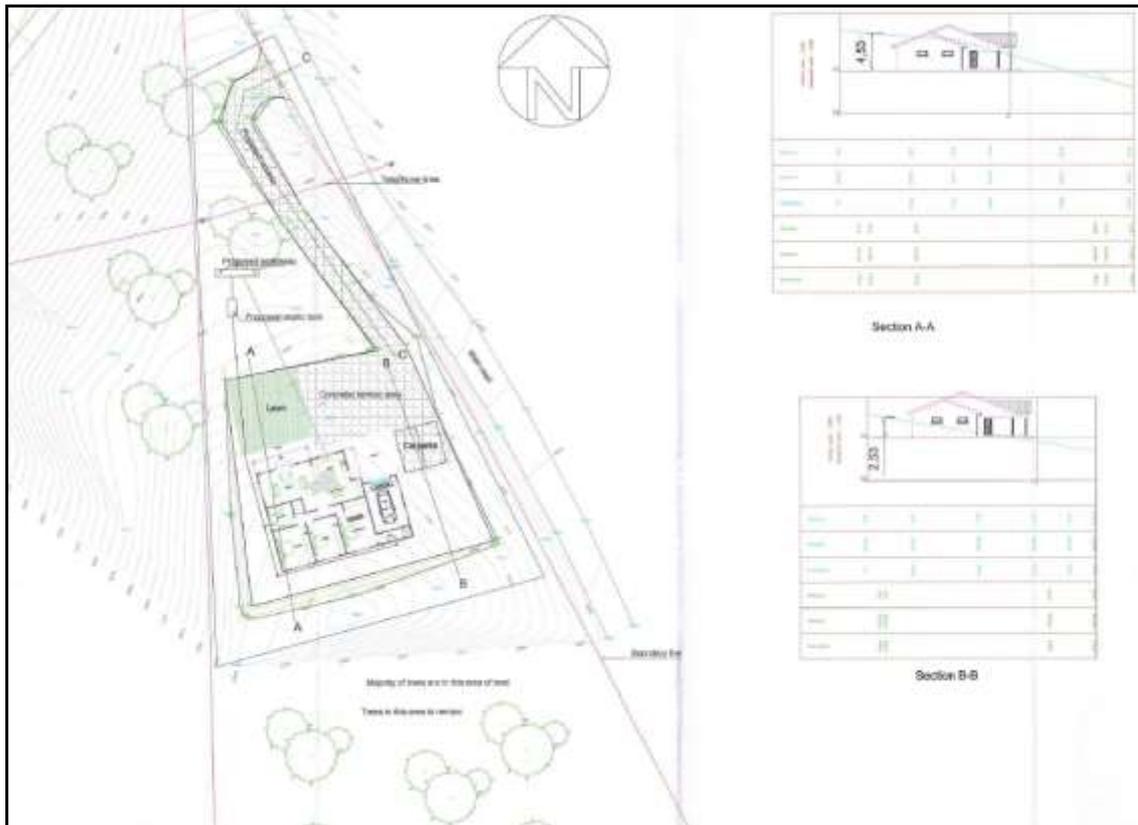


## THE PROPOSAL

Access to the site will be formed from the main road, which leads towards Horse Pasture, to the east of the plot, resulting in a driveway measuring a length of 42m. The initial submission consisted of platform measuring approximately 29m x 26m with an embankment height of 4.5m at its steepest point.

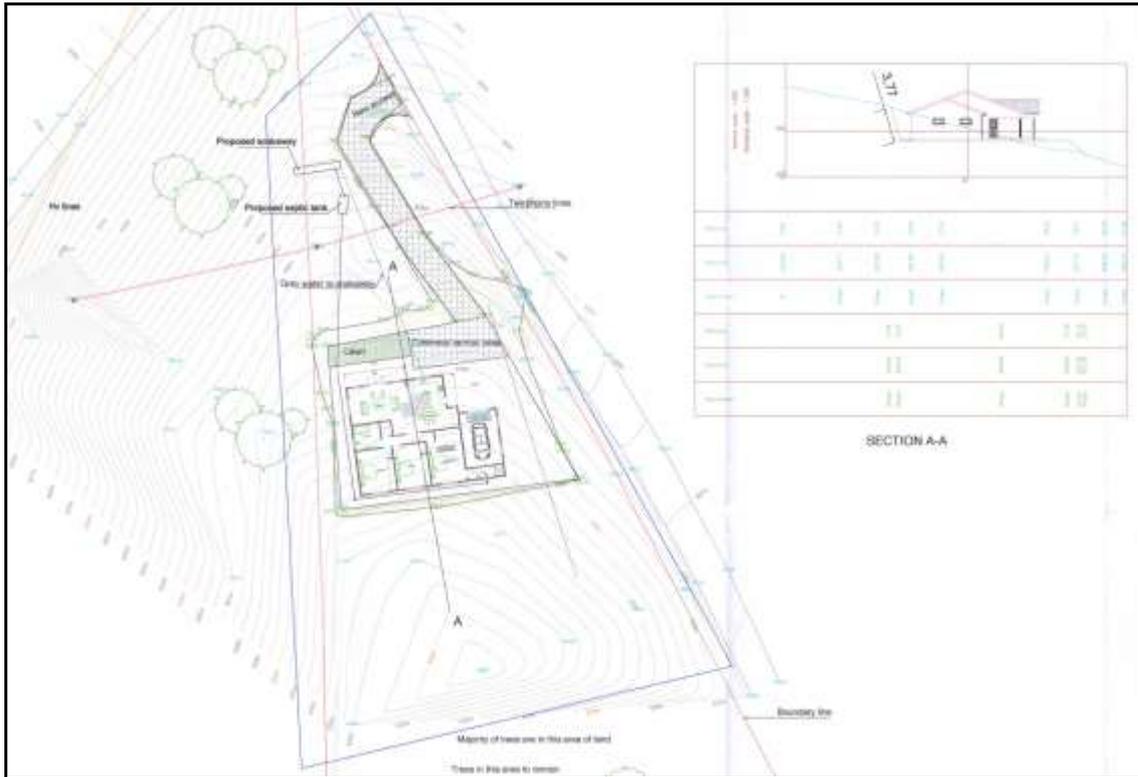
The proposed dwelling will have a footprint of approximately 192m<sup>2</sup>, resulting in a plot coverage of 5%. The dwelling will be positioned on south western side of the platform.

**Diagram 2: Site Plan – Initial Submission**



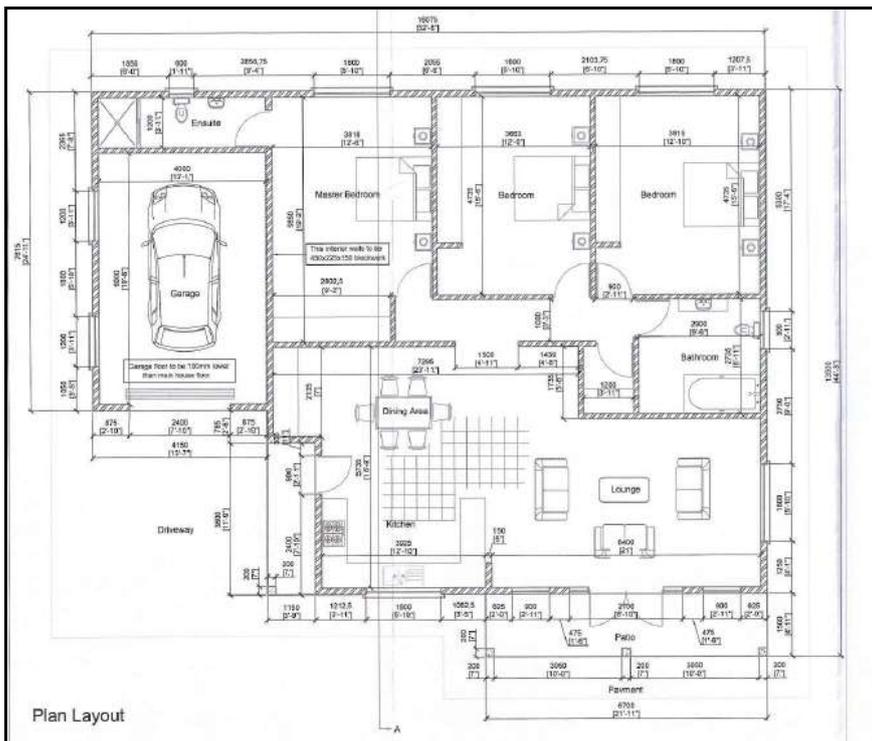
Following an assessment made by the Planning Officers of the proposal, it was determined that this development would cause unnecessary scarring of the landscape, particularly with the steep embankment behind the property and long driveway to the site platform. It was put forward to the applicant to consider shifting the site further north, which would result in a shorter driveway and a lower embankment behind the property without having to change the house design. In discussions with the applicant and their draughtsmen this was carried out, where we now have received an amended site plan to this effect.

**Diagram 3: Site Plan - Amended**



The site platform has now been reduced and measures approximately 25m x 18m with an embankment height of 3.5m vertically at the steepest point. In terms of building, the floor layout will comprise an open planned kitchen, dining and lounge area, open verandah, bathroom, WC, two bedrooms, master bedroom with en-suite, and single garage.

**Diagram 4: Floor Layout**



**Diagram 5: Elevations**



The roof will be of a gable design covered in IBR sheeting, and the external walls constructed out of concrete blockwork. In terms of the sewerage, this will be connected into a septic tank soakaway system.

#### **STAKEHOLDER FEEDBACK**

There was comments received from two stakeholders, Sure SA Ltd and the Heritage Society.

**Sure SA Ltd** – ‘When excavating the access road and using large vehicles in the area, please be aware of the overhead Telecom cables crossing the proposed access road.’

**Officers Response** – This is something that can be added as an advisory pending the application is approved.

**Heritage Society** – ‘The Heritage Society objects to this application as it is contrary to Green Heartland Zone policies in particular primary policy GH1 that “There will be a presumption in favour of retaining the undeveloped nature of the Green Heartland [...]” and also implementation policy GH3 that, “[...] permission will not be granted in the Green Heartland for development which includes the creation of sleeping or catering facilities or new dwellings [...]”.

A similar application (2019/100) for a house on the opposite side of the road was decided by ExCo on 2<sup>nd</sup> June 2020. ExCo stated that the site should first be excised from the Green Heartland Zone in accordance with due process before development permission can be considered.’

## **POLICY CONSIDERATION**

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

- Green Heartland: Policies GH1, GH3, GH5 & GH6
- Housing: Policy H9
- Water: Policy W2
- Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
- Road and Transport: Policies RT1 (c and d), RT3 and RT7

## **OFFICER ASSESSMENT**

The siting and orientation of this proposal has been dictated by the site conditions, based upon the topography of the land and arrangements for access onto the plot. The initial large platform, long driveway and steep embankment has been reduced with the amended site, complying with the request from the officers.

The principle elevation will be north facing similar to the property to the south.

The dwelling is a standard bungalow, which shares characteristics of development in the area, being the detailing such as roof style, window design, and materials. The appearance can be considered acceptable as the features are symmetrical, and uniformed, which does not detract from quality of the design.

Considering the impact of the development, this proposal will not detract from amenity of the area, as well as the use is consistent with the development being established in the area.

This proposed development is not supported by the Green Heartland Policies of the LDCP. The LDCP Review Working Group is minded to make exemptions in the emerging LDCP to those land owners, who prior to 2012, was affected by the Green Heartland boundary change, purchased land in the Intermediate zone to build their house. In view of this decision by the LDCP Review Working Group that affords exemption in the emerging LDCP 2022, where land owners can provide proof of land ownership prior to 2012 will be permitted to build a single house on said portion of land. This is considered as material consideration to the Green Heartland Policies of the current 2012 LDCP, and therefore development permission should be granted for a residential property in respect of this development application.

- C. RECOMMENDATION:** The application is to be referred to Governor-in-Council in accordance with Section 23 (2)(b)(i) of the Land Planning and Development Control Ordinance 2013, as the grant of development permission would be considered a departure from the LDCP Green Heartland Policies. The Green Heartland zone does not support the granting of development permission for the construction of new dwellings. It is advised that the Land Development Control Authority provide its comments or representations on the proposed development in light of the recommendations to Governor-in-Council to **GRANT** Full Development Permission for this development 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 development shall be implemented in accordance with the details specified on the Application Form; Percolation Test Results Site Layout, Floor & Elevation Plans (DWG No. ST102/2021 received 20<sup>th</sup> November 2021 & ST2021 received on 10<sup>th</sup> June 2021 as stamped and 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 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) 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) Prior to development commencing, the applicant shall consult with the Highways Authority to obtain approval for access from the main road. A copy of the approval shall be submitted to the Chief Planning Officer for record purposes.  
**Reason:** to ensure access to the development site has been agreed by Highways Authority.
- 5) Dust monitoring on site shall be undertaken on a daily basis during the construction period. In the event that dust is at any time generated that is likely to travel outside of the site and towards neighbouring properties 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) **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 LDCP IZ1 (g).

- 7) Excavation into slope and infilling to form level platforms or embankments shall be in accordance with the approved plans. 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. The developer to consider compacting the fill material in order to reduce the risk of land slip, and ensure stability of the fill material.

**Reason:** In the interests of safety to maintain the stability of land and visual amenity and also to accord with LDCP Policy IZ1 (f).

- 8) 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.

- 9) **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 to landscaped areas.

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

- 10) **Storm water Practices:** Storm water shall be managed on-site and not allowed onto the public road or neighbouring properties

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

- 11) All **external lights** attached to the building shall be designed and sited such that they do not emit light at or above the horizontal and the light source (lamp, bulb or LED) shall not be visible beyond the site boundaries.

**Reason:** to avoid light pollution in accordance with LDCP policy E8.

- 12) Prior to occupation of the development, the driveway to be formed in accordance with Highways Authorities Roads Policy with storm water run-off management and appropriately 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 RT1 (d).

- 13) 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.

**Advisory:**

**In accordance with the Saint Helena Government's Water Strategy, all plumbing, water appliances and equipment to be installed will be those that provide efficiency in the use of water and are sustainable.**

**When excavating the access road and using large vehicles in the area, please be aware of the overhead Telecommunication cables crossing the proposed access road.**