



**St Helena
Government**

No 02/2025

Open/Closed Session: Open Session

Subject: DEVELOPMENT APPLICATION 2024/51:

Balcony & Verandah at the Yacht Club with Secondary Means of Escape at the Yacht Club, The Wharf, Jamestown.

Presented by: Minister for Environment, Natural Resources and Planning Portfolio

Decision Sought:

Governor in Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, as recommended for a Proposed Balcony and Verandah at the Yacht Club, The Wharf, Jamestown.

Reason for Referral

The Development Application is being referred to Governor in Council in accordance with the Direction issued under section 23(1) of the Land Development Control Ordinance 2013 which requires all applications within fifty metres of the sea to be referred to Governor in Council (unless specific exclusions apply).

Comments of Land Development Control Authority

The 5th December 2024 meeting of the Land Development Control Authority (the Authority), considered the Officer Report on the development application seeking FULL Development Permission. This follows an earlier approval (Planning ref. 2022/83) but results in an enlarged Verandah closer to the sea wall and the addition of external stairs; as such the proposal would also be in breach of Condition 10 of the earlier approval.

The report to the Authority is included as Annex A and sets out the relevant factors in relation to this application.

The Authority agreed with the Officers recommendation to grant permission for the proposal which is considered to comply with the relevant policies in the Land

Development Control Plan 2012, including Built Heritage, Intermediate Zone and Tourism policies.

Annex A

Planning Officer's Report – LDCA DECEMBER 2024

APPLICATION	2024/51 – Balcony & Verandah at the Yacht Club with Secondary Means of Escape
PERMISSION SOUGHT	Full Permission
REGISTERED	9 th October 2024
APPLICANT	St Helena Yacht Club
PARCEL	JT010021 & JT010001
LOCALITY	St Helena Yacht Club, the Wharf
ZONE	Intermediate
CONSERVATION AREA	Heritage Coast
CURRENT USE	Yacht Club
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 11th October 2024▪ A site notice displayed in accordance with Regulations.
EXPIRY	25 th October 2024
REPRESENTATIONS	One Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

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

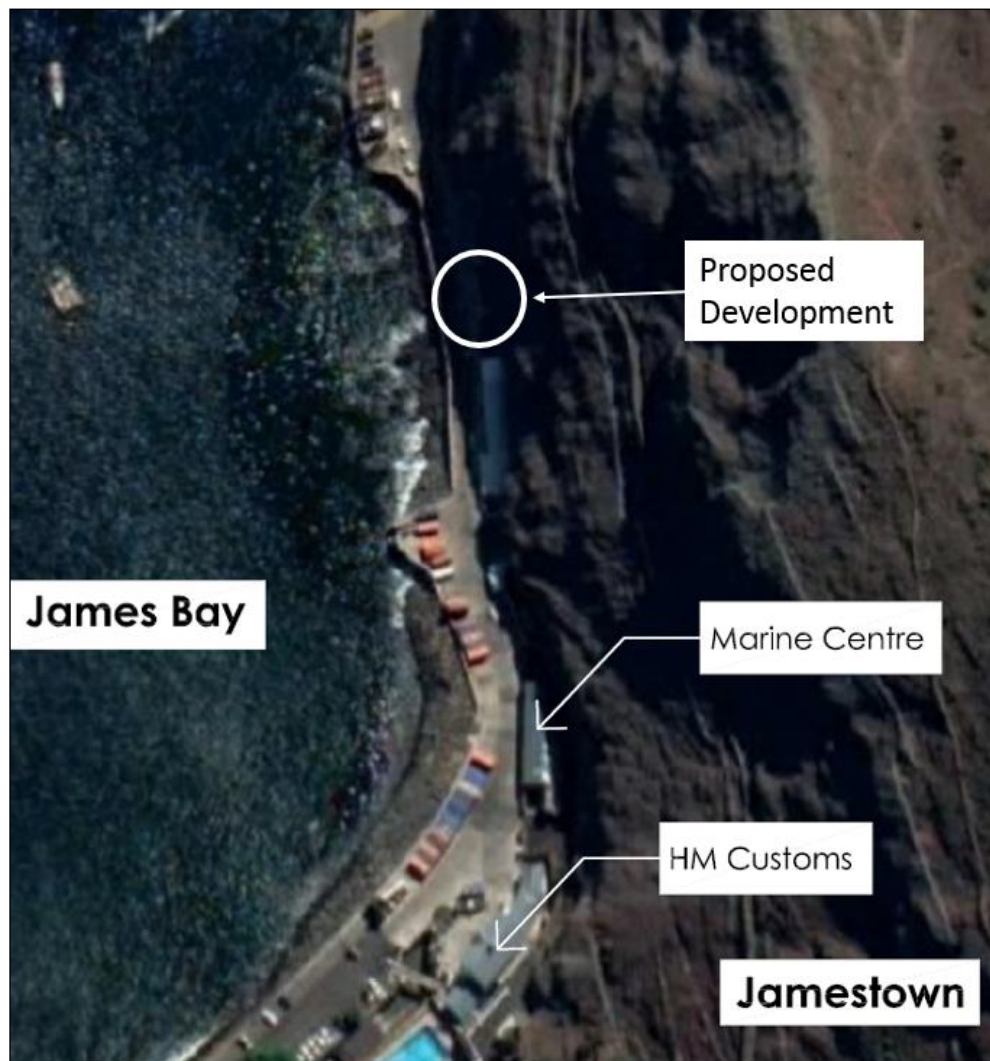
13. Sure SA Ltd	No Objection - Comments
14. Heritage Society	No Objection - Comments
15. Maritime	Objection - Comments

B. PLANNING OFFICER'S APPRAISAL

LOCALITY & ZONING

This plot is located at the Yacht Club on the Wharf, Jamestown. The Yacht Club is a Listed Building Graded II (Listed as "Captain Wade's House" in the Crallan Report); it is indicated to have been built possibly in the late 18th Century. The surrounding buildings are mainly graded III (including the "Dive Club") and some are of Group Value. The site is designated Heritage Coast Conservation Area and within the Intermediate Zone.

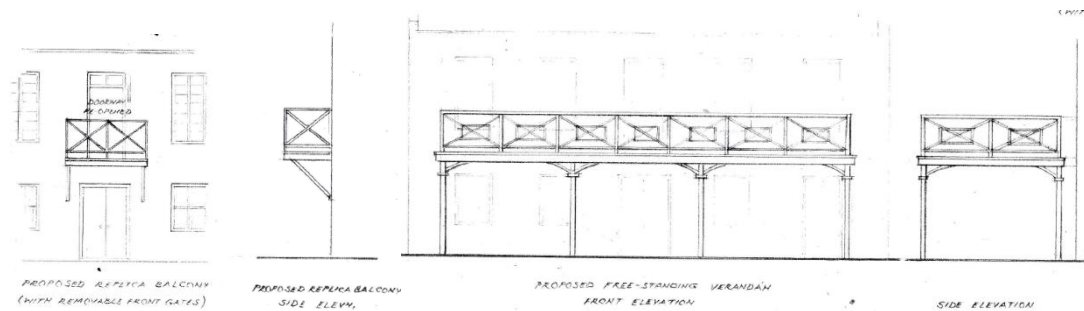
Diagram 1: Location Plan



RELEVANT PLANNING HISTORY

Development permission 2022/83 was granted in March 2023 for the construction of a balcony/verandah at the Yacht Club at the Wharf, Jamestown.

Previous scheme (2022/83):



Conditions were attached to the decision notice by Governor in Council, in particular Condition 9, which reads *'Pedestrian through access underneath the verandah must be maintained at all times. The access must run in a straight line North-South, be unobstructed, and a minimum of 1.2 metres wide. Reason: to ensure safe vehicular access in accordance with LDCP Policy IZ1(g) and safe pedestrian access including for wheelchair users'*

Condition 10 was also added by Governor in Council that *"Notwithstanding the plans submitted with this development application, no part of the development shall extend more than 3.8 metres from the front of the Yacht Club building. Before any development work commences, a revised plan should be submitted and approved in writing by the Chief Planning Officer to comply with this requirement. Reason: To ensure safe vehicular access along the wharf in accordance with LDCP IZ1 (g)."*

Condition 10 was added following a site assessment of the former Chief Planning Officer who noted that the road bollards were shown on the submitted plans to be situated the same distance away from the front of the Yacht Club building (which is not the case), such that at one particular corner there would be an overhang of pedestrian through way of approximately 400mm based upon the measurements submitted. As a result of this, the condition was added to restrict the balcony/verandah's extension out from the front of the Yacht Club's front elevation to 3.8m or less.

There is no record in the planning folder that a revised plan was submitted under Condition 10.

A minor variation request was recently made by the applicant's agent, however the amendments to the scheme would have resulted in a breach of Condition 10 and also the proposal has increased in terms of overall floorspace created and includes an external staircase which was not part of the description of the approved development. Also it is a form of development that requires consideration by the LDCA and the Governor in Council as a required referral. The additional conditions attached at GiC would be breached by this proposal. The current proposal is not therefore considered

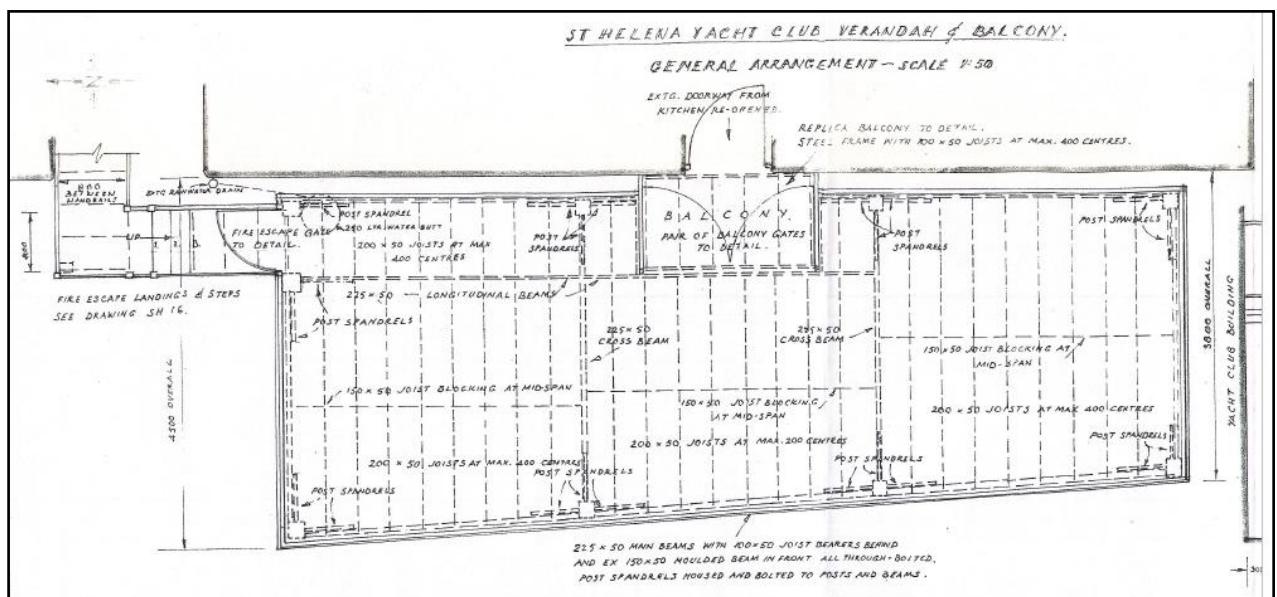


Diagram 3: Proposed West Elevation

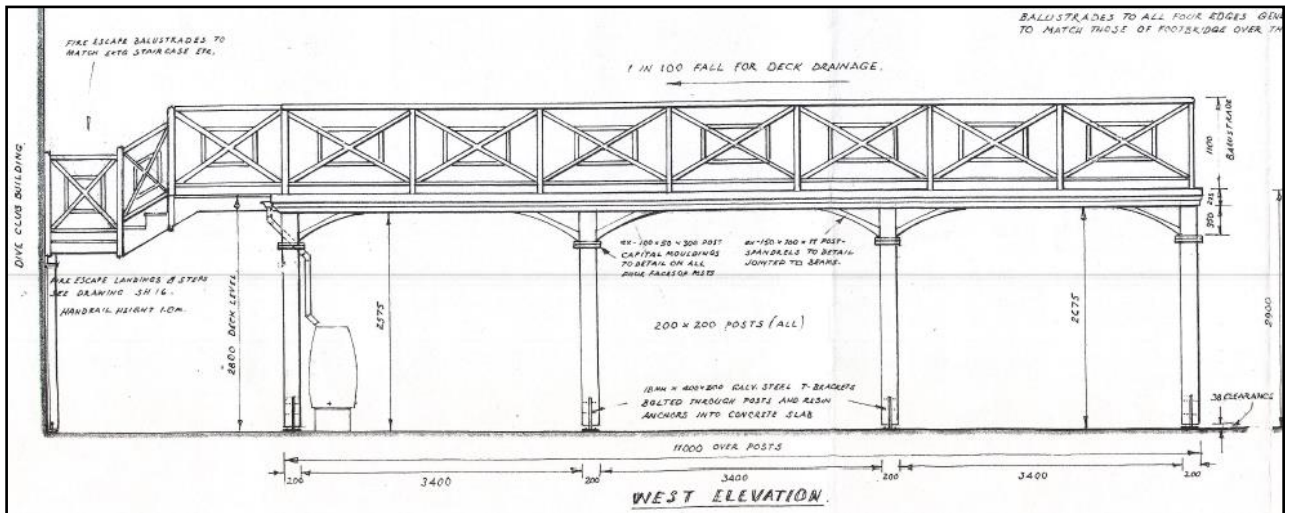


Diagram 4: Proposed North Elevation

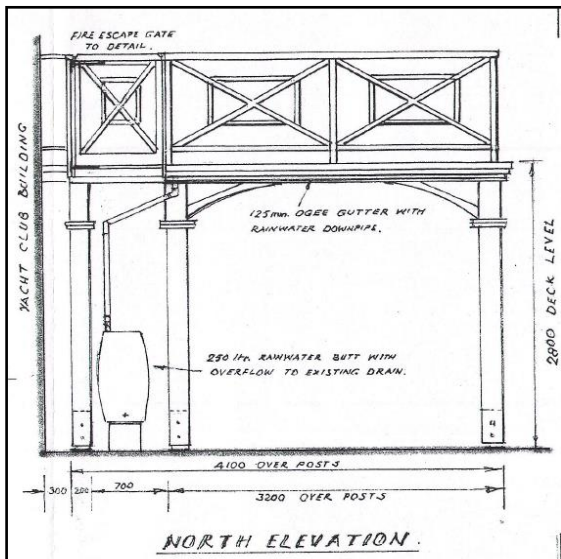
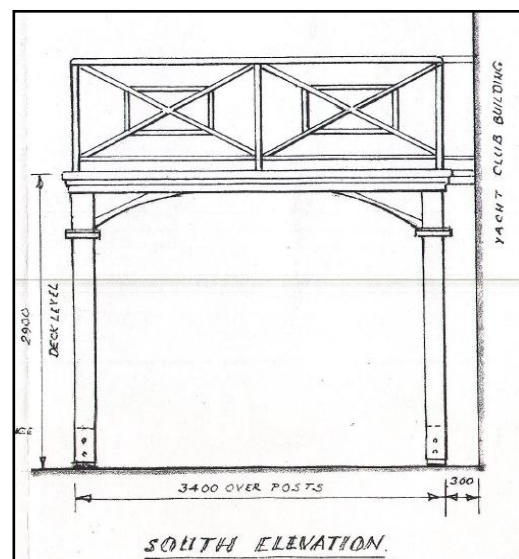


Diagram 5: Proposed South Elevation



The applicant's submission indicates that their agent "met the Fire Officer at the building on 28th September and the scheme was agreed subject to notes being added to the drawings (a) stating a minimum width of 800mm for the proposed steps and landing extension, (b) a handrail height on the landing of 1m, (c) the addition of a second handrail to the existing staircase (on the Dive Club side) and (d) the creation of minimum headroom above the staircase pitch-line of 2m, by cutting back a small projecting piece of the overhanging rock." The proposal also includes the removal of some overhanging rock (see Diagram 6 below).

Diagram 6: Layout & Elevation of Fire Escape

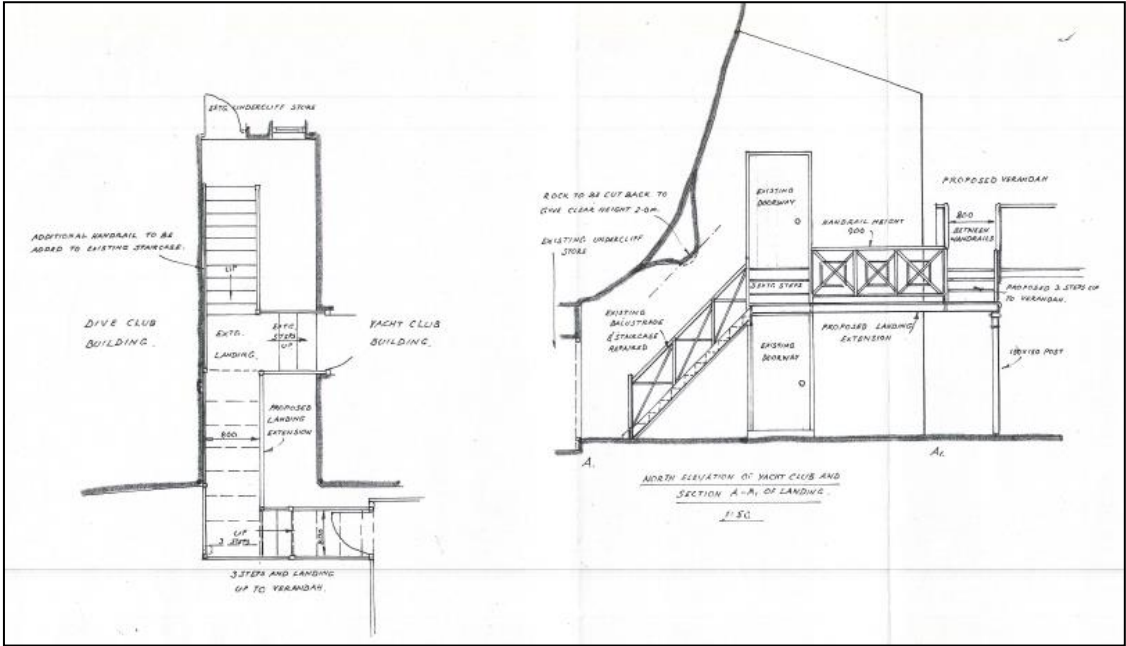


Diagram 7: Model Perspective from Southern Elevation



Diagram 8: Model Perspective from Northern Elevation



STAKEHOLDER FEEDBACK & REPRESENTATIONS

There was one representation from a member of the public, and comments were received from stakeholders.

Representation – Objection: ‘This application clearly builds upon the existing permitted scheme and has been necessitated for practical reasons. Nevertheless, the existing scheme will have a highly intrusive effect upon the street scene of the wharf, which is part of the Historic Conservation Area.

In addition to the proposed staircase, it is also proposed to enlarge the elevated deck further out into the street. The proposal is for it to be angular and relate to the arbitrary line of bollards placed there recently to provide some protection from the stacker machine. It is likely that the stacker’s use will soon be reduced. It may then be desirable to remove the bollards to reinstate the full street scene.

I would strongly suggest that the angled outward extension should be removed from the application. This would allow the currently permitted deck to continue as it is, aligned squarely to the main building, to maintain the connection with the historic building line and its street scene.’

Maritime Authority – Objection: ‘Maritime Authority cannot support this application at this time until safety and security considerations are taken around operational activities that occur in this area of the port.’

Port Control – Objection: ‘Due to the current cargo operations that take place on the Jamestown wharf, this building should not be modified until the cargo operations are moved into Rupert’s Valley. It is unclear if any consultation was undertaken with the last Harbour Master, but it would be good to have an understanding of any timeframes that have been considered.’

Heritage Society – A late submission was made as follows:

No objection: ‘These comments on the above application are submitted on behalf of the Heritage Society.

The proposal is a minor revision of that in 2022 which was granted permission in March 2023 under Planning reference 2022/83. The difference between the new application and the already permitted development is the addition of a walkway at the eastern/northern end, to link to an existing small staircase in the alleyway between the Yacht Club and Dive Club building. This will give a fire exit from the new verandah without having to go into the first floor of the Yacht Club building (in case that is where there is a fire). The verandah is also made 750mm wider at the eastern/northern end, making it slightly trapezoidal in plan, to facilitate clear access to the fire exit and also to keep the front of the verandah in line with the edge of the roadway, whilst its back is kept parallel to the building.

It is envisaged James Bay wharf will transition to a primarily pedestrian area, with limited categories of vehicles allowed full access. This restriction aligns with the existing and future buildings having uses predisposed to marine and leisure. It is also hoped it will be incumbent upon prospective developers to respect the historic character of James Bay wharf in proposed building design. If planning principles for the development of James Bay wharf were set out for the guidance of applicants for development at this location it will be most useful.’

Sure South Atlantic Ltd – No Objection: ‘Please be aware of underground telecoms cable in the pedestrian area as discussed during a site visit arranged after submitting application 2022/83.’

Connect St Helena Ltd – No Objection: Water mains run in front of the building in the concrete, site visit and permit to dig advised before construction.

Environmental Health – No Objection: ‘Providing development is in keeping with St Helena Heritage criteria, and the bigger plans for the development of the sea front area of Jamestown, under the land development plan. Is the main building a classified listed building? If so, does the classification allows this extension to alter the current facade of the existing building? Finally is the fire escape up to the normal specifications?’

LEGAL AND POLICY FRAMEWORK

The relevant policies of the Land Development Control Plan (LDCP, 2012) that are applicable in the assessment of the proposed development are set out below:

- Intermediate Zone Policies: IZ1 (a, b, d, g), IZ.6
- Built Heritage Policies: BH1 & BH.2
- Tourism Policy T1

OFFICER'S ASSESSMENT

With the impending move of the Port Facility around to Rupert's, we will see more developments coming forward to utilise buildings within the Jamestown Wharf particularly in line with tourism policies to expand facilities but also for local use. Development permission was previously granted and, as such the principle of the development has been established. While the proposal is an amendment to a previously approved scheme, the current proposal is for a balcony and verandah with a secondary means of escape. The two elements to this application are considered separately below:

The balcony/verandah

In relation to the previously approved scheme (2022/83), while the balcony would not be amended, the applicant proposes that the verandah has a maximum depth of 4.5m (an increase over the approved verandah of 0.75m to incorporate a clear access to a proposed means of escape, see below) at one end (north) which would taper to a maximum 3.8m depth at the southern end. The length of the verandah will remain as previously approved at 11m (albeit that from the sea – west, clear views of the extension of the proposed means of escape would be visible adding to the overall length) .

This proposal would result in the balcony/verandah aligning with the concreted section of road way to the west of the existing bollards which both veer slightly away from the façade of the Listed Building to the northern end.

The Bollards mark the edge of the current roadway for vehicular traffic including the cargo stacker which is used in connection with the current wharf operations in Jamestown. A new port facility will soon come on line at Ruperts which will remove the need for containers to be brought to Jamestown Wharf and remove the need for cargo stackers and other large plant and machinery to be on the wharf. It is expected that the wharf will become more active and pedestrian-friendly, albeit that there will as a minimum continue to be a need to service any businesses along the wharf.

The current bollards may (or may not) remain as a road safety feature in future. Notwithstanding, the bollards currently provide a demarcation between the pedestrian element of the wharf and the traffic-accessible part (albeit that both parts are currently finished in the same colour of concrete, unlike the suggested clearly demarked road surfacing of the model submitted).

It is not clear why any balcony should align itself with features relating to a road which may change, possibly in the near future. However in order to retain the same amount of floorspace (or as near as possible) on the verandah while providing a new, clearly-marked access to the means of escape, a widened section of verandah at the northern end would help to meet this new requirement while retaining the standing/seating area as originally envisaged.

As the current road/bollards are set at different distances from the front façade of the Yacht Club, the current design is proposed to take full advantage of this circumstance.

In terms of its appearance within the streetscape, particularly when viewed from the south and north, currently one's eye will follow the bollards as the most prominent linear feature in advance of the Yacht Club's façade (the next being the sea wall itself). A true rectangle design would result in the bollards appearing to veer away forming an ostensibly widening gap along almost the entire length of the verandah's deck, whereas the proposed verandah will also veer away from the Yacht Club's façade mimicking this feature.

The bollard features will be overtaken by the verandah once built in terms of their visual presence in the street scene, however, the proposed trapezoidal design's increasing width to the northern end (except in views directly above the proposed verandah) with a only 0.75m difference in width over a span of 11m will appear relatively subtle. In addition, the verandah's visual appearance has been reflected in the design of the railings in that at both ends there will be 2 sets of the criss/cross sections (the means of escape will be unappreciated). The visual impression will therefore be that the verandah is "square" as both ends match. As such, it is not considered that the proposed balcony/verandah will detract from the setting or adversely impact the appearance of the listed building or the special character and appearance of the Conservation Area.

The purpose of Condition 10 attached to the previous development permission was to restrict the verandah to upto 3.8m away from the building as part of the structure could otherwise be over the roadway. Condition 9 was attached to ensure pedestrian access at road level was maintained when tables and chairs were positioned outside the building on the ground floor such that access 1.2m wide was maintained and unobstructed for pedestrians, including wheelchair users.

As there is almost a 2.7m width of clear space between the two posts on the northern section of the proposed development and more than 1.2m to the south between posts, this can be accommodated. A suitable condition will be attached to ensure that the proposal allows unobstructed public access underneath the proposed balcony/verandah.

Secondary Means of Escape

Following the previous approval in 2023 of a balcony and verandah, in line with the Fire Officer's recommendations, the current proposal now includes a means of escape from the verandah. The proposed escape steps/landing will, like the verandah to which it will be attached, not be attached directly to the Listed Building but to an existing escape external stairs to the side of the Yacht Club. The style of the balustrading to the means of escape will be similar to that of the proposed balcony/verandah and emulate that of the deck – in criss/cross style. The proposed means of escape will be located close to the Dive Club building (Grade III Listed) and appear as a protrusion when viewed from the north; however given it will only extend forward by 1.2m which is significantly less than the proposed 4.5m depth of the proposed Verandah, it is considered that, of itself, its appearance will not adversely impact on the character or appearance of the neighbouring or host Listed Building, or the setting of the Conservation Area.

Conclusion:

Overall, given that the proposal will address safety concerns with a second means of escape and the design is, albeit larger and more prominent, similar to that of the previously approved scheme, this proposal is considered to provide additional facilities for use by both local people and tourists and not result in any harm to the fabric or setting of the Listed Building, nor the setting of other nearby listed buildings, nor result in harm to the special character and appearance of the Conservation Area in which it would be located. It is therefore considered to be acceptable in line with LDCP policies.

Other matters raised by Objectors

Some objectors have expressed concern that the development should not be granted approval until future changes have been made to remove wharf operations from Jamestown. The LDCA is required to make decisions on submitted Development Applications in relation to their planning merits. Receiving permission indicates that there are no planning issues with the proposal (or that they can be addressed through attached conditions); any land ownership or other matters lying outside the planning process may also need to be resolved before works can begin. Any damage caused to any building will be a matter for those causing any damage and the owner of a building. The cost involved in constructing this proposal may result in the developer delaying the works until the cargo operations (and possible damage which may be caused) have ceased; however, Development Approval can be given as permission is given to start the works at any time within 5 years from the date of the permission. It is for the applicants to decide when they will begin works within that period (see Condition 1), while taking account of the possible position they may put themselves in (which is entirely at their own risk) if they start the development before operations transfer to Ruperts. As this is a civil matter outside the planning function, it is recommended that the parties speak with each other so that their positions are clear.

- 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 'Directions to the Chief Planning' dated 14th June 2022, as there would be development of land within 50m of the sea, 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 Plan Layout and Elevation Plans, registered 9th October 2024 and approved by the Senior Planning Officer, 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) **Construction Practices:** During construction of the development, no obstruction shall be caused to the operation of the Wharf or public access. 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 Policy IZ1 (g).

- 4) **Materials:** The development shall be constructed of timber and painted white.

Reason: To ensure the development appears to form a coherent whole in accordance with LDCP Policy IZ1(a).

- 5) Notwithstanding that no details have been submitted with this application, the central doorway located on the first floor that will open onto the balcony shall be constructed of timber and painted white.

Reason: To ensure the development appears to form a coherent whole in accordance with LDCP Policy IZ1(a).

- 6) Pedestrian through access underneath the verandah must be maintained at all times. The access must run in as straight-line north to south, and be unobstructed at all times to a minimum width of 1.2m.

Reason: To ensure public thorough fare is retained in accordance with LDCP Policy IZ.6

- 7) 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 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.

- 8) All **external lights** attached to the balcony/verandah and external escape stairs/landings 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 and to protect the dark skies status of the island in accordance with LDCP policy E8.

Informatives:

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. This is to ensure development is carried out in accordance with the Building Control Ordinance 2013.

The applicant is advised that they will need to obtain a permit to dig in relation to telecommunications and existing water lines.

The applicant is advised to contact Port Control for their consent in writing in advance of commencing development