

Chief Planning Officer's Report - LDCA MAY 2019 Revision

APPLICATION	2019/16 – Conversion of the Freight Terminal into Marine Offices, Lab and Marine Visitor Centre
PERMISSION SOUGHT	Permission in Full
REGISTERED	7 February 2019
APPLICANT	Marine Section (EMD/National Trust (Blue Marine)
PARCEL	JT010020
SIZE	770m ² (Building footprint 199m ²)
LAND OWNER	Crown
LOCALITY	Freight Terminal, Wharf, Jamestown
ZONE	Intermediate Zone
CONSERVATION AREA	Heritage Coast
CURRENT USE	Freight Terminal Building
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 08 February 2019▪ A site notice displayed in accordance with Regulations.
EXPIRY	22 February 2019
OBJECTION RECEIVED	Received from Andy Pearce (Annexure 1)
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

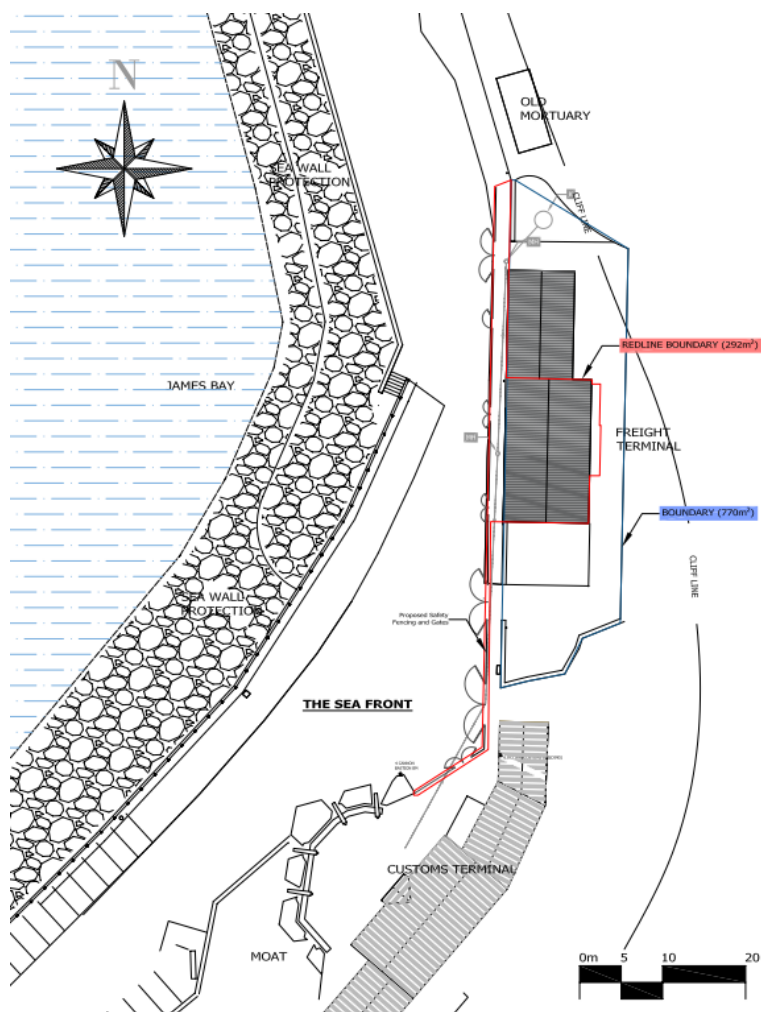
1. Water Division	No Objection
2. Sewage Division	No Objection
3. Energy Division	No Objection – An application will be required for a re-test of the final electrical installation as a result of the additional/alteration/modification to the original electrical installation
4. Fire & Rescue	Not Consulted
5. Roads Section	No Objection
6. Property Division	No Response

7. Heritage	Not Consulted
8. Environmental Management	No Response
9. Public Health	No Response
10. Agriculture & Natural Resources	No Response
11. St Helena Police Services	Not Consulted
12. Aerodrome Safe Guarding	Not Consulted
13. Enterprise St Helena (ESH)	No Comments

B. PLANNING OFFICER'S APPRAISAL

- 1) **Location and Orientation:** The site is situated at the Seafront, north of the Customs Terminal Building and was previously known as 'The Sand Yard'. This building was recently upgraded to its current state and is currently known as the Freight Terminal Building
 - a) **Zones & Restrictions:** The development falls within the **Intermediate Zone** and also the Jamestown Conservation Area (Heritage Coast) where built heritage issues are a consideration

Diagram 1: Site and Location Plan



- 2) **Development Proposals:** The Applicant proposes some minimal external changes, but significant internal changes to the building by converting a part of it to Marine Offices; Laboratory and Marine Visitor Centre. As a Freight Terminal Building, it has a very limited use going forward, because of the plan to relocate passenger freight and Customs operations to Ruperts. As an asset, SHG needed to consider best alternative use for the building and Marine Conservation activities will bring a use relevant to the function of the Seafront/Wharf.
- 3) The development proposal request permission to install a mezzanine floor into the roof space currently available and a balcony on either side of the building (east and west) to serve (among other things) as a viewing deck for marine life in the harbour and a fire escape on the side to the cliff face. The balconies will need to be carefully designed to align them with a similar installation on the adjacent Customs Terminal building with the desired effect of trying to keep them in symmetry. The windows proposed for the south gable end will need to be redesigned to ensure they match existing windows in the building. It is also proposed to change the current large openings by incorporating smaller standard size doors and wood cladding to infill the remaining space, keeping the original Freight Terminal doors in front as a feature.
- 4) Other internal changes like platform lift, stairs, stud partitioning, staff facilities etc. are also proposed and provided they satisfy Building Regulation requirements, should not become an issue for concern.

Diagram 2: Satellite Image

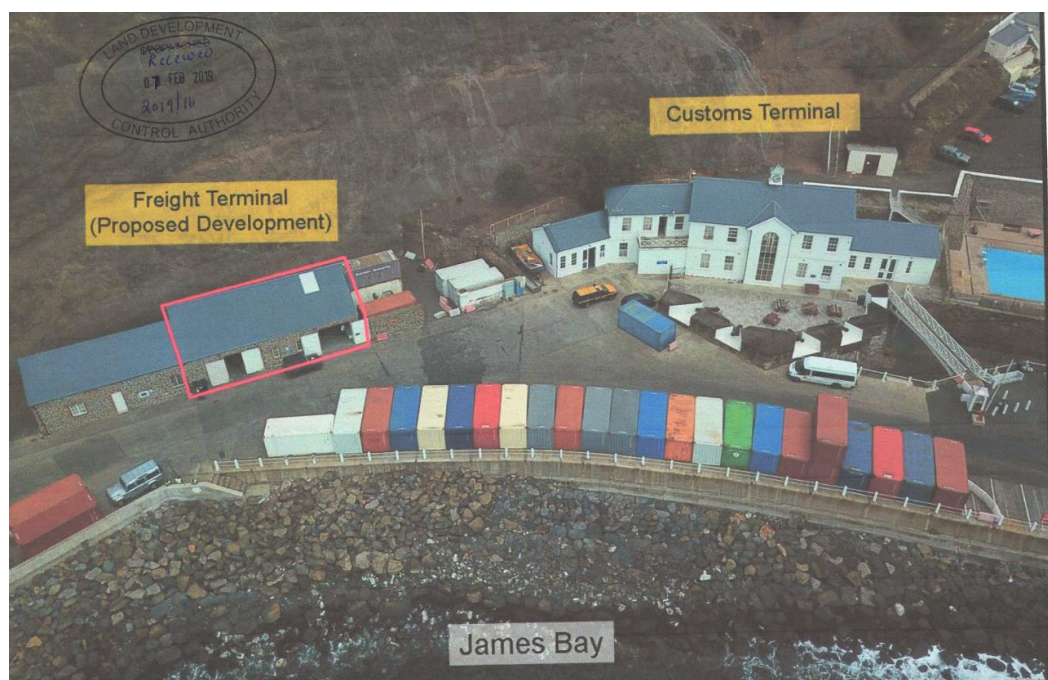


Diagram 3: Layout Plan

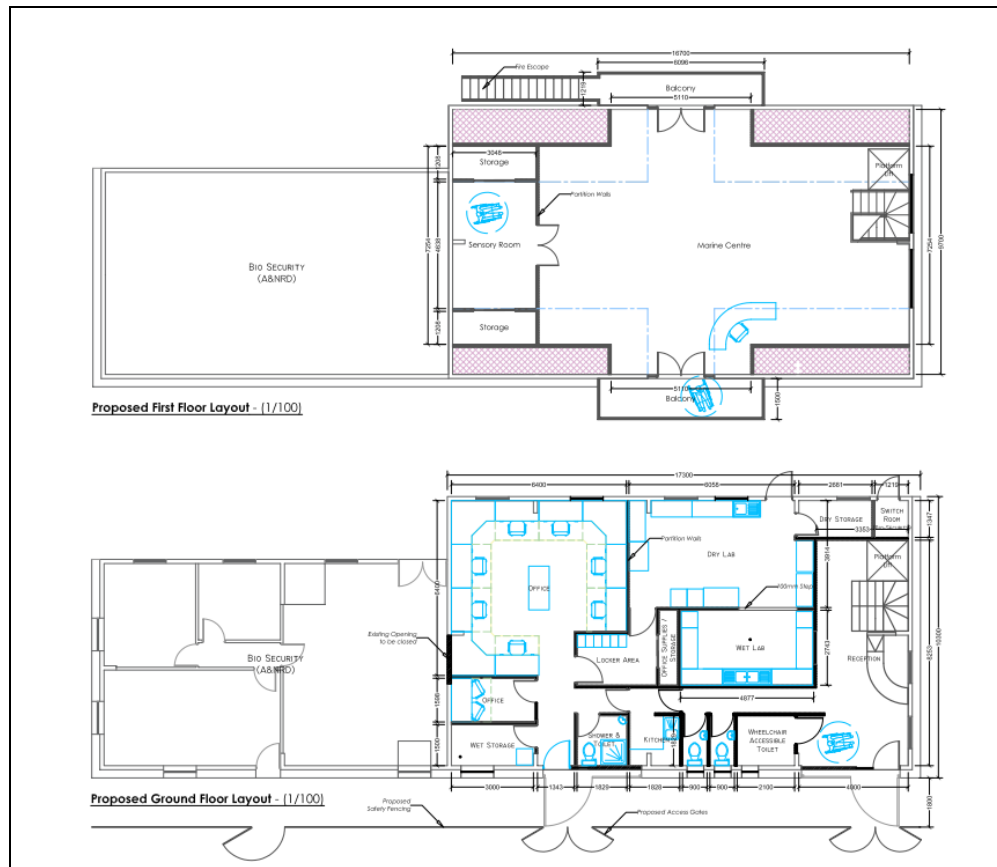


Diagram 4: Revised Elevations



C. PLANNING OFFICER'S STATEMENT & RECOMMENDATION

Given that this building lost most, if not all, of its heritage value as a building, following its recent demolition and rebuild, it will now be difficult to use that argument as a means of now providing protection 'after the horse has bolted'. This is not to say that we can now disregard any further protective measures to the building, as we still have a responsibility to ensure any future alterations are aligned to other neighbouring buildings in the immediate surrounds. There is no doubt that our built heritage has a very important role to play in the island's future, but it is also essential to have a balanced view point so as not to allow it to stifle our ability to develop resources in support of the islands future needs and progress our economy, together with a means to sustain it. The debate 'protection of the built heritage versus future needs and development is always going to be a contentious one and both side of the argument have to be carefully considered before making a decision. This particular issue it could be said was decided for us when the decision was made prior to the buildings last upgrade, which effectively eroded any historic value it might have had.

Built Heritage Context: The LDCP section 25.5 states: Conservation of the historic built environment is critical to the success of tourism growth on the island, as well as being appropriate in conserving an internationally important resource. However, development of the island is paramount if it is to meet its primary objective of becoming economically independent. As such there will be a balance to be met between the preservation of the historic asset, and the wealth generation necessary to help fund such preservation through planning gain. The review policies seek to strike this balance, and where there is potential loss then processes will be put in place to record and mitigate.

The balance in this case can take two routes, to preserve as is, which will likely result in an underutilised building, having already been damaged as an historic asset (as mentioned above) or regenerate the building through best use and try to align its external character with that of the adjacent Customs Terminal Building.

It could be argued that this building is caught in the middle, in as much that to its north can be regarded as a fine example of a complete surviving East India Company port, whilst to the south is a fine modern building attempting to connect the Terrace/Castle with the Wharf. In heritage terms the recent Freight Terminal upgrade is a far cry from the original Sand Yard, with some major design changes to make the building fit for purpose, thereby losing its heritage value. The current application is the next phase in striking the balance between appropriate use of the building and ensuring some form of symmetry is maintained with its big brother to the south.

Further, it is noted, the objector's representations in respect of the non-compliance of the proposed development with planning policy, but he has merely quoted clauses and not specific breaches and therefore these do not constitute material planning considerations, other than would be normal for a planning officer to take into consideration in respect of this type of development, as part of his day to day duties. In respect of his missives about UNESCO World Heritage site status, this is aimed at the Natural Environment rather than the Built Environment, and although this is an important issue, as previously stated there is a balance to be struck.

D POLICY FRAMEWORK

- 4.1 Sewerage Disposal Facilities / Infrastructure: IZ (g) (i), SD1, SD4 & SD7
- 4.2 Water Security / Re-use of Rainwater: IZ (g) (ii), W2
- 4.3 Parking Spaces: RT7
- 4.4 Landscaping (including Soil & Water Preservation): IZ1 (h)
- 4.5 Energy Policy: E4 and E8
- 4.6 Colour of Roof Policy (Annexure 9)

E SUMMARY & CONCLUSION

This development falls within the Heritage Coastal Zone and can be supported in terms of siting, scale, layout, proportion, details and external materials and therefore can be allowed.

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) 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.

- 3) The development shall be **implemented in accordance with the details** specified on the Application Form; Site Layout, Floor & Elevation Plans as 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 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.
- 4) The development shall be **implemented in accordance with the details** specified in **the Justification** and **Design & Access Statement** as 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 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.
- 5) 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).
- 6) All works are to be carried out in an appropriate manner (good craftsmanship) and all proposed materials to be used shall have due consideration to the restrictions associated with Built Heritage Buildings in the Jamestown Conservation area and approved by the Chief Planning Officer.
Reason: To ensure that the proposed work are carried out in line with LDCP BH 1, 2, 3 & 5.
- 7) Any **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.
Reason: to protect the Dark Skies status of St Helena in accordance with LDCP Policy E8.
- 8) The **Colour of Roofs** shall be slate grey.

Reason: to blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

- 9) The proposed Development shall not be occupied until its Foul Drains (to include both black & grey water) have been connected to the existing communal system. All pipework to be laid underground unless otherwise agreed with the Chief Planning Officer.

Reason: To avoid creating pollution and to accord with LDCP policies SD1 and SD7.

- 10) 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.

- 11) 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 to avoid overloading the Septic Tank, in accordance with LDCP Policy SD1.

- 12) Stormwater 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 Development Plan Policy SD1.

Further Advisory:

- a) Please ensure to select modest wall-colours (such as earthy tones, etc.) and natural external finishing (such as stone, wood) that will blend in with the natural and/or surrounding built environment.

- b) Application required for electricity from Connect St Helena Ltd

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.

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.

Riana DeWet

From: Andrew Pearce <Andrew@Levelwood.co.uk>
Sent: 22 February 2019 15:58
To: 'Karen Isaac'
Subject: Application 2019/16 Freight Terminal

Dear Andrew

I object to the application 2019/16 for the conversion of the Freight Terminal on the Wharf for use by Blue Marine for the following reasons.

The site lies in the Heritage Coast Historic Conservation Area and the application does not comply with the following:

LDCP Intermediate Zone Primary Policy IZ. 1, which says,
"Development permission will be granted for... employment... development in the Intermediate Zone subject to the following criteria:

a) the siting, scale, layout, proportion, details and external materials in any development..., form a coherent whole both in the development itself and in relation to surrounding development."

LDCP Built Heritage Primary Policy BH. 1(c), which says,
"Development in Historic Conservation Areas will be permitted only if it enhances and protects the character of the Area by reference to scale, proportion, details and external materials of the proposed development in relation to those of the Historic Conservation Area."

LDCP Built Heritage Primary Policy BH.5, which says,
"Development... within a Historic Conservation Area... shall preserve or enhance its character..."

And,
"The design, materials, scale and siting of any development shall be appropriate to the character of the Historic Conservation Area and its setting."

Land Planning and Development Control Ordinance 2013, Section 39 (6), which says,
"In determining any development application which relates to or affects... a Historic Conservation Area, the Authority must have special regard to the importance of the building, site, or area in relation to—
(a) the landscape; or
(b) the architectural, cultural, or historical heritage, of St Helena..."

Although the applicant states there was consultation with the planning office, I understand from the Locum Chief Planning Officer (LCPO), that only rudimentary information was given with no advice in relation to any of the design issues appropriate to the Historic Conservation Area as listed in the policies above. Furthermore the LCPO was not able to advise me how the application would 'enhance the Conservation Area' in relation to any policy but in particular BH.1(c). This is not surprising as the application does not 'enhance the Conservation Area'.

Lack of information.
The application does not contain a full set of 'existing' drawings. Notably no existing elevation. There is no sectional drawing to show how the proposed new first floor will fit below the existing roof trusses.

Design
Although the building is less than ten years old, it is clear that it is of considerable character within itself as a result of sensitive design relating to character of the Conservation Area. It is not listed but LDCP policies and planning ordinance require any alterations to it, to be thought through as if it were, in order to 'enhance the Conservation Area'.

There is still no Conservation Area Management Plan to "establish the heritage significance of a place or historic conservation area, and identify conservation policies". Without this it is difficult for the planning office to issue design advice. It is even more difficult to assess the design leading to proper planning advice for the planning authority to make a decision. I understand this application will have to be decided by Governor in Council as it is within 50m of the sea.

The Wharf is part of the area currently under review by the Waterfront Working Group for which there are draft proposals. I am a member of that group and we have not been consulted by the applicant (St Helena Government) or the planning office. The Freight Terminal is fundamental to the group's proposals.

As highlighted as the last Formal Legco meeting the island is on the UK Tentative List as a potential UNESCO World Heritage Site. The DCMS of the British Government has recommended the Cultural Heritage or Built Heritage of St Helena be reviewed again. The Wharf being the most complete surviving East India Company port in the world could be central to a future World Heritage Listing.

It must therefore be incumbent upon all who have the future of St Helena at heart to ensure any alterations to building on the Wharf are fully considered in that context.

It is clear the application that includes out of character large gable windows, glass balconies, new shallow gables and removal of the spectacular warehouse doors to be replaced with a single plastic glazed domestic front door is completely inappropriate and will damage the character of the Wharf.

As it stands this application must be refused.

It is worthy of note that Blue Marine located at Somerset House in London would certainly appreciate a quality building to house themselves. The project should be a fine example of the interface between Marine and Built Heritage.

I would be happy to assist further in helping to make the project work.

Yours sincerely
Andy Pearce

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