

Planning Officer's Report – LDCA OCTOBER 2020

APPLICATION	2020/63 – Partial Demolition and Erection of Single Storey Building to Provide Improved Facilities to Judicial Buildings, Grand Parade
PERMISSION SOUGHT	Permission in Full
REGISTERED	26 th August 2020
APPLICANT	Project Management Unit, SHG
PARCEL	JT040002, JT040003, JT040007
SIZE	0.36 acres (1476m ²)
LAND OWNER	Crown Estates
LOCALITY	Judicial Building, Grand Parade, Jamestown
ZONE	Intermediate Zone
CONSERVATION AREA	Jamestown Conservation Area
CURRENT USE	Judicial and Civic Offices
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none"> ▪ Independent Newspaper on 28th August 2020 ▪ A site notice displayed in accordance with Regulations.
EXPIRY	11 th September 2020
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Water Division	No Objection
2. Sewage Division	No Objection
3. Energy Division	No Objection
4. Fire & Rescue	No Response
5. Roads Section	No Objection
6. Property Division	No Response
7. Environmental Management	No Response
8. Public Health	No Response

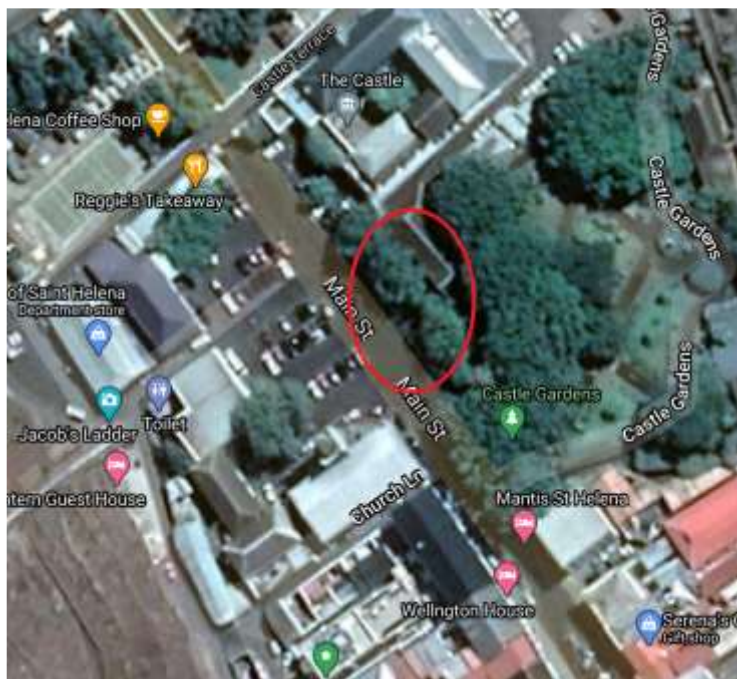
9. Agriculture & Natural Resources	No Response
10. St Helena Police Services	Not Consulted
11. Aerodrome Safe Guarding	Not Consulted
12. Enterprise St Helena (ESH)	No Objection
13. National Trust	No Response
14. Heritage Society	Objection - Comments

B. PLANNING OFFICER'S APPRAISAL

LOCALITY & ZONING

The development site is at the Former Police Station, Judiciary and Civic Building in a block referred to as the Grand Parade in Lower Jamestown. The application site is within the Intermediate Zone and Jamestown Conservation Area. The development is at the rear of the building which is within Castle Garden complex. The buildings are listed Grade I and back on to the Castle Memorial Garden that is also proposed for listing in the Historic Environment Records (HER). Whilst the main elevation facing Grand Parade is of considerable architectural design and details and very much reflective of its period of construction and at the rear the original building follows some of the design and details of the front elevation. Over the years, this has been much altered with erection of small extensions which are not in keeping with design and details of the original building. These extensions, irrespective of their design, appearance or quality of construction, they form part of the listed building and must to be treated similarly.

Diagram 1: Locality

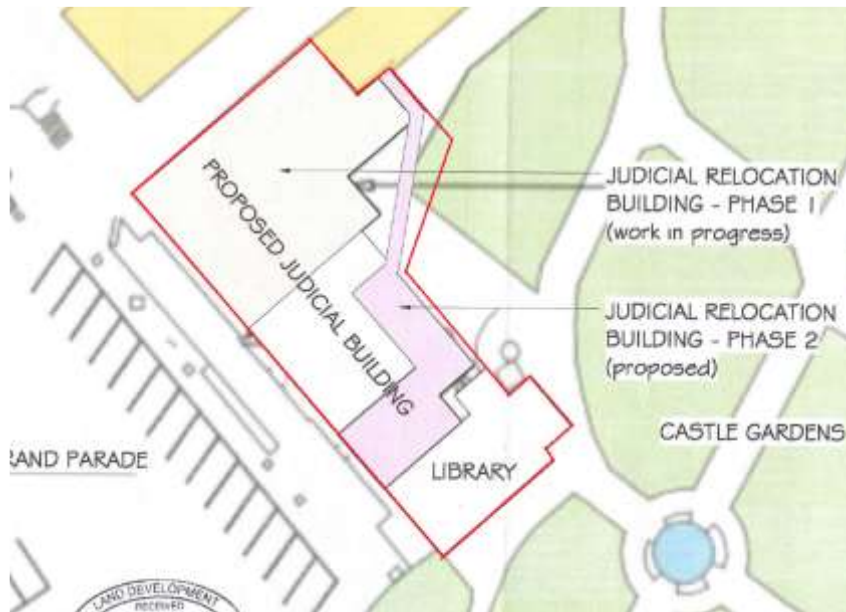


THE PROPOSAL

Report Author: Ismail Mohammed (Chief Planning Officer)
 Report Date: 8th October 2020
 Application: 2020/63

The proposal is to partially demolition the two small single storey lean-to rear buildings and the erection of a single storey extension to provide service rooms and toilet facilities for the Judicial Building. The proposal also includes disable access to the buildings and internal refurbishment of the building which includes approved accessibility to enable users with disabilities to be better facilitated in these civic buildings. The application further includes improvement to the building at the rear of the building used as a library and disable access to the rear of the building previously the police station. The new bigger extension and internal alterations will provide offices and service rooms for the judicial uses.

Diagram 2. Application Site



The development application is the second phase of the proposed improvement and refurbishment works to these buildings. The previous development application was approved during 2019 following lengthy deliberation, reference 2019/XX. That application related to the internal alterations to the part of the building previously used as the Police Station and now forming part of the expanded judicial use of these buildings. The alterations approved are currently being implemented. This development application is therefore seeking to deliver the next stage of the project to provide improved facilities for the Judicial Services, the Court, the officers and the public with office for the Magistrates, the Jurors, office for the Crown Coroner.

The proposal consist of the demolition of the two small storey buildings and a construction of larger single storey that will around 10m in length and projecting just over 3.7m. The building will include a lean-to roof with the height of the building to the eaves being 2.69m and 3.5m at the connection to the main building. The windows in the rear elevation will be to match the style and be of horizontal design to match the original windows. The rear of the building will be wheelchair accessible and the alteration will include wheelchair access into the Court Room.

Whilst the original submitted install a ramp for the wheel chair access due to the differences in level, however following discussion with the applicant and due the restricted space available in the Court Room for ramp to meet regulated gradient, it is now proposed the floor level of the new building at the rear will be lowered to match the floor level in the Court Room and the Judicial Offices. This does not impact the design of the new rear building, however it would be more acceptable design solution with least disruption to the integrity of the main building.

In compliance with the previous development permission granted for the former Police Station, the rear of this building will also include disabled access with the installation of a stair lift over the steps and a pathway for safe across for the wheel chair users between the two buildings. The rear of the former station building includes a Jury Room and its operation is linked with the Court Room.

During the site visit it was noted that building at the rear of the library also has small out building which is used by gardeners tending the Castle Memorial Garden. This part of the rear provides number of blind spots and hidden spaces. The applicant was advised to address the safety and security issues in this corner at the rear of buildings. It has been agreed that area will now be enclosed with a door and the area roofed over to provide secured storage space for the workers and will also upgraded the toilet and wash facilities.

The external appearance and finish of the building will be to match that of the original building and similar roof material.

Diagram 3: Existing Floor Layout

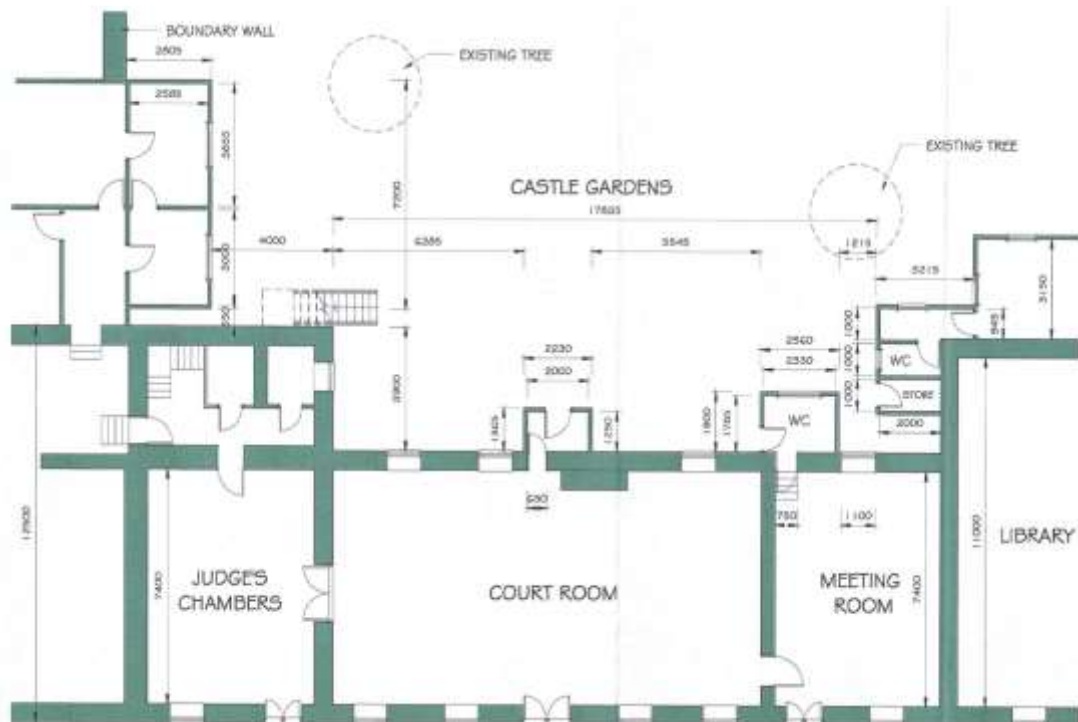


Diagram 4: Proposed Floor Layout

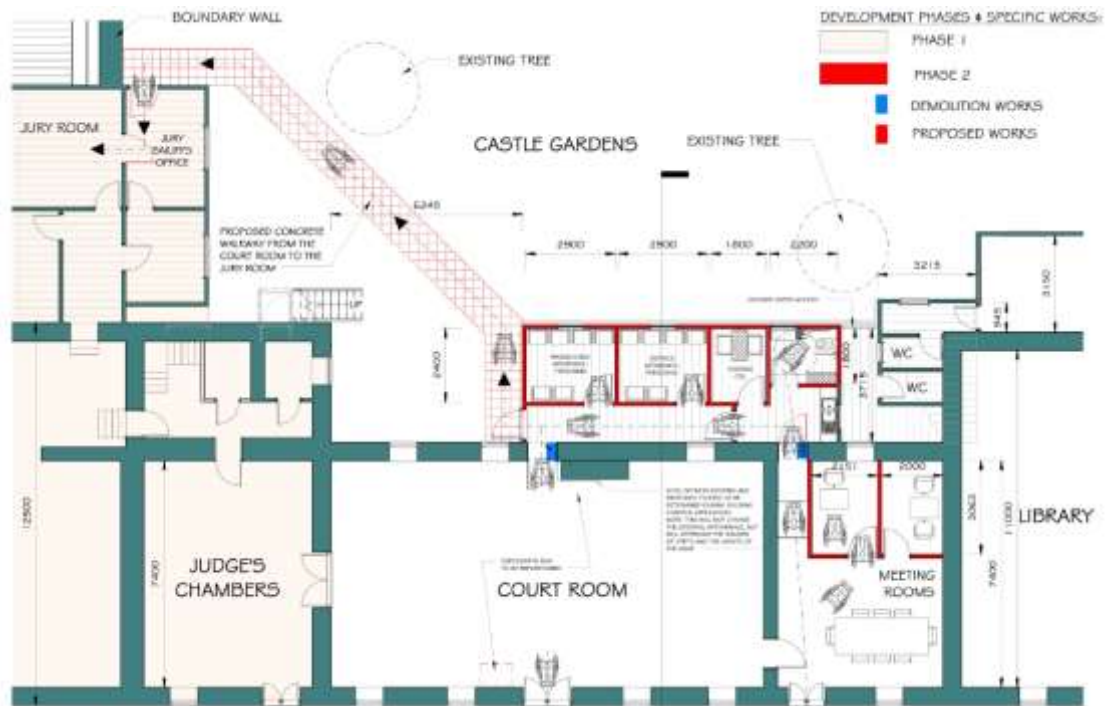


Diagram 5: Proposed Access Layout

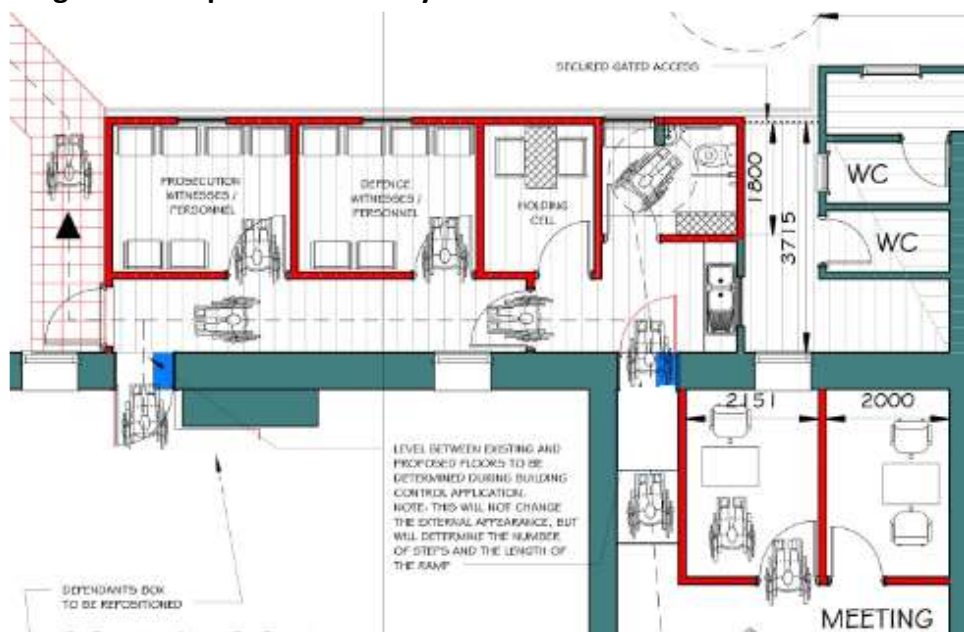


Diagram 4: Rear Elevation In Memorial Garden

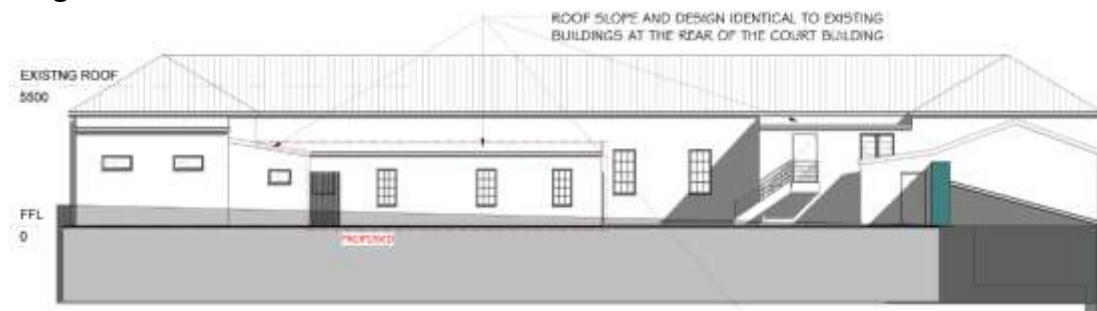


Diagram 5: Rear Elevation Image



Other than the development application in 2019, there was also a development application in 2017 seeking outline permission in principle for the proposed alterations and refurbishments to these Judicial and Civic Buildings, Reference 2017/96. The application included indicative proposals only in order to seek funding through EDIP. The permission granted in respect of this development application has now lapsed. One of the conditions required the proposed design for the extension to be endorsed by the Saint Helena National Trust and the Heritage Society. However, as the permission has lapsed, it is now considered that there is no requirement for the applicant to comply with this condition and a full development application cannot be made against this consent. Secondly, the applicant has not based its development application seeking full permission in respect of the Outline Permission. The proposed development is also considered to be different from the original proposals granted outline permission in February 2018.

C. POLICY CONSIDERATION

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

- Intermediate Zone: Policies IZ1(a, b and g)
- Sewage, storm and Drainage: Policies SD1(b, c) and SD7
- Built Heritage Policies: BH1 (c), BH.2, BH.3, BH.4, BH.5

The proposed development meets with the objectives of all these listed LDCP policies. The assessment of design details, both internal and external, against the Built Heritage Policies is particularly important. It is unfortunate that two of the windows in the rear elevation will be enclosed by the extension. The proposal is not to “brick-up” the window opening, but to retain the window as they are and to install blinds to block the looking-into the Court Room.

Whilst the Castle Memorial Garden is only proposed for listing in the formulation of the Historic Environmental Records (HER), however as the Garden occupies a

strategic position within the proposed Jamestown Conservation Area, and this is a more appropriate consideration for its inclusion in the Land Development Control Plan which set out policies and land-use designations and was subject to public consultation before it was adopted in 2012. The HER is still only in some form of an early draft and has not been subject any public or stakeholder consultation. The demolition of the small rear extension and the construction a larger single storey and the other improvements to the rear elevation are consider to provide considerable enhancement to the elevation of the historic buildings from the Garden.

REPRESENTATION

A representation has been received from the Heritage Society to the overall proposal, the details and the process. These representations are summarised below:

- Outline Development Permission granted by the Governor in Council on 23 February 2018 included in condition 3 that required that prior to submission for Full Planning Application, the drawings be endorsed by SHNT and Heritage Society as they being custodians of Built Heritage on the Island and the design to meet objectives of Policy BH1 and the Society has not been approached to comply with this condition;
- application demonstrates little or no concern in the design process commensurate to making alterations to a Grade I listed building in the Conservation Area;
- application is to extend the Court House at the rear and into the Gardens, together with internal alterations with one of the main windows blocked;
- information on the existing building in incomplete or inaccurate particularly in terms of floor and ground levels;
- information is crucial as disabled access via a ramp and a chair lift as proposed eats into the existing building but not in a practical way;
- little or no consideration given to the effects on East India Company gardens or Court House which is an eighteenth century EIC architectural set piece central to dismantling of transatlantic slave trade;
- lack of consideration is exemplified by portrayal of incorrect number of panes on the existing Court House windows;
- whole project is designed around disabled access provision but as presented it appears to be completely unworkable as building comprises the existing courtroom and meeting room has one single floor level and the proposed extension is higher than the main building and the two link routes from the courtroom and meeting room to the extension must have the same rise.
- drawings indicate a height discrepancy of 700mm between the two routes, when it should be nothing;

- route from the meeting room is described as 5x180mm steps, therefore a rise of 900mm and the courtroom link is described as a 1 in 12 ramp of 2360mm length, so a rise of only 200mm;
- court room ramp is an unworkable design as it appears to show ramp continuing around a right-angled corner which is physically impossible and with that part omitted the ramp is reduced to 1360mm and will reduce the rise of the court room ramp to just 100mm; and
- other issues related to development application form
- the design appears to be so unworkable and any remedy would require massive alterations as to render the application void and the application should be withdrawn and proposals redesigned;
- Historic Building Impact Assessment or EIA to be produced as part of design process, similar to Main Street hotel project as affecting listed buildings and same legislation exists today.
- good reason to conduct an Historic Building Impact Assessment as part of design process for Court House, Grade I listed and proposal is extends into historic Castle Garden which is grade I listed in the Historic Environment Record and will help produce a project that is sympathetic to the overall historic building and landscape;
- British Napoleonic Bicentenary Trust proposes a pathway linking the Castle, Ruperts “Slave Station” and the restored Balcome’s slave house and in terms of slave history, the Court House also has a very strong significance and should not be ignored; and
- Number of other issues related to the development application in terms of description and building names and uses

OFFICER RESPONSE

There are number of issues raised in this representation, however as already stated the 2017 Outline Development Permission has lapsed and therefore compliance with condition requiring endorsement from SHNT and Heritage Society does not apply any longer. Question on pre-application consultation with Heritage Society was raised with the applicant and it is understood that the applicant contacted Heritage Society for advice prior to formulating proposal, however the response received by the applicant to their approach from the representative of the Heritage Society was not amicable.

The Importance of the buildings in term of the heritage and architectural is recognised, however to make the buildings accessible for the users some of the changes being proposed are necessary to meet with the requirement for the building to be accessible to all users. Reference to the building as Court Room or it use for judicial/civic function does and affect or changes the importance of the buildings, its heritage or its continued use. The rear of the buildings or extension into the Castle

Garden similarly does not have an adverse impact on the importance of the garden nor its quality or setting in this corner of the garden.

As regards to the details of the access and the ramp into the Court Room from the proposed extension, this would in normal development application be dealt with at the Building Control stage, however as this impacts a listed building this needs to be dealt with at development application stage. In principle the proposals are acceptable, however it could benefit with more detailed drawings. It is considered the potential impact on the space in the Court Room and alterations necessary to the fabric of the building self-evident, however an appropriately worded condition can overcome such concerns as details will also need to meet the Building Regulations requirement. However, following discussions with the applicant it is considered the modification to the proposal provides a better solution.

It is considered that the alteration and extension being proposed does not in this instance require Historic Building Impact assessment or an EIA report. The proposal entails demolition of small portions of rear parts of the building and the proposed replacement building is more in-keeping with the rear elevation.

All the other issues raised regarding the historic importance of the building and its relationships to the historic events and heritage of the island remain unaltered by these proposals. Issues regarding the details included in the development application and the accuracy of the descriptions and uses have no material impact on the proposals for development permission that is being sought.

OFFICER ASSESSMENT

The application site consisting of these listed buildings forms an important backdrop to the Proposed Jamestown Conservation Area and also provides an important civic function for the Island. Their continued use for judicial and civic purposes requires these buildings to be accessible to all users, both officers and members of the public alike. The alteration proposed has been assessed against the policies and it is considered the historic and architectural integrity of the listed building is not being compromised and the improved accessibility of the building for all users, in particular making these public buildings wheelchair accessible will be an achievement. The proposals are in compliance with LDCP policies. Through discussion with the applicant, the modification in the design has overcome any potential problems that may have been forthcoming in the implementation to comply with Building Regulation requirements.

As this development application falls within Governor-in-Council's direction dated 17th April 2014, being a development application which is a Capital Programme Project, Members are requested to provide their comments and observations in

respect of Officer recommendation that Full Development Permission be granted subject to the Conditions set out in the report: support the proposed development and recommendation would also be welcomed

D. RECOMMENDATION: That Governor-in-Council **GRANTS** Development Permission 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 & Elevation Plans (DWG No. PA/1/20, PA/2/20, PA/3/20, PA/4/20 and PA/5/20 received on 25th September 2019 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) Before construction on the development commences, detailed working drawings for the extension showing access arrangement for wheel chair into the Court Room will be submitted in writing for approval to the Chief Planning Officer on behalf of the Land Development Control Authority. These details should also meet with the Building Regulation requirement for disabled access.
Reason: to ensure that impact on the historic fabric of the building can be assessed and the meets with all accessibility requirement
- 5) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road, the Memorial Garden 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).

- 5) 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 E8.

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.

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.