

Planning Officer's Report – LDCA MARCH 2021

APPLICATION	2021/07 – Proposed Stevedores Building, Public Facilities & Siting of Two Hyperbaric Chambers
PERMISSION SOUGHT	Permission in Full
REGISTERED	4 th February 2021
APPLICANT	Programme Management Unit
PARCEL	RV0075
LOCALITY	Lower Rupert Valley, adjacent to Rupert's Lines
ZONE	Coastal
CONSERVATION AREA	None
CURRENT USE	Vacant
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none"> ▪ Independent Newspaper on 5th February 2021 ▪ A site notice displayed in accordance with Regulations.
EXPIRY	19 th February 2021
REPRESENTATIONS	One received from Stakeholder
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Sewage & Water Division	No Objection
2. Energy Division	No Objection – Application for electricity required.
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. Enterprise St Helena (ESH)	No Objection – Comments
12. National Trust	No Response
13. Sure SA Ltd	No Objection – Comments
14. Heritage Society	Comments

B. PLANNING OFFICER’S APPRAISAL

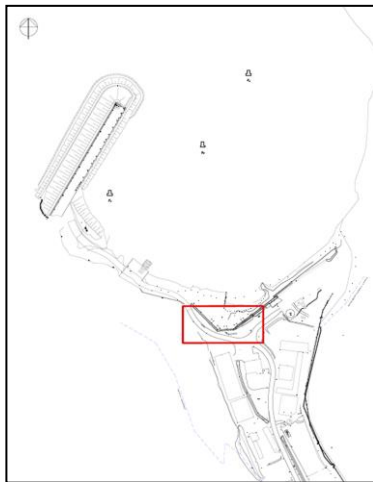
PRE-APPLICATON CONSULTATION

The Planning Section was consulted prior to the submission of the development application, where it was requested if these proposals could be considered as a minor variation to development permission referenced 2020/41 – Container Handling Facilities. Upon reviewing the request, it was not considered to be a minor variation, due to the volume of the development. Feedback was also given with regards to the siting and aesthetics of the development. The applicant took these comments on-board and revised the proposed development, which was been submitted as a full development application.

LOCALITY & ZONING

The development site is adjacent to the west of the Wharf Road adjacent to Rupert’s Lines at Lower Rupert’s Valley. The parcel of land is designated within the Coastal Zone, and is not situated within any proposed conservation area.

Diagram 1: Location Plan



THE PROPOSAL

The application site is situated on the western side of the road leading towards the wharf area. The area has been recently used as a spoil site and as a container laydown area. The land is relatively flat, where no excavation works are proposed for this development. As a result of the imminent development of Rupert’s and its container handling facilities, this proposal relates to improving the current arrangement for both the stevedores and facilities for the general public for recreational and leisure of the Rupert’s beach area.

The request by the applicant is to undertake the following:

- Construct a Modular Building for Stevedores
- Construct a Modular Building for Public Facilities
- Site Two Containerised Hyperbaric Chambers
- Install a Demountable Gate & Fencing

Diagram 2: Site Plan

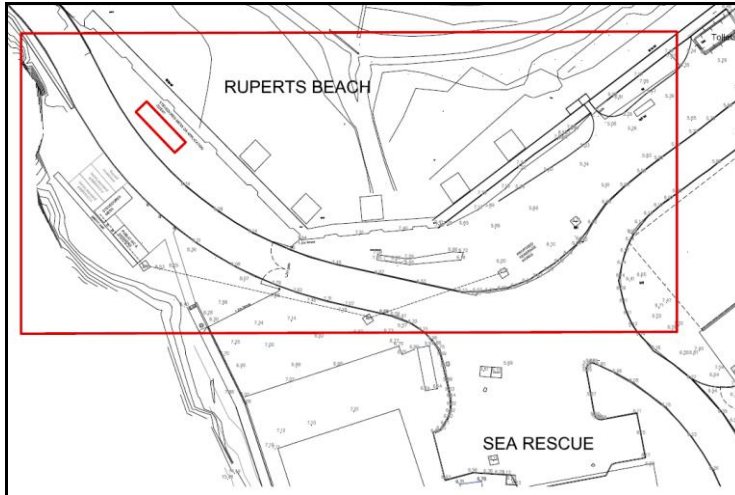
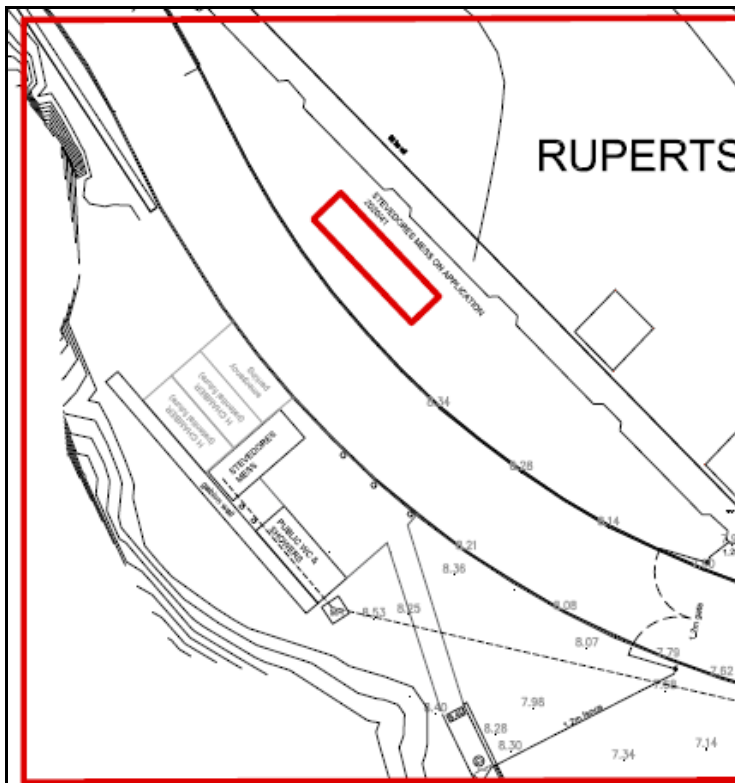


Diagram 3: Superimposed Site Plan



Stevedores Mess Building

The Stevedores Mess, was initially approved in a temporary location on the eastern side of the Wharf Road, adjacent to the proposed site within the vicinity of the Rupert's Lines, as indicated in red on diagram 2. Currently, the Stevedores do not have any provisions for rest, storage, or toilets within this area. As a result of this the applicant has taken the opportunity to construct this building alongside other proposed units. This also follows the views expressed during discussion on the major development application for the Container Freight Development, to consider relocating the Stevedores building away from the Rupert's Line.

The building will be positioned centrally within the proposed area to be concreted, where it will be situated between the public facilities and hyperbaric chambers. The footprint will replicate that of a standard 20ft container and finished in an external treatment, which is of a smooth metal cladding, similar to the buildings proposed within the port freight area.

Public Facilities – WC's & External Showers

The WC and wash facilities (showers) will be of the same dimensions and type, where the external treatment will be smooth painted metal cladding. The building will be positioned parallel to the gabion wall, west of the new footpath. Although there are currently existing toilets and wash facilities in the vicinity of the opening in Rupert's Lines to the beach area, however these will not always be available to the public with the port freight operations when access to some area will be limited.

The applicant has proposed this new facility with the envisaged use of the new public footpath, which forms part of the principle entrance to the wharf and beach area. The external showers will be installed in a recessed opening between the proposed WC's and Stevedores Mess, where the applicant has intended to have a courtyard like environment with the orientation of the building, thus creating an area that can be easily monitored for prevention of vandalism. Black and grey water will be connected into the existing manhole, which will be connected into the proposed sewage treatment plant.

Hyperbaric Chambers

Two containerised hyperbaric chambers has been proposed on the northern side of the Stevedores Mess. The siting and orientation has been dictated by the layout of the Stevedores Mess, where it can be easily accessed from the beachside during any diving emergencies. The need for these facilities to ensure the area meets with the safety requirement of the uses in this area. There has been no additional information provided on their specification at this present time, however, the applicant has requested that the siting is agreed and further details on the Hyperbaric Chambers will

be provided when the feasibility study is undertaken in four months' time. This can be a condition requesting further details before the construction of the Chambers is undertaken, as a feasibility study in this part of the project will be completed.

Demountable Gate and Fence

Demountable gate has been proposed in front of the existing opening in the Rupert's Lines, adjacent to the Cable Landing Station and existing toilet block. The gate will be made from metal and painted black, where it will be fixed onto posts. The posts and gate will be at an offset to the Rupert's Lines, and will not physically interfere with the historic wall. The objective is that the gate can be erected in the opening when access to the area is controlled due port freight operation as part of the wider security requirements and then removed when not required.

The proposed fencing and double gate will be situated just north west of the Sea Rescue building, where it will be erected from the historic wall to the new footpath. They will measure approximately 1.2m in height, and of a design similar to those used for the modular cable landing station compound and all port container compounds. The Harbour Master has given his approval of a lower height fence to be erected.

Diagram 4: Area Layout of the Facilities

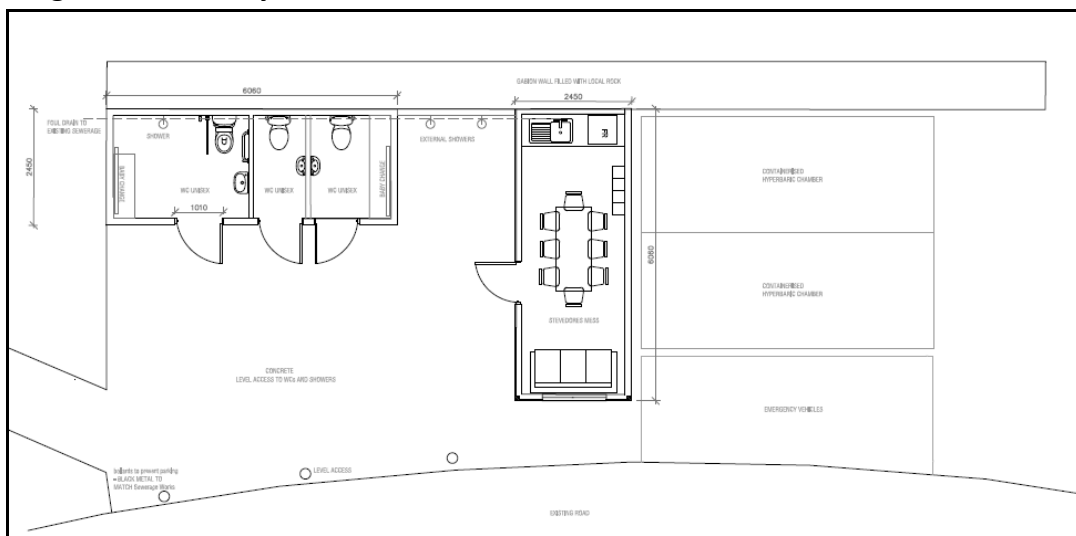


Diagram 5: Elevations of the Facilities

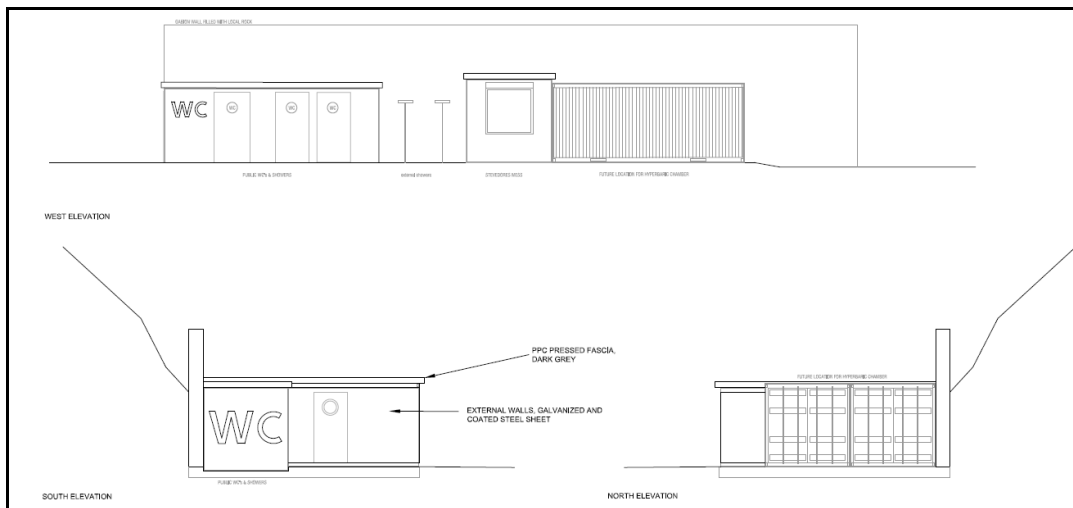


Diagram 6: Proposed Demountable Gate

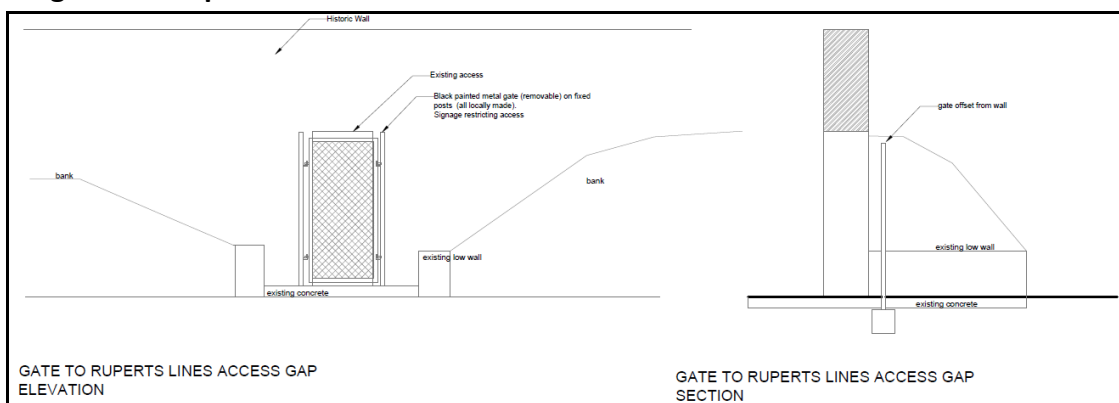
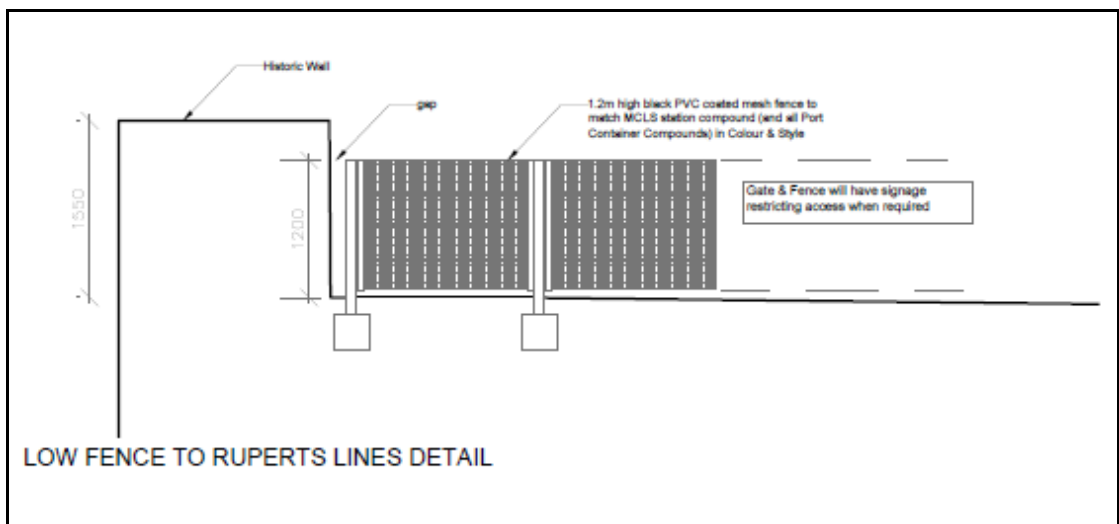


Diagram 6: Proposed Fencing Details



REPRESENTATIONS

Representation has been received Enterprise St Helena and the Heritage Society. There is support for the proposed development from Enterprise St Helena who see the wider benefits for the local community for the recreational and leisure use of the Rupert's beach area. The representation from Heritage Society raises number of concerns as set out:

- Saddened that neither the planning office nor the applicant has referred to LDCP policy BH6;
- Still no recognition by the planning office or the applicant that Rupert's Lines is a Listed Monument or that applications that may affect the integrity of its setting, such as this one, must be given special attention to avoid adverse effects;
- Nature of a setting needs to be established first but that has still not happened and issues raised by the Society in connection with the Cable Station and Container Port applications and work was allowed to commence on the Cable Station with the excavation and dumping of known potential archaeology of international importance and building is now under construction in a style and location that was not part of the application process;
- It is difficult to have confidence in the planning system and same applicant, the St Helena Government and the same planning office is continuing with this new related application as if none of those issues occurred or even matter;
- Applicant says they consulted the Heritage Society and the Museum, in fact we were given just two working days to inspect the finalised drawings; those as submitted and there was no time for us to comment and finalised drawings give no flexibility for suggestions, the concerned are:
 - a) proposed style of gate to the existing 'hole in the wall'.
 - b) proposed style of the 4' security fence.
 - c) style of gates in the security fence which are not shown.
 - d) overall appearance of the stevedore and public shower complex.
- World history embedded in Rupert and expressed as part of the World Heritage Tentative List application in 2010 is being eroded away by human actions inconsistent with the protections given under the laws of St Helena.
- Society would ask the applicant, the planning office, LDCA and all our councillors to give greater consideration to the future ambiance of Rupert and this is even more poignant in view that all this development is taking place in the absence of the long awaited Rupert's Development Plan.
- Concerned that the planning office no longer passes our full original comments, such as this, to members of the LDCA or ExCo for them to consider themselves and asks for this to be rectified which should be part of the process of protecting our environment.

Officer Response

Many of the issues raised in the representation are not directly relevant to the current application, and are continuation of the issues raised with the previous development application considered by the Authority and ExCo. These issues were discussed in the open forum of the reports before decision on these applications were taken. As regards to the issue of consultation by the applicant prior to the submission of the proposal, this is one the Society needs to address with the applicant. The Planning Section encourages and advises all applicants to consult with the stakeholders and the wider community in the formulation of proposals, but is one the Planning Section cannot control.

The response from the Society, as set out above show there is little which is directly related to the proposal and its actual impact within the wider context of the area. The issue of design of gates and security fence details that has been discussed at length in the previous development proposals, where it is unfortunate that given the use of the area for port operations and the area's historic significance, some difficult decision for the regeneration and economic progress of the Island have had to been made. Whilst Heritage Society continues to have concerns, a balanced decision has been made.

POLICY CONSIDERATION

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

- Coastal Zone Primary Policy CZ1
- Water: Policy W2
- Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
- Built Heritage Policies

OFFICER ASSESSMENT

The layout of the proposed development is dictated by the physical constraints of the site and operations of the area. This area in particular is not utilised and considered to be the optimum location, due to its topography, accessibility and distance to existing services. The area can be accessed quite easily from pedestrians using the intended new footpath, as well as vehicular traffic. The applicant will undertake other public realm improvements such as installing bollards to improve pedestrian and user safety by preventing traffic coming onto the concrete pad.

The orientation and layout of the Stevedores and WC building has been designed to form a courtyard appearance to the area. By doing this, it also allows for siting the hyperbaric chambers directly behind the length of the Stevedores Mess, which partially separates the two different functions and also provides an element of natural surveillance and improve security.

In terms of the appearance and aesthetic to the buildings, the development is following the port area theme hence the reason for something similar in scale and aesthetics to a container, which fits in with the overall concept. It was of the officer's opinion during pre-consultation that the building should be cladded and roof style changed. The applicant has addressed the concerns raised and therefore it is now consider that the design more acceptable for this location.

With regards to the fencing details and demountable gate, these proposals may be considered appropriate however cannot be fully assessed, without seeing the relationship between other fence lines within the container handling facilities and port area, therefore it would be necessary to include this as a condition, whereby the location and design will be scrutinised when condition 6 of application 2020/41 has been submitted for discharge.

Condition 6 on application 2020/41 requires that – *'Before the security fencing is erected around the perimeter of the development site and within the site around the compounds details of the fencing in terms design, material and colour should be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.'*

Overall the proposal will be beneficial as it will be situated outside the Port Area, therefore will be made available to the public at all times when the beach is open. Furthermore there is an opportunity to reduce the extent of the fencing required adjacent the Rupert's Lines, as the existing facilities can temporarily close during cargo operations, and no fencing would then be required to isolate them

The relocation of the Stevedores Mess will result in the building moving away from the Rupert's Lines onto the other side of the road, therefore reducing the impact on the setting of Rupert's Lines.

Considering the impact of the development, this proposal will not detract from amenity of the area. All services can be connected to. The use is consistent with the intended use in the area. The development meets the aims of the policies as stipulated above, and therefore can be supported.

- C. As this application is one which is for decision by the Governor-in-Council, the Authority's observations and comments are required and these will be reported for the consideration of the Governor-in-Council.

In view of the assessment set out in this report, it is recommended that Governor in Council **GRANT** 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. D1000, D1003, D4002, D4003 & D5002) received 3rd February 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) Notwithstanding the submitted drawings with this application, the alignment, design and details of the fencing and gates will be form part of discharge of condition 6 on the development application reference 2020/41 that has been granted permission.
Reason: to ensure the security fencing and associated gates around the development is in keeping with the general environment of the area and is consistent for all development in this area.

- 4) Notwithstanding the details submitted with the application, an external treatment scheme of the Stevedores Building and Public Facilities shall be submitted for the approval in writing by the Chief Planning Officer on behalf of the Land Development Control Authority before the commence of the construction.
Reason: to ensure the buildings fit in with the general environment of the area.

- 5) Notwithstanding the details submitted with the application for the Hyperbaric Chambers, full detailed specification, details of construction and appearance, including risk and safety assessment, of this part of the development will be provided in writing and approved by the Chief Planning Officer on behalf of the Land Development Control Authority before this phase of the development is constructed.
Reason: To ensure that this phase of the development can be fully assessed before the construction commences.

- 6) 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.
- 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) **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).
- 9) 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.
- 10) **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 existing storm drains or soakaways.

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

11) **Stormwater Practices:** 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 LDCP SD1.

12) 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 and to protect the dark skies status of the island in accordance with LDCP policy E8.

Informative:

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.

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.