

Planning Officer's Report - LDCA October 2021

APPLICATION	2021/79 – Proposed Construction of a Workshop, Office, Carpentry Shop and Storeroom (Retrospective Application)
PERMISSION SOUGHT	Full Permission
REGISTERED	09 September 2021
APPLICANT	Adrian Duncan, AMD Engineering
PARCEL	RV0099
SIZE	0.42 acres
ACTUAL SITE SIZE	0.32 acres
LOCALITY	Rupert's Valley
LAND OWNER	Crown Land Allocated to Applicant
ZONE	Coastal Zone
CONSERVATION AREA	None
CURRENT USE	Vacant with outdoor storage
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper - 10 September 2021 (Ind)▪ A site notice displayed in accordance with Regulations.
EXPIRY	24 September 2019
REPRESENTATIONS	None
DECISION ROUTE	Delegated / LDCA / EXCO
SITE VISIT	Prior to the development application being submitted

A. CONSULTATION FEEDBACK

- | | |
|----------------------------|-------------------------|
| a) Water Division | No Objection - Comments |
| b) Sewage Division | No Objection - Comments |
| c) Energy Division | No Objection |
| d) St Helena Fire & Rescue | Objection - Comment |

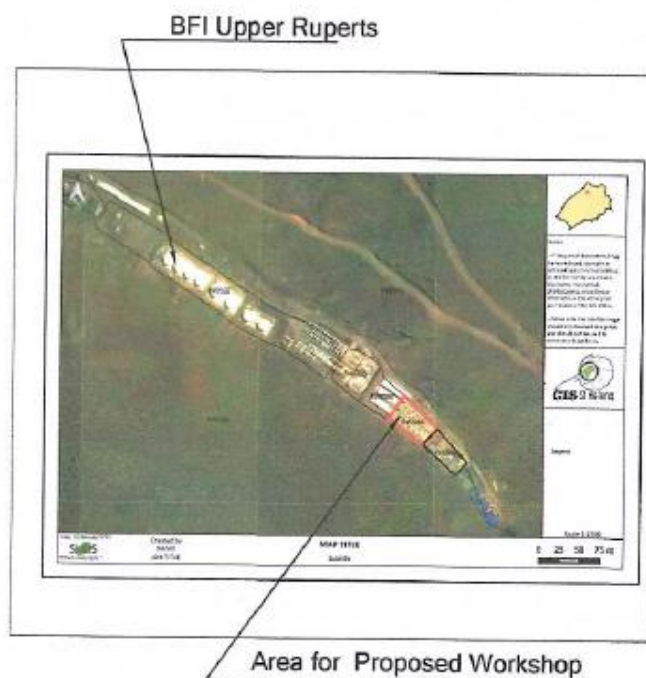
e) St Helena Roads Section	No Objection
f) Heritage	No Response
g) Environmental Management	No Objection –
h) Public Health	No Response
i) Agriculture & Natural Resources	No Objection
j) Property Division (Crown Est)	No Response
k) St Helena Police Services	No Objection
l) Aerodrome Safe Guarding	Not Consulted
m) Sustainable Development	No Objection
n) National Trust	No Response

B. PLANNING OFFICER’S APPRAISAL

LOCALITY & ZONING

The location for this proposed development is the area around Upper Rupert’s Valley, further south BFI development. The site has previously been used construction and outdoor storage purposes during the development of Rupert’s Wharf, Haul Road and the Airport. In more recent times it has probably vacant and/or under used. This area is within the Coastal Zone and there are no conservation area restrictions. Within the wider Rupert’s Valley there is some sensitivity for development in some areas due to the historic uses.

Diagram 1: Location of Development



The site is located south of BFI development with access by narrow access road off the Haul Road. There is no alternative exit out of this area.

Background and Planning History

With the on-going development and regeneration of the Lower and Middle Rupert's Valley area with port and freight container facilities number of occupiers have been relocated to enable the development to proceed. The applicant of this proposed development has been relocated from the area of the freight container development but has left things a little late and has now found himself in a dilemma and has commenced the construction of the development and use without development permission. Furthermore the buildings are also being constructed without Building Regulation approval and there is no on-going inspection of the construction that is taking place to ensure compliance with building construction requirement.

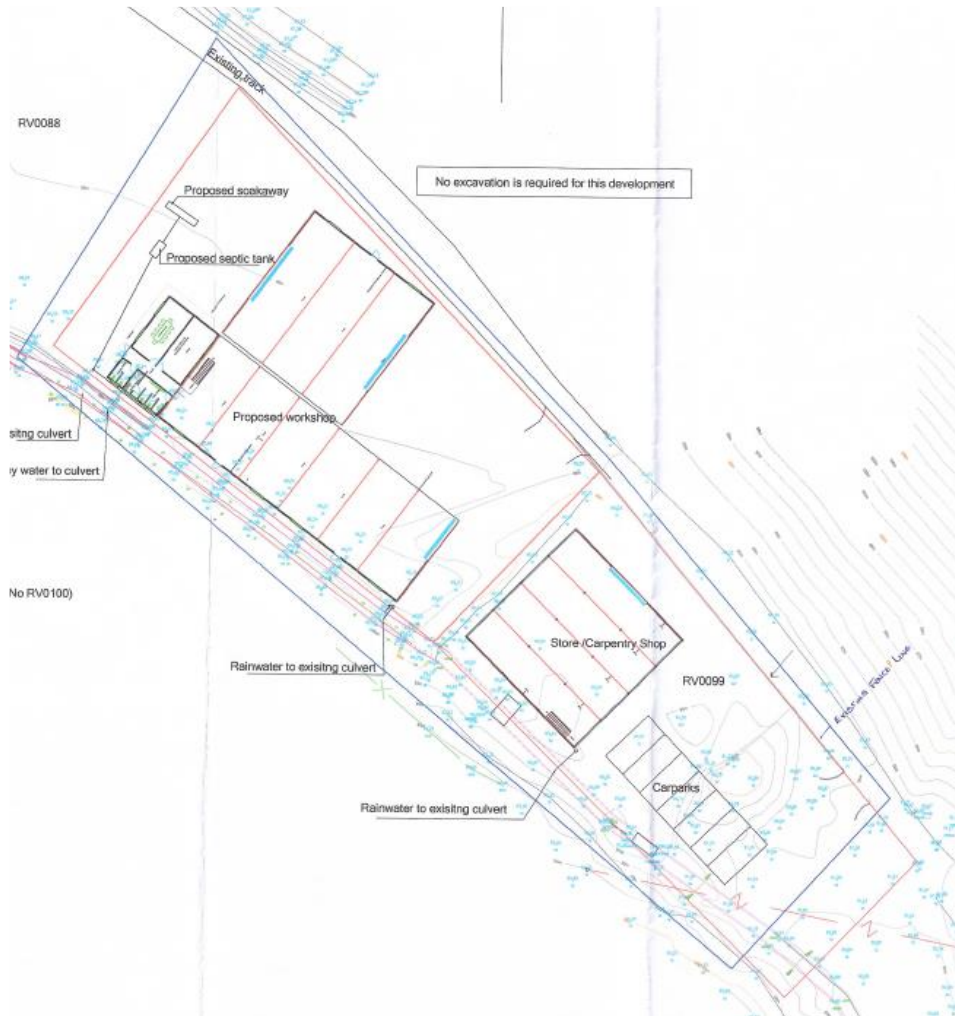
Diagram 2: Construction Work in Progress



Whilst the applicant submitted a development application in July, it was assessed and the applicant was informed that it was incomplete and advised to submit additional information in support of the proposed development. However, this information was not provided and the construction commenced on site. The applicant was advised the building works being undertaken was unauthorised whilst use of the site was not a concern as it is likely the use of the site for industrial, workshop and construction was similar to the previous and existing use and that construction should not continue until development permission has been obtained. After some difficult communication with applicant the additional requested was provided to enable registration of the

development application. It is the officer understanding that some construction has continued in the meantime.

Diagram 3: Proposed Development Layout



Proposed Development

The proposal is build industrial workshop unit for metal fabrication and carpentry workshop, offices, storage. There will also be an element open storage and car parking. The main built form is combination three buildings that are interconnected with the following measurements:

- Single storey main workshop - 36.185m by 12.260m with roof ridge height 5.8m (4.0m to the eaves)
- Single storey workshop – 18.15m by 18.3m with roof ridge height 7.35m (4.90 to the eaves)
- Two storey Staff facilities – 7.615m by 12.260m with roof ridge height 7.50m (5.70m to the eaves)

The second building located slightly way measures:

- Two storey carpentry shop and store – 18.40m by 18.60m with roof ridge height 9.2m (5.40m to the eaves)

The total floor area for the built development is 1,643.89 sqm.

Diagram 4: Main Workshop Layout/Floor Plan

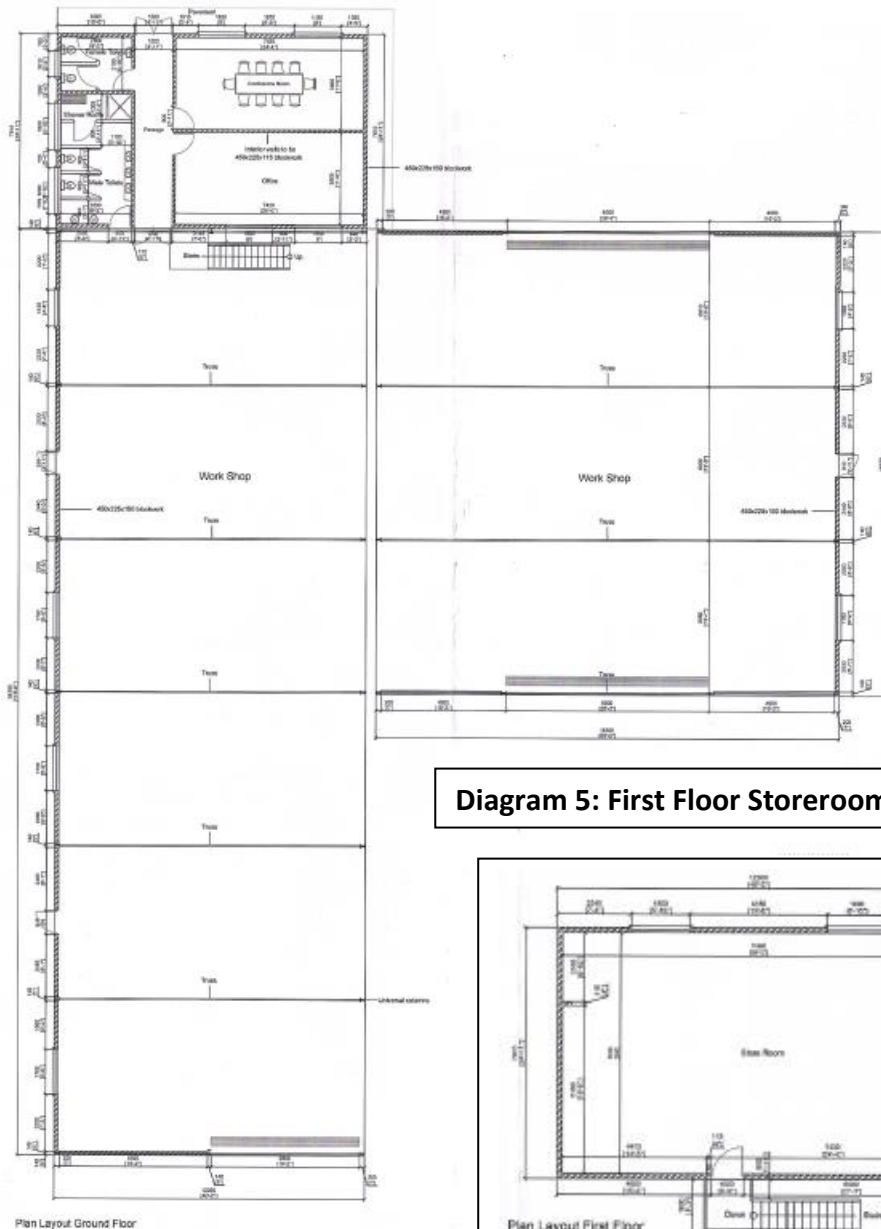
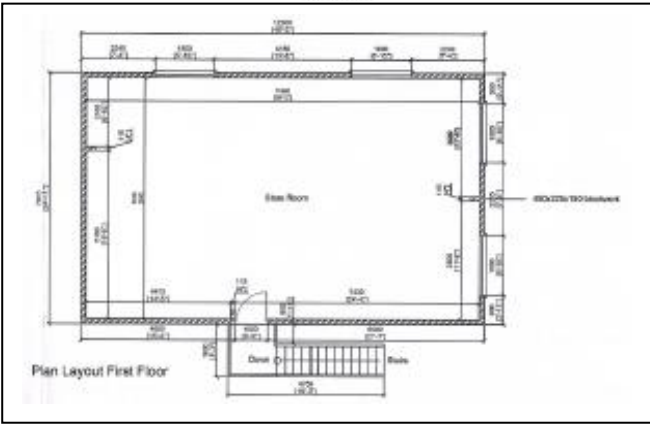


Diagram 5: First Floor Storeroom



The buildings are of simple design of block work construction on the lower wall and the upper levels are cladded with corrugated metal sheeting and with similar metal sheeting

roof. The main elevations have door openings and windows, including large opening with roller shutters for the workshops.

Diagram 6: Workshop Elevations North Elevation

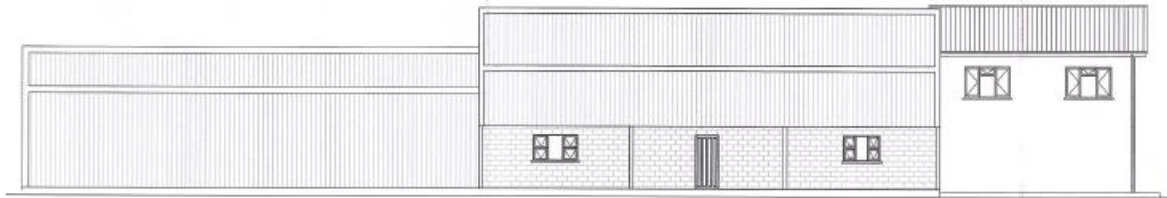


Diagram 7: Workshop Elevations South Elevation

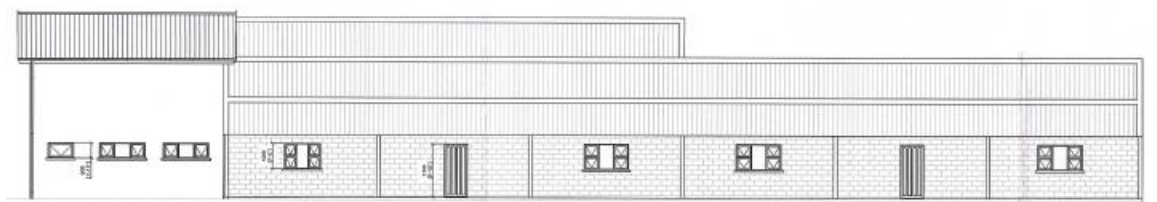


Diagram 8: Workshop Elevations West Elevation

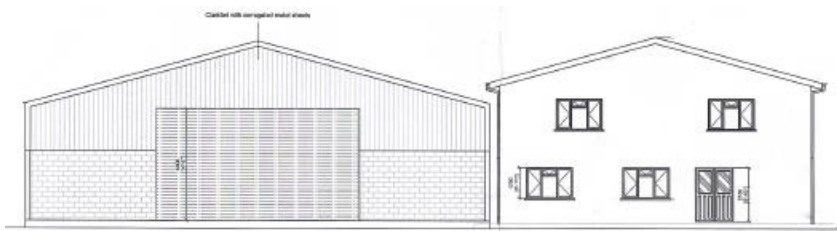
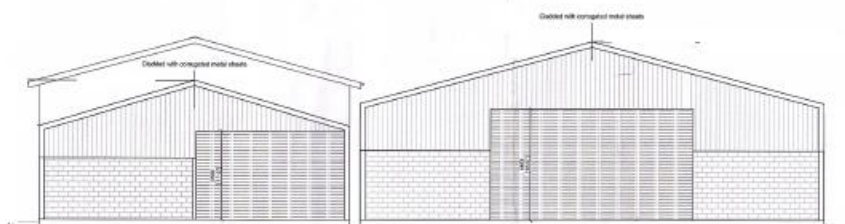


Diagram 9: Workshop Elevations East Elevation



There is car parking space provided for seven vehicles to the west of the carpentry workshop, however, no space is identified for the storage of any of the construction and operational vehicles for this use.

There is a culvert running to the south of the application site and it is proposed that rain water and grey water will be channelled into the culvert. A septic tank and soakaway will be provided to the eastern end of the site.

Diagram 10: Carpentry Workshop and Store Room – Floor Layout

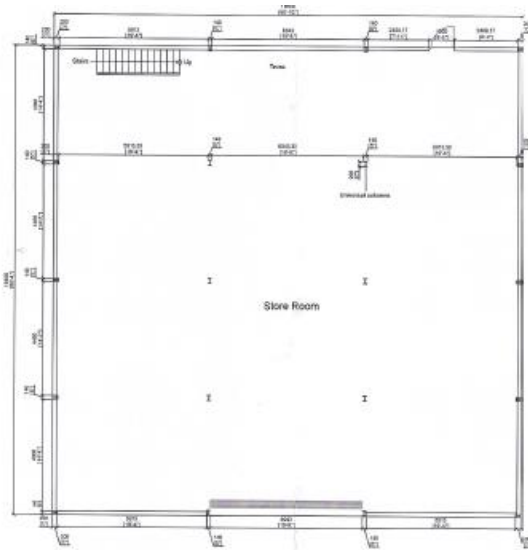
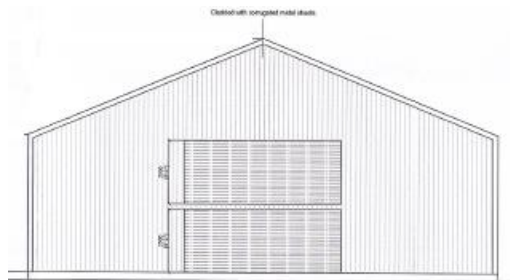


Diagram 10: Carpentry Workshop and Store Room – North Elevation



POLICY CONSIDERATION

Land Development Control Plan 2012: The relevant Land Development Control Plan policies that are applicable in respect of this development include the following:

- Coastal Zone Primary Policy CZ1
- Water Supplies Policy W2
- Sewage, storm and Drainage: Policies SD1(b, c) and SD7
- Road and Transport Policies: RT1(c)(d)RT7
- Social Infrastructure SI.11, SI.12
- Employment Premises EP.1, EP.3 and EP.4
- Built Heritage: Policies BH2 BH3 and BH4

The Land Development Control Plan policies identified for the assessment provides some direct and indirect support in principle for the proposed development and for this reason the assessment must be taken as a whole. There is some support in principle for the development through the development of industrial uses in this part of Rupert's Valley.

Draft Rupert's Valley Development Plan (June 2016 Consultation): The proposed development is in general supported by the land use policies in the emerging Draft Rupert's Valley Development Plan (RVDP) (July 2016 Consultation Version). Following number of consultations in the preparation of the emerging development plan, it remains in draft form and has not been progressed to adoption. However it has not been officially withdrawn and/or abandoned. In view of this some limited weight can be afforded to the land-use policies in this draft development plan in the assessment of the development proposal.

The draft LRDP was formulated following the adoption of the current LDCP 2012, the Governor in Council granted Development Permission in December 2013 (2013/92) for a permanent wharf and related infrastructure at Rupert's Valley, amending the airport development permission and reference design.

It is stated in this draft plan that this was a strategic decision to invest in the future of sea access and permanent wharf facilities at Rupert's to shift the freight handling and container storage away from its historic home in Jamestown to Rupert's Valley. To this end investment in the new road infrastructure linking Rupert's Valley with the airport site, construction of the replacement Bulk Fuel Installation and Airport Contractor's temporary occupation of land has further changed the character of the valley in a manner so that it has already become very commercial in its character and physical appearance.

The draft plan also states that the way Rupert's Valley has been used from 2016 and the anticipated pattern of development can no longer sustain designation under the former Coastal Zone Policy and an amended policy response is proposed not just to reflect this reality but also to set out clear standards to guide future development proposals, reserve land to safeguard future port and related operations and to make optimum use of new infrastructure investment.

The principle policy for the assessment of this proposed development of a port container handling facilities in the Lower Rupert's Valley is the **Coastal Zone Policy CZ1** which states:

"There will be a presumption in favour of retaining the natural appearance and ecology of the Coastal Zone and the grant of development permission will therefore be regulated by the following implementation policies with the presumption that all development shall include provision for rainwater collection, storage and re-use, commercial development shall include provision for grey water treatment and re-use, and all development shall include for sustainable treatment of sewage without risk of pollution."

This principle policy is seeking to protect the natural appearance and ecology of the coastal zone area from development and subsequent policies of the Coastal Zone seek

to regulate development that are considered to be acceptable in this zone. Whilst there is no specific support for the proposed development of port facilities in this principle policy, however the implementation policy are designed to ensure that where development is acceptable in the Coastal Zone for tourism and leisure and some element of residential use, it should meet sustainable development objectives in terms of water and sewage. The acceptable developments in the zone include the areas identified for Coastal Villages and development and facilities related to tourism and recreation and in areas that are accessible. The Rupert's Valley area has been developed since the beginning of the first occupation of the Island with accessibility issues and this area has been a focal point for access. The application should be considered as an opportunity for the development and regeneration of the previously developed area and to regulate uses, however this development proposal need to be considered outside the scope of this policy only because this principle policy makes no mention of or recognition of the industrial and commercial activities in Rupert's Valley and yet at the time of the LDCP being prepared and adopted in 2012, such uses may already have been established substantially.

Similarly policies in the Employment Section of the LDCP, polices EP.3 and EP.4 provide support for the development of commercial, industrial and storage development in Rupert's Valley and policy EP.4 in particular recognises the need for the Wharf at Rupert's Bay, however this is linked to the development of the Airport. For the delivery of the Airport, the wharf has been delivered at Rupert's Bay. In the interpretation of these two policies whilst in the formulation of the LDCP in 2012, it may not have been considered the longer term future of the Wharf at Rupert's Bay post airport construction, however the draft Rupert's Valley Development Plan has been formulated to utilised the new port facilities in Rupert's Valley and land-use proposals set out are in line with the objectives of policy EP.3.

In view of the principle policy CZ.1 set out above, the proposed development must be considered as a departure from this LDCP policy. Therefore, this development application will referred to the Governor-in-Council for decision in accordance with Section 23 of the Land planning and Development Control Ordinance 2013

STAKEHOLDER CONSULTATION

Consultation response has been received from the Stakeholder in respect of the proposed development. There are objection and concern raised by the Fire and Rescue Service and Programme Management Unit with regards to the access road into the site and the health and safety issues arising from the neighbouring BFI installation. The main issues is the intensification of the industrial operations in close proximity to the fuel installation site, particularly metal fabrication activity that can cause sparks. The need

to ensure a safe distance from the fuel installation in compliance with health and safety regulation. There is a need for alternative access route to enable safe evacuation in case of emergency. There are deep hillside on all three sides of the application site. It is recommended that alternative access into the area needs to be provided. There are currently no proposals for such facility to be provided.

OFFICER RESPONSE

The health and safety concerns raised by the Fire and Rescue Service is a serious issue that needs to be addressed in assessment of this proposed development and future intensification of uses in this area. As development by this applicant is well on its way without the wider health and safety considerations arising from the development and proposed use in close proximity to BFI installation an urgent and immediate action is required to provide a safe alternative route out of the area. An area further east of the application site has been identified for deposit of spoils arising from the construction of the Freight Container Development that is also likely to further activity in the area.

Furthermore with the limited access to the site along a long narrow access road and no alternative escape route and further exacerbated with increase parking and vehicle movement, there has been no risk assessment undertaken to assess the impact of the proposed development in the area.

If an alternative escape route for the workers can be provided in the short-term with a view to providing a long-term more acceptable alternative access to the area, then development permission may be granted. However, if such a short-term solution to provide an acceptable pedestrian escape route is not feasible given the physical constraints of the area then development permission cannot be granted on health and safety grounds.

REPRESENTATION

No representation has been received from the local neighbours or the general public in response to the wider publicity and neighbourhood consultation. Solomons Company responsible for the BFI operation have been contact to obtain a response in respect of this development. Any response received can be conveyed to Members at the meeting

OFFICER ASSESSMENT

The area of the Upper Rupert's Valley can be described as a mix of industrial and commercial uses that have continued to evolve over the years and has the potential for further intensification of such uses. The application site has been used for industrial use and storage in the past and therefore in principle there are no policy or land-use planning issues arising from this development application. The proposal for the

construction of the workshop building in this location also raise no concern as long as the site and the volume of development is able to be accommodated and also make provision for car parking and vehicular movement arising from the industrial and commercial operation. The number car-parking spaces being provided is well below the provision that be expected with floor area being proposed. Given the limitation of the site and recognising that there are no traffic congestion issues in the area, the level of car parking provision required for this business operation be conditioned to enable the applicant to review staff transport requirement and to submit the Business Transport Plan setting how he intends to manage the transport needs of the business.

As regards to health and safety issue arising from the proposed development and the need for an alternative egress from the site in case of emergency, the applicant in cooperation with Government, as the landowner, would need to provide an immediate solution that provides a mean escape for the worker in case of emergency. If such a means of escape cannot be provided then the use of building and the site for industrial or any other operation cannot be permitted. There must also be a longer-term proposal for an alternative egress from this area with the construction of a suitable access track for all users.