

## Planning Officer's Report – LDCA JUNE 2024

<b>APPLICATION</b>	<b>2024/17</b> – Amendments to Application 2020/41 Rupert's Container Handling Facilities
<b>PERMISSION SOUGHT</b>	Full Permission
<b>REGISTERED</b>	23 May 2024
<b>APPLICANT</b>	Programme Management Unit; EDIP, St Helena Government
<b>LOCALITY</b>	Lower Rupert's Valley
<b>ZONE</b>	Coastal Zone
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Port Facility under construction
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Independent Newspaper on 24 May 2024</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul>
<b>EXPIRY</b>	7 <sup>th</sup> June 2024
<b>REPRESENTATIONS</b>	One Received
<b>DECISION ROUTE</b>	Delegated / LDCA / EXCO

### **A. CONSULTATION FEEDBACK**

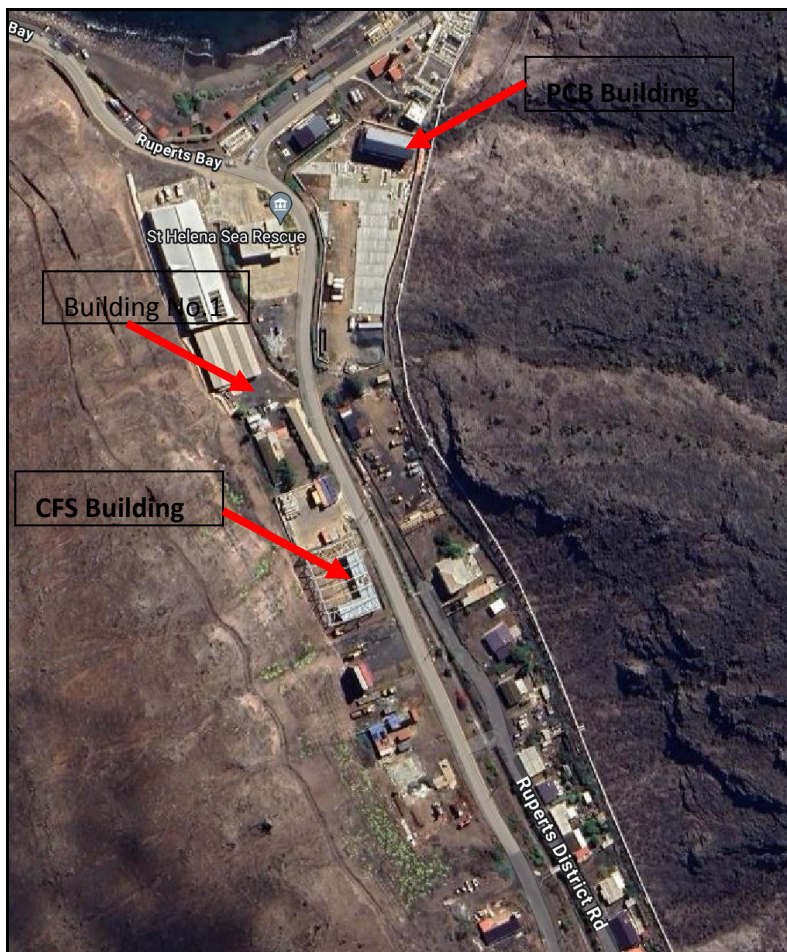
1. Sewage & Water Division No Objection
2. Energy Division No Response
3. Fire & Rescue No Response
4. Roads Section No Response
5. Property Division No Response
6. Environmental Management No Response
7. Public Health No Response
8. Agriculture & Natural Resources No Response
9. St Helena Police Services Not Consulted
10. Aerodrome Safe Guarding Not Consulted
11. Economic Development No Objection
12. National Trust No Response
13. Sure SA Ltd No Comment
14. Heritage Society No Response
15. Maritime No Objection – The application is supported  
by Maritime Authority

## B. PLANNING OFFICER'S APPRAISAL

### PLANNING HISTORY

Development permission (Ref. 2020/41) was granted by Executive Council in September 2020 for the proposed Container Handling Facilities incorporating office buildings, warehousing, secure compounds and car parking at Lower Rupert's Valley. It followed the production of a draft Rupert's Valley Development Plan. This would allow the transfer of cargo operations from Jamestown to Rupert's, and to enable the service providers to be accommodated on site on a temporary basis only. It was understood therefore that the services i.e. Customs, Bio-Security and Port Control would only need to be operating in Rupert's during cargo operations and would return to the Customs Building, Jamestown wharf once cargo operations were completed in Rupert's – therefore there was no need to construct buildings for permanent occupancy for these functions to deliver their services from. It was also intended for Immigration to have a presence in the Container Freight Station (CFS) building, but this would have been minimal and on a temporary basis.

**Diagram 1: Location Plan**

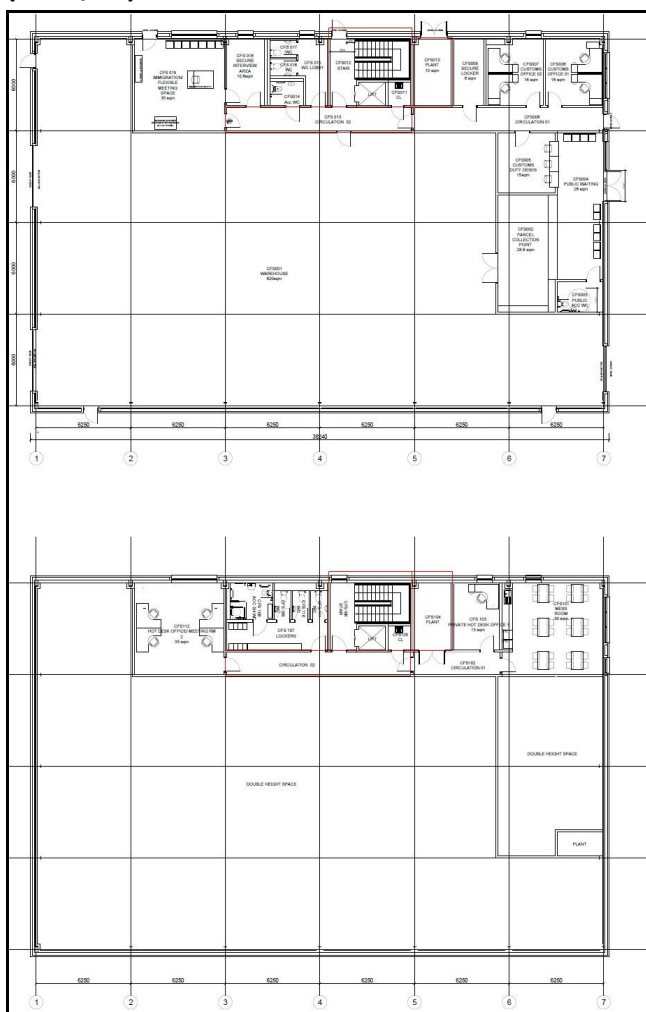


## PROPOSED DEVELOPMENT

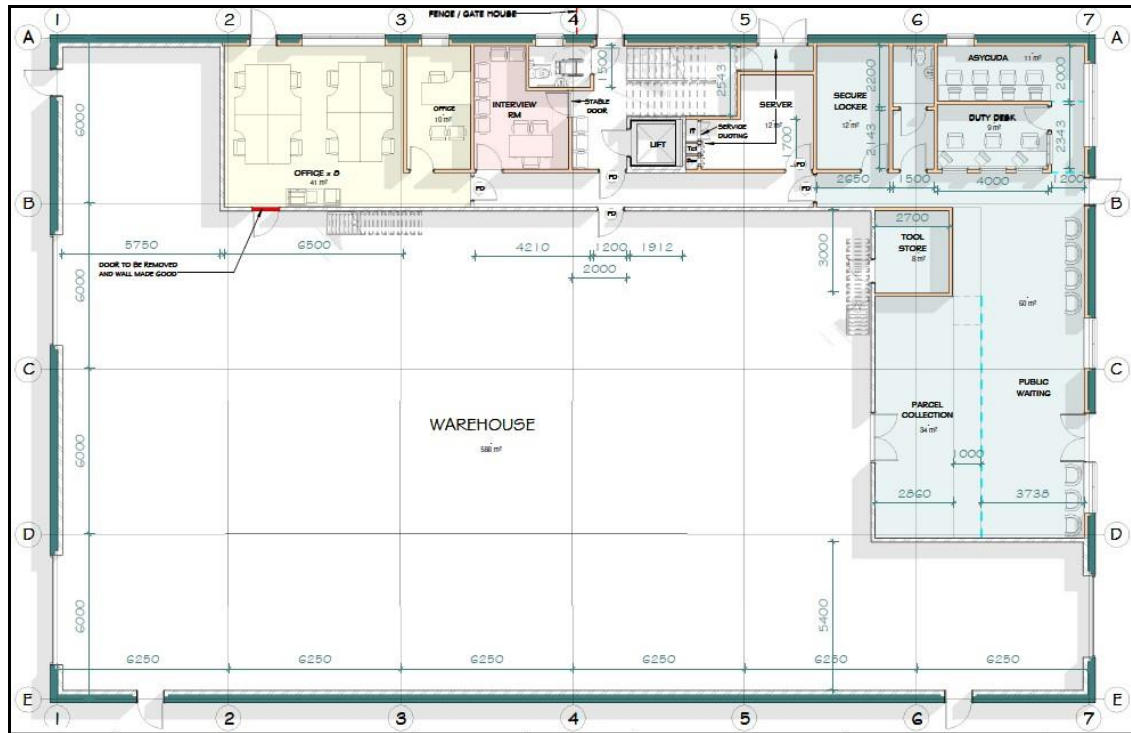
Following the establishment of the Safety, Security and Home Affairs portfolio in 2021, additional staff was located into the Customs Building at Jamestown Wharf, which now includes the Director, Minister and Immigration Section. In December 2023, Ministers made the decision for all users of the current Customs Building, consisting of staff from Customs, Port Control, Immigration and Administrative function to be relocated from Jamestown to Rupert's.

As the Port Control (PCB) and Container Freight Station (CFS) buildings were not originally designed for permanent office accommodation, it has now become necessary for modifications to be carried out on both buildings to provide a functional space for the end users. As a result, there will be a change from the facility being operated approximately 14 days per month with a minimum 19 members of staff, to now a minimum 34 persons working between both buildings on a permanent basis, resulting in a staff increase of 56% at the facility in comparison to the previous approval (Ref. 2020/41).

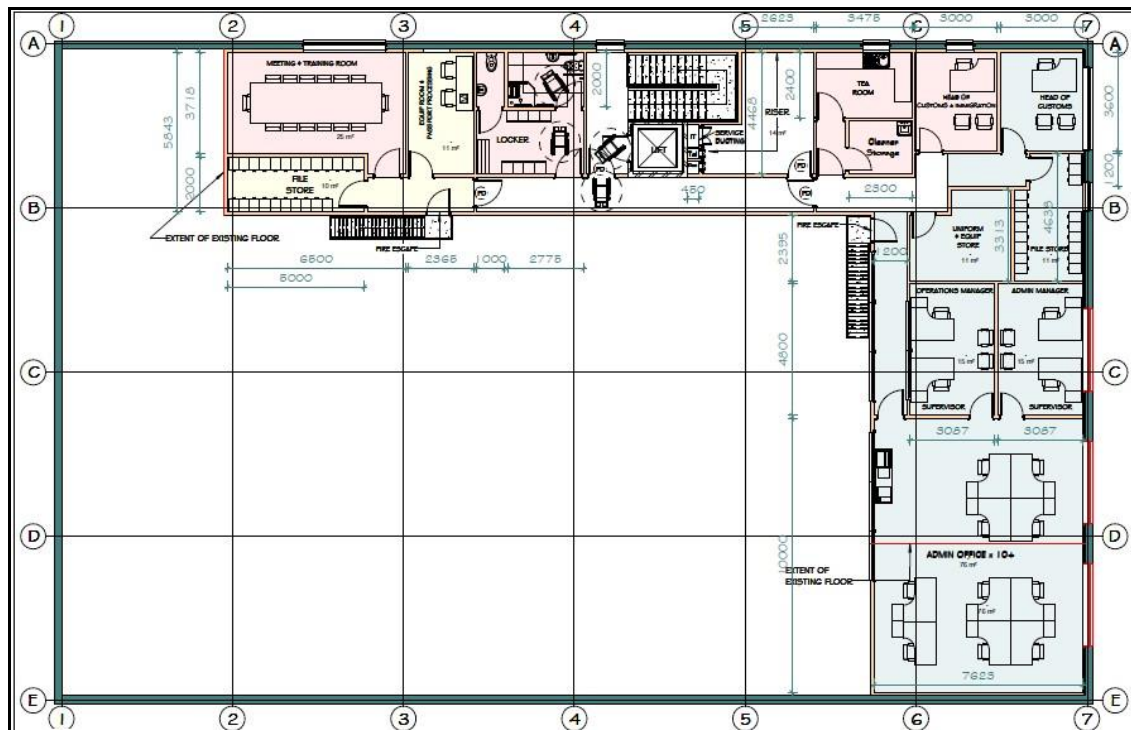
**Diagram 2: Approved Layout of the Container Freight Station (CFS) Building (2020/41)**



**Diagram 3: Proposed Ground Floor Layout of the Container Freight Station (CFS) Building**



**Diagram 4: Proposed First Floor Layout of the Container Freight Station (CFS) Building**



### CFS Building:

The CFS building is intended to be used as a warehouse and office building with access to members of the public. The first floor (mezzanine) is to be used for office purposes, where an extension to the first floor mezzanine is proposed to create some additional office space for Immigration and Customs Officers. This will result in extending the floor area by 41 square metres, and the addition of three windows on the southern elevation of the building. It has also been proposed to construct two sets of fire escape stairs leading from the first floor to the ground floor. The number of toilets has also been reduced from four to two. On the ground floor, the existing doorway from the office into the warehouse on the northern end of the building will be blocked up. This building can now accommodate up to 25 office staff in total in comparison to 9 previously.

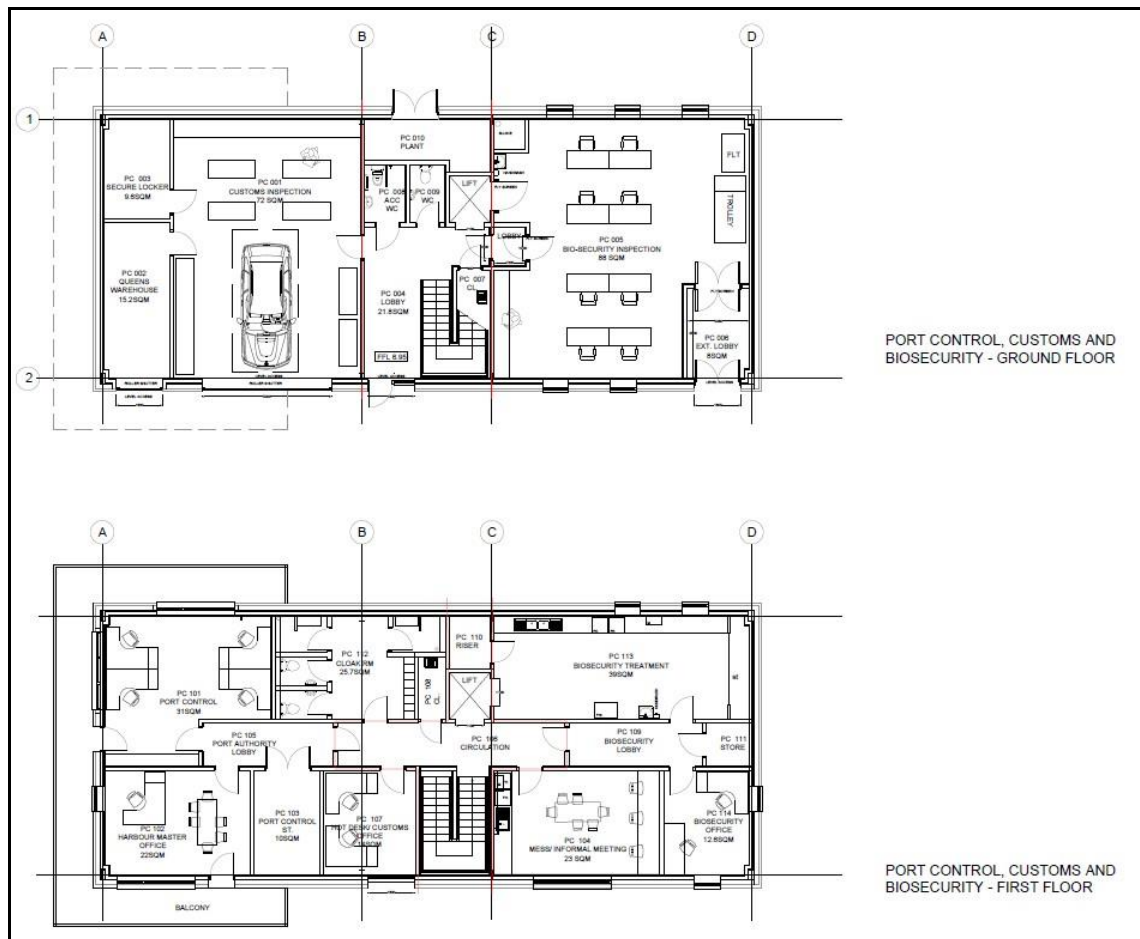
**Diagram 5: Proposed Southern Elevation of the Container Freight Station (CFS) Building**



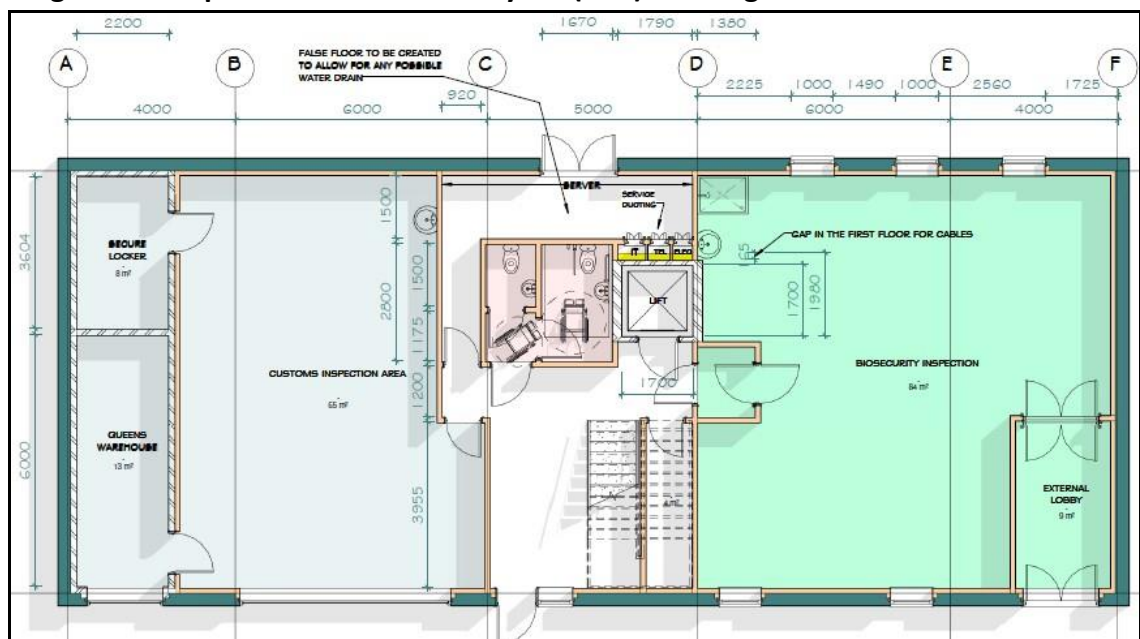
### Port Control Building (PCB):

The PCB building is an inspection area and laboratory with offices on the first floor. A balcony is also provided to improve the Port Control's view of the Container Handling Facilities and harbour. Proposed changes to the ground floor will be carried out to accommodate wheelchair friendly toilet facilities and services. On the first floor, the internal design has been changed to accommodate additional persons, where originally 9 desk spaces was available and this will increase to a possible 11 desk spaces. With regards to allowing adequate ventilation and natural lighting, two additional windows has been proposed on this building, one on the northern and the other on the southern elevation.

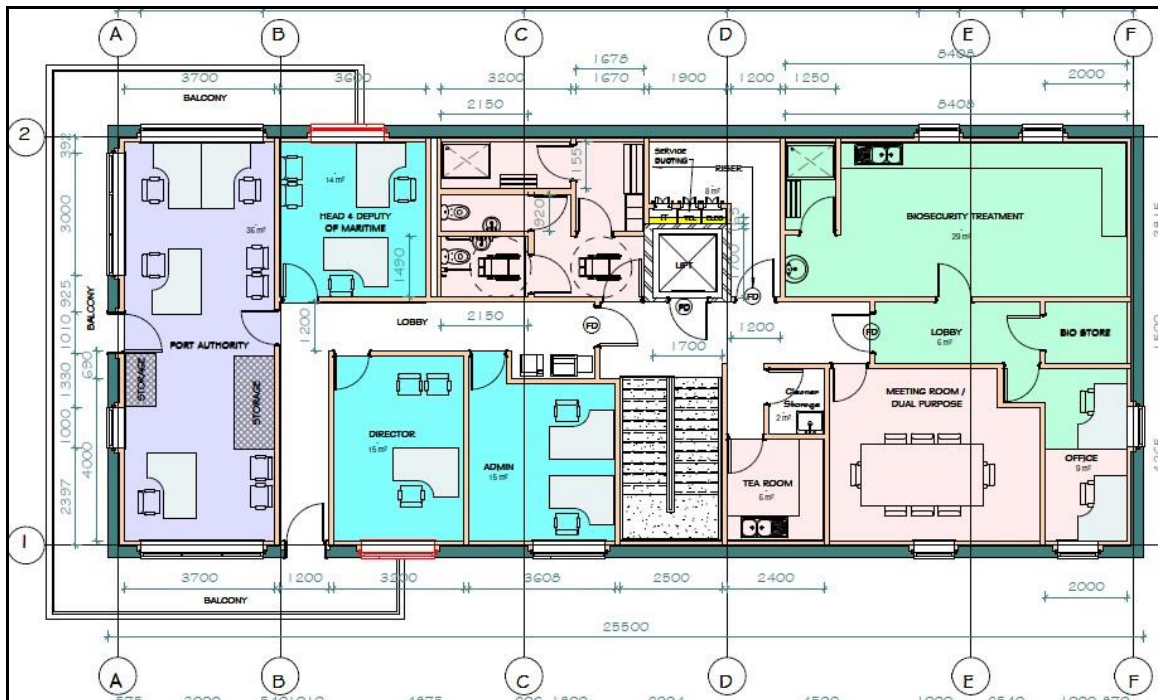
**Diagram 6: Approved Layout of the Port Control (PCB) Building (2020/41)**



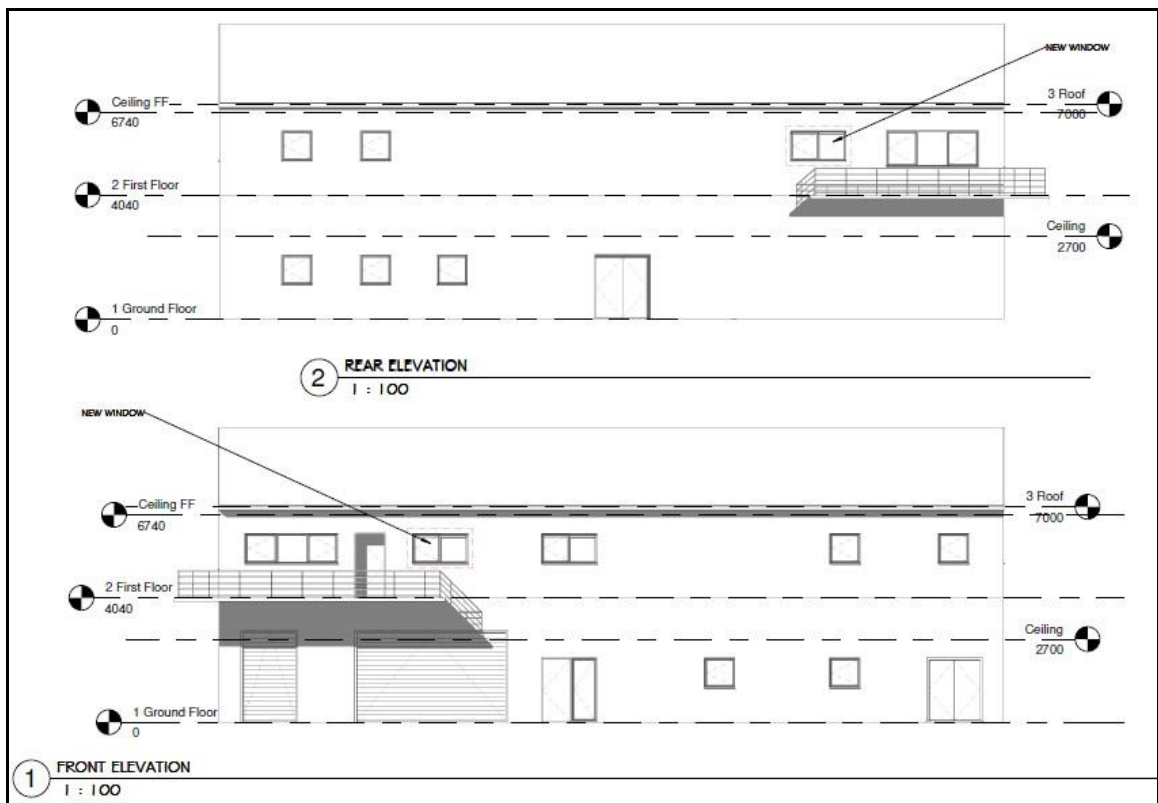
**Diagram 7: Proposed Ground Floor Layout (PCB) Building**



**Diagram 8: Proposed First Floor Layout (PCB) Building**



**Diagram 9: Proposed North & South Elevations (PCB) Building**



## STAKEHOLDER FEEDBACK & REPRESENTATIONS

There were no objections received from stakeholders, however one representation submitted by a member of the public.

### **Representation #1:**

*'According to the Supporting Statement there appears to be more to this application than just physical changes to the existing buildings. It states,*

*In December 2023 Ministers made a decision for all users of the current Customs Building which includes, Customs, Port Control, Immigration as well as the Administrative function to be relocated from Jamestown to Rupert's.*

*This change of use from occasional to permanent staffing at Rupert's raises many questions, for example:*

#### **Rupert's**

*Will such access to Immigration and Customs in Rupert's be hindered by the new security regime?*

*How will car parking intended for public use in Rupert's be affected?*

*How will this intensification of use affect the Old Hospital building in Rupert's which is proposed as a museum?*

*With permanent use of Rupert's, will the high lighting masts be on all the time?*

*Will the increased use of Rupert's encourage more development there?*

#### **EIA**

*Should these proposals be accompanied by an Environmental Impact Assessment to assess all the above issues?'*

#### **Jamestown**

*What is the proposed use of the current customs building on the Wharf after all staff have left.*

*How will visiting yacht crew to Jamestown get access to Immigration and Customs?*

*Will the public be required to go to Rupert's to visit Immigration and Customs?*

*How will the resultant increase in road traffic between Jamestown and Rupert's affect the residents of Napoleon Street?*

*How will the reduction of staff affect local businesses in Jamestown?*

## **LEGAL AND POLICY FRAMEWORK**

The relevant policies of the Land Development Control Plan (LDCP 2012 - 2022) that are applicable in the assessment of the proposed development are set out below:

- Coastal Zone Policies
- Employment Premises Policies
- Water Supplies Policies
- Sewerage and Storm Drainage Policies
- Social Infrastructure Policies
- Road and Transport Policies

## **OFFICER'S ASSESSMENT**

This development application has been requested due to the intensification of the development in comparison to the original approval (ref. 2020/41). The Port Facility at Rupert's is currently at an advanced construction point. However it was not previously considered to operate beyond fourteen days a month, which primarily consisted of days the ship was in port and for disseminating of cargo to merchants and the public.

The current submission is for the port facilities to include the relocation of a number of government departments such as Customs, Biosecurity, Port Control, Immigration and administration staff to both the PCB and CFS building on a permanent basis, therefore consideration needs to be given on the impact this will have on the area and existing development.

Impact on the character/amenities of the surrounding area/existing development:

The surrounding area is mainly a mix of commercial and residential development with commercial generally to the seaward side of Rupert's Valley (north).

The improvement in the layout will allow for the much needed office space and will also provide a benefit of an additional wheelchair accessible toilet facilities on the first floor of the PCB building.

Overall, the works proposed are mainly internal works to the approved buildings' outer shells although there would be additional windows. It is not considered that these would adversely affect the appearance of either the PCB or CFS buildings.

Assurance has been given by the developer that, at the time of writing this report, there is no intention for the facility to operate beyond the normal working hours that currently takes place, being daylight hours.

Albeit the intensification of use will result in operational changes, it is not foreseen that this will harm the amenity of existing development or the area, as all the services can be provided with the necessary supporting infrastructure.

#### Parking Provision:

One aspect raised is parking. The original scheme consisted of 18 public parking spaces at the southern end of the CFS building, and 17 car parking spaces to the north of Building No. 1. The original scheme (Ref 2020/41) was approved with a limited number of spaces which was below the level indicated in policy RT.7.

In relation to the current submission, the developer has advised that it is anticipated that between 8-10 parking spaces will be needed with other remaining staff transported via public transport.

Inevitably there will be an increase in traffic for a more prolonged period in comparison to the originally approved scheme, however it is not foreseen it will result in any significant adverse impact on the area, provided it is managed appropriately.

#### Economic Impact:

The increase in the number of personnel at Rupert's will bring some economic benefits for the two existing shops within Rupert's and can be seen as a positive.

#### Environmental Impact Assessment:

In respect of an EIA submission, the original scheme was screened for EIA and an EIA was not required to be submitted. From an EIA perspective, in consultation with the Chief Environment Officer, the intensification of this development at this level does not result in a need for further screening or an Environment Impact Assessment Report to be submitted.

#### Other concerns raised in the Representation:

The representation submitted by a member of the public raises a number of important questions, most of which are awaited as a submission under a discharge of condition under the originally approved scheme (Ref. 2020/41) which will address the concerns through an operational plan.

In relation to the Customs Building in Jamestown, this lies outside the scope of consideration of the planning merits of this current proposal. Notwithstanding, the Customs Building in Jamestown will retain its lawful use as an office and can therefore be occupied for this use in planning terms.

Conclusion:

Overall, the works carried out will not adversely affect the appearance of both buildings, with minor changes being internal works and additional windows. The improvement in the layout will allow for the much needed office space, but will also provide a benefit of additional wheelchair accessible toilet facilities on the first floor of the PCB building. Albeit the intensification of use will result in operational changes, it is not foreseen that this will harm the amenity of existing development or the area, as all the services can be provided with the necessary supporting infrastructure.

**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 Officer' dated 14<sup>th</sup> June 2022, as the development is within 50 metres of the sea, and that Development Permission be **APPROVED** 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, stamped received 23<sup>rd</sup> May 2024 and approved by the 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 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).

- 4) 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.

- 5) Before the development is brought into use, a Port Access Management Plan for the public is prepared setting out the day to day access management of the port operations and control of access for all users, in particularly for the purposes of recreational, leisure, cultural and community uses in the area, and how access to these facilities for the general public will be managed and administered on a daily basis when the port facilities are in full operation and for other periods of general use. The Port Access Management Plan shall be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority. **Reason:** to ensure that due consideration is given to the local community for access to the recreational, leisure, cultural and community facilities in the area to enable them to have access and to be able to enjoy these facilities in a safe environment.
  
- 6) Before the development is brought into use, a Transport Travel Plan for the port facility, setting out the management of employee travel to and from the workplace will be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority. No vehicles are to be parked outside of the designated parking areas within the development site.  
**Reason:** to ensure the vehicles belonging to the service users and employees are effectively managed, and does not restrict access on the main road or existing public footpath in accordance with LDCP Policy CZ.6.
  
- 7) Notwithstanding details submitted for development application referenced 2020/41 Condition 7, before the development is brought into use, details of the diverted footpath through the site, its design and construction to ensure it meets the needs of all users including those with mobility issues, and improved signage through the area is submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.  
**Reason:** to ensure that there is improved access for all users and there is legible signage across the area for the Post-box Walks.
  
- 8) Notwithstanding the submitted details for development application referenced 2020/41 Condition 6, before the development is brought into use, details of the security fencing around the break bulk and cargo yard, Building No.1 and the Fisheries building shall be submitted to and approved by the Chief Planning Officer on behalf of the Land Development Control Authority.  
**Reason:** to ensure the alignment of the security fencing around the development does not overly affect or dominate and impinge upon the setting of the historic structures and buildings, and is in keeping with the general environment of the area.
  
- 9) Before hard and soft landscaping is undertaken, details of the landscaping scheme will be submitted to and approved by Chief Planning Officer in writing on behalf of the Land Development Control Authority. The planting scheme will be implemented during the planting

season following the completion of the construction and it will be managed and maintained to ensure it is able to establish.

**Reason:** to ensure the landscaping scheme is to acceptable standard and is carried out in accordance with the agreed plans and is effectively maintained to enable it to become fully established and become a feature in the street scene to enhance the local environment.