



St Helena
Government

MINUTES

Land Development Control Authority Meeting

Date : Wednesday, 6 June 2018
Time : 9am
Venue : The Education Learning Centre, Jamestown

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| Present | Mrs Ethel Yon | Chairperson |
| | Mr Paul Hickling | Member |
| | Mr Gavin George | Member |
| | Mr Ralph Peters | Member |
| | Mr Raymond Williams | Member |
| | Mr Karl Thrower | Member |
| | Mrs Riana de Wet | Chief Planning Officer (CPO) |
| | Mr Shane Williams | Trainee Planning Officer (TPO) |
| | Mrs Karen Isaac | Secretary (S) |

Apologies

A. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending. There were 8 Members of the Public present which included Applicants in respect of development Applications that were being presented.

B. Declarations of Interest

Member Karl Thrower declared an interest in respect of Application No. 2017/98.

C. Confirmation of Minutes of 16 May 2018

Members confirmed that Minutes of 16 May 2018 were perused and endorsed as a true record and duly signed by the Chairperson. These Minutes, being a public document and to accord with the Ordinance, will be uploaded on the web as per normal practise.

D. Matters Arising from Minutes of 16 May 2018

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| <p>1)</p> | <p>Container at Hutt’s Gate (Ref 99/04/LS) – The Late John Newman</p> <p>The Legal Officer advised that following the Amenity Order, an Enforcement Notice be served on Mr Eric Benjamin as Executor of the Estate of the Late John Newman.</p> <p>Authority Response: The Authority requested that the CPO prepare Enforcement Notice for issue.</p> | <p>CPO</p> |
| <p>2)</p> | <p>Sewage Handling in Half Tree Hollow</p> <p>CPO in process to prepare an Exco Memorandum – in order to obtain a decision from Governor-in-Council relating to how applications with restrictions on Sewage Handling need to be dealt with particularly in the Greater HTH areas.</p> <p>Authority Response: To be kept up to date.</p> | <p>CPO</p> |
| <p>3)</p> | <p>Existing Old Container On Site – Janice Young</p> <p>The issue of a container on site is to be followed up upon the arrival of Applicant on Island again.</p> <p>Authority Response: The Authority requested that the CPO follow up.</p> | <p>CPO</p> |
| <p>4)</p> | <p>Request for Extension of Implementation Period – Road at Breakneck Valley (Ref 2007/11/NG) - Stephen McDaniel</p> <p>CPO updated that a formal letter was sent to Mr Stephen McDaniel 17 May 2018, informing him that the Authority did not approve his request for extension and that he must instead submit a new planning Application – reasons to be provided as discussed.</p> <p>Authority Response: Confirmed and Agreed</p> | <p>CPO</p> |
| <p>5)</p> | <p>Infrastructure at Woody Ridge – (Ref 2017/04) – Hansel Phillips</p> <p>An Enforcement Notice as agreed was not served yet. The CPO explained that she awaited the return of the Chief Engineer (Mr David</p> | <p>CPO</p> |

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| | <p>Goodrick), to establish suitable penalty clauses, etc. She further noted that Mr Phillips’s Agent in the meanwhile has submitted draft plans, which she also requested in electronic format – to discuss with the Technical Team (including Mr Goodrick who will be Acting CPO). She pointed out that these drawings have been prepared under the direction of the Developer (Mr Phillips) and are not the ideas of the Agent (SurveyTech). Any views on these should therefore be directed to the Developer and not the Agent. In light of these initial submissions (draft), she recommends that an Enforcement Notice not be served at this stage unless it is proven necessary to mobilise the matter. Legal advice has been sourced and she still await final responses in this regard.</p> <p>Authority Response: The Authority agreed. Requests to be continually updated.</p> | |
| 6) | <p>Change of Use from Dwelling House to bakery – Blackfield, Longwood (Ref: 2017/123) – Steve Yon</p> <p>A member draws to attention Condition 5 of the Report on handling in respect of the Communal Drive Way. The CPO explains that upon investigation, it was established that the width of the roadway is approximately 2.8m and Crown Land. This also falls under Roads and Pathways on the GIS System. It is therefore the Applicant’s responsibility to ascertain from Crown Estates if this land can be utilised as a secondary access for the bakery. To be discussed with the Applicant.</p> <p>Authority Response: Noted. TPO to discuss with Applicant.</p> | TPO |
| 7) | <p>Infill and Siting of Container at Two Gun Saddle</p> <p>Still to be investigated by the Planning Office.</p> <p>Authority Response: Noted. TPO to inform.</p> | TPO |

E. Building Control Activities

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| LDCA Members were given a list of Building Control Activities for the month of May 2018 for their information. | CPO/BI |
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F. Current Applications

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| <p>LDCA Members were given a list of Current Development Applications.</p> <p>24 Applications await determination at the time of preparation of this Agenda – some of which are still awaiting more information, some being assessed and some within the Advertisement period.</p> | CPO |
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G. Applications for LDCA Determination

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| 1) | <p>Application 2017/98 – Proposed Installation of Phase 2 of the Solar Farm (incorporating the western and eastern wings as approved in principle on the 3rd of October 2016 by EXCO (Planning Reference Number 2016/50) – Ex Rifle Range Site, Half Tree Hollow now HTH Solar Farm</p> <p>Two Representatives of the Applicant (Connect St Helena) was present. The CPO presented this application and explained that the application is a follow up to Phase 1 that was approved in 2014. Phase 2 however is now in collaboration with the Island’s Renewable Energy Consultants, PASH. She noted that EXCO Members visited the site for the Outline Planning Application of Phase 2 encompassing the two additional wings. The Application for Full Planning Application was duly advertised and there were no objections lodged. She highlighted that the Authority is required to make a recommendation to Governor-in-Council. This proposal will be similar to that of Phase 1 and as such proposed Conditions will remain the same as before. She noted also that PASH has worked on large scale Solar Farms across the world and as such are familiar with the latest technology and mitigation against potential impacts even though the Glare Analysis indicated that there will be the potential for a mere 2% glare impact – noting also that the panels orientate north-wards at a 12degree angle and away from the HTH Residential Area. She further highlighted that four Renewable Expert Companies consulted her previously and all was of view that Phase 2 are preferable at this stage – thus providing some confidence in the selection of this site in the first instance. There was also significant consensus (although undisclosed to one another at the time) over the second alternative site / preferred area for a Solar Farm – however she is not currently at liberty to disclose elaborate</p> | CPO |
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| | <p>much on this as a Planning Application has not been submitted as yet. Phase 2 will also site 2000 panels – similar to Phase 1. It was highlighted that the road will however now traverse along the western boundary instead of centrally for various practical reasons. Apart from this, the initial layout remains as was submitted by Connect Saint Helena initially. There was a debate on the siting of such panels on a platform and also if the applicant wanted to extend the development period. The CPO stated that the Applicant motivated that it is preferable that the Solar Farm be in proximity to high density area and where there is already significant support infrastructure. The physical attributes are also important and as such this site was initially identified as an optimum site. It was noted that when the original application was submitted the area was not seen as the ideal site by many as potential for further residential development has effectively been taken away. When asked, the Applicant confirmed that there will be no further expansion of this site for Solar activity at this point. It was also noted that SHG will potentially not release any further land for development of such in this area.</p> <p>Discussions had taken place with Connect and Ambledale to ensure that road infrastructure to these uses are adequately and duly maintained – however the CPO noted that this road should effectively be developed as a proper primary road to enable wider development of this area for mixed use opportunities. It was also noted that Ambledale had already develop a portion of the road to the east of their Workshop and any further road development have to form part of Applications as well.</p> <p>Resolution: The Application for installation of Phase 2 of the Solar Farm (incorporating the western and eastern wings as approved in principle on the 3rd of October 2016 by Exco) was to be Recommended for Approval to Governor-in-Council. EXCO Memo to be prepared by the CPO.</p> | |
| <p>2)</p> | <p>Application 2018/42 – Proposed Construction of a Double Storey 2 Bedroom Dwelling – Upper Cleughs Plain – Sophia Joshua</p> <p>The Applicant was present. The CPO presented the Application for the construction of a 2 Bedroom double storey dwelling. The land has been subdivided and falls within Intermediate Zone and overall meet the objectives of the said policy. A member noted that the Applicant may want to consider more windows – especially in the kitchen area and on the front façade of the house. The CPO noted that this may very well be an advisory to support improved aesthetics – although this is not regulated by the policies and if the design meets the requirements of the Building Regulations (which considers aspects such as Fire Safety, Natural Light and Ventilation, etc.), then the inclusion of more windows is effectively a matter of preference by the Applicant. The Applicant, being present in the meeting, however noted this comment and could consider this valuable advice.</p> | <p>CPO</p> |

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| | <p>Resolution: The Application was Approved with conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p> | |
| 3) | <p>Application 2018/43 – Proposed Erection of 2 Storage Shelters (previously Sea Rescue Boat Shelters) – Government Garage, Donkey Plain – Transport Division, ENRD</p> <p>The CPO presented this Application. These shelters may be regarded “non-permanent” however given the scale a Planning Application was required. There will be very limited excavation works. It was noted that the shelters could become dilapidated and in this regards a condition imposed to mitigate this. There was a discussion regarding how to deal with storm-water given the design and how this can effectively be achieved, and as such if a modified condition may be necessary.</p> <p>Resolution: The Application was Approved with Conditions as recommended by the CPO, noting the modified condition to effectively mitigate storm-water management. Correspondence to be sent to Applicant.</p> | CPO |
| 4) | <p>Application 2018/50 – Proposed Permanent siting of a 20ft Container for Storing of Household items – Bottom Woods – Richard A Thomas</p> <p>The CPO presented this Application and noted that the Applicant acquired this piece of Crown Land although it was not combined with his original portion of land. The applicant must be advised to do so. Following some debate over haphazard subdivisions and incorporation of Crown Land, it was noted that only ‘land utilisation’ falls within the remit of the Authority and not division of land – however the recently appointed Property Manager is working on improved land demarcation practices. Although the Authority often noted impracticalities in the way properties are subdivided it is not a matter of the Authority to resolve but can be brought to the attention of Crown Estates where needed. Members noted that Development Plans for each individual area is ultimately required, to ensure effective land demarcation and development. The Authority however note that in addition to the various CDAs to be developed, this will be a substantial exercise to undertake.</p> <p>This proposal has nevertheless been assessed against the policy on containers and given its location on site, the fact that no objections were received and also its locations within the Intermediate Zone, can be supported with Conditions as recommended.</p> <p>Resolution: The Application was Approved with Conditions as</p> | CPO |

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| | recommended by the CPO. Correspondence to be sent to the Applicant. | |
| 5) | <p>Application 2018/54 – Proposed Alterations and Extensions to Existing House – Sapper Way – Shalane Thomas</p> <p>The CPO presented the Application. This proposal is to extend the northern and eastern elevations to create an open plan Kitchen, Dining and Lounge area with a Verandah to the front and a Utility Room. The roadway will be realigned. There were no concerns with this proposal as it falls within the Intermediate Zone and achieve all the objectives. No objections received and no impacts on neighbours foreseen.</p> <p>Resolution: The Application was Approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p> | CPO |
| 6) | <p>Application 2018/51 – Proposed Alterations and Extensions to Existing House – Nr White Wall, Half Tree Hollow – Jennifer Andrews</p> <p>The CPO presented this application. This is for an extension to the rear of the existing house to create a Bedroom and Bathroom as well as a Garage and a new roof. Slight excavations will be required. This was seen as a straightforward Application. No concerns were raised, no objections received and meets the objectives of the Intermediate Zone Policy.</p> <p>Resolution: The Application was Approved with Conditions as recommended by the CPO. Correspondence to be sent to applicant.</p> | CPO |
| 7) | <p>Application 2018/48 – Proposed 2 Bedroom Single Storey Dwelling – Below High Knoll Fort – Hugh Constantine</p> <p>The CPO presented this Application. The Proposal is for a 2 Bedroom Single Storey Second Dwelling on a relatively large portion of land in HTH terms. Although the Application meet all the objectives of the Intermediate Zone with no public objections received, there was an objection from Connect St Helena with regards to the use of the HTH Network as was encountered in various other Applications over the past months. The Authority noted once again that Development Permission are provided on the basis that that developers are anxious over escalating cost of material and labour – however the Authority are concerned that this matter is getting unmanageable and will ultimately cause significant problems in future. Members felt that a Press Release is needed to inform public of this restriction. An Exco Memorandum to be prepared by CPO to facilitate this.</p> <p>Resolution: The Application, after much consideration was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant. CPO to prepare Exco Memorandum.</p> | CPO |

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| | At this point member, Karl Thrower left the meeting. | |
| 8) | <p>Application 2018/38 – Proposed Construction of a 3 Bedroom and a 2 Bedroom Dwelling – Red Hill, St Pauls – Stephen McDaniel</p> <p>The CPO presented this application. The proposal is for the construction of a 3 Bedroom Dwelling as well as an adjacent 2 Bedroom Dwelling. It was noted that excavation works has been done in the area already. The application meets all objectives of the Intermediate Zone Policy. In addition, it was highlighted that a further advisory shall be imposed, to ensure that the piping network and ancillary infrastructure should be sited sensibly and in such a manner, as not to impede further development of the larger site in future.</p> <p>Resolution: The Application was Approved with Conditions as recommended by the CPO with a further advisory as above. Correspondence to be sent to Applicant.</p> | CPO |
| 9) | <p>Application 2018/39 – Proposed Demolition of Shed and Construction of a 2 Bedroom Self Catering Unit and Entertainment Area – Farm Lodge – Stephen Biggs</p> <p>The Applicant was present. CPO presented the application. Although the development is located within the Green Heartland Zone, it meets the objectives of this Policy, noting that it is also currently a Tourism Development. The Farm Lodge residence is a Grade 11 Listed Building and the design is such that it will compliment the setting of this Listed Building. The stone from the original shed will be reused – although this can also so conditioned. The CPO noted that St Helena National Trust requested that that a Watching Brief be conducted during the demolition of the shed and during construction and as such was included in the proposed conditions. The external finishing is very important in this respect to ensure that it will match the existing building and was therefore conditioned as such.</p> <p>Resolution: The Application was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p> | CPO |
| 10) | <p>Application 2018/04 – Proposed Alterations and Extensions to form a Second Storey and Deck – Nr the Half Tree Hollow Community Centre, Commonwealth Road – Connie Stevens (Deferred from last meeting)</p> <p><i>Apart from the initial Letter of Objection received, the Objector (neighbour) submitted another letter (outside of the legal 14day period as defined by the Ordinance) on the 5th of June 2018 requesting if his concerns can be read</i></p> | CPO |

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| | <p><i>at the meeting as he cannot be present. The CP noted that his objection was received previously and are now being considered by the LDCA. An objection can only be entertained once. It was highlighted at this point that the Legal Process allows for the Applicant to make an Appeal if not satisfied with the outcome of the Decision by the LDCA and that the Objector can request a Judicial Review if he is of the opinion that due processes have not been followed. The CP considered due legal processes to have been followed in this instance. It was also stressed that if the Objector was present today, he would not have been given permission to speak (as per the prerogative of the CP) as this is a referral and his objections being duly considered by the LDCA.</i></p> <p>As such, the Applicant was invited previously to reconsider her proposal with regards to the window that will face east-wards and to instead give consideration to the installation of roof windows or else south facing windows. She undertook to discuss this matter with her Architect and give consideration to these alternative options.</p> <p>The CPO at this meeting, noted that following consultation with the Applicant, it is clear that she is not desirous to alter the original orientation of the windows and provided extensive reasons for this in her letter which was presented to the Authority.</p> <p>The CPO stated that it remains her view and advise that if the Applicant is required to use frosted glass and install windows which open up vertically, the neighbours' privacy can still be maintained and in this way a workable compromise be found.</p> <p>The balcony can furthermore be shielded to restrict view into the neighbours garden and private space. It was noted that this application was registered in January 2018, being quite a long time and that there were comprehensive discussions over this matter at the previous and current meeting.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to the Applicant and also to the Objector.</p> | |
| <p>11)</p> | <p>Application 2018/52 – Proposed 4 Bedroom Dwelling (previously approved – time lapsed) – Nr Pine Gate, Sandy Bay – Sadie Legg</p> <p>The CPO explained that t Applicant requested a Minor Variation (primarily internal works) on a previously approved Application - approved during November 2011 under the 2008 Planning Ordinance - where it is required that construction to be completed within a period of 5 years. This</p> | <p>CPO</p> |

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| <p>Development Permission thus lapsed during November 2016. The developer was informed to discontinue all works since he had recently started with excavation of the site as well as erection of a retaining wall outside of his permission timeframe. The CPO and CE visited the site in April 2018 to assess the work which was done already. The Site Layout differs from the initially approved Development Permission. The proposed house however would have been as per the original approval, apart for smaller internal alterations. Regulations and Policies changed since 2011, and as such the Applicant was required to resubmit a Planning Application as well as Building Regulations. These were drawn up to reflect the existing excavations, erected retaining walls as well as the envisaged positioning of the house on the site. It was noted that the significant excavations left the landscape notably scarred and as such required specific proposals from the Applicant as to how this will be mitigated. The Applicant proposes ground netting and revegetation of these bare faces – which was accepted by the Authority. The CPO noted that the quality of the retaining walls is very good. As the design of the house does not differ externally from the previous approval, and since the objectives of the Intermediate Zone Policies can still be met, Members felt that the Application can be supported again, even though this is a grandeur house. It was noted that the condition to ensure that modest external wall colours will be used on this house is advisable, as it is a very large house situated against a particularly green landscape as recommended by the CPO.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to applicant.</p> | |
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H. Approvals by CPO under Delegated Power

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| <p>The following 2 Development Applications was approved under Delegated Power by the Chief Planning Officer:</p> | |
| <p>1)</p> | <p>Application 2018/53:</p> <ul style="list-style-type: none"> – Requested :Full Development Permission – Proposal :Extensions to Existing House to form a Garage – Location :Briars – Applicant :Gillian Johnson – Official :R de Wet (CPO) – Status :Approved on 28 May 2018 |

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| 2) | Application 2018/44:(Retrospective) |
| – | Requested :Full Development Permission |
| – | Proposal :Extensions to Existing House (Dining Room, Lounge, and Toilet) |
| – | Location :Sapper Way |
| – | Applicant :Conway Duncan |
| – | Official :R de Wet (CPO) |
| – | Status :Approved on 28 May 2018 |

I. Minor Variations Approved / Refused by CPO

The following 4 Development Applications were approved as Minor Variations. As normal practise, key Stakeholders are approached when and where needed for Minor Variation Evaluation. This is documented in the Letter to the Applicant.

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| 1) | Application 2014/13/MV3 |
| – | Requested : Minor Variation |
| – | Proposal : Aluminium Louvers to the Front Façade of Greenland’s |
| – | Location : Greenland’s, Jamestown |
| – | Applicant : Solomon & Company (St Helena) Plc |
| – | Official : R de Wet (CPO) |
| – | Status : Refused on 24 May 2018 (in consultation with LDCA) |
| 2) | Application 2014/13/MV4 |
| – | Requested : Minor Variation |
| – | Proposal : Security Bars (on inside of the Windows facing Napoleon Street) |
| – | Location : Greenland’s, Jamestown |
| – | Applicant : Solomon & Company (St Helena) Plc |
| – | Official : R de Wet (CPO) |
| – | Status : Approved on 24 May 2018 in consultation with LDCA |
| 3) | Application 2014/79/MV1 |
| – | Requested : Minor Variation |
| – | Proposal : To continue development based upon site as excavated |
| – | Location : Nr Bryant’s Beacon, Alarm Forest |
| – | Applicant : Helen Joshua |
| – | Official : R de Wet (CPO) |
| – | Status : Approved on 29 May 2018 |
| 4) | Application 2017/33/MV6 |
| – | Requested : Minor Variation |
| – | Proposal : To continue development based upon submitted drawings that incorporates all previous Minor Variations (as approved) as well small variations. |
| – | Location : Half Way, Half Tree Hollow |

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| | <ul style="list-style-type: none">– Applicant : Cherie Dillon– Official : R de Wet (CPO)– Status : Approved on 29 May 2018 |
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J. Strategic Planning Matters

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| 1) | Building Regulations The Draft Building Regulations has now been cleared by LEGCO. The formal letter is awaited before advertising for public review. |
| 2) | Rupert’s Valley Development Plan Nothing further to report at this time – from previous meeting. |
| 3) | Conservation Area Management Plan Nothing further to report at this time – from previous meeting. |
| 4) | LDCP Review Nothing further to report at this time – from previous meeting. |

K. Any Other Business

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| 1) | Sewage One member asked the position on the Sewage Handling for Half Tree Hollow. The CPO explained that the Applicant first need to submit a Full Planning Application – as only Outline Development Permission has been granted. This project can only move forward once Full Development Permission has been obtained from the Authority and Governor-in-Council. The Applicant currently seek funds to continue the preparation of the Full Planning Application and when and if approved will only be able to implement once funds has been obtained. | |
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L. Next Meeting

The next meeting of the LDCA is proposed for 4 July 2018.

M. Closed Items

The Chairperson thanked Members for their attendance. Since this is the CPO's last meeting the CP saw fit to thank her for her advice and her good attitude that she portrays and for a wonderful job that she has done during her time in post, for both the Authority and the Island as a whole.

The meeting closed at 12.30 hrs.

Signed by the Chairperson of the Authority, as a true reflection of the Meeting.

Chairperson to the LDCA

Date