



# MINUTES

## Of Land Development Control Authority Meeting

Date : Wednesday 3 May 2017  
Time : 9am  
Venue : The Education Learning Centre, Jamestown

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<b>Present</b>	Mrs Ethel Yon	Chairperson (CP)
	Mr Paul Hickling	Member
	Mr Gavin George	Member
	Mr Karl Thrower	Member
	Mrs Riana de Wet	Chief Planning Officer (CPO)
	Mr Shane Williams	Planning Assistant (PA)
	Mrs Karen Isaac	Secretary (S)
<b>Apologies</b>	Mr Raymond Williams	Member
	Mr Ralph Peters	Member

### A. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending.

There was one member of the public present.

### B. Declarations of Interest

Member, Mr Karl Thrower declared his interest in respect of Application 2017/39, as he has some interest in developing the area above the proposal site. Mr Thrower was allowed to remain at the table and voice his concerns but not to involve himself in any discussion and was not allowed to vote.

### C. Confirmation of Minutes

The 5<sup>th</sup> of April 2017 LDCA Minutes were circulated, confirmed and signed during the 3<sup>rd</sup> of May 2017 LDCA Meeting.

## D. Matters Arising from Minutes

1)	<p><b>From 26 January Meeting: 2016/136 – 2016/138</b></p> <p>Authority agreed to a Site Visit, to be attended by the Applicant, to take place on Tuesday, 9<sup>th</sup> of May 2017 from 8.30am with a Special Meeting (deliberation session) to convene thereafter. Transport was to be arranged and the meeting venue to be confirmed.</p> <p>The Tourism Conference Room at the Canister was suggested and a Proposed Programme forwarded to all members for their approval. Members confirmed the dates of the Site Visit as well as the Programme.</p> <p>Recommendation: The Site Visit (for Members of the LDCA only) and Deliberation Session (Open Session) to continue as planned.</p>	CPO
2)	<p><b>2016/151 - Bus Shelter at Head O'Wain</b></p> <p>A response awaited from Property Division. CPO to continue to facilitate where required / possible.</p>	CPO
3)	<p><b>2016/161 - Abattoir Soakaway System – Sandy Bay – Solomon's</b></p> <p>A response awaited from Solomon &amp; Company. CPO to continue to facilitate where required / possible.</p>	CPO
4)	<p><b>Woody Ridge - Private Residential Development with Poor Road Infrastructure (Developer Mr Hansel Phillips)</b></p> <p>CPO to further investigate the existing development, including a desktop analysis of the original Application (i.e. Decision Notice with Conditions) as well as current land owners, number of development applications / permissions granted to date, etc.</p> <p>Following the desktop analysis, CPO to arrange a site Visit to be attended by the Members of the Authority, Land Owners as well as the original Developer (Mr Hansel Phillips) with the view to establish a way forward in regards to the poor internal road infrastructure currently serving the Residential Area.</p>	CPO
5)	<p><b>Container Park at Lower Half Tree Hollow</b></p> <p>Attempts were made to contact Councillor Derek Thomas before. No further response to date. CPO will continue to follow up.</p>	CPO

6)	<p><b>Land in the Longwood Area for Light Industrial and Commercial Use</b></p> <p>CPO indicated that this will potentially form part of the LDCP Review. Will continue to follow up where possible.</p>	<b>CPO</b>
7)	<p><b>Roof Colours in Jamestown</b></p> <p>Discuss with SHG Property Division regarding the preference of Roof Colours in Jamestown. Head of Property noted the request and commit to meeting the requirements as far as possible. No further action required.</p>	

## E. Building Control Activities

<p>LDCA Members were given an Updated List of <u>Building Control Activities</u> for the period <u>28 March - 26 April 2017</u> for their information.</p> <p>The CPO provided a graph that will show over a period of one year the number of applications received and processed. The Building Inspector is still engaging in training with Mr Alan Hudson. It was reported also that Mr Chris Peters is in post as the Civil Engineer and Mr David Goodrick who conducted training with the Building Inspector will also be taking up post within the Directorate shortly, all of which could assist the Building Inspector technically if needed.</p> <p>The Consultant Planner (Mr David Taylor) in the meanwhile continues to review the Building Regulations in collaboration with the Building Inspectors and the CPO will continue to facilitate this process and provide feedback to the Authority in terms of progress.</p>	<b>CPO / BI</b>
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## F. Applications Received & Awaiting Determination

<p>LDCA Members were given a list of <u>Current Development Applications</u> awaiting determination, however the CPO highlighted that at the time of this Meeting there were 9 Applications Pending (i.e. waiting on supplementary information from Applicants) and 5 New Applications, resulting in <u>14 Applications</u> awaiting Determination. The CPO confirmed that the Planning Section could get through these applications confidently.</p> <p>CPO to further facilitate and prepare advisory reports for determination by</p>	<b>CPO</b>
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the Authority.	
CPO noted also that two Applications were withdrawn during this period.	

## G. Applications for LDCA Determination

<p>The following Fourteen (14) Development Applications were considered and approved by the Authority on the <b>3<sup>rd</sup> of May 2017</b> following perusal of the Planning Officer's Handling Reports and Recommendations:</p>		
<b>1)</b>	<p><b>Application 2017/32 – Proposed Extension to Existing Main House in order to accommodate a 1 Bedroom Flat (complete with Kitchen, Lounge, Dining and Bathroom – Pine Vista, Kunjie Field – Patrice Yon</b></p> <p>The CPO provided an in-depth presentation and recommended the Application for Approval with Conditions. Members supported this application however questioned in general (as this application requires a Septic Tank &amp; Soakaway System) whether there are any guidelines in carrying out investigations into Septic Tank &amp; Soakaway Systems. The CPO indicated that soil percolation testing requires a scientific approach, which ought to be carried out by an independent body preferably (such as Connect Saint Helena or independent consultants who will do this at a fee) as applicants can manipulate figures to suit or else run the risk of not conducting the testing incorrectly. Once the soil percolation tests are done, then the Applicant can obtain a standard Calculation Form from the Planning or Building Divisions, which can be used to determine the sizing and design of the Septic Tank and Soakaway. The installation of the Septic Tank &amp; Soakaway is generally checked by the Building Inspector(s) whilst on site visits for the buildings is being conducted, however the CPO highlighted that due to lack of resources within the Division, inspection is challenging.</p> <p><b>Resolution:</b> The application was Approved with Conditions as recommended.</p>	<b>CPO</b>
<b>2)</b>	<p><b>Application 2017/33 - Proposed 1 Bedroom Dwelling – Half Way – Cherie Dillon</b></p> <p>The CPO provided a comprehensive presentation of the proposed application with the recommendation to Approve with Conditions. The</p>	<b>CPO</b>

	<p>CPO however noted that although two car-parking spaces have been provided on site, on-site manoeuvring was not feasible (as is generally preferred practice), which will result that vehicles having to reverse onto the public track. CPO explained that this was investigated and due to the road not being a primary road, serving only a few properties, i.e. regarded not a high-volume or high-speed road, the proposal could be supported.</p> <p>The CPO further highlighted that upon a site visit it was found that a sewer pipe was in close proximity of the site, although its position was not indicated on the Site Layout Plan. CPO approached Connect Saint Helena who confirmed that this sewer line falls outside of the development site and that they are familiar with this development site, however noted that should the line be affected by the development in future, it can be realigned.</p> <p>A Member further pointed out that the applicant should be advised to investigate storm-water control measures from the neighbours located above the development site prior to development to protect their investment and Members agreed that this should be included as an additional advisory within the Decision Notice.</p> <p><b>Resolution:</b> The application was Approved with Conditions as recommended by the CPO including the Additional Advisory on storm-water control matter.</p>	
<p><b>3)</b></p>	<p><b>Application 2017/29 - Proposed New House (2 Bedrooms) – Nr Head O’Wain Clinic – Christine Thomas</b></p> <p>The CPO presented a comprehensive presentation regarding this application. The CPO pointed out the significant location of the development site, and although located within the Comprehensive Development Area, it is in close proximity and overlooking the Broad Bottom Site. It was noted that the potential naked fill-faces could be prominent in the landscape and would be seen from various vantage points and the CPO therefore included recommendation towards protection of mature trees and sensitive use of external colours and finishing.</p> <p>Mention was made of the communal system where it was suggested that the CPO investigate the existence of the mentioned Communal</p>	<p><b>CPO</b></p>

	<p>System, although it was agreed that the recommended condition made provision for either connection to the Communal System or failing which the installation of an individual Septic Tank &amp; Soakaway System which Members supported.</p> <p>The CPO further recommended that the two parcels over which the house will straddle should be combined. The Authority agreed and requested that the applicant be advised accordingly.</p> <p>The CPO further noted that it could be sensible to meet with Applicants to discuss the Conditions within the Decision Notices in order for Applicants to fully understand and appreciate what the Authority wish to achieve through the various Conditions. The Authority thought this a good idea and voiced their support.</p> <p><b>Resolution:</b> The application was Approved with Conditions as recommended by the CPO along with the additional Advisory to be included.</p>	
4)	<p><b>Application 2017/38 - Proposed New House (2 Bedrooms) – Burnt Rock – Donna Duncan and Errol Herne</b></p> <p>The CPO presented a comprehensive outline of this proposed development and recommended for approval however noted that the Applicant indicated two land parcels within the application and although not clearly indicated on the Site Layout Plan it seems exceptionally large and pointed out that it seems unreasonable for one applicant to straddle two major land parcels and thereby underutilising scarce land resources – especially within a Comprehensive Development Area, which are aimed to release land to more people for development thereby ensuring housing security. The CPO noted that although it was challenging to investigate previously, with the new GIS System recently put in place within the Planning Division, this information could now be more readily obtained and investigated within the Planning Section. Members requested that the CPO further investigate and confirm the land description prior to finalisation of the Decision Notice however confirmed their support of the development.</p> <p><b>Resolution:</b> The Authority Approved with Conditions as Recommended noting that the Land Description be confirmed.</p>	CPO

5)	<p><b>Application 2017/42 - Proposed Siting of Container (Temporary) – Printech, Ladder Hill – Clint Beard</b></p> <p>The application was presented by the CPO and the Authority supported the recommendation.</p> <p>The Authority noted that there have been many applications for Siting of Containers lately and asked if there are any controls over the Siting of Temporary Containers. The CPO indicated that although applications were approved there is currently no effective system in place to monitor easily. CPO however indicated that again with a GIS System in place, there is now an opportunity to develop a data-base, which can link GPS recordings along with desktop analysis of submitted applications and approvals to monitor this more effectively. The CPO noted that this will however take a while to develop such a system as it will require resources (both human and apparatus) to enable recording of data (through field surveys), capture data and then monitor (again requiring human resources). Attempts will however be made to facilitate and mobilise such a system. The CPO highlighted that the same (system) can be used to monitor other Land Use Activity.</p> <p><b>Resolution:</b> The Application was Approved with Conditions as Recommended.</p>	CPO
6)	<p><b>Application 2017/41 - Proposed Reburial and Memorial Site for Liberated Africans (OUTLINE Application) – Land currently used as Temporary Storage for Fuel Containers, Ruperts – Airport Directorate</b></p> <p>The CPO provided a comprehensive presentation on the application and Recommended for Approval with Conditions aimed to provide direction and guidelines to the developer towards submitting an application for Full Development Permission.</p> <p>The Authority noted that in their opinion Rupert’s Valley is not an ideal location, being the primary Industrialised Area of the Island with associated non-conducive activity and attributes (such a pollution, being extremely busy, dusty, etc.) and therefore cannot see this industrial landscape being compatible with the proposed land use, namely for Memorial Garden / Cemetery.</p> <p>The CPO agreed with this principle and confirmed that locating a Memorial Garden in a more tranquil landscape could be more favourable however highlighted that this particular development has been in discussion within SHG for an extensive period of time and</p>	CPO

	<p>that Rupert's Valley has been selected at higher authority as the area for Reburial of Liberated Africans.</p> <p>Member then agreed that if Rupert's were to be the chosen location, then this site is probably the best given the attributes highlighted by the CPO. Members however requested that the CPO will take their concerns (regarding the siting in Ruperts Valley) forward.</p> <p><b>Resolution:</b> The Application with Conditions as Recommended by the CPO was granted in Outline.</p>	
7)	<p><b>Application 2017/28 - Proposed New House (3 Bedrooms) – Lower Cleughs Plain – Karl Martin</b></p> <p>The application was presented by the CPO and the Authority supported the recommendation. Members were satisfied with the recommendations however requested that the proposed Conditions 6 be reworded from to read "construction shall not commence" instead of "proposed dwelling shall not be occupied"</p> <p><b>Resolution:</b> Approved with Conditions as Recommended with the Amendment of Condition 6.</p>	CPO
8)	<p><b>Application 2017/36 - Proposed Tower for Amateur Radio Antenna – Dairy Farm Cottage, Nr Longwood Dairy – Garry Mercury</b></p> <p>The application was presented by the CPO and the Authority supported the recommendation. The Authority noted that a number of these type of applications were received over the past year, although the siting of Antennas are not new to the Island.</p> <p><b>Resolution:</b> Approved with Conditions as Recommended.</p>	CPO
9)	<p><b>Application 2017/53 - Proposed Renovation of Existing House (Change of Roof Profile) – New Bridge, Upper Jamestown – Theresa Corker-Coleman</b></p> <p>The Application was presented by the CPO on behalf of the PO who dealt with the application and is now off-island. The Authority supported the recommendation however requested that the Applicant be asked as to how it is intended to deal with the discharge of storm-water. It was noted that discharge into the run will be most ideal.</p>	CPO



	<b>Resolution:</b> Approved with Conditions as Recommended by the PO.	
<b>10)</b>	<p><b>Application 2017/08 - Proposed Block of Flats Containing 4 Dwelling Units – Briars – Michel Martineau</b></p> <p>The CPO presented the application on behalf of the PO who dealt with the application and who is now off-island. The CPO provided background in terms of the first set of drawings received, which the Applicant noted was not what he has requested his consultant to draw and then the second set of drawings received. CPO further elaborated that attempts were made by the PO to discuss the designs with the Applicant as it was in his opinion out of context in terms of the surrounding neighbourhood in which the development will take place. It was noted that the applicant was unwilling to engage into dialogue.</p> <p>The Authority agreed with this concern even though the PO recommended the application for approval with Conditions, which was aimed at mitigating impacts as the PO reasoned that there may not be sufficient grounds for refusal. Members were not convinced.</p> <p>The CPO at this point highlighted that the LDCP Policy IZ1 (a) states the Authority can assess applications subject to (and she read) <i>“the siting, scale, layout, proportion, details and external materials in any development, including individual dwellings, form a coherent whole both in the development itself and in relation to surrounding development”</i></p> <p>Members subsequently requested the CPO if the application fell within the Conservation Area, upon which the CPO replied that she is not certain as she did not deal with the application herself, but are willing to investigate the matter further. The CPO undertook to conduct a site visit and follow up with the next door neighbour, who potentially will be mostly affected by this development and measure this against LDCP Policy IZ1 (a) and report back to the Authority.</p> <p><b>Resolution:</b> CPO to report at the next meeting.</p>	<b>CPO</b>
<b>11)</b>	<p><b>Application 2017/34 - Proposed Demolition of Old House and Construction of New House (3 Bedrooms) – Briars – Gilbert Young</b></p> <p>The CPO presented the application on behalf of the PO who dealt with the application however noted that she attended an initial site visit</p>	<b>CPO</b>

	<p>together with the Applicant and PO prior to the Application being submitted and therefore was familiar with some of the details and the site.</p> <p>The Authority supported the applications however deliberated the Condition relating to the “colour of the roof”. As per the recommendation of the CPO, it was decided that the colour could be either Red or Dark Slate Grey to be consistent with the Policy on Roof Colours.</p> <p><b>Resolution:</b> The Application was Approved with Conditions however with Condition 7 to be amended to read “the colour of the roof to be red or dark slate grey”.</p>	
<p><b>12)</b></p>	<p><b>Application 2017/35 - Proposed New House (2 Bedrooms) – Nr the Ever Green Tree, Half Tree Hollow – Nathan Fowler</b></p> <p>The CPO presented the application on behalf of the PO who dealt with the application.</p> <p>Following the presentation of technical details the Authority supported the recommendation however one Member questioned the Parcel Number which differ on the Application Form and the Site Layout Plan. CPO explained that the applicant had an approval before (2010), which lapsed and since the proposed development is the same, the applicant opted to submit the original plans, which were regarded acceptable. The CPO further explained that system of numbering parcels have since 2010 changed, although the demarcation of the parcels remained the same as before. CPO will however investigate and ensure that the Site Layout Plan be supplemented with the new reference for purpose of clarity.</p> <p><b>Resolution:</b> Approved with Conditions as Recommended.</p>	<p><b>CPO</b></p>
<p><b>13)</b></p>	<p><b>Application 2017/37 - Proposed New Access Road – Woody Ridge, Levelwood – Patrick Thomas</b></p> <p>The CPO presented the application on behalf of the PO who dealt with the application.</p> <p>The Members noted that the internal road infrastructure of the</p>	<p><b>CPO</b></p>

	<p>residential area remains a concern. Should a link be created (as requested by this application), then this may encourage other similar links to be requested resulting in the actual road infrastructure never being upgraded properly.</p> <p>The CPO suggested that a Site Visit be conducted together with the Developer (Mr Hansel Phillips), the Authority Members and Land Owners to discuss the concerns regarding the poor road infrastructure and establish the best way forward.</p> <p><b>Resolution:</b> A Site Visit as recommended to be arranged prior to the Application being determined.</p>	
<p><b>14)</b></p>	<p><b>Application 2017/39 - Proposed New Offices, Storage Facilities and Roadway – Ambledale Workshop, Nr Rifle Range – Ambledale Workshop Ltd</b></p> <p>There was a Declaration of Interest from Member, Mr Karl Thrower. Mr Thrower had enquired about a portion of land above (i.e. south of) the development site about a year ago, which has not yet materialised as he still awaits a decision from SHG. He intends to develop affordable housing on this site. Mr Thrower was allowed to, following a presentation by the CPO to present his case, remain at the table but not to vote.</p> <p>The CPO presented the application on behalf of the PO who dealt with the application however noted that she attended an initial site visit together with the Applicant and PO prior to the Application being submitted and therefore was familiar with some of the details and the site.</p> <p>CPO further indicated that a previous similar application on the development site (during 2015) was refused as per her recommendation but explained that in her opinion (as well as in the opinion of the PO) that there were sufficient improvement and potential planning gain on the current application (as opposed to the previous submission) to justify reconsideration.</p> <p>The LDCA was mindful of the fact that they had previously refused the application and required solid grounds for the motivation to approve this time around. Following the presentation by the CPO, Members</p>	<p><b>CPO</b></p>

were satisfied that there were in fact significant adjustments to the current application in comparison with the previous application to meet the concerns of before and recognised that the applicant had shown intent to improve the premises significantly, both aesthetically and functionally and appreciated his willingness in working together with the Authority and the Planning Division to achieve this.

Mr Thrower noted two concern which remains (and the Authority acknowledged):

Firstly the Siting of the Containers (indicated a Group 1 on the presented Diagram), located behind the south and at higher level than the Workshop, would have openings on both sides, which would still make visible the content (i.e. what is stored under roof) from higher lying residential developments (such as unsightly Building Material, etc.). Members proposed that the applicant consider exchanging the parking area (indicated north of and below the existing Warehouse) with the proposed Container Group.

In addition to the Permanent Containers, he also noted that two Temporary Storage Containers alongside Group 1, are located in close proximity to the Fun Motor Track and due to heavy duty vehicles / cranes handling these temporary containers might pose a risk to children using the Fun Motor Track. Members requested that the CPO consult with the Applicant to find another site for these temporary containers.

**Resolution:** CPO to consult with the Applicant regarding the concerns / requests and report back to the Authority prior to final determination.

## H. Approvals under Delegated Power

There was no Development Applications approved under Delegated Powers by the Chief Planning Officer.

## I. Minor Variations

The following Four (4) Development Applications were approved as Minor Variations by the

Chief Planning Officer.		
<b>1)</b>	<p><b>Application 2016/57</b> Proposed Existing Overhead Electricity Cables instead of Underground Longwood Business Enterprise Park – ESH Approved by CPO on 11 April 2017 by CPO CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	<b>CPO</b>
<b>2)</b>	<p><b>Application 2016/19:</b> Proposed Revised Conditions to Existing Development Permission Nr Half Way - Ian Thomas Approved by PO on 24 March 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	<b>PO</b>
<b>3)</b>	<p><b>Application 2015/44</b> Proposed Siting of Containers on the Corners of the Fun Track Ambledale Workshop, Nr the Rifle Range Christopher Bargo Approved by PO on 24 April 2017</p> <p>Members contemplated that this should not be regarded a Minor Variation as the application for Siting of Containers on the adjacent site (Application 2017/39 refers) clearly required Full Planning Permission.</p> <p>CPO noted that upon preparation for this meeting, she noted that no formal Form C was submitted and no formal Decision Letter provided thus potentially rendering the approval unofficial. The Chairperson at this point stressed that she will not tolerate anything like this again.</p> <p>Member requested that the Applicant be advised to submit a Full Planning Application to site four containers.</p>	<b>PO</b>
<b>4)</b>	<p><b>Application 2015/17</b> Proposed enlargement of existing structure and subsequent roof structure Livery Stables, Jamestown Henry Thorpe Approved by PO on 27 April 2017</p> <p>CPO briefly discussed the application and rationale that lead to the</p>	<b>PO</b>

	decision and Authority confirmed their approval.	
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**J. Strategic Planner Matters - CPO Feedback**

The Chief Planning Officer briefed the Authority on the following Strategic Planning Matters:		
<b>1)</b>	<b>Land Development Control Plan (LDCP) Mid Term Review:</b> CPO noted that there is not much that can be reported at this stage other than the fact that there are regular sub-committee meetings where the LDCP is being scrutinised and notes being made concerning matters that the sub-committee members feel that would require amendment. No definitive decisions are currently being made. CPO will update the Authority as and when needed.	<b>CPO</b>
<b>2)</b>	<b>Jamestown Conservation Area Management Plan:</b> CPO indicated that this Plan will be attended to, but due to the loss of the Planning Officer within the division, progress might be affected. CPO indicated that once the Building Regulations Review has been completed, efforts could be made to engage the consultant planner (D Taylor) to progress this Plan alongside the Historic Environment Record which is being formulated as well. CPO indicated that the Planning Office will in the meanwhile conduct necessary legwork as and when possible.	<b>CPO</b>
<b>3)</b>	<b>Building Regulations Review:</b> CPO highlighted that this review is still in progress.	<b>CPO / PO / BI / DBI</b>
<b>4)</b>	<b>Bottom Woods CDA:</b> CPO noted that a Plot and Street Layout Plan is being drafted by the Technical Services Division of ENRD in collaboration with the Planning Office. Good progress was made so far. Service providers will be involved when a draft has been formalised.	<b>CPO</b>

**K. Any Other Business**

The following Items were noted under Any Other Business:		
<b>1)</b>	Member, Mr Gavin George informed the Authority that he will be off Island during the period of the next two meetings. The CP wished him a nice holiday.	

<b>2)</b>	Member, Mr Karl Thrower informed the Authority that mention was made off the Building Regulations in the Chamber of Commerce meeting and asked when it will be ready for public consultation. The CPO indicated that the PO is in the process to Review the Building Regulations and once he is done it will go out for Public Consultation as is the usual procedure.	<b>CPO</b>
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**L. Closed Items**

**M. Next Meeting**

The next LDCA Meeting was scheduled for <b>Wednesday 7 June 2017 at 9:00</b> at the Education Learning Centre, Jamestown.	<b>CPO / S</b>
A Site Visit and Deliberation Session will be held on the Tuesday 9 May 2017 from 8:30	<b>CPO / S</b>
A Site Visit to Woody Ridge, Levelwood to be arranged.	<b>CPO / S</b>

**N. Closing**

The Chairperson thanked Members for their attendance. The meeting closed at 14:15 hrs.	
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**Signed by the Chairperson to the Authority, as a true reflection of the Meeting.**

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**Chairperson to the LDCA**

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**Date**