



MINUTES

Of Land Development Control Authority Meeting

Date : Wednesday 7 June 2017
Time : 9am
Venue : The Education Learning Centre, Jamestown

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

A. Attendance and Welcome

The Chairperson welcomed all present to this formal session of the LDCA where decisions will be taken and thanked members for attending.

There were two members of the public present, which included a representative from the Press Saint FM.

B. Declarations of Interest

Member, Mr Karl Thrower stated that he did not need to declare his interest in respect of Application 2017/39, as he has since withdrawn his interest in developing the area above the proposal site. Although the Planning Assistant does not take part in any LDCA discussions, he however, declared his interest in respect of Application 2017/49 as he is the son of the Applicant.

C. Confirmation of Minutes

The 3rd and 9th of May 2017 LDCA Minutes were circulated, confirmed and signed during the 7th of June 2017 LDCA Meeting.

D. Matters Arising from Minutes

1)	<p>Woody Ridge - Private Residential Development with Poor Road Infrastructure (Developer Mr Hansel Phillips)</p> <p>CPO illustrated to the Authority through Maps and Graphs the information which were researched up to that stage - such as the number of planning applications previously received and approved, the number of building applications received and processed and the number and location of houses which are either currently being constructed or those which have been completed. In addition, the CPO indicated which owners live on and off the Island respectively.</p> <p>The CPO indicated that this information will inform the Site Visit and the eventual decision by the Authority. Further to this, the approval of the original Plot and Street Layout of the Residential Area was investigated and the original Decision Notice sourced (Planning Application 2007/04/SH – dated 20 April 2007). It is clear from the Decision Notice that the Developer, following initial installation of services by himself, was required at the time to also seek the advice from the Public Solicitor with regard to Drafting Agreements for the Maintenance of the Sewage Disposal System, Roads, and other communal infrastructure by Land Owners in future. It is uncertain if this was done and further attempts will be made to clarify either beforehand or during the Site Visit when the Developer and some land owners is anticipated to be present. Members also noted that the original plan only indicated some of the land parcels (plots), however the residential area has in the meanwhile be enlarged by subdivision of the abutting land and adding more land parcels to the originally approved residential area.</p> <p>The CPO indicated that a meeting was held with Mr Patrick Thomas, owner of two of the land parcels (namely 0362 & 0489 Silver Hill) and he understood the concerns with regards to his proposal to develop an alternative Access Road (Application 2017/37). One Member pointed out that the Authority should consider that this Residential Area does in fact have a communal road network, which ought to provide effective access to all land parcels, taking into consideration also access by emergency vehicles as well.</p> <p>It was concluded that a Site Visit with the Authority and affected parties (Land Owners and Developer) be conducted to assist with evaluation and resolve regarding both the Residential Area (Application 2007/04/SH) as well as with Application for Access Road (Application 2017/37).</p> <p>CPO will facilitate the Site Visit.</p>	CPO
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2)	<p>Container Park at Lower Half Tree Hollow</p> <p>Attempts were made to contact Councillor Derek Thomas before. CPO did not have the opportunity to speak with Mr Thomas. No further response to date. CPO will continue to follow up.</p>	CPO
3)	<p>Land in the Longwood Area for Light Industrial and Commercial Use</p> <p>CPO indicated that this will potentially form part of the LDCP Mid-term Review.</p>	CPO

E. Building Control Activities

<p>LDCA Members were given an Updated List of <u>Building Control Activities</u> for the period <u>27 April - 30 May 2017</u> for their information.</p> <p>The CPO told members that there were no major applications being dealt with under Building Control at this stage however indicated that she had facilitated a few minor matters during the past month which are under control. Members felt that the list of Building Control Activities was useful.</p>	CPO / BI
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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 still 9 Applications Pending (i.e. waiting on supplementary information from Applicants), 5 New Applications for determination on 7 June and 7 Applications for determination on 5 July 2017, resulting in <u>21 Applications</u> awaiting Determination.</p> <p>CPO to further facilitate and prepare advisory reports for determination by the Authority for the LDCA Meeting in July. A Members requested about the proposed Bus Shelter Application at Head O’Wain (noting the need for a Phone Booth at the Bus Shelter) and the CPO indicated that she still awaits final feedback from the Applicant on this matter as a result of land negotiations with Solomon’s but will follow up.</p> <p>There were no applications withdrawn during this period.</p>	CPO
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G. Applications for LDCA Determination

<p>The following Eleven (11) Development Applications were considered and approved/pending by the Authority on the 7th of June 2017 following perusal of the Planning Officer's Handling Reports and Recommendations:</p>		
<p>1)</p>	<p>Application 2015/48 – Discharge of Planning Condition No. 10 - Advertising and Signage – 1, 2 and 3 Main Street Hotel – Development Director</p> <p>The CPO presented the Application by means of a PowerPoint Presentation and recommended to the Authority for Approval. The Ordinance and Advertisement Policy were reviewed and the proposals in regards with the signage met the requirements of the Policies. The CPO however noted that there are no policy restrictions in regards to siting of Flags and that the best approach in this instance will be to follow planning best practice. There are other flags sited in Jamestown and it is not uncommon for starred Hotels to site national flags and company flags. The CPO stated that flags could be a welcoming gesture as is often used internationally at hotels and Members noted that this might not impact negatively in Jamestown. The question came up if there will be lighting in this area, which means that signs will not be visible at night. The CPO will follow up in terms of street lighting however noted that this Application – for signage / advertisement - does not include lighting up of the area and pointed out that Illuminated advertisements are in general not supported by the advertisement policy. CPO will as a matter of clarification discuss with the Applicant and report back to the Authority.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent out to Applicant</p>	<p>CPO</p>
<p>2)</p>	<p>Application 2017/43 - Proposed Roof Covering – Upper Wonder Villa, Market Street, Jamestown – Walter Crowie</p> <p>The CPO presented the Application by means of a PowerPoint Presentation. CPO indicated that although there were no objections, the neighbours below the development site did question how the applicant will deal with water run-off from the roof and was satisfied with the mitigation to have the roof water collected in a gutter as</p>	<p>CPO</p>

	<p>indicated on the drawings and then discharged into the existing storm water system.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Decision Notice to be sent out to Applicant</p>	
3)	<p>Application 2017/44 - Proposed New House (4 Bedrooms) and Double Garage – Nr Spring Bok, Levelwood – Nicole and Elvis Hercules</p> <p>The CPO presented the Application by means of a PowerPoint Presentation. The CPO pointed out that the area had been cleared already. It was noted that the gradient of the drive way to the site will be approximately 23% that should be accessible by a normal car. The consultation response from Property Division was noted and therefore wondered why such comment was raised.</p> <p>Resolution: The application was Approved with Conditions as recommended by the CPO along with an additional Advisory advising the applicant to select wall colours and external finishing that will blend in with natural and/or built surroundings. Decision Notice to be sent out to Applicant</p>	CPO
4)	<p>Application 2017/45 - Proposed 5 New Houses (2 Bedrooms) – Colt Sheds, Longwood – Arnold Crowie</p> <p>The CPO presented the Application by means of a PowerPoint Presentation. The CPO noted that there was some public interest in this Application, however stated that it was found to be a relatively uncomplicated proposals / development, which falls within the Intermediate Zone, not particularly steep topography and relatively large land parcels – with the difference that the developer envisage to develop five properties instead of one. The CPO however highlighted, that in light of lessons learned from the recent Woody Ridge Residential Area (and other areas across Island) and the complications that can result in regards with Communal Facilities, the following matters require consideration. The CPO noted that there will be a Communal Access Road and that the Developer will have to develop the road to a satisfactory standard initially. CPO further indicated that this Road will not necessarily be taken over by SHG but that SHG might in future want to take over this portion of roadway and then the road will need to be to an approved standard. She highlighted that the existing public road leading to the development site could be a good</p>	CPO

	<p>guide as to the standard of finishing required. CPO further explained that future land owners (when the Developer is out of the picture) should be made aware that they will communally be held responsible for the maintenance of this public roadway in future and the Property Division was therefore consulted to ensure that such a condition can also be written into sales contracts / agreements. At this point, Members noted that as there is significant land that can be developed behind this development, and that proper accessibility for future development should be ensured. In addition to the communal roadways, CPO highlighted that it was proposed that each land owner develop an individual Septic Tank and Soakaway System. The properties are around 1,500m² and this should be sufficient for development as such, however the size and design of these systems to be based on approved percolation test results. Members however proposed that a Communal Soakaway be established for the Development as a whole, taking cognisance of potential future development. The CPO to draft a condition to reflect this and facilitate with the Property Division.</p> <p>Resolution: The Application was approved with Conditions as Recommended provided that the said Conditions be altered to reflect the concerns raised above and reported back to the Authority at the next meeting.</p>	
<p>5)</p>	<p>Application 2017/46 - Proposed Extensions to Existing House (Study, Utility, Kitchen and Bedroom) – Chubbs Spring – Shirley Thomas</p> <p>The CPO presented the details of this extension and the Authority supported the recommendation as it aligns with policies.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO – Decision Notice to be sent out to Applicant.</p>	<p>CPO</p>
<p>6)</p>	<p>Application 2017/47 - Proposed Alterations and Additions – Gunny Bag Cottage, Francis Plain Road – Catherine Leo</p> <p>The CPO provided a presentation on the application and Recommended for Approval with Conditions. Policy GH3 consulted and read out. It was noted that the initial application for Outline Planning Application but due to the restrictions of Policy GH3 on the development withdrawn by the Applicant. The Applicant therefore resubmitted as per this Application, which aligns with the restrictions</p>	<p>CPO</p>

	<p>of the Policy. It was noted that EMD requested that a basic Plant Survey be conducted and therefore Conditioned as such. The Authority requested that Condition 7 be slightly amended to replace the word “drive way” with “access”.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO – Decision Notice to be sent out to Applicant</p>	
7)	<p>Application 2017/48 - Proposed New Modern Single Storey House with Green Roof – Thompson’s Hill – Natalie Peters-Martin</p> <p>The application was presented by the CPO and the Authority supported the Recommendation. Members were satisfied that the access road was not a high volume or high speed roadway. EMD’s consultation reply was noted which has been taken into account in condition 9 and 10 of the Decision Notice. The applicant to be advised to consult with the property Division in combining the two Parcels (TH010047 and TH010094). The applicant also to investigate establishing an additional car parking area, possible to the south of the Garage. One member questioned as to whether there are any Qualified Structural Engineers to support the Building Inspector – noting the complexity of the proposed structure. The CPO indicated that Alan Hudson, David Goodrick and Chris Peters are currently on-Island and would be able to assist the Building Inspector. The BI to involve all Engineers when carrying out any inspections.</p> <p>Resolution: Approved with Conditions as Recommended by the CPO – Decision Notice to be sent out to Applicant</p>	CPO
8)	<p>Application 2017/49 - Proposed Tower for Amateur Radio Antenna – Hill Crest, Two Gun Saddle – Barrie Williams</p> <p>The application was presented by the CPO and the Authority supported the Recommendation.</p> <p>Resolution: Approved with Conditions as Recommended by the CPO – Decision Notice to be sent out to Applicant</p>	CPO
9)	<p>Application 2017/08 - Proposed Block of Flats containing 4 Dwelling Units – Briars – Michel Martineau</p> <p>The Application was presented by the CPO who noted that this additional information should be read (interpreted) in conjunction with the original report by the Planning Officer (PO - D Taylor) who</p>	CPO

dealt with this Application initially. The CPO highlighted that the PO was clearly not wholly convinced that this application should be approved as he alluded to this in his report and also made clear that should the development be implemented as proposed, attempts be made to shield it from view (especially from the neighbour at the rear) in order to minimise its impacts on neighbouring properties. For this reason the PO proposed as a means of mitigation, a “Tree Shield” at the rear and eastern boundary and “Stone Cladding” on the second floor of the building.

Following a discussion of the recommendation by the PO above, the CPO was requested by the Authority to conduct some further investigative work and also confirm if the Application falls within any Conservation Areas. As a result the CPO confirmed at this session that the development falls within the Intermediate Zone and are in fact not restricted by any Conservation Areas – although located in close proximity to the Briars Conservation Area. The CPO also visited the site again and provided photo and conceptual illustrations with the aim to visually demonstrate if the proposed mitigation (as proposed by the PO) will in fact be effective or not.

The CPO in her presentation noted that both “architectural style” and “impacts on views” are matters which are not explicitly regulated by the LDCP and that the policy are therefore to some extent open to interpretation. She further highlighted (via illustrations) that the proposed mitigation of proposed Tree Shield and proposed Stone Cladding may not be adequate in providing the intended mitigation against visual impacts and that the chosen architectural style may be deemed non-compatible with the character of the area as a whole – highlighting that residential developments in the Briars Area have somewhat similar architectural styles, finishing (not in stone) and roof-profiles as per the photo illustrations.

Based on the assessments, the CPO recommended that this Application be Refused on the grounds that the proposed development does not form a coherent whole in respect of the surrounding developments and therefore does not accord with LDCP Policy 1Z1(a) and that the proposed development can be regarded materially damaging to the amenity of an existing development and therefore does not accord with LDCP Policy 1Z1(b). The CPO however also stated that the Applicant be made aware that the aim is not to discourage development of the site for purposes of residential units

	<p>altogether.</p> <p>Members considered the assessment and recommendation and noted that although the neighbour did show some concern, the neighbour did not in fact formally object to the proposal. Members also noted that architectural style and impacts on views are not regulated by the LDCP but that the LDCP does require consideration of scale amongst others. Members noted that they for this reason still have concerns with regards to the potential impact this building may have on particularly the neighbour in the back – and noted that the first layout plan (with the three separate buildings instead of the large single double storey building) could potentially be less intrusive as well as align better with the architectural style of the area as a whole. The Authority however did not at this point felt comfortable to outright Refuse this Application and requested the CPO to consult with the Applicant and relate these concerns – noting that the Applicant was not present at the meeting to discuss.</p> <p>Resolution: CPO to further consult with the Applicant in order to find a common ground and Report back to the Authority at next meeting</p>	
<p>10)</p>	<p>Application 2017/39 - Proposed New Offices, Storage Facilities and Roadway – Ambledale Workshop, Nr the Rifle Range – Ambledale Workshop Ltd</p> <p>The CPO presented this application on behalf of the Planning Officer (D Taylor) who primarily dealt with this Application prior to leaving the Island. The CPO was however requested, following the presentation, to consult with the Applicant to find common ground on a few matters which the Authority still had reservations about.</p> <p>Following discussions with the Applicant, the CPO provided feedback at this session of the LDCA.</p> <p>The CPO noted that the consultation with the Applicant was very positive and that the Applicant remains interested to work with the Authority to achieve the best possible outcome for the development as a whole and in light of proximity to the HTH residential area.</p> <p>The Applicant was willing to develop the containers behind the Ambledale Workshop such as to shield all scrap and building material</p>	<p>CPO</p>

	<p>from view as seen from the HTH Residential areas above – however did not feel comfortable to relocate the initial position (as per alternative presented by the Authority) for practical reasons. The Authority considered the approach and approved.</p> <p>In addition to this, the CPO highlighted that the Applicant noted the concern with regards to handling of Temporary Containers and agreed to relocate the proposed position as proposed by the Authority previously.</p> <p>Authority felt confident that their concerns have been adequately addressed.</p> <p>Resolution: Approved as per the Recommendations and proposed Conditions by the PO (D Taylor) with exception of Conditions 4 which required modification to reflect the agreements between the Authority and the Applicant following this follow-up assessment. Condition Notice to be sent out to Applicant</p>	
<p>11)</p>	<p>Application 2017/51 - Proposed Installation of Solar Panels for five Units with Tanks – Harbour View, Jamestown – Property Division</p> <p>The CPO noted during her presentation that the Applicant (SHG) did discuss the proposal beforehand and that the fact that Harbour View is situated within the Jamestown Conservation Area was recognised by all parties. For this reason, the Applicant indicated that although they would prefer to site the proposed Solar Panels on the western roof-slope (in order to capture more sunlight), they would instead propose to site the panels on the eastern roof-slope. The Applicant indicated that it is intended to be a social benefit project, on a tight budget and tight schedule (time-frame) and that the proposed solar panels can be obtained on-Island. CPO indicated that it is the Applicants intent to provide hot water through the use of solar panels to the tenants with the hope that it will be a more cost-effective alternative of providing hot water to tenants.</p> <p>CPO noted that the due to siting of the panels / tanks on the eastern slope of the roof, the solar panels can be sited such as to be primarily visible from Sisters Walk and not from the Ladder, which is the primary / more significant vantage point in Jamestown. CPO also noted that a number of other roofs in Jamestown currently sites the exact Solar</p>	<p>CPO</p>

	<p>Panels (as proposed).</p> <p>One Member of the Authority objected heavily stating that there could be alternative ways, especially in terms of the water tanks, such as placing the tank in the cavity of the roof or having only one tank and site it somewhere but not on the roof. It was also mentioned that these solar panels / tank combo seems to be extremely large (footprint) in comparison with others which are available on the market.</p> <p>CPO indicated that the Authority take cognisance that the outcome of this application may set the precedent (preferred) for future developments (specifically in Jamestown) and that it would be important to establish irrevocably which type of solar / tank combo will be permitted (given the impact on the roof-scape) – especially where tanks cannot be hidden in the cavities of roofs. The Authority noted.</p> <p>This application was approved in principle but an improved design to be investigated by the Applicant. CPO to consult with the Applicant in this regard and to report back to the LDCA.</p> <p>Resolution: The Application was Approved in Principle, subject to investigation of an alternative design / solar panel option. CPO to Report back to Authority at next meeting</p>	
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H. Approvals under Delegated Power

<p>The following Two (2) Development Applications were approved under Delegated Powers by the Chief Planning Officer:</p>		
<p>1)</p>	<p>Application 2017/40 Proposed Extension to Existing Garage Nr Salts Shop, Half Tree Hollow Colin Bargo Approved by PO on 1 May 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	
<p>2)</p>	<p>Application 2017/50 Proposed Covered Leisure Area</p>	

<p>Rockaforte, Wireless Station Drive towards Sundale Patrick Peters Approved by CPO on 6 June 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	
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I. Minor Variations

<p>The following Four (4) Development Applications were approved as Minor Variations by the Chief Planning Officer.</p>	
<p>1) Application 2015/152 Proposed Use of Block Work 115mm instead of 225mm Behind the Cinema, Jamestown – Serena Thorpe Approved by CPO on 10 May 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	<p>CPO</p>
<p>2) Application 2013/59: Proposal to site the dwelling at higher level for ease of construction Nr White Wall, Half Tree Hollow – Raymond Henry Approved by CPO on 25 May 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	
<p>3) Application 2015/143 Proposal to replace Dining Room Door with a Window Head O’Wain Mario Yon Conducted by PO – signed by CPO on 30 May 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	
<p>4) Application 2016/83 Proposed Internal Wall Alterations to create an additional Guest Toilet Cow Path, Half Tree Hollow George Thomas Conducted by PO – signed by CPO on 30 May 2017 CPO briefly discussed the application and rationale that lead to the decision and Authority confirmed their approval.</p>	

J. Strategic Planner Matters - CPO Feedback

The Chief Planning Officer briefed the Authority on the following Strategic Planning Matters:		
1)	<p>Land Development Control Plan (LDCP) Mid Term Review:</p> <p>CPO noted that there is not much that can be reported at this stage other than the fact that there is regular (weekly) 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 / investigation. No definitive decisions are currently being made. CPO will update the Authority as and when needed.</p>	CPO
2)	<p>Jamestown Conservation Area Management Plan:</p> <p>CPO indicated that this Plan will be attended to, but due to the loss of the Planning Officer within the division, progress has been affected. CPO also indicated that once the Building Regulations Review has been completed, efforts could be made to engage the appointed Planning Consultant (D Taylor – previous Planning Officer) 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.</p>	CPO
3)	<p>Building Regulations Review: CPO highlighted that this review is still in progress and currently conducted by the appointed Planning Consultant (D Taylor – previous Planning Officer)</p>	CPO / PO / BI / DBI
4)	<p>Bottom Woods CDA: It was noted that a Plot and Street Layout is in the process of being designed and the CPO has continual input in this regard.</p>	CPO

K. Any Other Business

The following Items were noted under Any Other Business:		
1)	<p>The CPO noted that a prominent steel structure has been sited near the Police Club, Ladder Hill, for Fire and Emergency Training purposes. This structure was sited without obtaining Development Permission. CPO noted that she consulted with Fire and Emergency</p>	CPO

	Services who indicated that they have nowhere else to site the structure for training. Members considered in general, where such a structure can potentially be sited more appropriately, however noted that a location would ultimately have to be identified by the Applicant for consideration by the Authority. The Authority requested that the CPO nevertheless notify the removal of the structure within a period of 28 days from date of Notification.	
2)	The CPO noted that a meeting was held with representative of the Police Service to establish which Applications should be referred to them, as they feel that most applications do not require their input and the sheer number of Applications to respond to is overwhelming. A future approach was agreed.	

L. Closed Items

M. Next Meeting

The next LDCA Meeting was scheduled for Wednesday 5 July 2017 at 9:00 at the Education Learning Centre, Jamestown.	CPO / S
A Special meeting will be held on Wednesday, 21 June 2017 from 9 am	CPO / S
A Site Visit to Woody Ridge, Levelwood to be arranged.	CPO / S

N. Closing

The Chairperson thanked Members for their attendance. The meeting closed at 12:20 hrs.	
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Signed by the Chairperson to the Authority, as a true reflection of the Meeting.

Chairperson to the LDCA

Date