

**MINUTES OF THE LAND DEVELOPMENT CONTROL AUTHORITY MEETING HELD ON WEDNESDAY, 14  
OCTOBER 2015, AT 9 AM AT THE JAMESTOWN COMMUNITY CENTRE**

<b>Present</b>	Mr Rodney Buckley	Chairman
	Mrs Ethel Yon	Member
	Mrs Cathy Hopkins	Member
	Mrs Joan Peters	Member
	Mr Paul Hickling	Member
<b>In Attendance</b>	Mr Martin Hannah	Head Planning & Development Control
	Mr Alfred Isaac	Planning Officer
	Mrs Karen Isaac	Secretary
<b>Off Island</b>	Mr Gavin George	Member

**ACTION**

**1. ATTENDANCE AND WELCOME**

The Chairman welcomed all present and thanked members for attending.

There were 7 members of the public present, 1 of which was in respect of application no. 2015/101.

**2. DECLARATIONS OF INTEREST**

Member, Mrs Cathy Hopkins declared her interest in respect of application nos. 2015/77 and 2015/101. In this respect section 11.2 of the LP&DC Ordinance was consulted upon.

**3. CONFIRMATION OF MINUTES OF 16 SEPTEMBER 2015**

Minutes of the meeting held on 16 September 2015 were circulated, confirmed and signed.

**4. MATTERS ARISING FROM MINUTES OF 16 SEPTEMBER 2015.**

**Application No. 2015/48 – Proposed change of use and new build hotel development 1, 2 and 3 Main Street, Jamestown**

A signed copy of the letter from Mr Mark Caswell (previously emailed) has been requested and is still awaited. Confirmation from the Henry family has also been requested via ESH and this is also being awaited. Landscaping and works management plan still to be submitted by ESH.

**Application no. 2015/49 – Proposed change of use of dwelling house (class C3) to C1 and related operations – Bertrand’s Cottage – ESH**

Still awaiting information from ESH in respect of conditions 5, 8, 10, 11 and 12 of the decision notice. It was made aware at the meeting that works were due to commence this week but it was highlighted that actual works could not take place until such time the

conditions were complied with. ESH hoping to have conditions discharged soon as advised by the H P&DC

**Application no. 2015/51 – Proposed commercial camping site with sanitary facilities and management accommodation – Hooper’s Rock, Blue Hill – Andrew Hook and Loretta Coleman**

No decision letter will be issued until a planning agreement has been registered. The H P&DC has set out the basic heads of terms of an agreement and sought legal advice on the way forward and the matter now rests with the AG’s office.

**Application No: 2015/76 – Proposed Cargo Container Storage Area – Red Hill Treatment Plant – Connect St Helena Ltd**

It has been confirmed that a landscaping condition was attached to the previous temporary permission - that has now expired. The H P&DC has written to Connect St Helena Ltd on the matter and discussions have taken place. The landscaping will be implemented as soon as possible.

**AOB – Resignation – Miss Rosemary Bargo**

Miss Rosemary Bargo has been contacted requesting that she submit a formal letter of resignation to allow His Excellency the Governor to appoint a replacement. It was noted in the meeting that Miss Bargo has now submitted her letter of resignation. Members were asked to put their views forward as a candidate for Miss Bargo’s replacement.

Members

**5. PLANNING OFFICER'S REPORT – DEVELOPMENT APPLICATIONS FOR DETERMINATION**

The following development applications were considered and determined as stated below. Planning Officer to process accordingly.

**Application No. 2015/73 – Proposed conversion of existing building from former Dairy/Slaughter House to Fruit and Vegetable (Fresh Produce) Pack House- ANRD Building, Longwood - ESH**

This application is for the conversion of an existing building from former Dairy/Slaughter House to Fruit and Vegetable (Fresh Produce) Pack House. The site extends to the North and is accessed from Longwood Avenue. This involves partial change in use of the building and adjoining land to provide retail floor space, vehicle parking and turning. It also includes minor works involving roof and rainwater good repair, removal of doors, stopping up openings, new internal divisions, general refurbishment and redecoration. The main issues are car parking and access arrangements but it was felt that this problem could be overcome between the applicant, Roads and Planning. It was noted that separate car parking provision to Bertrand’s is regulated by another permission. There is an existing means of access via a poorly made up and substandard road, a driveway arrangement shared with an adjoining house which is not ideal.

The building will be fitted with Chiller units that will not be sited close to the resident, reference is made of a small retail area, siting of 10,000 litre water tank above ground and improvements to existing access, provision of vehicular turning and parking for customers and commercial vehicles.

It was felt by one of the Authority Members that condition 9 of the decision notice was not seen as a standard condition as it might unreasonably constrain the hours of working of farmers but another member felt that the timing was reasonable as the operation of the building had to balance with the need to maintain the amenity of the adjoining residence. PO

Approved as CPO's recommendations with an additional advisory attach advising the applicant to consult with the Highways Authority, Public Health and EMD.

**Application No. 2015/77 – Proposed change of use of PWD Store Building to Public Library, Government Archives and Museum gallery extension – Jamestown - St Helena Heritage Society Ltd**

This application is for the change of use of a Listed Building involving external and internal alterations for the conversion and extension of the PWD Store Building to a new Public Library, Archives and gallery space linking physically with the existing Museum. However, the Roads Manager had expressed some concerns about car parking arrangements in Grand parade as he was anxious to avoid loss of spaces. Conditions 4, 5 and 9 to come back to the H P&DC to deal with and not the Authority. Conditions to be amended to reflect this. PO

Approved as CPO's recommendations.

**Application No. 2015/79 – Proposed operations to construct road access and new slipway to facilitate access to the Shears and launch rescue craft – Air Access**

Permission is sought for discharge of condition no. 5. Development permission 2013/92 refers. Concerns were raised as to the use of the wharf and the narrowing of the road and members asked if any thoughts were given on how the road could be widened. Miles Leask (BR) explained that there had been careful consideration of the design but because of cost constraints removal of a section of the wall was rejected on cost and heritage grounds. ML reported that there will be a two way traffic with the exception of heavier vehicles for when the ship is in harbour. In considering all issues ML reported that the cost effective solution will have a limitation on the heritage features. It may be possible that 2 vehicles could pass in the area if the rescue craft have to be deployed. It was noted that there will be a reduced area for fishing boats use and a meeting was held with the respective parties. PO

Approved as CPO's recommendations with an advisory note attach. To Exco for final decision.

**Application No. 2015/90 – Proposed change of use and alterations to disused Water Filter Room, Water Treatment Plant, Chubbs Spring – Connect St Helena Ltd**

This application is for the change of use from Class B1 to Class B2. The use is to house a 50 KVA Emergency Generator. Works to include enlarging a single leaf doorway to a double leaf doorway in the north east wall. It was noted that this development is taking place in the Conservation Area. PO

Approved as PO's recommendations.

**Application No: 2015/94 – Proposal to run cables from existing supply to underground, Beneath the Archway, Seales Corner, Jamestown – Connect St Helena Ltd**

This application is to run an underground electrical main, below the Archway to connect the existing supply cable (on the south side of the Bridge) with the emergency generator, situated on the north side of the Bridge at Carnarvon Court. It was also noted that this is in the Conservation Area.

PO

Approved as PO's recommendation with an advisory note attach.

**Application No. 2015/95 – Proposed Lounge/Bathroom/Pantry/Dining and Patio extensions, Millfield, Deadwood – Patrick Henry**

This application is for extensions to existing residential dwelling house. The extension is to accommodate a new Lounge, Bathroom, Pantry, Dining and Patio area. Members noted the extent of the extensions.

PO

Approved as PO's recommendations.

**Application No. 2015/96 – Proposed Rabbit Fencing, along each side of the Haul Road from Deadwood to the Airport site to include areas at Middle Point, Millennium Forest and Prosperous Bay Plain – Airport Project**

This application is to erect a Rabbit Proof Fencing, post and rail fencing. This is along and adjacent to the Haul Road from Deadwood to the Airport site.

PO

Approved as PO's recommendations.

**Application No. 2015/97 – Proposed 2 Bedroom Dwelling House, Gum Woods, St Pauls – Justin Stevens**

This application is for a new 2 Bedroom Dwelling House with garage under the same roof. It was wondered why the Heritage was unable to respond to the consultation. In general it was asked how can it be assured that no seepage would take place but this was not a concern of the Authority.

Approved as PO's recommendations

PO

**Application No. 2015/99 – Proposed demolition of existing Nissen Hut and to site a containerised medical oxygen plant and the siting of a portakabin, the General Hospital, Upper Jamestown – Health Directorate**

This application is demolition of existing Nissen Hut, siting of a containerised Medical Oxygen Plant and a Portakabin and enclosing the area around the container. This application was not on a temporary basis. It was made known that the LDCA could be seeing more of these development applications of this nature. It was noted that pure oxygen is a hazardous gas and that this development must be designed to conform with best practices. The purpose is to generate oxygen but the gas cylinders are not being stored separately. The piping will have to be protected underground. It was noted that the Fire Service did not respond to the consultation. The PO to request. If no objections from the Fire Service then the decision notice can be despatched. If there is an objection it will have to come back to the Authority. Members felt that this development needs to

be managed carefully.

Approved as PO's recommendations with an advisory note attach advising that the relocation of the demolished Nissen Hut shall be the submission of a separate application PO for development permission.

**Application No. 2015/100 – Proposed enlargement of an Earth Embankment Reservoir, Harpers Valley – Connect St Helena Ltd**

This is for the development of the enlargement of Harpers 3 Earth Embankment Reservoir. Because of this application being water infrastructure it was wondered whether it will have to be presented to Exco for final determination. H P&DC will check this out. The comment noted from E&PH and it was mention that this reservoir had encountered some problems in the past. Interlocking blockwork will be constructed to the hillsides on the south and west of the reservoir.

H P&DC/PO

Approved as PO's recommendations with final determination by Exco.

**Application No. 2015/101 – Proposed fixing of CCTV Cameras, various areas along Jamestown Wharf – Customs for SHG**

This application is for the fixing of CCTV Cameras located at various areas along Jamestown Wharf. 3 objections received that is reported upon in section F of the report on handling. Mr Andrew Pearson wanted to reinforce his objection and was given the opportunity to present to the Authority.

The H P&DC presented the report on handling. These cameras (8 No) are to be fixed for the reasons of anti-social behaviour, theft and vandalism. The cameras are small in size and are capable of being restricted to prevent overlooking of private property. Images to be saved to the hard drive. Planning conditions recommended to regulate siting of control cables and surveillance arc to maintain privacy of residential property and pool area.

A Member referred to Section 11 of the Ordinance and questioned the Officer's conclusions stating that if wider social considerations should not be taken into account then reference should not have been made to it in the Ordinance.

Whilst it would seem that there was no issues with the proposed CCTV Cameras in terms of siting or design most members nevertheless felt it is in the public's interest that data recorded should be handled responsibly. Most Members felt uneasy about approval of this development without data collection regulation and other safeguards in place. The lack of data protection regulation and other concerns raised by objectors had been discussed with Crown Counsel and there appeared to be no impediment to voluntary adoption of the UK Code of Practice. The H P&DC also referred to use of CCTV cameras in shops and widespread use of mobile video recording on hand held devices and reasoned that the siting of cameras in an operational port area that is already subject to security restrictions, should be viewed as a reasonable and proportionate response to problems with anti-social behaviour on the Wharf. Accordingly, the application should be supported in planning terms and H P&DC advised that data protection and civil liberties concerns though legitimate as a subject for wider public debate, were not strictly in the planning domain and should not weigh as part of the planning assessment.

Members questioned the urgency attached to the application and concluded that

regulations should be put in place first before this development can go ahead.

Whilst it was recommended by the H P&DC that the development be approved with final determination by Exco, the majority of Members highly felt strongly that they could not support this recommendation. One member felt that it would be wrong to refuse it. Member, Mrs Cathy Hopkins had declared her interest in this matter and the Chairman ruled that she could take part in the discussions. The member participated in the debate but not the vote.

The application was refused by the Members until such time data protection and other safeguards are in place to align with best practice in the UK. Exco is the determining authority and the application would be referred on for final determination.

**Application No. 2015/106 – Proposed change of use from Office to part residential and disabled access, Brick House, Upper Jamestown – Property Division**

PO

This development being in the Conservation Area is for partial change of use from Class A2 to Class C3, the construction of a pathway and a doorway in the north boundary wall. Works to include blocking up a door way on both the ground and first floors, to provide separation of the residential units and remaining offices. The residential unit will comprise kitchen, lounge and one bedroom on the ground floor with bathroom and two bedrooms on the first floor. Whilst it is being noted that part of this development is for disabled access it was wondered why more was not being done to achieve internal adaptation and improvement to meet the needs of the disabled. H P&DC advised that disabled access and fire safe design would be looked at during the Building Control stage.

Approved as PO's recommendations with an advisory attach for the inclusion of bathroom facilities for the disable. This application falls within the category of type of development that will be referred to Exco due to source of funding in this case.

PO

**Application No. 2015/107 – Proposed external alteration comprising enlargement of window and installation of external stair. Internal alterations comprising stud partition wall and sliding door, Police Headquarters, Jamestown – Judicial Services for SHG**

This is for external alteration comprising removal of window, creating new door opening and fitting new door and installation of external stair. Internal alterations comprising stud partition walls and sliding pass door. This development is on a short time basis. Whilst the Authority was prepared to approve this application it was wondered how the elderly and the disabled will manage with this but there is an opportunity for addressing this issue.

Approved as CPO's recommendations.

PO

**6. APPLICATIONS APPROVED BY THE PO UNDER DELEGATED POWERS**

There were no applications approved under delegated powers.

**7 MINOR VARIATIONS APPROVED/REFUSED BY THE CHIEF PLANNING OFFICER/PLANNING OFFICER**

Application No. 2015/80 – Minor amendment – Control and Laboratory Building – Bulk

Fuel Site, Rupert's – Air Access - **APPROVED**

Application No: 2015/103 – Minor amendment – change in location of Borehole Water Abstraction, Pipeline and Water Storage – Airport Development Area – Air Access - **APPROVED**

Application No. 2015/118 – Minor amendment – positioning of Ventilation Dormers – Livery Stables, Jamestown – W A Thorpe & Sons - **APPROVED**

**8. LIST OF NEW DEVELOPMENT APPLICATIONS RECEIVED**

The list of new development applications had been distributed and was noted.

**9. STRATEGIC ISSUES AFFECTING DEVELOPMENT**

No items discussed or reported under this section.

**10 SCHEME OF DELEGATION**

The H P&DC referred to the paper on Scheme of Delegation. The Ordinance provides for such a scheme and it can assist with service improvement, delivery and responsiveness. The HP&DC advised that a temporary scheme of delegation had been of great assistance during his period of island to keep caseload moving but cited one example of where a mistake had been made.

To address this problem Members were now being furnished with a weekly report on all development applications received by the planning section.

The Chairperson was uncomfortable with the range of delegated powers proposed in the paper and therefore decided against actually signing the scheme of delegation off at this time.

The Chairperson requested that the existing scheme of delegated powers together with the GDO be circulated to members to allow them to compare it with what they have in front of them today.

Secretary

**11. ANY OTHER BUSINESS**

**Application No. 2015/18 – Installation of Steeple**

A Member asked about the current status of the St James Steeple application. The H P&DC informed the Authority that some revised proposals had been received on Friday, 9 October 2015 and he is now going through the paper work with the Chief Engineer.

It is hoped that this application can be presented back to the Authority at its next meeting scheduled for 4 November 2015. It was voiced that the equipment being used for this operation belongs to Basil Read and it is understood that the crane will go off island at the first quarter of 2016.

**12. CLOSED ITEMS**

**AVEC Building, Jamestown**

Members were provided with a copy of a letter issued by the Planning Division challenging the change of use without permission and also the written response received. As the property is Crown owned, the use short lived the matter will not be pursued further unless there is public complaint.

The Chairman thanked Members for their attendance. The meeting closed at 12.45 hrs.

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Chairman

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Date

**13 NEXT MEETING TO BE ON WEDNESDAY 4 NOVEMBER 2015 AT 9 AM AT THE EDUCATION LEARNING CENTRE, JAMESTOWN.**