

**MINUTES OF THE LAND DEVELOPMENT CONTROL AUTHORITY MEETING HELD ON WEDNESDAY
21 AUGUST 2013, AT 9AM AT THE ADULT & VOCATIONAL EDUCATIONAL CENTRE, JAMESTOWN**

PRESENT	Mr Rodney Buckley	Deputy Chairperson
	Mrs Ethel Yon	Member
	Mrs Gay Marr	Member
	Mrs Joan Peters	Member
IN ATTENDANCE	Mr David Taylor	Head of Planning & Development Control
	Mr Alfred Isaac	Planning Officer
	Mr Theron Henry	Building Inspector
	Mrs Karen Isaac	Secretary
	Members of the public	
OFF ISLAND	Mr John Styles	Chairman
	Mr Paul Hickling	Member
	Miss Rosemary Bargo	Member

ACTION

1. ATTENDANCE AND WELCOME

The Deputy Chairperson welcomed all present including the guests and thanked members for attending.

**APPLICATION NO: 2013/63 – PROPOSED CONVERSION FROM A SCHOOL TO 5 PO
BEDROOM CHALLENGING BEHAVIOURAL UNIT**

The Deputy Chairman told members that they would have seen from the submission from the applicant of this application and the Planning Officer's statement that there are a wide range of differences of opinions concerning this application. Members were reminded therefore, that they are here to deal with planning and must adhere to the planning issues. They must be consistent and apply the law in all cases. The H P&DC took the lead on this application and informed the authority that he did not wish for this application to appear on the agenda but was instructed to do so by the Interim Director, for discussion. The H P&DC wanted this application withdrawn and to have the issues sorted out before it came to this meeting. It was noted that the revised drawings requested was not received. It was also noted that the authority approved a CBU design in October 2012 but this application was not only for a change of use but also alterations that was not covered by the approval given originally. A conversion of the building is proposed with removal of the verandah and replace with a corridor. The concern is the flat roof and whether it is coherent with other buildings. In general flat roofs would not be recommended. The H P&DC took members through and explained the actual drawings. The drawings still have an appearance of a prison wall. The authorities concerns are planning policies. It was noted that there is a roof on the verandah already that is slightly steeper and open and supported on legs. It was also noted that the temporary building appears to be more than temporary that should be taken into consideration. It was however reported that this would be a permanent building but there was no time scale for this. It was stressed that it was not the authority who requested the revised drawings but

the department who are the advisors and therefore would have expected to receive such drawings.

Mr James Stewart and Mr Claire Gannon were given 3 minutes each to speak as the applicants. The recommendation being that this application be refused but one member was not in favour of the refusal. RESOLUTION: that revised drawings of the roof structure be requested and when received a special meeting will be held for further discussion.

2. APOLOGIES

There were no apologies.

Mr Theron Henry, Building Inspector was made welcome and introduced to the new authority. Theron having recently returned from training in Bristol gave a brief talk on his achievements. Theron was advised to make contact with the Education Director in conjunction with ESH if he wanted to pursue distance learning. Theron left the meeting.

3. CONFIRMATION OF MINUTES OF 10 JULY 2013

Secretary

Minutes of the meeting held on 10 July 2013 were confirmed and signed subject to the following amendment:-

Under item 7.1 – Application No: 2013/43 – the word “some” to be inserted in front of the word “Members” on the fourth line.

4. MATTERS ARISING FROM MINUTES OF 10 JULY 2013

4.1 Thompsons Wood – Enforcement Appeal, Mr Michael Roberts (minute 5.2)

H P&DC

It was suggested that this item should be taken in camera as it could not be discussed in the public domain and was left until the end of the meeting. The H P & DC met with Mr & Mrs Roberts and the Assistant Public Solicitor to reach some agreement so that no more enforcement notices be served. The Roberts family were asked if they are prepared to do anything in remedying what they had done. They were not prepared to do anything and they are proposing to submit claims for refund of appeals fee, the difference in the cost of building the wall that was permitted in 2005?, cost of clearing invasive weeds accrued on the site since 2009 and additional costs for renovating the container as they are unable to maintain it as a result of SHG’s actions. The H P&DC informed Mr Frank Wastell of this and was advised to dismiss the lot with the exception of the refund of the appeals fee of £150. Mr Roberts informed that if they submit claims for compensation, it would not be appropriate for SHG to pay compensation. The new appeal, if need to be served will have to wait until the new ordinance comes in to effect. The outcome of this will come before the authority in due course.

4.2 Assessment of trees – criteria for making Tree Preservation Orders (minute 5.3)

H P&DC

The H P&DC informed members that the first meeting will be held on Thursday, 5 September 2013. The working group will consist of Rebecca Cairns-wicks, Philip John and Cliff Huxtable. Mention was made of Bill Langham being on the working group but it was stressed that he might be coming to the end of his tour at the end of the year but it could be worth asking for his input.

4.3 Application No: 2013/27 – proposed Shooting Range and Club House – NASAS (minute 5.4)

Mr Eric Benjamin is now back on island and hopefully this matter will be moving forward. No revised drawings have been received.

4.4 Scheme of Delegation to the Planning Officer (minute 5.5)

Secretary

To be placed on the agenda for Septembers meeting for consideration and discussion.

4.5 Airport – Proposed Dry Gut Open Channel (minute 5.6)

Nothing further to report except an email of thanks from DFID for the way in which everyone handled the proposal on the Dry Gut Open Channel. The contents of the email read out to members.

4.6 Responses to consultations (minute 5.7)

H P&DC

The H P&DC informed members that he was asked by the Deputy Chief Secretary to look at the whole structure in making it easier for consultees and see if some consultations could be cut out. It was stressed that the authority meets once per month and they should be receiving consultations.

4.7 Press attendance (minute 5.8)

To be deleted.

4.8 Dark Skies Initiative (minute 9)

The meeting took place with the H P&DC and Mr Vince Thompson. The policy was incorporated in the new LDGP. Mr Thompson informed.

4.9 Application No: 2012/150 – Mr Derek Thomas

PO

There has been extensive exchange of emails between the applicant and the H P&DC. The H P&DC informed the authority that he had drawn the plan for Mr Thomas and advised him that he will have to undertake the works in accordance with the detailed drawings. The building is being regularly monitored

5. DEVELOPMENT APPLICATIONS APPROVED BY THE PLANNING OFFICER UNDER DELEGATED POWERS

Application No: 2013/62 – Workshop 4.5m x 6.3m – Mr Nicholas Bargo, Cow Path area.

PO

Noted. Approved with conditions.

6. PLANNING OFFICERS REPORT – NEW DEVELOPMENT APPLICATIONS

The following development applications were considered and recommended for approval in accordance with the Planning Officer's recommendations, except where otherwise noted. Planning Officer to process accordingly.

Application No: 2013/54 – Proposed installation of Pre-Fabricated Bus Shelter, Three Tanks, Half Tree Hollow – Governor’s Office PO

Approved with conditions as PO’s recommendations.

Application No: 2013/55 – Proposed 3 bedroom dwelling – Janet Greentree and Rico Williams PO

Approved with conditions as PO’s recommendations.

Application No: 2013/56 – Proposed 3 bedroom dwelling and garage – Alberta Knipe PO

Approved with conditions as PO’s recommendations.

Application No: 2013/57 – Proposed workshop – Mark Johnson PO

Approved with conditions as PO’s recommendations.

Application No: 2013/58 – Proposed poly tunnel – Eileen Williams PO

Approved with conditions as PO’s recommendations.

Application No: 2013/59 – Proposed 3 bedroom dwelling – Raymond Henry PO

Approved with conditions as PO’s recommendations.

Application No: 2013/60 – Proposed double garage – Norma and Alan Thomas PO

Approved with conditions as PO’s recommendations.

Application NO: 2013/61 – Proposed 1 bedroom dwelling – Chayenne John and Scot Crowie PO

Application deferred until clarification is sought in respect of excess. The PO to deal with under delegated powers with an added condition.

Application No : 2013/66 – Proposed construction of canopy to existing store room and covered way – SHAPE PO

Member, Mrs Ethel Yon declared her interest as she is the Secretary to SHAPE and also the H P&DC who informed the authority that he did the drawings.

Approved with conditions as PO’s recommendations.

7. MINOR AMENDMENTS APPROVED BY THE PLANNING OFFICER

There were no minor amendments to report as advised by the PO.

8. LIST OF NEW DEVELOPMENT APLICATIONS RECEIVED

Noted.

9. STRATEGIC ISSUES AFFECTING DEVELOPMENT

The H P&DC reported that the new council committee dates have been published and noted that the E&NRC will be meeting the second Thursday in every month that is the day after the Authority meets. Due to the fact that the council committee date cannot be changed, the H P&DC asked members if it would be convenient to them to hold the LDCA meetings the first Wednesday of the month starting on 4 September 2013. Members had no objection to this request but because of the time frame, the Deputy Chairman asked for a light agenda for September's meeting.

Secretary

The H P&DC draw to the Authority's attention, a report received from DFID entitled an assessment of environmental The H P&DC highlighted the issues contained in the report to which the LDCA was worth of praise. However, it was critical of members of the LPDCB being appointed and not elected members. It was stressed that the elected members of the island have such an immense portfolio to consider. Members concerns noted. A follow up report is due in 12 months time. Members shared concerns will be fed back by the H P&DC.

H P&DC

The H P&DC reported that he is in the early stages of starting the development plan for Ruperts and is asking for representatives from the authority to work with the preparation of the development. It was noted that there is no sewerage system in place and works cannot go on in isolation. The final version of the jetty design that is a design and build development is awaited.

H P&DC

Item 11 – Circulation of minutes discussed under this topic also. The reason for this item appearing on the agenda was to ask if minutes of this authority could be circulated to elected members so that they could be kept up to date on planning issues. It was agreed that the minutes be put on the web site and councillors will be notified accordingly.

Secretary

10. REVISED LAND PLANNING AND DEVELOPMENT CONTROL ORDINANCE:

H P&DC

(a) PROPOSED GENERAL DEVELOPMENT ORDER – The proposed draft and an explanatory guide is now out for consultation. The closing date being 30 August 2013. It was noted that an interview also took place with the H P&DC but it was asked whether it was possible to give the public examples of the proposal and diagraphs. The Deputy Chairman highlighted section 5 to which the H P&DC spoke on it. A special meeting will convene in the middle of September after the consultation period.

(b) EIA Regulations

(c) Appeal Regulations

The H P&DC informed members of the above regulations and asked whether they would like to see them. It was noted that there is no electronic copy. Members had no desire to go through it if it is procedural. However, they were invited to have a look at it if they so wish. These reports will have to be explained to ENRD Committee and then it will go before Exco.

11. CIRCULATION OF MINUTES

Discussed under item 10.

12. PLANNING CONTRAVENTION: Forestry section engineering works at H P&DC Toby's Ledge, Thompson's Wood

In July 2013 the H P&DC informed Mr Darren Duncan, Head of ANRD that a complaint was received from a member of the public that works was being done by ANRD at Thompsons Wood possibly without planning permission. The H P&DC visited the site and found that forestry road works had been undertaken. The matter was taken up with the H ANRD who responded. Members was made aware of the contents of the reply but was not happy that actual works had taken place without their approval. The H ANRD to follow procedures and have a development application form filled in in respect of the works and then will be dealt with as normal procedures. It was mentioned that works cannot be approved if it has already been undertaken. The Head ANRD was apologetic. It was wondered what polices are in place with this directorate as it could happen again. Once the works are done it cannot be undone. The CS to be made aware of this and to request Directors to comply with the law at all times.

13. ANY OTHER BUSINESS

The H P&DC informed members that he has given notice of his intention to resign from his post to take effect from March 2014. Giving an early warning is to give SHG enough time if a replacement is to be made thus enabling a smooth transition.

Member, Mrs Gay Marr will be leaving the island on 4 September until 17 October 2013.

There being no further business to discuss, members were thanked for their attendance. The meeting closed at 12 noon.

Deputy Chairman

Date