

**MINUTES OF THE LAND DEVELOPMENT CONTROL AUTHORITY MEETING HELD ON WEDNESDAY, 4
MAY 2016, AT 9 AM AT THE EDUCATION LEARNING CENTRE, JAMESTOWN**

Present	Mrs Ethel Yon	Chairperson
	Mrs Cathy Hopkins	Member
	Mr Paul Hickling	Member
	Mr Gavin George	Member
	Mr Raymond Williams	Member
In Attendance	Mr Martin Hannah	Head Planning & Development Control
	Mrs Riana Dewet	Planning Consultant
	Mrs Karen Isaac	Secretary
Off Island	Mr Alfred Isaac	Planning Officer

ACTION

1. ATTENDANCE AND WELCOME

The Chairperson welcomed all present and thanked everyone for attending.

There were 7 members of the public present. Also present was the Attorney General.

2. DECLARATIONS OF INTEREST

Members, Mrs Cathy Hopkins and Mr Gavin George declared their interest and left the table in respect of application no. 2016/33 – proposed installation of Shop Fronts (internal), new windows behind existing frontage grills and installation of aluminium awning style windows below eaves – The Market, Jamestown – ESH (partially retrospective). Member, Mr Paul Hickling advised that he is a Board member of ESH but was not involved with any operational discussions or background to the application other than his role on the Authority and the decision to grant development permission previously. The Authority was happy for Mr Hickling to remain and participate in discussion. The AG highlighted section 7 of the Land Development Control Ordinance and agreed. It was noted however, that the relevant interest is not defined in the Ordinance.

3. CONFIRMATION OF MINUTES OF 6 APRIL 2016

Minutes of the meeting held on 6 April 2016 were circulated, confirmed and signed.

4. MATTERS ARISING FROM MINUTES OF 6 APRIL 2016.

There were no matters arising from minutes of 6 April 2016.

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

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

Application No. 2016/09 – Proposed development of a small housing estate encompassing 3 detached dwelling units with road access and other amenities – Half Tree Hollow – Alan and Deborah Benjamin

The locality for this development application as described above sits approximately 150m up hill, south of Ambledale Workshop and forms part of a group of properties that has been set out and demarcated by SHG. Consulting Planner, assisting the CPO while Planning Officer is off Island, presented this application and recommended refusal due to concerns about density, layout and inadequate information on infrastructure provision serving the proposed plots and other nearby prospective development. It was highlighted that an objection had been received from Environmental Health where it was stated that the area of Half Tree Hollow was facing challenges with management of surface of water and the Health Protection Board would like all development within Half Tree Hollow to be put on hold until this matter is resolved by concerted action across Government. The Authority voiced that this has been a problem for a very long time and it is about time now that this is made known to SHG. It is very unfortunate that no infrastructure is in place to serve prospective development. The LDCA resolved to bring this matter to the attention of SHG again. (In particular the 2 sections of the same directorate should be talking to each other). The Authority was informed that monies now raised from the selling of plots of land can be reserved to facilitate infrastructure improvement but members felt that Crown Estates should not be selling on plots without infrastructure in place. (Again this should have been communicated to Crown Estates long before now – previous application). The Planning Division is prepared to work with applicants and provide assistance and advice but could not undertake master planning after the subdivisions and land sale decisions had been taken. The CPO produces an annual report for the Governor where strategic issues affecting development is raised and the last report had highlighted concerns about HTH and infrastructure delivery more broadly. The Authority felt that action is required now. The CPO advised there had not been any pre-application dialogue with the applicant – the application had just been submitted without consultation. (The area was known to be void of infrastructure from previous application and therefore earlier communication with CE could have prevented this). Member C Hopkins stated that having plans drawn up for development applications are rather expensive. The public should be made aware what is required of development applications and it was felt that this could come from the Public Relations Office. A group should be established to work together towards a sensible solution to the problems of drainage of storm water run- off experienced in HTH. Taking all the facts, outlined in the report on handling and presentation into consideration, the Authority after debate resolved to refuse this application on the basis of unrealistically high development density having regard to Development Plan standard of 25 dwellings to hectare, also incoherent approach towards development of the subdivisions in this area as well as unsatisfactorily on site arrangements for storm water management, vehicle manoeuvring and turning and inadequate outdoor space in accordance with the recommendation by the Consulting Planner and endorsed by the CPO.

CPO

Refused as CPO's recommendations.

Application No. 2016/10 – Proposed addition of a second Dwelling Unit consisting of 2 Bedrooms with ensuite Bathrooms as well as an Open Plan Kitchen / Dining Room Area – Half Tree Hollow – Deborah Williams

This application is in the residential area of Half Tree Hollow. Whilst it was noted that the area of HTH is facing serious problems with surface water management and the Health Protection Board would like all development in HTH to be put on hold now until the matter is resolved, this application was discussed with Connect who confirmed that all foul water (black and grey) should and could be shed into the sewerage systems but no storm water is to be routed into their systems as this may cause damage. The Planning Division considered that as this is an existing development to be extended, the circumstances appeared different to the previous application. Notwithstanding the objection, the plot appeared to be served by infrastructure and access and although each subdivision created appeared quite dense there remained adequate garden around and car parking availability to serve the intended development.

Secretary

Approved as CP's recommendations.

Application No. 2016/13 – Proposed Slaughter House – Mulberry Gut – Jeremy and Wendy Clingham

This development will sit adjacent to the Deadwood Syndicate. It is for private use but could potentially escalate in to a business. There was no mention of offal disposal but it was understood that all offal and waste will go off site. To be reflected as part of a condition. Because of its private nature it was highlighted that sanitation facilities for this development will be available on the applicant's home premises. It was noted that under the current Public Health Regulations, slaughter house sanitation is very important. One member asked if there would be slaughtering of goats as applicants did not mention this. The Planning Officers were unsure as the application dealt with the slaughter of livestock but did not specify which animals.

Secretary

Approved as PO's recommendations.

Application no. 2016/17 – Proposed erection of a Polytunnel – Half Tree Hollow – Donald Thomas

This development is in the HTH area and is for a pre-fabricated polytunnel to be erected over existing vegetable patch. The site is in a built up residential area. The visual impact of a proliferation of similar type structures was discussed but members considered the development acceptable in its locality.

Secretary

Approved CP's recommendations.

Application No. 2016/22 – Proposed architectural lighting scheme comprising of 20, 30W Escafeld LED Wall Washer Lights – High Knoll Fort – ESH

It was advised that that there were not a great deal of information submitted by ESH. It was noted that there was an objection from the Heritage Society to any lighting up of the fort. The submitted information only described the linear wall washer lighting sited at 25m

centres around the periphery of the building walls about 2m from the base. The recommendation favoured some practical trialling to get the lighting effect right. The Chairman questioned what would happen if the trial period was unsuccessful but the CPO considers some sensitive lighting can be beneficial for a Listed Building and in the absence of computer simulations and modelling, practical trialling is the only option open to him. He also recommended some restriction on hours of operation to minimise light intrusion. The Chairman also questioned why the LDCA has to regulate timing on this development as outlined in condition 2 of the report on handling. The CPO considers that this is a function of the LDCA and the LDCP has adopted policies to mitigate the effect of external lighting on the night sky. The condition serves a planning purpose.

Secretary

Approved as CPO's recommendations.

Application No. 2016/33 – Proposed installation of Shop Fronts (internal), new Windows behind existing frontage Grills and installation of Aluminium Awning style Windows below eaves – The Market, Jamestown – ESH (partially retrospective)

Mr Neil O'Keefe, a member of ESH was allowed 3 minutes to present. There were objections to this development.

CPO then presented this application and took members through some slides and drawings. He explained that in June 2015 conditions attached to the previous grant of development permission placed in respect of the Market building required that details of new windows to be installed should be submitted for approval. This was never done. In January 2016 the windows had been installed without prior approval required of conditions. There are a number of email exchanges between the Planning Office and ESH. The CPO previously advised the applicant that it is premature to have the unauthorised windows removed until an application has been submitted and considered. It was noted that the requirement of the windows to be installed was to keep out birds owing to the fact that various tenant businesses sell food. The windows are not accessible for cleaning and it was known that some are not easy to open up but this was a practical consideration. The CPO also explained that the market had been altered several times in its history, not always sympathetically. The CPO considers most of the refurbishment to have been nicely done but he still considers the window alterations poor and the alteration does not sit easily with the heritage Built Policy. The AG was asked if there is anything in the law concerning listed buildings other than the Crallan Report that is not a legal document. The AG was not in a position right at the moment to advise but the CPO explained that a schedule of Listed Buildings based on Crallan formed an appendix to the adopted LDCP.

The Authority felt it was a shame that all this has taken place but did not want to defer useful occupation of the building any longer than necessary. After a very lengthy debate it was agreed that this application be refused as recommended by the CPO requiring a different window design approach. Members also agreed to defer any enforcement requiring remedial action for 24 months to allow a negotiated solution to be found.

CPO

Refused as CPO's recommendation.

Application No. 2016/41 – Proposed formation of a Viewing Platform – Button Up Corner - ESH

This application is to upgrade by widening and lengthening the existing lay by to form a

bus stop and to also create a footway to allow tourism bus passengers to disembark to use this area as a vantage point to view Jamestown and Heart Shape Waterfall. A pedestrian guard or barrier is also proposed. One member stressed that this area is being used as a toilet area and it was felt that ESH and the Tourist Office should give some thought to having a purpose built toilet there. A bin could also be provided for litter. There was no mention of an interpretation board on the submissions.

Secretary

Approved as CPO's recommendations.

Application No. 2016/46 – Proposed partial change of use from use Class C3 to mixed use: C3, A5, A1 and A3 in full (retrospective). Refused by the LDCA January 2016 – application 2015/142 refers – Mac Ville, Alarm Hill – Karen and Darren McCoy

Members will recall that a similar proposal for change of use had been presented to them already where the application was refused. The applicant was given time to reconsider their business model and bring forward a less intensive scheme. The applicant has now submitted an application to carry on with the hot food take away business. It was known that the operation takes place 4 days per week including Sundays. It is being advertised on a regular basis. It was noted that the Roads Section did not submit a consultation reply. There is off street parking available and ample enough car parks for the level of business activity. In absence of Environmental Health, Roads or Police objections the scaled back proposals received planning officer support.

Secretary

Approved as CPO's recommendations

6. APPLICATIONS APPROVED/REFUSED BY THE CPO/PC UNDER DELEGATED POWERS –

Application No. 2015/92 – Proposed Domestic Double Garage – Sapper Way – Alex Osborne - Approved

Application No. 2016/14 – Proposed Car Port – Philip Yon – The Briars - Approved

7. MINOR VARIATIONS APPROVED BY THE CONSULTING PLANNING

Reduction of floor area previously approved under reference 2013/04 – Kerry Thomas – Red Hill, Levelwood.

Front Façade previously approved under reference 2014/13 – Solomon & Company (St Helena) Plc – Greenland's Department Store, Jamestown

8. LIST OF NEW DEVELOPMENT APPLICATIONS RECEIVED

The list of new development applications had been distributed and was noted. It was highlighted what applications could be dealt with under delegated powers and what will come before the LDCA for determination.

9. STRATEGIC ISSUES AFFECTING DEVELOPMENT

As discussed, application no. 2016/09 is an issue affecting development.

10. SITE VISIT TO RUPERT'S

A letter was received from the Clerk of Councils on behalf of the Elected Members of the Executive Council, conveying humble and sincere apologies for not attending the site visit to Adrian Duncan's Workshop at Rupert's on Friday, 22 April 2016.

Unfortunately, due to another priority meeting being arranged on this day, this important site visit was overlooked.

Members of Exco apologise for any and all inconvenience caused to the LDCA due to their non-attendance.

It was noted that the Chairperson insisted that the LDCA receive an apology. It was further noted that the CS and one Councillor had responded.

11. ANY OTHER BUSINESS

The Chairperson and Members, Mrs Cathy Hopkins and Mr Gavin George will not be on island for the next meeting which leaves just 2 members remaining. To enable meetings to take place there must be 3 members to form a quorum. It was suggested that the meeting for June should be skipped but the CPO was mindful of departmental workload and the number of application(s) that should be presented for June's meeting. He would be very reluctant to defer unless there is no other option. The Chairperson said that it was very difficult to find people to sit on this Authority due to a number of reasons, 1 of which was low remuneration but this was to be increased from 1 April 2016. It was suggested that members of the Appeals Tribunal be approached to see if they are willing to sit. The Chairperson saw this as not being a good idea. The CPO will take this matter up with the Assistant CS. The Authority is down by 2 members. Member, Mr Paul Hickling will also be away from the island in July and August and the CPO is due to take overseas leave commencing July 10 and therefore unlikely to return until late August 2016.

CPO

It was asked if there is an application submitted to the Planning Office for a proposed Shop near the Leper Station Road, Two Gun Saddle. It was confirmed that an application had been submitted.

12. CLOSED ITEMS

Unauthorised works at Bottom Woods - The CPO informed the Authority that an investigation into the planning and building intervention at Bottom Woods had been concluded. No further action by investigative officer would be taken.

Garage – Leper Station Road, Two Gun Saddle – Member Mrs Cathy Hopkins and the CPO in discussion.

The Chairperson thanked Members for their attendance. The meeting closed at 13.15 hrs.

Chairperson

Date

13. NEXT MEETING TO BE AGREED.

