

MINUTES

Land Development Control Authority Meeting

Date : Wednesday 21 February 2018

Time : 9am

Venue : The Museum, Jamestown

Present Mrs Ethel Yon Chairperson

Mr Paul Hickling Deputy Chairperson

Mr Gavin George Member
Mr Ralph Peters Member
Mr Karl Thrower Member

Mrs Riana de Wet Chief Planning Officer (CPO)
Mr Shane Williams Trainee Planning Officer (TPO)

Mrs Janice Young Secretary (S)

Apologies Mr Raymond Williams Member (off Island on medical referral)

A. Attendance and Welcome

The Chairperson welcomed all present, thanked members for attending and as it was the first meeting of 2018, wished everyone a happy new year and hope for the best for St Helena and the Authority.

There were eleven Members of the Public present of which most were Applicants on behalf of Application being determined by the Authority.

B. Declarations of Interest

There were no Declarations of Interest.

C. Confirmation of Minutes

Members confirmed that all previous Minutes were perused and endorsed by Members as true records and duly signed. These minutes were uploaded on the web as it is public documents in accordance with the Ordinance.

D. Matters Arising from Minutes

There were no matters arising.

E. Building Control Activities

LDCA Members were given a list of Building Control Activities for the period
November 2017 – January 2018 for their information. The number of
Applications received and processed under the 2017 Building Regulations
were noted.

F. Current Applications

LDCA Members were given a list of Current Development Applications.

CPO

CPO/BI

22 Applications await determination at the time of this Agenda – some of which are still awaiting more information or within the Advertisement period. More Applications had been received since.

The Chairperson noted that there is a need to follow up with Applicants specifically in regards with older outstanding Applications (prior to 2017) and noted that should information not be submitted within an agreed timeframe, these Application be deemed refused.

CPO to follow up with Applicants and take action as appropriate.

G. Applications for LDCA Determination

1)	Application 2017/94 - Proposed 3 Bedroom Dwelling - Below High Knoll Fort - Phillip Yon	СРО
	The Applicant's agent was in attendance. The CPO explained the technical details of this Application. Due to the steepness of the site, the house was proposed as a Split-level with a Loft / or second Storey on the higher section (the garage being on the first level, the main	

living space and secondary bedrooms on the second level and the Main bedroom and en-suite bathroom being on the third level. The CPO highlighted although all other objectives of the LDCP have been met, and can be supported, there is a concern with the overall height of the cut-face at the rear of the building and although terraced amounted to 8m overall. The CPO acknowledged that high and steep cut-faces are not uncommon on the Island, but that this is a particularly extreme cutface due to the attributes of this site. The CPO highlighted that the Policy provides for some form of interpretation / concession as it states "generally not more than..." but are of the opinion that this may be too extreme to grant a "concession" and could set precedence and uncertainty as to how to interpret this policy in future. The CPO however highlighted that Members not lose sight over the objective of this particular policy, which is two-fold, namely to ensure stability of cut-faces (which can be monitored and mitigated through conditions) as well as to limit scarring of the landscape. She noted that the general consensus is that soils in this area is normally very stable (also confirmed by the Building Inspectors). This is a particularly narrow and steep site and in order to meet the objective of the restriction to develop below the 485 contour line, it is particularly challenging not to have a rather significant cut-face.

Members considered the technical inputs and discussed the potential impacts and implications of the cut-face, future development and requested if the Applicant would be willing to reconsider the roof design (height) as well as the additional 2m cut-face above, in order to lessen the potential negative impacts.

The Agent was allowed to speak, and emphasised that due to the steepness and size of the land, this is potentially challenging however noted all the comments by the CPO and the Authority and undertook to discuss the matter with the Applicant and his Architects. He also noted that the cut-face will further be shielded by the house as well as plans to develop a patio adjacent to the house and that the bottom section can be retained with the top section vegetated to encourage stability and discourage scarring.

Resolution: This Application deferred until such time that the Applicant submit potentially improved plans to mitigate the concerns raised.

2) Application 2017/108 – Removal of Two Protected Trees – Brewery Yard, James Town – Gary Stevens

CPO

The CPO presented the application and pointed out that trees in James Town are protected for a number of obvious reasons. Most of the large trees which are protected are however located on Crown Land, and as such regularly the subject of Development Permission to be maintained by SHG. Liabilities are also then carried by SHG (in the case of damage or injury). These two trees however, are located on privately owned land (owner Mr Stevens) who indicated that these trees have not been maintained for a number of years, since it becomes very costly and requires maintenance by experts (it was previously conducted by a group of private volunteers which are not permitted anymore). The potential risk to damage of property / infrastructure and/or injury to people also become too great for the Applicant to carry and therefore the request to remove the trees altogether. Directly affected neighbours agree with this option. Other neighbours – further away – feel maintenance is required however the trees should not be removed. The CPO noted that opinions are clearly subject to direct or non-direct impacts. The CPO noted that a site visit was conducted with key Stakeholders prior to this meeting and that it is clear that a compromise will be needed and may also require a legal opinion specifically in terms of liability due to the Applicant being required by the Tree Preservation Order to keep the trees but simultaneously are forced to carry the risks and costs of maintaining alone. Note that almost 80% of trees in Jamestown are on Crown Land.

The Authority considered all that was presented and noted that a Site Visit may be prudent to understand the impact on the land as well as to have an open discussion with key Stakeholders, under which ANRD, SHNT, Heritage, the Applicant and neighbours (as affected parties). The Chairperson noted that a tree pruning expert may be expected on Island soon and this will also be a point of discussion with ANRD.

Resolution: To defer this Application and that the CPO will arrange a Site Visit before the next Authority Meeting.

Application 2017/121 – Construction of a Conservatory (rear of Wranghams House)

CPO

The Applicant and his Agent was present for this item. The CPO

presented the Application for an extension at the rear of a Listed Building within the Intermediate Zone. The CPO noted that this building was the subject of a Development Permission during 2015 with the view to renovate and that the Applicant has done an exceptional job in renovating the building. Members agreed. As before (with Minor Variation Application for the Roof Material), the Applicant wish to make use of a more modern material (in this instance PVC frames) as oppose to wooden frames (which is preferred by Stakeholders such as SHNT and Heritage Society), and indicated that the Applicant provided a number of reasons for this decision / choice. It was again confirmed that compromise is often required to ensure that buildings on Island are in fact "renovated" by private investors who has to invest significant capital in these old buildings in order to renovate. The CPO noted that SHNT, although preferring the wooden frames, did sympathise and noted that the building has been impacted at the rear previously and that the rear of the building is not observable from vantage points. The proposal remains stylish as well as functional and in general not regarded to diminish the overall aesthetic of the building. This is obviously also an objective of the developer who embarked on renovating this significant building. After deliberation, the Authority agreed that the design is stylish, suitable and that the PVC frames will be permitted.

Resolution: The Application to develop a Conservatory at the Rear of the Building as submitted was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.

4) Application 2017/110 – Partial Change of Use to accommodate both Dwelling & Guest House (Rooms) with Alterations and Extensions proposed – Paul & Jaye Loosley

The existing dwelling is located in the area below High Knoll Ford with the Application to alter and extend the existing main house to accommodate in addition three Bed & Breakfast Units.

Members considered the discussion by the CPO regarding the restrictions by the Utility Services Provider (Connect Saint Helena) regarding the Sewerage Network / Facility. The CPO noted that it was agreed that proposed Dwelling and Bed& Breakfast not accommodate more than 6 persons at any given time (as per the parameter for Residential Units in the Ordinance), until such time that

CPO

this restrictions be lifted by the Utility Service Provider in which case 10 people may then be accommodated on the property at any given time. The objectives of the LDCP can otherwise be met and this Application can therefore be supported. The Authority deliberated and agreed with this approach. A Member however noted that there is another factor to be considered and that is the Hygiene Regulations relating to access to kitchen facilities for food preparation/washing up of dishes for visitors occupying the Bed and Breakfast. The Applicant who was present at the meeting, confirmed that visitors will have access to the communal kitchen and that meals will be prepared on their behalf in the kitchen with dishes taken from the bedrooms and washed up in the kitchen. The Authority was satisfied with this.

Resolution: The Application was approved with Conditions as recommended by the CPO with the inclusion of an Additional Advisory to state the above. Correspondence to be sent to the Applicant.

5) Application 2017/107 – Change of Use Dwelling to Guest House (incl. Alterations and Extensions) – Jonathan Fuller

CPO

The CPO explained that the Alterations and Extensions to the Existing House is for purposes of creating self-catering accommodation for tourist with bedrooms and en-suite bathrooms and a communal lounge and kitchen area.

Again, the matter of restriction on new development and higher volumes into the existing systems was discussed. Again, no more than 6 people could be accommodated at any one time within this facility until such time that the restrictions are lifted by the Utility Service Provider in which case 8 people may then be permitted to be accommodated on the property. This condition is to ensure that the current inadequate Sewage System is not further overloaded due to this approval.

All other services can be provided and meet the objectives of the Intermediate Zone Policies.

Resolution: The Application was considered and approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.

6) Application 2017/123 – Change of Use from C1 (Residential) to C3 (Bakery) – Steve Yon

CPO

The CPO provided background to this application which is to change a residential house (which is outside of the Longwood Conservation Area), into a Bakery. The house is situated about 15 metres away from the immediately surrounding homes. The external appearance will not change however the internal layout will be altered significantly in order to be fit-for-purposes. In comparison homes are slightly closer than those around Solomon's Bakery in HTH.

Concerns were raised by Members regarding the compatibility of this use in light of the close proximity of residential properties and potential negative impacts a commercial bakery may have on them. Although neighbours have signed a letter of consent, Members were of the opinion that neighbours may not necessarily realise the longterm implications and that as an Authority there is a need to ensure safeguards against any form of nuisance that may occur. It was agreed that the Applicant must provide further details demonstrating how safeguards will be built into the development to protect surrounding properties from potential negative impacts – such as noise (as baking will occur during night-time), the future use of a generator (which will require development permission), etc. Adequate on-site parking for staff and potential visitors to the bakery will also have to be demonstrated - even though the Applicant currently transport staff members from and to work. information is required in terms of days and times of activity. It was also suggested that UK standards for noise levels in residential areas be adopted.

Resolution: Following deliberation, Members decided to not Refuse the Application but instead offer the opportunity to the Applicant to provide improved information and details towards addressing the various concerns highlighted. The CPO to convey the various concerns to the Applicant.

7) Application 2017/129 – Siting of 20ft Container, Nr Sundale, Half Tree Hollow – Mark Brooks

CPO

The siting of this Container is within 1km of the Container Park at Ladder Hill – however the area where the container will be sited is on

	blockwork building which will enhance the development. The neighbour has provided verbal consent. Members noted the colour-finish of the house and hope that the garage will modestly blend with the surrounding area. Resolution: The Application was Approved with Conditions as Recommended by the CPO and to further recommend a colour-finish to blend with the surrounding area.		
	Bottom Woods – Bertina Benjamin The CPO presented this Application and noted that instead of the dilapidated steel building the Applicant now proposes a proper		
9)	Resolution: The Application was Approved with Conditions as Recommended by the CPO (including those as stated above). Correspondence to be sent to the Applicant. Application 2017/125 – Proposed Double Garage (detached),	СРО	
	The CPO reminded members that a previous plan had been submitted for the western side of the house — away from the road. This previous development permission is still valid. This application site is on the eastern side and closer to the public roadway however still within the Applicant's boundary and not deemed to have a negative impact on traffic or other developments in general. On-site parking can be provided. CPO noted that the plan was perused by the Building Inspectors and adapted to ensure that it can meet Fire and Emergency standards. One members questioned the Bathroom leading directly into the Bedroom and recollect that Public Health may have a restriction in this regard. CPO to follow up — and if endorsed to approve.		
8)			
	Resolution : The Application was considered and approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.		
	the far end of the property and on the periphery of HTH where it will have no visual or other impact on neighbours. The Container will be used to store household items and conditions can be set to ensure that the container is suitably shielded as per the Policy.		

10) Application 2017/115 – 2 Bedroom Dwelling (Single Storey) as GLH, Nr Cardinal Drive, Lower HTH

CPO

There were two written objections to this Application and another, non-material verbalised objection.

Objectors stated potential blocking of view. It was noted that the roof of the proposed house will be in line with the retaining wall of the house above it. This not regarded a relevant objection as HTH is a high-density development characterised by steep topography and thus inevitably resulting in views over roofs and unless development impact privacy or light it is not regarded a valid argument. Members agreed. The developability of the site was questioned however it was clarified that it was confirmed by the Chief Engineer as well as Building Inspectors that the site is developable. Neighbours were concerned over potential impact on their buildings and structures during excavation / construction - however the CPO noted that an assessment can be conducted prior to development to ensure that any damage caused during construction can be rectified at the cost of the Applicant. One Members was concerned over manoeuvrability on site and requested that the Applicant reconsider the Site Layout to ensure that this is more practical.

Connect Saint Helena objected and restricted connecting into the existing public sewerage network. As such a Condition will be set to ensure that the house will not be occupied unless the house has been connected to an approved sewage handling facility — the Applicant agreed to this. Members agree on this approach (standard condition) due to restrictions in specifically the HTH area.

Members were however concerned about the number of applications received for development in HTH and the current restrictions and challenges faced due to inadequate sewage handling facilities. It was agreed that advice need to be given to the public on this (from the Planning Officers), and also that the Authority should, via a formal letter, notify LEGCO and/or SHG regarding this and potentially consider a press release to inform public. Members were concerned about Clause B of the Additional Advisory and wondered if there was any legal implications in the last sentence.

Resolution: The CPO to consult with the Applicant regarding the parking and also follow up in terms of legal opinion.

11) Application 2017/130 – Proposed 2 Bedroom Dwelling (Double Storey) Half Way, Half Tree Hollow – Robert Henry

The CPO presented this application showing plans of the proposed dwelling, access and how it will orientate on the plot. It was noted that there were no railings or walking space at the front of the house. The cut-face and distance from the road were questioned by Members.

Resolution: The CPO to discuss these points with the Applicant and bring details back to the next meeting.

H. Approvals by CPO under Delegated Power

The following Development Applications were approved under Delegated Power by the Chief Planning Officer:

1) Application 2017/127: Requested :Full Development Permission :Temporary Siting of Container Proposal Location :Ladder Hill Applicant : Adrian Greentree Official :D Goodrick (Acting Director ENRD) 2) Application 2017/111: Requested :Full Development Permission Proposal :Construct a Covered Area Location : Nr Three Tanks, Half Tree Hollow Applicant :Adam Leo Official :R de Wet (CPO) 3) Application 2018/01 Requested :Full Development Permission :Extensions to Existing House Proposal Location :Nr The Rock Club, Half Tree Hollow Applicant :Peter George Official :R de Wet (CPO) 4) Application 2018/02 Requested :Full Development Permission

Proposal :Installation of Outdoor Telecoms Cabinet

Location :Nr Power Station, Ruperts Valley

Applicant :Sure SA Ltd

Official :D Goodrick (Acting Director ENRD)

5) Application 2018/05

Requested :Full Development Permission
 Proposal :Construction of Double Carport
 Location :Woody Ridge, Levelwood

Applicant :Godfrey PhillipsOfficial :R de Wet (CPO)

6) Application 2018/08

Requested :Full Development PermissionProposal :Minor Tree Maintenance

Location :Community Swimming Pool, (Paddling Pool) James Town

Applicant :Technical Section, ENRD c/o Mark Plato

Official :R de Wet (CPO)

I. Minor Variations

The following Development Applications were approved as Minor Variations by the Chief Planning Officer/Acting Director ENRD.

1) Application 2017/33/MV1

Requested : Minor Variation

Proposal : Build Retaining Wall at later stage

Location : Half Way, Half Tree Hollow

Applicant : Cherie DillonOfficial : R de Wet (CPO)

Status : Approved on 6 December 2017

2) Application 2017/33/MV2

Requested : Minor Variation

Proposal : To build on one level rather kitchen at lower

Location : Half Way, Half Tree Hollow

Applicant : Cherie DillonOfficial : R de Wet (CPO)

Status : Approved on 8 December 2017

3) Application 2017/33/MV3

Requested : Minor Variation

Proposal : Continue with Development at Current Excavation

Location : Half Way, Half Tree Hollow

Applicant : Cherie DillonOfficial : R de Wet (CPO)

Status : Approved on 8 December 2017

4) Application 2017/33/MV4

Requested : Minor Variation

Proposal : Re-orientate DwellingLocation : Half Way, Half Tree Hollow

Applicant : Cherie Dillon

Official : D Goodrick (Acting Director ENRD)
 Status : Approved on 12 December 2017

5) Application 2015/09/MV1

Requested : Minor Variation

Proposal : Re-orientate Dwelling

Location : New Ground
 Applicant : Paul Welbourn
 Official : R de Wet (CPO)

Status : Approved on 6 December 2017

6) Application 2017/101/MV1

Requested : Minor Variation

Proposal : Realignment of Road to Achieve Safer Access

Location : Half Tree HollowApplicant : Roads Section ENRD

Official : D Goodrick (Acting Director, ENRD)

Status : Approved on 17 January 2018

7) Application 2016/88/MV2

Requested : Minor Variation

Proposal : Undertake Additional Minor Treework to Approved

Location : Castle Gardens, James Town

Applicant : Crown Estates Officer

Official : R de Wet (CPO)

Status : Approved on 29 January 2018

8) Application 2016/67/MV1

Requested : Minor Variation

Proposal : Construct Walls with Sloping Log Profile instead of Round Log

Location : Sapper Way, St Paul'sApplicant : St Helena Corporation Plc

Official : R de Wet (CPO)

Status : Approved on 31 January 2018

9) Application 2017/32/MV1

Requested : Minor Variation

Proposal : Demolish Internal Wall – Reposition Window

Location : Kunjie Field
 Applicant : Patrice Yon
 Official : R de Wet (CPO)

Status : Approved on 12 February 2018

10) Application 2015/41/MV1:

Requested : Minor Variation

Proposal : Change from Wooden Purlins/Trusses to Galvanized Steel

Location : Barren Ground
 Applicant : Leroy Henry
 Official : R de Wet (CPO)

Status : Approved on 12 February 2018

11) Application 2017/77/MV1:

Requested : Minor Variation

Proposal : Continue on current Excavation

Location : Red Hill, Levelwood

Applicant : Lloyd GeorgeOfficial : R de Wet (CPO)

Status : Approved on 13 February 2018

J. Strategic Planning Matters

1) | Draft Building Regulations – to Public Consultation

The CPO reiterate that the Draft Building Regulations (following in-depth review by a Technical Working Group) were submitted for consideration and input by the Authority (hard and soft copies has been provided). Members agreed that they would like a

session to discuss the Draft Building Regulations where Building Inspectors and the Chief Engineer can be invited. Following this review and recommendation by the Authority, the Plan will be submitted to the ENRC Committee for their endorsement following which it will be submitted to Governor-in-Council for their endorsement from where it would be advertised and presented in Workshops to the public for review.

2) LDCP Review Resumed

CPO reported that the Working Group had re-commenced on 28 February 2018. The CPO to make recommendations as per the aspects identified by the Working Group to be modified within the LDCP. The recommendations will eventually be submitted to the Authority, Governor-in-Council and to Public and Stakeholder Review once prepared. The review will however first continue over the next couple of months.

3) Initial Draft Jamestown Plan – for perusal by the Authority

Members were given a copy of the first draft of this Plan. They would read it and would provide their input and comments at a later session.

4) CDAs updates

The Bottom Woods plan is still be developed by the Technical Team within ENRD in consultation with other Stakeholders such as Utility Service Providers and Interested and Affected Parties. The Plan will eventually be submitted to the Planning Authority as was done for the HTH CDA.

5) Rupert's Development Plan

CPO informed members that she had been invited to a workshop on 22nd of February and provided an outline of what she would present at this Technical Workshop. She will provide feedback at a next meeting.

K. EXCO Feedback

The CPO noted Status of the following Applications referred to Governor-in-Council:
 Outline HTH CDA approved on the 5th of December 2017
 Rupert Fuel Pipelines Re-Alignment Request approved on the 5th of December 2017
 Outline Application for Jamestown Courthouse Extension approved on the 20th of February 2018
 Outline Sewage Treatment Facilities HTH & Jamestown to be considered by LEGCO AT A Site Visit on the 23rd of March 2018

L. Any Other Business

1)	Water	Tanks at	Customs	Building
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A Member raised a question regarding the solar panels and water tanks on the Customs Building. CPO to follow up

M. Closed Items

The Chairperson thanked the Audience for attending.

N. Next Meeting

The next meeting of the LDCA is proposed for 14 March 2018.

O. Closing

The CPO thanked the Trainee Planning Officer (Shane Williams) for his hard work during the time she was on leave. Members also wished to thank Shane for his hard work and the Chairperson wished to place this on record.

The Chairperson thanked Members for their attendance.

The meeting closed at 12.30 hrs.

Signed by the Chairperson of the Authority, as a true reflection of the Meeting.

Chairperson to the LDCA	Date