



**St Helena
Government**

MINUTES

Land Development Control Authority Meeting

Date : Wednesday 14 March 2018
Time : 9am
Venue : Education Learning Centre

Present	Mrs Ethel Yon	Chairperson
	Mr Paul Hickling	Deputy Chairperson
	Mr Gavin George	Member
	Mr Ralph Peters	Member
	Mr Karl Thrower	Member
	Mr Raymond Williams	Member
	Mrs Riana de Wet	Chief Planning Officer (CPO)
	Mr Shane Williams	Trainee Planning Officer (TPO)
	Mrs Karen Isaac	Secretary (S)
	Mrs Janice Young	

Apologies

A. Attendance and Welcome

The Chairperson welcomed all present, thanked members for attending and wished member Raymond Williams well, who recently returned from a medical referral.

There were Members of the Public present of which most were Applicants on behalf of Applications being determined by the Authority and also for the Woody Ridge Residential Area.

B. Declarations of Interest

Chairperson, Mrs Ethel Yon declared her interest in two Applications for determination. The first being application No. 2018/03 for the proposed Nursery Expansion at the Millennium Forest Nursery and secondly for Application no. 2017/09 for the Slaughtering Facility and Vegetable Packing Premises at Barren Ground. The Chairperson was allowed to remain at the table but not to partake in any discussion relating to these two applications.

C. Confirmation of Minutes

Members confirmed that Minutes of 21 February 2018 were perused and endorsed as a true record and duly signed by the Chairperson. These minutes will now be uploaded on the web as it is a public document, in accordance with the Ordinance.

D. Matters Arising from Minutes

There was one item arising from the Minutes of November 2017 where the matter of the container sited at Hutts Gate was mentioned. It was noted that the owner is deceased. An Amenity Order was served on the Agent but to date no action has been taken with regards to the removal of the Container. It was considered that SHG will now have to take action until legal transaction is complete. It was therefore agreed that the CPO should write to SHG.	CPO
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E. Building Control Activities (Omitted from Agenda)

LDCA Members were given a list of Building Control Activities for the period 1 to 28 February 2018. The CPO highlighted that a number of applications were already submitted for this year and that although not significant in scale, a busy year may be expected.	CPO/BI
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F. Current Applications

LDCA Members were given a list of Current Development Applications. 25 Applications await determination at the time of this Agenda – some of which are still awaiting more information or are within the Advertisement period. More Applications had been received since.	CPO
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G. Applications for LDCA Determination

1)	<p>Application 2018/09 – Proposed 1 Bedroom Dwelling – Red Hill, Levelwood – Bert Leo</p> <p>The CPO presented the application and advised that this is a large land parcel and as such able to accommodate all required amenities such as parking spaces, etc. This is a standalone one Bedroom Dwelling. A Member noted that the toilet is located next to the Kitchen area and if this is sensible. The CPO noted that the plan was submitted to the Building Inspectors to provide their support in principle as measured against the Building Regulations. The Building Inspectors did note that a foyer be built to take account of proximity of the toilet and the kitchen area or else they will require that an extractor fan be installed. The comments were noted from the Energy Division of Connect St Helena. It was also noted that land ownership is not a planning matter for the LDCA as approval is over the land / parcel.</p> <p>Resolution: The Application to develop a 1 Bedroom Dwelling at Red Hill, Levelwood as submitted was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	CPO
2)	<p>Application 2018/07 – Proposed 3 Bedroom Dwelling with Garage – Nr Princes Lodge – Barbara Adams</p> <p>The Applicant was present. The CPO presented the application. There is a dilapidated house on this relatively large site that will be demolished so that this proposal can be accommodated. It was noted that the demolition will not require Development Permission. Connect St Helena comments to be included as an advisory note. The development meets the objectives of the Intermediate Zone Policies and can otherwise be supported.</p> <p>Resolution: The application to develop a 3 Bedroom Dwelling and Garage near Princes Lodge as submitted was approved with conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	CPO

<p>3)</p>	<p>Application 2018/17 – Proposed Extensions to Existing House (Dining, Lounge and Carport) – Upper Cow Path, Half Tree Hollow – Laura Stroud</p> <p>The CPO presented the Application for an extension to existing House that can be supported. The concern with the toilet door opening into the kitchen area was raised. The CPO had discussed this with the Building Inspectors who advised if necessary that an amended plan will be required when the applicant submits an application for Building Regulations Approval. Apart from this, all other objectives within the Intermediate Zone Policies are met.</p> <p>Resolution: The Application to extend existing House as submitted was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	<p>CPO</p>
<p>4)</p>	<p>Application 2018/03 – Proposed Nursery Expansion including a new Shade House, an extended area for siting of Plant Hardening Tables and Cabinets as well as the extension to form a Verandah at the existing building – Millennium Forest – St Helena National Trust</p> <p>As mentioned under Declarations of Interest the CP declared. Representatives were present. The CPO presented the Application and draw Members’ attention to the first application that was approved for a Nursery. It was noted that Planning Policies supports the extension of nurseries particularly where it is aimed to enhance endemics. It was noted that the proposal is aimed to blend in with the landscape, however it was highlighted that the proposed development also sits against the backdrop of a significant warehouse structure at the landfill.</p> <p>Resolution: The Application for the extended Nursery as submitted was approved with Conditions as recommended by the CPO. Correspondence to be sent to the Applicant.</p>	<p>CPO</p>
<p>5)</p>	<p>Application 2017/108 (previously deferred) – Proposed Removal of Two Protected Trees – Brewery Yard, Jamestown – Gary Stevens</p> <p>Applicant present. This application was deferred from the last meeting. A site visit took place where a number of people attended. The site visit was a good opportunity for members to assess the</p>	<p>CPO</p>

	<p>Application and meet with Stakeholders regarding this Application. The CPO explained the background to this application. It was noted that no expertise are on island to deal with such sensitive tree-cutting but it was stressed that SHG staff are doing their best in tree pruning specifically with those which are protected in Jamestown. The Authority agreed that tree maintenance on these protected trees should be carried out (and at the cost of) by SHG also for these two trees – although on private property but still protected under the Tree Preservation Order. The Applicant noted that previously volunteers carried out maintenance on these trees, but lately he was prohibited to do so due to it being protected trees since 2015. SHNT noted that should the trees be removed, it is vital to replace with young trees but potentially in a more proper location on the site. Heritage Society objected to the removal of these trees. The trees are in a dangerous state. It was noted that the Head of Agriculture will prune the trees and consideration to be given as to cost sharing. Legal advice to be sought with regards to liability claims. The Tree Preservation Orders do not state anything about cost and it should be reassessed particularly for trees located on private land. It was noted that the pruning of these trees could be done over a period of 2 to 3 years and will as such initially appear unpleasant.</p> <p>Resolution: The Application was reconsidered and approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant. The CPO to follow through the legal implications.</p>	
<p>6)</p>	<p>Application 2017/94 – Proposed 3 Bedroom House (previously deferred) – Upper Cow Path, Half Tree Hollow - Phillip Yon</p> <p>Representative present. Member Mr Raymond Williams, who was not at the meeting when this application was first discussed, briefed. This site was sold by SHG. The CPO provided background to this application.</p> <p>It was noted that the plans had been changed three times already. The applicant had attempted to meet the requirements of the Planning Policies and Authority in reconsidering the roof design and the cut face – which can now be supported.</p> <p>Resolution: The Application was reconsidered and approved with Conditions as recommended by the CPO. Correspondence to be sent</p>	<p>CPO</p>

	to Applicant.	
7)	<p>Application 2018/16 (Retrospective) – Siting of 20ft Container (temporary), Marble Hall – Russell Yon</p> <p>Applicant present. The CPO presented this application and gave some background on its siting. This is a retrospective application. The container has been sited at Marble Hall, along with two other containers (without Development Permission). The owner of the other two have been contacted. The existing Policy advocates containers, particularly within the HTH Area, to be sited at the HTH Container Park - situated below Ambledale. This Park however, is currently full to capacity and a concern as it provides no other alternatives as to where to site containers. The LDCA noted that this requires reconsideration of the Policy as well as improved monitoring, especially where non-permanent permissions have been provided. The CPO indicated that due to resource constraints, monitoring often fails. She noted that the Building Inspectors currently assist in monitoring siting of Containers and other aspects – although this is not officially in their remit – however, due to being out on road trips regularly have been forthcoming with information / observations, which are very helpful to the Planning Section. A revisit on the Container Policy should take place and consultation with relevant Authorities relating to the number of Containers accepted on the Island. Members to be given copy of Container Policy. To appear on Agenda for another meeting.</p> <p>Resolution: The Application was considered and approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	CPO
8)	<p>Application 2018/06 – Proposed Double Garage, New Ground – Martin Henry</p> <p>The CPO presented this application. The proposed garage is located in proximity of New Ground Point. It will be used for storing of personal vehicles only due to the limited space at the existing dwelling (small land parcel on which the house was built previously), to accommodate car parks. The Applicant identified this portion of land in close distance from his house, and approached Crown Estates with the proposal to erect a garage in order to accommodate his personal vehicles. The LDCP Policy states that “off-road car parking”</p>	CPO

	<p>for new development should be provided and although the Applicant are not forced to meet the LDCP requirements (historically built house), he effectively will now meet the objective of Policy R7 of the LDCP.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to Applicant.</p>	
9)	<p>Application 2018/11 – Proposed Ground Station Satellite Tracking Antenna, Bryants Beacon Communications Compound, Alarm Forest – Sure South Atlantic Ltd</p> <p>Representative present. The CPO presented this Application and told members that a representative was present if they need to ask any questions on this technical application. There were no objections, although there was a concern from a neighbour regarding the locality of the proposed antenna, which was sorted and agreed as presented.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to applicant.</p>	CPO
10)	<p>Application 2017/115 – Proposed 2 Bedroom House (GLH) (Previously deferred) Nr Cardinal Drive, Lower HTH - SHG</p> <p>The CPO presented this application that was deferred from another meeting where Members expressed their concern over the site layout. SHG furnished Planning with an improved site layout plan, allowing sufficient manoeuvrability - which was approved by Members.</p> <p>Resolution: The Application was approved with conditions as recommended. Correspondence to be sent to Applicant.</p>	CPO
11)	<p>Application 2017/09 – Proposed Slaughtering as well as Veg/Fruit/Honey Packing Facility , Barren Ground – Martin Peters</p> <p>As mentioned under Declarations of Interest the CP declared her interest. There were objections from the neighbours – although the neighbour situated to the east of the Applicant and living closest to the proposed development (Christine Thomas), withdraw her</p>	CPO

objection. There were no objections from key stakeholders. Member, Mr Paul Hickling noted that he was approached by one of the objectors stating that they were given short notice that this application was to be heard. The CPO explained that the assessment was completed only the day before the LDCA meeting but due to pressure by a Councillor supporting the Applicant, it was decided to bring it to the Authority even if at short notice. For this reason, both the Applicant and Objectors were notified at short notice as well. The Member was satisfied with this answer. The Applicant was present and representatives (including a councillor who supported the objector(s) were present).

The CPO presented this application and stated that the applicant discussed his proposal prior to submitting. She noted that home slaughtering currently takes place across the Island – and although not necessarily permitted within residential areas in places such as UK and SA, are clearly common practice on Island. She noted that it is however not common practice in highly densely areas such as HTH, but around / within more rural areas are common practice, The activity of Home Slaughtering has evidently always been permitted by Authorities (such as Public Health) and has never been dealt with as a land planning matter under the guidance of the Land Development Control Authority or the relevant LDCP Policy. This mean, that the LDCA does not in fact have control over *where* these slaughter activity in fact takes place. She illustrated (by means of GIS Maps) through an assessment conducted in office for this Application, the distribution of existing sites / parcels where slaughtering currently are permitted and effectively takes place, highlighting that many of these in fact takes place in areas with much higher density that the case with this particular application. She further noted, only due to the erection of a building, to allow “indoor” slaughtering as oppose to “outdoor slaughtering” has an Application been submitted. This submission, are in fact an attempt by the Applicant to meet the objectives of the newly established Slaughter Facility Policy. If it was not for the Applicant aiming to meet the requirements of the said Policy, the Authority would not have been involved in this matter at all and would the Applicant merely continue slaughtering, adjacent to his house, in open air (without any mitigation regarding pests and flies, discharge of blood-spill, etc.). By submitting this Application, the Applicant demonstrates his intention to meet the improved requirements / standards and objectives of the newly adapted Policy and as such mitigate against potential hazards / impacts. It was also

<p>noted that this particular parcel where the development are to be sited, has been used for purposes of Agricultural Activity for over 20-years as per a lease agreement with ANRD.</p> <p>It was noted that the Applicant strive to meet the need and contribute to the Agricultural Sector on Island, which is also a primary objective and support of the LDCP Policies. It was further highlighted that this is a very small family run business and that the Applicant proposes to slaughter only about 4 to 6 times per year, mainly during the festive seasons. This however could grow and could sometimes slaughter more frequently. As a Slaughter Facility, he may only slaughter sheep and goats. The comments from Connect Saint Helena Ltd and the Public Health Services was noted – indicating that with proper mitigation such as suitable grease traps, the diluted run-off following slaughtering can be safely released into the existing soakaway. A grease trap will be connected to prevent fatty waste and solids from entering and solids will be suitably stored indoors and then taken away from the site. It was noted that there will in fact be very little blood spill (noting that this is currently released directly into the garden). A few questions were posed to the Applicant by the LDCA and answers given. Members acknowledged that this Application is in fact an improvement to what has clearly been recognized as common practice on Island, noting that it is an improvement to how it was practiced at this location before and as such agreed with the proposal and the conditions set to effectively mitigate against any potential nuisance or health hazard.</p> <p>Resolution: The application was approved with conditions as recommended. Correspondence to be sent to Applicant.</p>	
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H. Approvals by CPO under Delegated Power

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

<p>1)</p>	<p>Application 2018/14:</p> <ul style="list-style-type: none"> – Requested :Full Development Permission – Proposal :To Alter and Extend Existing House – Location :Nr Pleasant Valley, Levelwood – Applicant :Daniel Henry
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	<ul style="list-style-type: none"> – Official :R de Wet (CPO)
2)	<p>Application 2018/13:</p> <ul style="list-style-type: none"> – Requested :Full Development Permission – Proposal :To Alter and Extend Existing House – Location :Ropery Field, Longwood North – Applicant :Lache Peters – Official :R de Wet (CPO)

I. Minor Variations

The following Development Applications were approved as Minor Variations by the Chief Planning Officer:	
1)	<p>Application 2015/09/MV</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Downscale Approved Plan – Location : New Ground – Applicant : Paul Melbourn – Official : R de Wet (CPO) – Status : Approved on 28 February 2018
2)	<p>Application 2017/47</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To remove Unstable Stone Wall and replace with Retaining Wall – Location : Gunny Bag Cottage, Nr Francis Plain – Applicant : Catherine Leo – Official : R de Wet (CPO) – Status : Approved on 1 March 2018

J. Strategic Planning Matters

1)	<p>Jamestown Conservation Area Management Plan (JCAMP)</p> <p>Will go out for public consultation in due course. In the meantime Members to read and make any comments they so wish and then meet with the CPO to discuss.</p>
2)	<p>LDCP Review</p> <p>CPO reported that the LDCP will come before the LDCA for review. It will follow the same route as the Building Regulations.</p>

3)	Building Regulations This is being presented to ENR Committee tomorrow and then to LEGCO for endorsement.
4)	Report to the Governor The CPO is preparing Report for the Governor for the year 2017. LDCA to endorse before submission.
5)	Rupert's Valley Development Plan RVDP is being revised.

K. Any Other Business

1)	Woody Ridge Infrastructure – Original Estate Developer – Mr Hansel Phillips Some Plot Owners present for the discussion with the LDCA regarding the Woody Ridge Matter. CPO updated members on the current situation. She refreshed Members that during June 2017 the LDCA together with Planning Officers and some of the Land Owners as well as the Land (Estate) Developer, Mr Hansel Phillips, visited the residential estate due to concerns raised that the existing infrastructure at Woody Ridge was deemed very poor and had not been maintained. The Authority at some point earlier during the year made it clear that no more housing development will be permitted, until the infrastructure at this private residential estate has been adequately upgraded / installed as per the original permission. She reminded the Authority that a letter (although not a formal Enforcement Notice) was sent to the developer of the estate, Mr Hansel Phillips, informing him of the situation and requested (with clear directives) that he submit proposals towards upgrading the infrastructure with a proposed time frame by end of October 2017. No plans or mitigation proposals have been submitted to the planning office and as such are now regarded a serious concern. It was noted that one of the land owners (who acquired land in this estate from Mr Phillips) was almost in a position to move into his new home, although infrastructure are not in place. A meeting was held where some of the land owners were present – but the common threat is that all is concerned and wonder where it leaves them in this matter and if they should seek legal advice. In the meanwhile, the appointed Agent (SurveyTech) for the developer has come forward with some plans, which was considered recently by a Technical Team within ENRD. Discussions lead to the conclusion that more work will have to be done in order to meet the requirements by the Authority. The CPO explained that the first objective (Stage 1) is to see plans which demonstrate clearly the current situations (deficiencies and all). Secondly the developer will be required to demonstrate (supplemented by maps) (Stage 2) where and how these deficiencies will be improved. In the last instance (Stage 3), the developer will have to attach time-frames to his proposed upgrading work. All of this will have to be submitted simultaneously as a new Planning Application, for determination and approval by the Land Development Control Authority as the existing Estate has significantly altered from the initially approved plans. It is clear that the developer (through his appointed Agent / Surveyor / Draughtsman) only now attempted to meet the objectives for Stage 1 – which are in fact not up to the expected output level
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	<p>(and will not be accepted by the Planning Office as such) – Phase 2 and 3 are still lacking. The CPO indicated that given the meeting held with the appointed Agent, she at least now feel confident that there are in fact movement on the side of the developer, and that she will remain committed to move this forward. One plot owner required if all land owners will benefit – to which the CPO responded that this is relating to all infrastructure of the Woody Ridge Residential Area as a whole, and as such upgrading work will benefit all individual land owners. Another plot owner was concerned over the workload in the Planning Office and time frame to ensure facilitation of this. Whilst it is difficult to put a time limit to this, the CPO indicated that Mr Phillips (as Estate Development), remains responsible for the implementation of infrastructure within the Estate as per his approved Decision Notice. The CPO will keep momentum with the developer and his Agent and the Chairperson noted that the LDCA will remain committed to find a solution. Another land owner was allowed to address the Authority and requested how can Mr Phillips be forced to submit this proposed Planning Application and also pointed out that the land developer continues to sell off land and how can he be prohibited to do so. The CPO explained that failing to work with the Authority on this matter, the Authority can serve an Enforcement Notice (a legal notice). She also highlighted that the matter was already brought to the attention of Legal and Lands, who will not approve any further demarcation of the land. However, it was determined that the LDCA do not have the power to stop Mr Phillips from selling the two properties which have been demarcated before. The CPO indicated that she will now set up a meeting with Mr Phillips (and his Agent for technical understanding) to discuss his lack of performance (also from a legal perspective) as agreed during June 2017 and expected end of October 2017. One of the land owners wished her “good luck” with that. Owners of the plots were very concerned and said this issue needs to be sorted out and need to be discussed with legal advice in mind. CPO reminded them that as land owners they could take the matter up with their lawyers – however the LDCA will remain concerned with the Land Developer – Mr Phillips who was given a Decision Notice which he has clearly not complied with. The CPO noted that she has already submitted a request to the AGs office to consult on this matter, however still awaits an official response. The LDCA noted that they do not want the matter to become more complicated than what it already is, and that the primary focus now should be to mobilise what is required for the Planning Application. In referring to the Decision Notice issued to Mr Phillips, the LDCA agrees that it clearly states that he was required to install utility and other infrastructural services to an adequate standard which he failed to honour. It was noted that the original approval was approved under the 2008 Ordinance – stating that all work had to be “completed within 5 years” from date of the Decision Notice. A land owner asked how soon a meeting can be arranged between the CPO and the developer, to which she replied as soon as possible.</p> <p>Resolution: The CP thanked the Audience for Attending. Momentum to continue with the developer and his Agent (Consultant). Plot owners to be kept informed.</p>
2)	<p>Overseas Visit</p> <p>The Chairperson informed members that she will be off island for about 4 weeks and will not be attending the next LDCA meeting.</p>

L. Next Meeting

The next meeting of the LDCA is proposed for 11 April 2018.

M. Closed Items

The Chairperson thanked Members for their attendance.

The meeting closed at 13.00 hrs.

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

Chairperson to the LDCA

Date