



St Helena
Government

MINUTES

Land Development Control Authority Meeting

Date : Wednesday, 16 May 2018
Time : 9am
Venue : The Museum, Jamestown

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

Apologies

A. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending and said it was lovely to be back from taking a holiday overseas. There were 7 Members of the Public present which included Applicants and Objector(s) in respect of development Applications that were being presented.

B. Declarations of Interest

There were no Declarations of Interest.

C. Confirmation of Minutes of 14 March and 18 April 2018

Members confirmed that Minutes of 14 March and 18 April 2018 were perused and endorsed as a true record and duly signed by the Chairperson. These Minutes being a public document and in accordance with the Ordinance will be uploaded on the web as normal practise.

D. Matters Arising from Minutes of 14 March and 18 April 2018

<p>1)</p>	<p>From Minutes of 14 March - Container at Hutt's Gate (Ref 99/04/LS)</p> <p>The CPO gave a summary of the activity where it was highlighted that the neighbour complained about a dilapidated container sited in the vicinity of Hutt's Gate Store in full view of them. The Container is sited on the land of the deceased John Newman. It was noted that the LDCA had given permission to the CPO to prepare and issue an Amenity Notice for its removal lapsing in March 2018. The Executor, Eric Benjamin indicated that the case is still going through court proceedings with the Chief Justice. The removal of the Container and contents, filled with goods of the deceased has proved challenging and the landowners at Hutt's Gate Store remains affected and frustrated. Storage is now required for this Container but the question is at whose cost and at whose risk? Legal advice has now been sought and is awaiting a response from AG's Chambers.</p> <p>Authority Response: The Authority requested that the CPO continue to follow up with AG's Chambers.</p>	<p>CPO</p>
<p>2)</p>	<p>From Minutes of 14 March - Trees at Brewery Yard – Gary Stevens – Application Ref 2017/108</p> <p>The Development Application was approved. On 28 February and 3 May 2018, CPO had followed up on the legal implications and although this was acknowledged CPO is still awaiting a response.</p> <p>Authority Response: The Authority requested that the CPO continue to follow up with AG's Chambers.</p>	<p>CPO</p>
<p>3)</p>	<p>From Minutes of 18 April - Solar Farm Phase 2 – Lower Half Tree Hollow – Connect St Helena Ltd Application Ref 2017/98</p> <p>As agreed in meeting in April, the application has been put on hold until the arrival of PASH who has been appointed as the Renewables Consultancy and who has demonstrated an interest in this proposal. The CPO informed members that PASH has been on Island and a meeting was held with her, Connect St Helena and PASH. This Application is now pending until PASH confirms their position on this matter.</p> <p>Authority Response: The CPO to keep the Chairperson of the Authority up to date.</p>	<p>CPO</p>

E. Building Control Activities

LDCA Members were given a list of Building Control Activities for the month of April 2018 for their information. Chairperson noted that it was quite substantial.	CPO/BI
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F. Current Applications

LDCA Members were given a list of Current Development Applications. 33 Applications await determination at the time of preparation of this Agenda – some of which are still awaiting more information, some being assessed, some within the Advertisement period and the remainder to be advertised still.	CPO
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G. Applications for LDCA Determination

1)	Application 2018/04 – Proposed Alterations and Extensions to form a Second Storey and Deck – Nr the Half Tree Hollow Community Centre, Commonwealth Road – Connie Stevens The Applicant as well as the Objector was present. The CPO presented this application and explained that the applicant proposes internal and external alterations to the existing house to enable the development of a second storey and a deck. There was an objection to this proposal from neighbour (residing east of the Applicant), Dennis Stroud, concerning the east facing window and deck noting that this will enable full view onto his main Bedroom and the Kitchen which also opens onto a private garden area. The CPO noted that HTH is a high density area and as such requires some tolerance between neighbours demonstrating various other developments in the vicinity and how this potentially impact on each other. She however stressed that the LDCA Policy requires for the Authority to impose appropriate mitigation to ensure that the amenity of neighbouring properties are not negatively affected due to proposed developments. The CPO explained that the matter was discussed with the Applicant who was requested to consider other alternatives such as facing the windows south instead of east. However, the Applicant was not prepared to relocate the window but agreed to consider the windows to be made non-transparent. The	CPO
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	<p>CPO further noted that the Applicant can be required through Conditions (as proposed) to ensure that windows be made to, when opened up for ventilation, will not allow full view onto the neighbours. The Applicant did not make any reference to having the balcony shielded however the CPO noted that this could be conditioned as well. One member was of the opinion that there may be alternative options such as making use of roof windows instead. He noted that the floor layout does seem to have much lost space. When asked, the Applicant stated that she will first want to discuss this matter with her Architect before responding.</p> <p>Resolution: The application was deferred until the next meeting.</p>	
<p>2)</p>	<p>Application 2018/27 – Proposed Construction of a 2 Bedroom Dwelling – Clay Gut, Half Tree Hollow – Dave Stevens</p> <p>The Applicant was present. The CPO presented the Application and explained that this proposal is for the Construction of a 2 Bedroom Dwelling with a modern design, part double storey with a mono-pitched roof. It was noted that the floor layout does seem somewhat impractical. The CPO noted that the plans was discussed with the Building Inspectors to establish if there will be any discrepancies with regulations. The Building Inspectors provided Approval in Principle (detailed Building Plans are submitted at a later stage). The CPO stated that the internal layout is not otherwise regulated by the Planning Policies and thus a matter of preference of the Applicant – even though it may seem unpractical to others. Whilst all other aspects regulated by the LDCP Policies can be supported with regards to this Application, a there is a significant concern over handling of sewage. It was stated that the dwelling will be connected to the Public Sewerage Network. However, it was confirmed by Connect St Helena Ltd that there are no Public Sewerage Network in proximity of the proposed development. Additionally, if there was a Public Sewerage Network in the area, the development will not have been supported by Connect owing to the current restrictions and the lack of adequate treatment/handling facilities for the area of Half Tree Hollow. An individual Septic Tank Soakaway is also not supported. The soils in Clay Gut has proved to be very poor, therefore resulting in the percolation test failing There are therefore effectively no sustainable means of sewage handling which is a key objective of the LDCP and primary service required for development. It was noted that current arrangements within the Clay Gut area are to make use of the Communal System although the</p>	<p>CPO</p>

	<p>capacity, state and condition of the small Communal Soakaway being unknown – and given the soil conditions – most probably also inadequate.</p> <p>This was seen as a sorry state of affairs by the Authority and voiced their concerns in that a network and facilities is needed as a matter of urgency. The Authority stressed that Crown Estates should not be putting up land for sale when there are no services in place. This shall be taken up with them. It was stressed that this is a very difficult decision that the Authority must make. Whilst it was said that the proposal could be approved and the Applicant submits a solution to the sewage handling, the CPO stressed that there seems to be no sustainable alternative and will only place the Authority under duress to approve sub-standard and mediocre given the additional time and efforts from the Applicant.</p> <p>It was at this point that the Authority stated that this matter should be brought to the Attention of Governor-in-Council for advice and action. It was noted that the LDCA is governed by the Ordinance and Policies but they now see fit to have some political input in this matter.</p> <p>Resolution: The Application to construct a 2 Bedroom Dwelling was Refused on the basis of material Reasons. Correspondence to be sent to Applicant. The CPO to write to GIC accordingly, appraising them of the situation and also to consult with Crown Estates on this matter.</p>	
<p>3)</p>	<p>Application 2018/19 – Proposed Construction of a 2 Bedroom Split Level Dwelling – Nr Sandy Bay Chapel – Wanda Isaac</p> <p>The CPO presented the Application. One late representation referred to as “Observations” was received similar to the comments made by the St Helena Heritage concerning the type of material to be used but the Authority do not have any control over materials that will be used. In fact using timber materials was thought to be natural enough.</p> <p>Resolution: The Application to construct a 2 Bedroom Dwelling was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	<p>CPO</p>

4)	<p>Application 2018/12 – Proposed Alterations and Extensions to Existing House as well as Separate Garage – Guinea Grass – Aaron Fowler</p> <p>The CPO presented the Application. The Existing House is a traditionally “long house”. The proposal will create a significantly larger and more spacious house with a standalone single Garage to the east of the property and located somewhat closer to the boundary line however not affecting neighbouring properties. It was noted that this proposal will consist of 6 Bedrooms and whether the Septic Tank can deal with the capacity.</p> <p>Resolution: The Application for Alterations and Extension including a Separate Garage was approved with Conditions as recommended by the CPO. Correspondence to be sent to the Applicant.</p>	CPO
5)	<p>Application 2018/25 – Proposed Demolition at the rear of the building to Create 2 Doorways (one into the Tourist Office and another entering the Crafts Shop), Installation of 2 Disabled Access Ramps – The Canister, Jamestown – Enterprise St Helena</p> <p>Applicant in attendance. The CPO presented the Application. The CPO noted that the original submission indicated hand-railings as well as out-of-context canopies – but was replaced with plans which omitted the canopies and hand railings and only include the doorways with a ramp to mitigate the slight incline. This was advertised again. One late objection was received on the initial proposal, nothing further following the advertisement for the revised proposal.</p> <p>It was noted that ESH motivated the development and did it with very good intentions, attempting to meet objectives to make Jamestown more accessible also to the disabled and elderly. There was some discussion whether the access ramps should be built in or make use of temporary ramps until such time that the pavement is potentially raised. Members concluded that a Portable Ramp is to be used with Grab Handles alongside the door until the pavement was raised. The Applicant agreed. Condition 2 to be modified accordingly.</p> <p>Resolution: The Application was Approved with Condition 2 to read Portable Ramps will be used and Grab Handles installed. Correspondence to be sent to Applicant.</p>	CPO

6)	<p>Application 2017/123 (deferred) – Proposed Change of Use from C1 (Residential) to C3 (Bakery) – Blackfield, Longwood – Steve Yon</p> <p>Applicant in attendance. The CPO presented a brief summary of the Application and the assessment thus far which was deferred from a previous meeting based on concerns over the compatibility of this use in proximity to other residential properties - although neighbours provided written consent. These concerns were communicated to the Applicant and as a result a Site Visit was arranged and attended by Members of the Authority in order that the Applicant can demonstrate and discuss with them suitable mitigation. Various aspects was discussed at the Site Visit where the Applicant demonstrated:</p> <ol style="list-style-type: none">1) Equipment used and noise impacts;2) Floor Layout and related mitigation proposals to the building – including Noise and Light Pollution Mitigation;3) Access and Parking Arrangements; as well as4) Additional Boundary Treatment. <p>It was noted that the Applicant has gone very far in attempting to mitigate. The Applicant also clarified aspects such as operating hours. The TPO to check with GIS concerning the community Driveway.</p> <p>Conditions 5 and 6 of the Addendum to be modified.</p> <p>Resolution: The Application for Change of Use from C1 (Residential) to C3 (Bakery) was Approved with conditions as recommended by the CPO and modifications as proposed by the Authority. Correspondence to be sent out to Applicant.</p>	CPO
7)	<p>Application 2018/36 – Proposed Temporary Siting of a 20ft Container for a Period of 2 years – Nr White Wall, Half Tree Hollow – Janice Young</p> <p>The CPO presented this Application to Members. The Policy on siting of Containers states that containers can be sited temporarily for a period of 2 years for construction purposes. The Applicant wish to site this container on behalf of a family member who will be building on is site – with no access for the Container. It was noted that there is currently a Container on the proposed site already. The CPO will follow up but note that the Authority has the power to deal with removal of any unauthorised container. It was highlighted again that</p>	CPO

<p>there should be a system in place where Siting of Containers can be monitored – which the CPO noted was currently developed in office. CPO highlighted that the number of containers entering onto the Island is becoming problematic and as such this matter was also highlighted in the Report to the Governor. The Authority granted permission for siting of this additional container for a period of 2 years.</p> <p>Resolution: The Application was Approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant. CPO to follow up on the container that has been sited already.</p>	
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H. Approvals by CPO under Delegated Power

<p>The following Development Application was approved under Delegated Power by the Chief Planning Officer:</p>	
1)	<p>Application 2018/22:</p> <ul style="list-style-type: none">– Requested :Full Development Permission– Proposal :Altering of Roof Profile and Installation of Aluminium Windows– Location :Blackfield, Longwood– Applicant :Veronica Thomas– Official :R de Wet (CPO)– Status :Approved on 15 March 2018

I. Minor Variations / Modifications Approved by CPO

<p>The following 2 Development Applications were approved as Minor Variations and 1 Modification by the Chief Planning Officer. As normal practise key Stakeholders are approached when and where needed for Minor Variation Evaluation. This is documented in the Letter to the Applicant.</p>	
1)	<p>Application 2017/124/MV1</p> <ul style="list-style-type: none">– Requested : Minor Variation– Proposal : To omit Window on western elevation of building– Location : Two Gun Saddle– Applicant : Barrie Williams– Official : R de Wet (CPO)– Status : Approved on 13 April 2018

2)	<p>Application 2014/81/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To decrease size of Lounge to create a Balcony – Location : Half Tree Hollow – Applicant : Stuart Williams – Official : R de Wet (CPO) – Status : Approved on 12 April 2018
3)	<p>Application 2017/109/MN1</p> <ul style="list-style-type: none"> – Requested : Modification – Proposal : Scale of Activity – Location : Barren Ground – Applicant : Martin Peters – Official : R de Wet (CPO) – Status : Approved on 17 April 2018 <p>It was noted that the Authority was involved in this Modification.</p>

J. Strategic Planning Matters

1)	<p>Building Regulations</p> <p>The Draft Building Regulations was presented informally to LEGCO on 27 April 2018. A response is now awaited as LEGCO indicated that they require time to peruse the document and was to submit comments within 2 weeks. A reminder was sent on 15 May 2018.</p>
2)	<p>Report to the Governor</p> <p>Has now been signed and despatched.</p>
3)	<p>Ruperts Valley Development Plan</p> <p>Is still being revised and formalised. Nothing further to report at this time.</p>
4)	<p>Conservation Area Management Plan</p> <p>Nothing further to report. Is with LDCA for reviews and comments.</p>
5)	<p>LDCP Review</p> <p>The Ruperts Development Working Group continues to meet every week and is going very well. A site visit also took place to various places on Island.</p>

K. Any Other Business

<p>1)</p>	<p>Breakneck Valley – Proposed Road - Stephen McDaniel</p> <p>Members were copied in on a trail of emails in respect of the proposed Road down at Breakneck Valley. This Application was approved in 2007. On 18 May 2017, Mr McDaniel requested an extension for him to build the road, referring to the Decision Notice provided in 2007. The permission has lapsed after 5 years. CPO attempted to establish background as to why this was never implemented and halted by the then AG and Crown Estates. Upon investigations it was revealed that the development did not take place due to an unresolved matter regarding easement on Crown land – which will now be permitted. It was noted that the submission at the time was significantly less detailed than what would be expected and that Regulations and Policies changed significantly since 2007. The Applicant to be informed by way of a formal letter that he will need to submit a new Planning Application with improved details.</p>	<p>CPO</p>
<p>2)</p>	<p>Infrastructure at Woody Ridge – Hansel Phillips – Application Ref: 2007/04</p> <p>Members were copied in and sent a trail of emails concerning the infrastructure at Woody Ridge. The CPO noted that much time has been allocated to this matter. A meeting took place on 2nd of May 2018 with the CPO and her Technical Team as well as the Chairperson of the LDCA, in order to ensure that the Developer has a clear understanding of what is expected of him as he failed to officially submit the expected Plans and Proposals (in the form of a Planning Application). The Developer was supported by a Lay Advocate and his Agent. The developer had failed to comply with the agreed process and the only other alternative that remains open to the Authority is to authorise an Enforcement Notice. The CPO highlighted that the land owners remain frustrated due to the lack of movement. The Developer’s Lay Advocate was asked to inform all land owners of the Developer’s commitment to produce the necessary material and submit the Planning Application. It was agreed that the CPO prepare an Enforcement Notice for the developer and send to the Authority before issuing.</p>	<p>CPO</p>
<p>3)</p>	<p>Filling in at Two Gun Saddle - Member Karl Thrower voiced his concern over some filling in that is taking place at Two Gun Saddle and the siting of 2 Containers. The member asked if this could be investigated.</p>	<p>CPO</p>

L. Next Meeting

The next meeting of the LDCA is proposed for 6 June 2018.

M. Closed Items

The Chairperson thanked Members for their attendance.

The meeting closed at 12.25 hrs.

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

Chairperson to the LDCA

Date