



St Helena  
Government

# MINUTES

## Land Development Control Authority Meeting

Date : Wednesday, 12 September 2018  
Time : 9am  
Venue : The St Helena Community College, Jamestown

<b>Present</b>	Mrs Ethel Yon	Chairperson
	Mr Paul Hickling	Member
	Mr Paul Scipio	Member (Temporary)
	Mr Ralph Peters	Member
	Mr Raymond Williams	Member
	Mr Karl Thrower	Member
	Mr David Goodrick	Chief Planning Officer (CPO)
	Mr Shane Williams	Trainee Planning Officer (TPO)
	Mr Gavin George	Planning Assistant (PA)
	Mrs Karen Isaac	Secretary (S)

### A. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending with a special welcome to Mr Paul Scipio, newly appointed temporary member of the Land Development Control Authority. The Chairperson also welcomed back, member, Mr Paul Hickling from overseas leave. There were 6 members of the public present; these included the applicants in respect of development applications 2018/69, 2018/55, 2018/63 and 2018/77.

### B. Declarations of Interest

Mr David Goodrick, Chief Planning Officer declared his interest in respect of development application 2018/77 as he is the Chief Engineer for the Prison development and who had been involved in the early stages. However, the Chairperson made it known that he is not a member of the Land Development Control Authority.

Mrs Ethel Yon, the Chairperson declared her interest in respect of development application 2018/40 listed as item 8 under Matters Arising in that she is the President of the St Helena National Trust.

The Trust Council had objected to this development application. She left the table and Mr Paul Hickling deputised for this particular item. Mr Andrew Pearce, who was in the audience suddenly spoke stating that although the Chairperson declared her interest in development application 2018/40, it is not listed on the agenda. However, Mr Pearce was informed that this was a matter for discussion under Matters Arising.

### C. Confirmation of Minutes of 1 August 2018

Members confirmed the Minutes of 1 August 2018 as a true record and were signed by the Chairperson.

### D. Matters Arising from Minutes of 1 August 2018

1)	<b>Container at Hutt's Gate (Ref 99/04/LS) – The Late John Newman</b>  The Legal Officer advised that following the Amenity Order, an Enforcement Notice be served on Mr Eric Benjamin as Executor of the Estate of the Late John Newman. The CPO had advised however, that an Enforcement Notice cannot be issued due to the five year rule. Members will be kept up to date with further developments in this matter.	<b>CPO</b>
2)	<b>Sewage Problems in Half Tree Hollow</b>  The meeting noted that an email had been sent to Consultant Riana de Wet on 7 September 2018 to remind her about the letter she undertook to write to the Governor-in-Council setting out the problems experienced with the sewage in Half Tree Hollow due to overloading of the system. House building in this area would therefore have to be brought to a halt because of the sewerage problems. The CPO said if nothing is received from the Consultant soon then he would draft a letter for the Authority's approval. The Chairperson stated that both she and the CPO would work on this together because it's been going on for quite some time now.  <b>Authority Response:</b> The Chairperson and the CPO to take forward if nothing is forthcoming from the Consultant, Riana de Wet.	<b>CP/CPO</b>
3)	<b>Existing Old Container On Site – Janice Young</b>	

	<p>The issue of a container on site would be followed up once the Applicant is on Island again.</p> <p><b>Authority Response:</b> As requested, this will now be put on hold until the Applicant returns to the island.</p>	
4)	<p><b>Infrastructure at Woody Ridge – (Ref 2017/04) – Hansel Phillips</b></p> <p>Draft Plans have been submitted by Mr Phillips. The CPO would now take forward with the Developer, Mr Hansel Phillips and his Agent. The CPO also said that as well as having meetings with Mr Phillips and his Agent Survey Tech; he also had meetings with the affected parties. A minor variation had also been drawn up for approval of the outstanding works so that there is an agreement with the developer on the works that he needs to do and what the land owners expects from him. At the moment all affected parties were happy with the arrangements. The Chairperson expressed her appreciation to the CPO for work well done.</p> <p><b>Authority Response:</b> The CPO to progress work to finalisation.</p>	CPO
5)	<p><b>Infill and Siting of Container at Two Gun Saddle</b></p> <p>A member voiced concern that some infilling of the Gut is taking place at Two Gun Saddle and that a Container had been sited on the land and asked that this be investigated. It was noted that approval had been given for a Shop to be constructed on this portion of land. The developer was informed that further infilling was required to meet the existing main road wall to create a second entrance. The member asked however that further investigation is carried out, as no proper drainage is in place. CPO agreed to investigate. It was noted that additional work was being done further down that is affecting the road. The pipes are quite shallow and the infill site was not stable and concerns were expressed about this.</p> <p><b>Authority Response:</b> To investigate.</p>	CPO
6)	<p><b>Application 2018/40 – Change of Roof Profile (Current Roof to Steel Structured Roof with a Clear Storey Design) – Rose &amp; Crown, Jamestown – Rose &amp; Crown</b></p> <p>As advised under Declarations of Interest, the Chairperson declared her interest in this matter and left the table. The Deputy Chairperson took over until the discussion concluded. The Deputy Chairperson who was</p>	

	<p>off island at the time noted that a site visit took place on Monday, 6 August 2018. The CPO said the concerns falls around the interpretation of the drawings and the impact of the new roof on the setting of the building. Rose &amp; Crown was to put a template together so that members can gauge the impact of the roof changes. This is still to be arranged.</p>	
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## E. Building Control Activities

<p>LDCA Members were given a list of Building Control Activities for the month of August 2018 for their information. It was felt that this paper was very useful.</p>	<p><b>BI/DBI</b></p>
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## F. Current Applications

<p>LDCA Members were given a list of Current Development Applications.</p> <p><b>25 No Applications await determination</b> at the time of preparation of this Agenda – some of which are still awaiting more information, some being assessed and one within the advertising period. It was noted that the Planning Section are doing what they can to reduce the number of development applications they have had. It was stressed that the CPO and his staff have worked really hard. The Chairperson thanked the Planning Staff for this and said hopefully next time the applications would be reduced even further. Well done to the team.</p>	
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## G. Applications for LDCA Determination

<p>1)</p>	<p><b>Application 2018/69 – Proposed Installation of 2.4m VSAT Antenna – CTBTO Station, Bottom Woods – CTBTO Station</b></p> <p>The applicant was in attendance. The CPO presented this application. The proposal is for the installation of a second VSAT Antenna measuring 2.4. A concrete plinth measuring 1.85m x 0.6m would be constructed where the Antenna Dish would be fixed to. This is to ensure there is provision for a backup system. The development will sit adjacent to the Met Station, Bottom Woods. The area is within the coastal zone and Bottom Woods Conservation area. Members saw this as a straightforward application.</p>	<p><b>TPO</b></p>
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	<p><b>Resolution:</b> The application for the installation of a 2.4m VSAT Antenna was approved with conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	
2)	<p><b>Application 2018/71 – Proposed Extensions to Existing Guide Hall to form a Verandah and additional Hall Space / Storage Area – Guide Hall, Longwood – Rosemary Mittens</b></p> <p>The Chairperson said that she helps with running the Brownies in Half Tree Hollow but she did not have any interest in the Guiding at Longwood. The CPO presented this application. The proposal is for extension to the existing Guide Hall thereby increasing the guiding options and flexibility for additional activities, with a traditional style. It is located near the Police Post, Longwood Avenue and is in the intermediate zone, Longwood Conservation area. The comments from the St Helena Fire Service and Public Health were noted. This was also seen as a straightforward application.</p> <p><b>Resolution:</b> The Application for extension to the existing Guide Hall to form a Verandah and additional Hall Space / Storage Area was approved with conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	TPO
3)	<p><b>Application 2018/55 – Proposed Extensions to Existing Double Storey House (Out and Upwards to form a third storey partially) with the aim to create 2 Dwellings and the inclusion of Disabled Access – 2 Fuller Flats, Upper Jamestown – Mark Brooks</b></p> <p>The Applicant was in attendance. There was an objection from Mr Andrew Pearce. The CPO presented this Application. This proposal is to construct a 3 storey extension comprising 2 flats. A 2 bedroom flat on the ground floor and a 3 bedroom flat on the first floor. The layout of the extension is dining/lounge at the ground floor with similar for the first floor that will have stairs leading to a bedroom on the second floor. Both the first and second floors will have balconies on the north elevation with the first floor balcony being connected to the road to provide direct access to the flat on the first floor. The location is 2 Fullers Flats, Jamestown in the intermediate zone within a conservation area. The design is quite a contemporary one. There were concerns raised over the third storey. The CPO expressed that it</p>	TPO

was difficult to understand the context of the development from the drawings and asked if a site visit could be arranged. A site visit took place on Monday, 6 August 2018. The gap between the retaining wall and the proposed development will be carried out by the applicant as it forms part of the property. With regards to disabled access the CPO highlighted that as part of the housing structure, they will be looking at disabled access as part of their forward planning as well as forward thinking. The CPO stressed that he do not see any significance from the Heritage perspective. It was asked at this point why there was not any detailed plan as it was not included in the presentation. It was pointed out that the photos that appeared in the presentation were not very clear. At this point Mr Pearce asked if he could speak. The Chairperson asked if he had permission to do so and he replied that he had permission from the CPO, the CPO said he told him that he would seek clarification seeing that he had not followed process by submitting a summary of the points to be discussed, at least 24 hours before the meeting. Mr Pearce said he did in his objection but the CP said this was not considered to be a summary. Mr Pearce asked what is the definition of a summary?. At this point, the CP asked members for their views. Following discussion, the CP allowed Mr Pearce to speak for 3 minutes. In his speech he highlighted that the agendas are not available until Monday before the meeting on the Wednesday and said it was ridiculous as there is a lack of information. He went on to say that the CPO in his presentation said that he had difficulty understanding the proposal and so a site visit was arranged. He said the proposal will be detrimental to the area with the add ons and it do not fit in with the area.

Members commented as follows:

Designs completely wrong and the proposal can be achieved without the third floor as it is out of place.

One member said that he will like to see some detailed drawings and the finish product and to have a site visit to understand it better.

One member supported the CPO's recommendation.

Another member said that the height of the building does stand out and if there were 2 floors it would be better but will support the

	<p>recommendation of the CPO but he is not happy about the height. There would not be a problem if the top bit wasn't there. Would like to go and visit.</p> <p>The Authority was more happy and comfortable with the 2 storey building rather than the 3 storey. Two members to visit the area and report back and the CPO to talk to the applicant about the concerns raised.</p> <p><b>Resolution:</b> The application for Extensions to Existing Double Storey House (Out and Upwards to form a third storey partially) with the aim to create 2 Dwellings and the inclusion of Disabled Access was deferred until a site visit is carried out and CPO meets with applicant to further discuss.</p>	
<p>4)</p>	<p><b>Application 2018/63 – Proposed erection of Sign (2m x 1m) and Notice Board (2m x 1m) for existing business – Lower Wharf area, Jamestown – Anthony Thomas</b></p> <p>The applicant was in attendance. There was an objection from the Heritage. The TPO presented this Application. The proposal, as revised is for the installation of the sign above the window without the notice board. This is to be sited on the wall of the Dive Centre, at the lower Wharf area and falls within the Intermediate Zone and Heritage Coast Conservation area. The building to where the Sign is to be fixed is a single storey stone structure listed as Grade 11 and holds group value as highlighted in the Crallan Report. The response from the Heritage Society was noted. The TPO highlighted that since 2016 approvals were given for the erection of signage in Jamestown and saw this application as acceptable and at the same time preserving the building. The meeting advised that a condition needs to be put in to take account of when the wharf development plans come into place in that the original sign be replaced with a contemporary sign to be more consistent, once the development happens in the wharf area. Condition 3 to be reworded to take account of the replacement of a contemporary sign.</p> <p>The applicant was allowed to speak, having had permission to do so. He thanked the Authority and asked the basis in which the objection came through from Heritage, whether the objection was an individual opinion or a structured approach from the Heritage. The applicant</p>	<p><b>CPO</b></p>

	<p>stated that he fully understand that the Heritage of the island has to be protected but wondered if this is a structured approach that the Heritage are taking or rather one person's opinion.</p> <p><b>Resolution:</b> The application for the erection of a sign (2m x 1m) for existing business was approved as recommended by the TPO. Correspondence to be sent to Applicant.</p>	
5)	<p><b>Application 2018/77 – Proposed Construction of a New Prison and Police Custody Building (OUTLINE) – Bottom Woods – Prison Project Board</b></p> <p>The Applicants were in attendance. There was an objection from Mr Andrew Pearce. No objection from anyone else. The CPO presented this Application. This proposal is an outline one seeking approval in principle for the construction of a New Prison and Police Custody Building in Bottom Woods. It was noted that various sites had been looked at for construction, with this area being identified as the preferred option by Governor-in-Council. The site has been looked at in context as well as the low level structure to keep within the traditional methods of building on the island, taking into account certain guide lines on HM Prison Policy that have to be followed. A discussion took place with the Heritage and ENRD on the objection that was raised on whether an EIA was required. The Chief Environmental Officer said that an EIA was not required, and the CPO felt that it was adequate to go ahead with the application that will now go before Governor-in-Council for approval.</p> <p>Mr Andrew Pearce was allowed to speak and he quoted his objections. At this point the CPO consulted the LDCP – BH1: Primary Policy. Statutory Ordinance, 2013 quoted by the CPO and highlighted that the law takes precedence. The CPO stressed that due process has been followed.</p> <p>The Meeting accepted the views of the Chief Environmental Officer but felt that an EIA might be required for a full application. Following discussion, it was agreed that clarification should be sought from the AG with regard to whether an EIA was indeed required. It was noted that Governor-in-Council was yet to come up with guide lines on EIA's as required in the law.</p>	CPO



<p><b>Resolution:</b> The Application in Outline for Construction of a New Prison and Police Custody Building was approved as recommended by the CPO. To Governor-in-Council with a proviso that guide lines for EIA's be made available as soon as possible. Correspondence to be sent to Governor-in-Council.</p>	
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## H. Approvals by CPO under Delegated Powers

There were no Approvals under Delegated Powers.

## I. Minor Variations Approved / Refused by CPO

The following 2 Development Applications were approved as Minor Variations. As normal practise, key Stakeholders are approached when and where needed for Minor Variation Evaluation. This is documented in the Letter to the Applicant.

<b>1)</b>	<b>Application 2018/09/MV1</b> <ul style="list-style-type: none"><li>– Requested : Minor Variation</li><li>– Proposal : Increase Living area, Bedroom and Bathroom, relocate Kitchen door and window and construct gable ends on the western and eastern elevation</li><li>– Location : Red Hill, Levelwood</li><li>– Applicant : Bert Leo</li><li>– Official : David Goodrick (CPO)</li><li>– Status : Approved on 1 August 2018</li></ul>
<b>2)</b>	<b>Application 2015/86/MV1</b> <ul style="list-style-type: none"><li>– Requested : Minor Variation</li><li>– Proposal : Lower height of Apex from 4.7m to 4.2m as indicated on drawings submitted</li><li>– Location : Nr Ex Rifle Range, Lower Half Tree Hollow</li><li>– Applicant : Cliff Richards and Latoya Scipio</li><li>– Official : David Goodrick (CPO)</li><li>– Status : Approved on 3 September 2018</li></ul>

## J. Strategic Planning Matters

<b>1)</b>	<b>Building Regulations</b> <p>The first stage of the public consultation process has been completed with most</p>
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	favourable comments received from Contractors. The Building Inspectors are now collating the information to see what is relevant and what is not and where amendments need to be made. It will then be sent back for public consultation. The Building Inspectors have 56 days to produce the report and respond to the proposers.
<b>2)</b>	<b>Rupert's Valley Development Plan</b> Is being formulated by Consultant Riana de Wet
<b>3)</b>	<b>Conservation Area Management Plan</b> Is being formulated by Consultant Riana de Wet
<b>4)</b>	<b>LDCP Review</b> Consultant Riana de Wet had gone through it. The CPO said that the Working Group would be reviewing the changes to the document this coming Monday, 17 September 2018. To be placed on the LDCA Agenda.

**K. Planning Application 2015/40: Decision Notice dated 14 January 2016  
(Patrick Thomas)**

	<p>Members were given copy of the Decision Notice relating to Planning Application 2015/140 where one of the conditions stated that prior to occupation of the dwelling house, the access road along its length from Woody Ridge Mill should be upgraded to a standard adequate to permit access and manoeuvring of servicing vehicles; make safe provision for waste collection and emergency response.</p> <p>Because the development had already begun it was stressed by the TPO that the condition cannot be omitted from the Decision Notice. However, the Chairperson highlighted that the Authority has the power to revise when necessary.</p> <p>It was noted that part of this land is owned by Solomon &amp; Company and the lower part is crown land and that all residents are using the road. A question was asked whether any easement was in place for the use of this road. This was confirmed but no paper work to support it. Once this road becomes a right of way, the owners are responsible if there is no easement.</p> <p><b>Resolution:</b> The Authority asked that the CPO make enquiries about the easement and to report back to the next LDCA meeting.</p>	
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## L. Handling Reports

	<p>The Chairperson stressed that the matter of the public having access to Handling Reports has raised heads on several occasions. These reports were designed for members of the Planning Authority. The Chairperson said that in the audience is Mr Andrew Pearce and she knows that Mr Pearce has been asking for handling reports from time to time and asked his reasons. He replied for openness and transparency. Mr Pearce went on to say that a while ago he could visit Essex House and look at a planning application file that saves time. Recently it has become restricted. Mr Pearce said he requested to see a handling report on Monday and was refused. If it was open to the public it will make life easier for all. Following discussion, Members felt that some of the reports contained sensitive information and were drawn up for the sole use of the Planning Authority. There was nothing in the law about "Handling Reports". It was stressed that in order for the reports to be made available to the public, the law will have to be amended.</p> <p><b>Resolution:</b> Handling Reports should not be made available to members of the public.</p>	
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## M. Development Applications Advertisements

	<p>For the information of the Authority, due to budget constraints development applications are only being advertised in one Newspaper (Independent) now instead of 2. This was agreed between the CPO at the time and the Finance Section of ENRD. This took effect from August 2018.</p>	
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## N. Next Meeting

	<p>The next meeting of the LDCA is proposed for 3 October 2018.</p>	
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## O. Any Other Business

<b>1)</b>	<p>Site visit to Mantis</p> <p>One member of the Authority queried whether a site visit and discussion had taken place in respect of covering over the air conditioning equipment on the Mantis Roof. Members pointed out that this had been discussed and the matter had been dealt with.</p> <p><b>Resolution:</b> No Roofing required.</p>	
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## P. Closed Items

The Chairperson thanked Members for their attendance. The meeting closed at 11.40 am.

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

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Chairperson to the LDCA

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Date