



**St Helena  
Government**

# MINUTES

## Land Development Control Authority Meeting

Date : Wednesday, 2 June 2021  
Time : 10 am  
Venue : The St Helena Community College Large Conference Room, Jamestown

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### Present

Mrs Ethel Yon OBE	Chairperson
Mr Paul Hickling	Deputy Chair
Mr Karl Thrower	Member
Mr Gavin George	Member
Mr Ralph Peters	Member
Mr Gerald Yon	Member
Mr Ismail Mohammed	Chief Planning Officer (CPO)
Mr Shane Williams	Planning Officer (PO)
Mrs Karen Isaac	Secretary

### Absent

**Also in Attendance** Five Members of the public (Applicant and Objector).

### 1. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending.

### 2. Declarations of Interest

Deputy Chairperson, Mr Paul Hickling declared his interest in respect of applications 2021/14 and 2021/15, Member, Mr Karl Thrower declared his interest in respect of application 2021/15 and Member, Mr Gavin George declared his interest in respect of application 2021/22.

### 3. Confirmation of Minutes of 5 May 2021

The Minutes of meeting of 5 May 2021 were confirmed and signed by the Chairperson.

#### **4. Matters Arising from Minutes of 5 May 2021**

##### **Application 2020/60 – Erection of a Notice Board – the St Helena Yacht Club, the Wharf, Jamestown – Stephen Coates**

The application was reported to Governor in Council on 16 March 2021 where approval, recommended by the CPO, was given for the erection of a Notice Board for a period of twelve months. The CPO said an assessment would be made after the twelve month period. It was noted that the twelve month period would begin once the Notice Board had been erected. The Applicant had been requested by the CPO to inform him once the Notice Board had been erected.

##### **Press Release to the Public regarding planning procedures**

The CPO informed the meeting that the Press Release has been prepared and is now with the Authorities in the Castle for clearance. The Chairperson would follow this up with the Press Office. It was noted that nothing further had been received from the Editors of the Newspapers.

##### **Application 2021/09 – Covered Area and Installation of Photovoltaic Panel System – Mantis Hotel, Main Street, Jamestown – St Helena Hotel Developments Limited**

It was agreed that as both applications in respect of the Consulate Hotel and Mantis Hotel have already been determined, it was therefore not necessary for site visits to be undertaken. The matter is now closed.

##### **Future LDCA meetings**

The CPO and CP to meet for discussion on future LDCA meetings before he leaves the island on leave on or about 23 June 2021.

#### **5. Building Control Activities/Update**

Members were given a list of Building Control Activities for the month of May 2021 for their information.

#### **6. Current Planning Applications**

LDCA Members were given a list of current development applications. There were 21 applications awaiting determination at the time of preparing the Agenda. One is awaiting further information whilst others are in the consultation period or being addressed.

#### **7. Applications for LDCA Determination**

<b>1)</b>	<b>Application 2021/14 – Retrospective Application to Retain the Installation of an Awning – the Standard Bar, Jamestown – Sally Ann Hickling</b> Deputy Chairperson, Mr Paul Hickling having declared an interest left the table for this item of business. The CPO presented the application. The site falls within the Intermediate Zone and within the proposed Jamestown	
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Conservation Area. The Application is for retrospective approval to retain the Installation of an Awning on the front elevation of the building. The installation was carried out in late 2020. Following the installation in late 2020, the Awning had not yet been removed. The Awning is made of a square plastic frame with a nylon/polyester material and provides weather protection for customers on the landing area. The proposal had been assessed against the LDCP policies which do not provide support for the development that had taken place. The installation of the Awning is not in keeping with the elevation of the building in terms of general design within the Intermediate Zone or more specifically against the historic context of the building within its location in the Conservation Area or the adjoining number of listed buildings.

The CPO felt that retaining this Awning would not make any positive contribution towards the future conservation of the building, the group of adjoining listed buildings and also towards the enhancement of this very prominent historic area within Jamestown. It would be contrary to the LDCP policies due to its negative impact and therefore recommended that the application be refused.

There was representation to this proposal. Mr Andrew Pearce spoke in support of the Heritage Society's concerns.

In considering this application, one member expressed concern that the Awning is more a Canopy and it is out of proportion as it did not fit in with the building. A question was asked whether there would be a difference if the Awning had to be positioned below the "Standard" sign. The Authority noted that this was a temporary structure primarily to provide comfort for the public for a festive period. The material used and its design could be reconsidered for a permanent structure if the Applicant cared to submit a redesign.

Following further discussion, the Authority advised that the application be refused, as recommended by the CPO, in that the development failed to comply with the objectives of the Built Heritage Policy in that the Installation did not respect the design and character and would detract from the simple design and details of the elevation.

**Resolution:** The application to retain the Installation of an Awning was refused with reasons as recommended by the CPO. A Decision Notice to issue.

**CPO**

<p>2)</p>	<p><b>Application 2021/15 – Retrospective Application for Siting of Photovoltaic Solar Panels – the Standard Bar, Jamestown – Sally Ann Hickling</b></p> <p>Deputy Chairperson, Mr Paul Hickling and Member, Mr Karl Thrower having declared their interests, left the table for this item of business. The CPO presented the application. The site falls within the Intermediate Zone and the Jamestown Conservation Area. The Application is for retrospective approval to retain the Installation of Ten Photo Voltaic Panels that had been installed on the roof of the Standard Bar in January/February 2021. This development was the subject of a news article that appeared in the Independent Newspaper. As a result of the publication, the Planning Office received correspondence questioning whether permission had been granted for this development. The Operator of the Business was informed that the development was unauthorised and therefore required planning approval as the property is within a Historic Conservation Area and also adjacent to listed buildings.</p> <p>It was noted that the panels would not be visible at street level but would be visible from a number of higher vantage points particularly from Greenlands.</p> <p>The Comments received from the Heritage Society were noted.</p> <p>The development was assessed against the LDCP policies and it was felt that as the siting of the panels did not have a significant adverse impact on the setting of the adjacent listed buildings or any direct impact on the setting of the Conservation Area particularly as the panels were not be visible from Market Street or the wider Bridge Area at street level, approval should be given to that development to retain the Ten Photo Voltaic Panels on the roof of the Standard Bar.</p> <p><b>Resolution:</b> The application to retain the Installation of Ten Photo Voltaic Panels was approved as recommended by the CPO. A Decision Notice to issue.</p>	<p>CPO</p>
<p>3)</p>	<p><b>Application 2021/24 – Partial Change of Use of Longwood Enterprise Park from Class B1 to Class D1 ‘Place or Worship’</b></p> <p>The PO presented this application. The site falls within the Intermediate Zone and the Longwood House Conservation Area. The application is for the renewal and continued use of the Business Unit as a Place of Worship within Use Class D1. Development permission was granted for partial Change of Use of the business unit in 2018 for a period of three years which would come to an end in July 2021. Continued use of the building would require planning permission.</p>	

	<p>There were no Representations received from the neighbouring properties, the public or Stakeholders. The Police Directorate highlighted that since the operation of the Rock Fellowship in conducting their Religious Services in the Longwood Enterprise Park, there had been no complaints of noise or vehicular obstructions. It was noted that provisions were made for an additional eleven parking spaces to be created, as part of the original planning application. Based on police engagement, the Religious Group are well received within the community of Longwood. The Police suggested however that CCTV cameras should be installed as well as security lighting in order to mitigate the risk of crime.</p> <p>It was noted that the building is not listed and is of no historical interest. No works would be undertaken to the fabric of the building to accommodate this use, therefore there would be no adverse impact upon the setting of the conservation area.</p> <p>The proposal had been assessed against the LDCP policies and could be supported.</p> <p>The Authority felt that condition four in respect of the external lighting should be removed as it was stressed that the Landowner should be responsible. It was also questioned as to whether condition five excludes Mid Night Mass. It was noted that the Applicant did not request any times to take account of a Midnight Mass.</p> <p><b>Resolution:</b> The application for Partial Change of Use of Longwood Enterprise Park from Class B1 to Class D1 ‘Place or Worship’ was approved with conditions as recommended by the PO, subject to condition four being removed. A Decision Notice to issue.</p>	<p>PO</p>
<p>4)</p>	<p><b>Application 2021/21 – Removal of Two Ficus Trees – near the Run, rear of Market Street, Jamestown – Aubrey and Kenneth George</b></p> <p>The Chairperson informed the meeting that she had invited the Forestry Officer to the meeting to answer any technical questions the Authority might have. The CPO presented the application. The site falls within the Intermediate Zone and within the proposed Jamestown Conservation Area. The application is to remove the Two Ficus Trees due to their position being close to residential buildings and is within the Run. The Run is part of the Historic public realm of Jamestown that is frequently used by walkers. These trees could create problems for the residential properties and also to the users of the Run. An assessment of the trees have been undertaken as follows:</p>	

Tree No.1 is approximately 40ft high, in reasonable condition and appears to be stable with no obvious damage except from severe cut planes left from previous attempts for its removal. If this tree is left to grow and does not get checked, the spread of the canopy would impact the neighbouring residential property and users of the Run. This would cause potential issues with tree debris blocking gutters, Courtyards being littered and also creating slip and fall hazards that could cause damage to private property, injury to Landowners and the general public. The Tree has been altered through removal of its uppermost limbs from previous works undertaken and as a result the structure has planes of 1-1.5ft in diameter from which the canopy has formed.

Tree No.2 is in a good condition and appears stable with no evidence of physical damage, pest or disease attack. It stands 60-70ft high and is located in close proximity to the Applicant's residential dwelling and directly on the edge of the Run. It is also in close proximity of the concrete bridge that allows access from one side of the Run to the other. Most of the upper limbs of this tree are growing directly over the Run that is used by the public. There are a number of dry dead limbs overhanging the area that poses a risk to pedestrians. The spread of the canopy is also impacting on the existing dwelling as well as users of the area. New growth is currently growing into the building that would have an impact. The spread of the canopy would also cause issues with shade that would potentially decrease the fruit production.

Both Trees are situated close to a number of sewage waste pipes that could also cause issues and would need to be addressed if the impact on sewage pipes becomes an environmental concern.

There were two options that had been considered for the management of these Trees. One option being to remove the Trees and the other option was to support the reduction in height. The proposal had been assessed against the LDCP policies.

Representation had been received from the St Helena Heritage Society and Mr Andrew Pearce spoke in support of them. The CPO highlighted that the issues raised had a level of relevance and it is recognised that all trees are an important feature of the historic built environment and its landscape. These trees are not protected under the Tree Preservation Order (TPO), however they are being assessed as trees with a TPO due to their location within the Historic Jamestown Conservation Area. The major concerns with regards to

these trees are their position, the current and future risk and the health and safety issues.

Having considered the options, the potential impact from on-going growth, the assessment against the LDCP policies and the representation, the CPO considered that removal of these trees might be the most appropriate action to take. This would ensure that other neighbouring trees that are bearing fruit would be provided with a better opportunity to survive, protect the immediate residential property that would be affected as well as other structures and services affected by the tree roots and the safety of the user. It was recommended by the CPO that permission be granted.

The Agent also spoke in support of this application.

It was noted that this proposal did not require a Tree Preservation Order (TPO). The comments from the St Helena Heritage Society of 12 April 2021 had been incorporated into the Report.

In considering this proposal a question was raised regarding root grow. The roots would continue to generate root growth unless the trees are cut and poisoned. If the trees were to be poisoned, they would take a long time to deteriorate and damages could be significant. It was difficult to say which tree would cause the most damage. A question was asked whether there would be any health and safety concerns if the trees were to be pruned. In considering tree No. 1, it was noted that if the tree was to be cut, it would come with its own set of concerns. When it develops, it would be weakened and would impose a problem. The second tree has dry and significant limbs that would need to be removed. An alternative would be to reduce its height significantly and it could be preserved.

After much consideration, the Authority agreed that tree No. 1 should be removed and tree No. 2 to remain and maintained at an acceptable safe height.

The Chairperson thanked the Forestry Officer for her input in the discussion and for her advice.

**Resolution:** The Authority agreed that approval be given for tree No. 1 to be removed and tree No. 2 to remain and maintained at an acceptable height with conditions. A Decision Notice to issue.

CPO

**5) Application 2021/22 – Retrospective Application to retain the structures within the Mule Yard, Jamestown – Johnny Dillon**

Member, Mr Gavin George having declared an interest left the table for this item of business. The CPO presented the application. The site falls within the Intermediate Zone and the Heritage Coast Conservation Area. The area includes grade 1 listed structures, it is historically and environmentally important with the fortifications that provides the background to the island and Jamestown. The CPO provided background information in that temporary permission was granted in 2009 until 2018 (ref: 2009/10) by SHG. The application is to continue its current use and retain the buildings and structures in the area of the Mule Yard to provide entertainment and leisure. There is also a structure on the site that had been positioned without development permission. Due to the level of uncertainty for the use and the lack of repair and maintenance, some structures are dated. The current Operator had made some improvements to continue the use and operation as an entertainment venue.

The CPO advised that there have been a number of discussions with Crown Estates and more recently with the new Operator in agreeing a way forward that had resulted in the submission of this application. It was stressed that improvements could be made to the structures and that could be supported by Heritage policies as to how this area could be enhanced and upgraded for the future that have regard to the heritage importance of the area. Conditions 2, 3, 4 and 5 as proposed were highlighted as a way forward.

The proposal had been assessed against the LDCP policies. The assessment of the proposed development is against the objectives of Built Heritage Policies. There are no specific policies or proposals in the LDCP that identifies and promotes these areas for leisure and recreational related uses. It is considered that use of this site for the purpose of entertainment and recreation is acceptable as a wider role of the seafront. The CPO emphasised that if the Authority is minded to support approval of this application, then there is an opportunity for achieving future improvements and enhancement of the area.

There was representation received from the Heritage Society where a number of relevant issues were raised.

The CPO evaluated and reviewed the previous development permission with regard to the wider area of the Jamestown Seafront, the LDCP policies and the representation made by the Heritage Society and it was considered that



the use of the site would be acceptable. It was recommended that permission be granted for the continued use of the site and for the retention of the buildings and structures relating to these uses. The application site is within 50m of the coast, therefore, the application would have to be referred to Governor-in-Council. The CPO recommended that the Authority supports this application and request that Governor-in-Council grants full development permission subject to conditions.

It was reported that there is a working group for Jamestown Waterfront but this Group had not met for over two years. A vision document was prepared by a consultant but had not been progressed beyond the Working Group.

Mr Andrew Pearce spoke in support of the St Helena Heritage Society's representations.

The Authority expressed concern on the conditions. It was stressed that if the development was to be sold, the present developer would not mention the conditions that are imposed. Concern was raised regarding a drain pipe attached to the Heritage Wall with rain water running down it which have caused some damage. There were also strong reservations about whether the conditions would be adhered to. It was felt that the Landowner (St Helena Government) would need to be involved in this application as there was some doubt how this development could be progressed from a legal point of view particularly with regard to the lease of the land. The Authority expressed the view that the whole area should be progressed by a Development Plan for the area.

The Authority was aware that there is a sewage line within the site which regularly requires clearing. This should be borne in mind in whatever is decided.

This proposal was seen as a breach of the built heritage incorporated in the LDCP. It was highlighted by the CPO that this issue is covered in the conditions and if conditions are not met, then enforcement action would have to be taken by SHG to remove them. It was however noted that the buildings were the property of the previous owner.

It was highlighted that the time frames as set out in the conditions are too long and the conditions should be more strongly worded. It was noted that condition 2 should come back to LDCA and Condition 5 should be for

	<p>implementation within 1 year rather than 2 years, if the application is approved.</p> <p>After much deliberation, the Authority still had reservations in supporting the proposed development application as it was felt that it had insufficient evidence to determine a way forward. A development plan for a new development would be beneficial in determining the future of the Mule Yard. The Authority's views would be reported to Governor in Council.</p> <p><b>Resolution:</b> The Authority, whilst having reservations in supporting the recommendation of the CPO to retain the buildings and structures within the Mule Yard, Jamestown subject to the conditions, recommend that should the Governor in Council be minded to grant Full Development Permission condition 2 should be amended to include additional wording for the impact of the buildings and structures against the protected structures in the application site and the implementation of Condition 5 should be within one year from the Discharge of Condition.</p>	<p><b>CPO</b></p>
<p>6)</p>	<p><b>Application 2021/34 – Proposed Installation of Photo Voltaic Panels – Thorpes Warehouse, Ex Paramount Cinema, Jamestown – W A Thorpe &amp; Sons Limited</b></p> <p>The PO presented the application. The site falls within the Intermediate Zone and is within the Jamestown Conservation Area. The application is to Install Photo Voltaic Panels on the Building of Thorpe's Warehouse. The development had been assessed against the LDCP policies.</p> <p>The comments from Connect St Helena Limited and the St Helena Heritage Society were noted.</p> <p>In assessing this proposal as well as taking into account the comments received, it was considered that the panels would not be prominent from the Grand Parade area but would be more visible from Castle Gardens. It was the Applicant's intention to stagger the panels as it would benefit the Applicant in ensuring maximum efficiency with the most amount of panels on the roof space available. There were concerns from the Planning Officers regarding the layout and the arrangement of the panels being staggered as it would become overdeveloped for the roof area that would have considerable visual impact. In discussions with the Applicant, he was made aware of the concerns and submitted an amended design reducing the amount of panels from 85 to 59, where it was considered to be more acceptable as it was of a rectangular design on the north western elevations. In further mitigation with the Applicant, the roof would be painted in grey.</p>	

	<p>Mr Andrew Pearce spoke in support of the St Helena Heritage Society's representation and congratulated the PO for taking their concerns into consideration.</p> <p>The Authority felt that the initial submission by the Applicant was a better one to what was recommended by the PO. The panels should be installed 30cms from the edge of the roof. The Authority approved the initial submission with an added condition to take account of the 30cms from the edging. The CPO advised that the proposal before the Authority is for a decision on what has been presented to them i.e it should be approved but that there should be negotiation with the Applicant to submit a minor variation to continue with the installation of the panels as initially put forward.</p> <p><b>Resolution:</b> The application for Proposed Installation of Photo Voltaic Panels was approved with conditions. The Applicant could submit a minor variation request for the installation of the panels with the original staggered layout of the panels. A Decision Notice to issue.</p>	<b>PO</b>
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## 8. Approvals by CPO under Delegated Powers - NIL

## 9. Minor Variations Approved by CPO

<p>The following Three Development Applications were approved as Minor Variations by the Chief Planning Officer. As normal practice key Stakeholders are approached when and where needed for Minor Variation Evaluation.</p>	
<p><b>1)</b></p>	<p><b>Application 2019/47/MV1:</b></p> <ul style="list-style-type: none"> <li>– Requested : <b>Minor Variation</b></li> <li>– Proposal : To continue with development based upon the site as excavated. This is in respect of construction of a change from a Bungalow to a Split Level Dwelling and also to re-position the proposed Dwelling as a result of the excavation.</li> <li>– Location : Barren Ground</li> <li>– Applicant : Madolyn Andrews</li> <li>– Official : Ismail Mohammed, CPO</li> <li>– Approved : 4 May 2021</li> </ul>
<p><b>2)</b></p>	<p><b>Application 2019/115/MV1:</b></p> <ul style="list-style-type: none"> <li>– Requested : <b>Minor Variation</b></li> <li>– Proposal : To change Roof Design from Hip to Gable to allow for repositioning of Solar Panels. To reposition CID Office and to</li> </ul>

	<p>Install Flag Pole for Civic purposes. This is in respect of the Construction of a Custody Suite.</p> <ul style="list-style-type: none"> <li>– Location : Coleman House, Jamestown</li> <li>– Applicant : Police Directorate, SHG</li> <li>– Official : Ismail Mohammed, CPO</li> <li>– Approved : 4 May 2021</li> </ul>
<b>3)</b>	<p><b>Application 2021/10/MV1:</b></p> <ul style="list-style-type: none"> <li>– Requested : <b>Minor Variation</b></li> <li>– Proposal : To rotate the floor layout 90 degrees anti-clockwise. This is in respect of the Construction of a Two Bedroom Dwelling</li> <li>– Location : Deadwood</li> <li>– Applicant : Robert A Thomas</li> <li>– Official : Ismail Mohammed, CPO</li> <li>– Approved : 17 May 2021</li> </ul>

10. Discharge of Conditions by CPO:

<b>1)</b>	<p><b>Application 2019/100/DC3:</b></p> <ul style="list-style-type: none"> <li>– Requested : <b>Discharge of Condition Three</b></li> <li>– Proposal : For the submission of percolation test results in respect of Construction of a Two Bedroom Dwelling</li> <li>– Location : Head O’Wain</li> <li>– Applicant : Neil Bennett</li> <li>– Official : Ismail Mohammed, CPO</li> <li>– Approved : 4 May 2021</li> </ul>
<b>2)</b>	<p><b>Application 2020/87/DC6:</b></p> <ul style="list-style-type: none"> <li>– Requested : <b>Discharge of Condition Six</b></li> <li>– Proposal : To undertake a Walkover for the development site to assess the impact on any endemic invertebrate that may be affected and to set out mitigation measures that would be taken to overcome any adverse impact</li> <li>– Location : Field Road and Side Path Road</li> <li>– Applicant : Programme Management Unit, St Helena Government</li> <li>– Official : Ismail Mohammed, CPO</li> <li>– Approved : 11 May 2021</li> </ul>

11. Strategic Planning Matters

<b>1)</b>	<b>Rupert's Valley Development Plan</b>  The discussion on this Item was during Matters Arising, but is being recorded under the main Agenda Item.  A discussion took place with regards to the implementation of the RVDP and it was questioned why the LDCA has not been furnished with a copy of the masterplan PMU had referred to at ESH meeting in February. The CPO advised that the masterplan that had been referred to was an implementation plan to enable the delivery of the construction of the various development project that require movement of some users. It was stressed by the CPO that the 2016 draft RVDP was not progressed. It was pointed out that works are taking place at Ruperts without the LDCA having any sight of the plan. The Chairperson thought that this plan was withdrawn. The CPO said it was approved for the purpose of consultations and then it was stopped. One Member asked if the document could be made available to him. He was informed that it was available on the internet. The Chairperson agreed to speak with SHG Authorities regarding the RVDP and would report back at the future meeting.
<b>2)</b>	<b>Conservation Area Management Plan</b> On hold. To continue as an item on the Agenda until finalised.
<b>3)</b>	<b>LDCP Review</b> The Chairperson informed the meeting that the review of the LDCP had been completed. The editing had also been done by the Portfolio Director of ENRP. Councillor Dr Essex is asking for a meeting with the LDCA in respect of the LDCP. The Authority advised that it would first want to read the document and discuss it between them and then a meeting arranged with Councillor Dr Essex.

## **12. Minor Amendments of Plans in Conservation Areas and Listed Buildings**

A meeting was held with the St Helena Heritage Society on Friday, 14 May 2021. It was felt that minor variations should be left to the discretion of the CPO to deal with but that some variations should perhaps be consulted upon with the St Helena Heritage Society. It was felt that the document could be updated as certain minor variations could be referred to the Heritage Society for their comments. Because of the time factor due to the meeting room required for another meeting, this would be an item on the Agenda for the 21 June 2021 meeting.

## **13. Any Other Business**

There were no further business to discuss.

## **14. Next Meeting**

The next LDCA Meeting is scheduled for Monday, 21 June 2021.

The Chairperson thanked Members for their attendance. The meeting closed at 13.25hrs.

**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**