

## **MINUTES**

### **Land Development Control Authority Meeting**

Date : Wednesday, 4 August 2021

Time : 10 am

Venue : The St Helena Community College Large Conference Room, Jamestown

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 Shane Williams Planning Officer (PO)

Mr Paul Scipio Temporary Planning Officer (TPO)

Mrs Karen Isaac Secretary

**Absent** Mr Ronald Scanes Member

**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. She also thanked the Planning Officer for a job well done in organising this meeting.

#### 2. Declarations of Interest

Member, Mr Karl Thrower declared his interest in respect of application 2021/39.

#### 3. Confirmation of Minutes of 21 June 2021

The Minutes of meeting of 21 June 2021 were confirmed and signed by the Chairperson.

### 4. Matters Arising from Minutes of 21 June 2021

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

The application was referred 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 temporary period of twelve months. An assessment would be made after the twelve month period. The Applicant had been requested by the CPO to inform him once the Notice Board had been erected. Nothing further has been received from the Applicant.

#### **Press Release to the Public regarding Planning Procedures**

It was noted that the Press Release had been issued but the Authority were not satisfied with the contents and stressed that the release did not achieve its goal. The Authority highlighted that a simple and clear explanation setting out what is expected with regard to planning procedures should have been prepared. It was noted that the CPO had been in contact with the Media about conducting radio interviews regarding the procedures, but the offer had not been taken up. The Chairperson would follow this up.

**ACTION:** Chair

## Application 2020/35 – Development of Trade Winds Ocean Village CDA - Horse Pasture – St Helena Developments Limited

The development application was referred to Executive Council at its meeting on 22 June 2021. Approval was given for this development with the proviso that the CPO reports back to Executive Council on the discharge of the various conditions, particularly with updates on the water, sewerage, electricity and the telecommunications development. This was to be referred to Executive Council via the LDCA. The PO informed the Authority that he had contacted the AG's Chambers to seek advice whether the decision notice could be issued before the Legal Agreement had been drafted. A response had been received to the effect that the Decision Notice could be issued and that the "Agreement" would be worked upon in the coming days.

**ACTION:** CPO to follow up

#### **Minor Variations**

The Authority agreed that the paper produced by the LCPO in January 2017 be revoked but stressed that guidelines should be prepared to assist both the Planning Staff and the general public.

**ACTION: CPO** 

#### **Future LDCA meetings**

The CPO is on overseas leave. The PO given additional responsibilities. No further action required.

#### Rupert's Valley Development Plan

It was noted that a discussion took place regarding the Rupert's Valley Development Plan where it was stressed that the plan consulted on in 2016 was no longer used. It was noted that the Chair was in contact with the Programme Management Unit regarding this. It was understood that the Portfolio Director of ENRP would advise the CPO, whilst he is in quarantine, to progress the RVDP.

**ACTION:** Chair

#### Application 2021/22 - Proposal to retain the structures within the Mule Yard, Jamestown

The development application was referred to Executive Council on 15 June 2021. Approval was given with the proviso that condition 2 be reworded "assessment of the existing buildings and structures that are built against the listed structures and where possible these should be moved away and the areas repaired and appropriate restoration undertaken". And condition 5 that is related to condition 4 requiring the submission of a landscaping scheme to the CPO by the Applicant. Executive Council agreed that the condition be amended to state that the implementation of a landscaping scheme should be started within one year of the approval of condition 4. The PO advised that the directive from the Clerk of Councils needed clarity and would therefore be left for the CPO to deal with when he returns to duty. The Chair thanked the PO for this.

**ACTION: CPO** 

Application 2021/37 – Fuel Station, Convenience Store with Instore Café and Supporting Services with EIA – Bottom Woods – Crown Central

The Application was supported by the LDCA on 21 June 2021. The CPO to prepare the Report for Executive Council.

**ACTION: CPO** 

#### 5. Building Control Activities

LDCA Members were given a list of Building Control Activities for the months of June and July for their information.

#### 6. Current Planning Applications

LDCA Members were given a list of current Development Applications. There were 22 applications awaiting determination at the time of preparing the Agenda. There were 7 to be advertised, 3 that are in the consultation period whilst others are being addressed.

#### 7. Applications for LDCA Determination

1) Application 2020/70 – Construction of a Joiners Workshop and Siting of a 20ft Container for storage purposes – Below the Rock Club, Half Tree Hollow

- Mark Anthony

The PO presented the application. The site falls within the Intermediate Zone and not within any proposed conservation area. Access to this proposal would be formed from the existing road. The proposal is to operate as a

Joiner's Workshop with a siting of a 20ft Container for storage purposes. There were a number of comments from Stakeholders particularly regarding the sewer connections in Half Tree Hollow. It was noted that the comments received from Connect St Helena Ltd is a standard representation and the Applicant was advised of this and the effect it would have on the development. Concerns were raised by Planning and therefore a site visit was carried out where the Applicant was advised to seek an alternative method of dealing with the sewerage, the need for additional parking, improved site manoeuvrability and sound mitigation measures. In light of this the Applicant submitted a revised scheme in order to utilise his own system in dealing with sewerage and also taking into account the concerns raised by the PO. The proposal had been assessed against the LDCP policies and could be supported as there are existing commercial development within the area. The use is of a small nature and measures could be put in place to mitigate any adverse impacts.

In considering the application, Members noted that the drainage arrangement would not involve Connect St Helena Ltd as the Applicant proposes an alternative method for dealing with sewerage that would involve the system having to be emptied. The Authority asked whether Connect would commit to emptying the system and therefore requested the PO to obtain the necessary confirmation in writing. The Authority also advised that the Applicant should consider installing a guard rail on the main road directly above the development site.

**Resolution:** The application for Construction of a Joiners Workshop and Siting of a 20ft Container for storage purposes was approved as recommended by the PO. The PO to obtain the necessary confirmation from Connect St Helena Ltd and to advise the Applicant to consider the installation of a guard rail on the main road directly above the development site. A Decision Notice to issue.

## Application 2021/38 – Construction of a Two Bedroom, Split Level Dwelling Near St Paul's School – Jeremy Constantine

The Chairperson welcomed the temporary Planning Officer who is assisting in the Planning Section. The TPO presented the application. The site falls within the Intermediate Zone and not within any proposed conservation area. Access to the site would be formed from the existing access road. Site excavation would take place to allow for split level platforms. The topography of the land is sloped at approximately 20 degrees that allows the proposed building to be elevated in comparison to traditional cut and fill operations. The embankment on the upper level at the rear of the proposal is proposed to be excavated 60 degrees and measuring 2.6m in height.

There was an issue with regard to the soakaway where it was proposed to be constructed on the Plantation National Forest Land but permission had been

PO

granted from ANRD to carry this out. This would require excavation across the main road in order to lay the pipework and the Applicant would have to seek the necessary approval from the Highways Authority.

The comments from Stakeholders were noted.

The Applicant would be advised that if the telecommunications pole or drop wires need to be relocated, then he would have to consult with Sure SA.

The proposal had been assessed against the LDCP policies.

In considering the application, the Authority stressed the need to have gabion walls installed and advised that the Applicant should compact the fill material in 500mm intervals in order to reduce the risk of land slip and ensure stability of the fill material. Prior to development commencing, stone gabions to a minimum height of one meter should be appropriately installed along the entire base of the western boundary forming a retaining barrier to prevent any fill material falling onto the main road. The applicant must submit details of the gabion retaining barrier as to how it would be erected to the Chief Planning Officer prior to development.

The applicant should also be made aware that an existing road traverses the development site towards land parcel SCOT0242, and that an easement be sought with regard to accessibility and future maintenance of the existing road.

**Resolution:** The application for Construction of a Two Bedroom, Split Level Dwelling was approved with conditions as recommended by the TPO, subject to an advisory to take into account the stability of the fill material and also the easement in respect of accessibility and the future maintenance of the road. The Applicant also to submit details to the CPO regarding the gabion retaining barrier. A Decision Notice to issue.

3) Application 2021/35 – Removal of Ficus Tree Limb – Near the Canister, Jamestown – Property Division, TI&SD Portfolio, SHG

The PO presented the application. The site falls within the Intermediate Zone and within the proposed Jamestown Conservation Area. The application is to remove the Tree Limb as it is causing obstruction to larger vehicles in particular buses and trucks. It was noted that an application was submitted in early 2020 for the removal of this limb and the application was refused by the LDCA as the overall impact on the health of the tree was of concern. The tree is protected under the Tree Preservation Orders and its current health is in good condition from an assessment undertaken by the Forestry Section. The PO in assessing this proposal highlighted two options for consideration in mitigating the issues associated with the tree limb. Whilst the preferred option is to remove the limb, it is possible that the issues could be mitigated through the removal of the smaller limb that is growing out of the protruding

TPO

elbow and coupling this with the appropriate signage, which was put forward by the Forestry Officer. The PO highlighted that the Forestry Officer stressed whilst support could be given to the preferred option by Crown Estates to remove the limb, the risk of the tree's demise is quite significant in this case. When considered against the potential damage to private vehicles and the possible liability issues that could arise, the removal of the tree limb appears to be the most practical option. The removal of the smaller limb could be supported that have been struck by large vehicles. Consideration could also be given to the less severe option of the smaller limb removal and signage for a trial period and to monitor the situation before considering the removal. There were comments from the Stakeholders.

This tree is of historical importance and forms an integral part of the streetscape and any loss of this tree would have a detrimental impact on the landscape. Having assessed the reason for its removal, the PO recommended that the application be refused as he considered that the removal of the tree limb would adversely impact the tree's overall health, potentially leading to its demise where the works would also negatively affect the tree's overall appearance within the landscape and therefore fails to preserve the tree's contribution to the appearance and character within the setting of a conservation area, thus not according with the objectives of the LDCP policies – Built Heritage BH1 c) and BH5

In considering the application, the Authority highlighted that management of traffic is an issue and stressed that bollards should be installed for traffic direction. The tree could also be protected through the installation of bollards. It was felt that cutting the tree out would be an issue and some mitigation could be put in place for the traffic to move around the tree. After much deliberation, it was agreed that the application be refused as recommended by the PO.

**Resolution:** The application for removal of the Ficus Tree Limb was refused with reasons as recommended by the PO. A Decision Notice to issue.

PO

# 4) Application 2021/42 – Construction of a Two Storey, Three Bedroom Dwelling – Near Blarney Bridge, Sandy Bay – Matthew Benjamin

The TPO presented the application. The site falls within the Intermediate Zone and not within any proposed conservation area. The site sits adjacent to the existing road that provides access to the neighbouring property.

Of concern was that the area of lower Sandy Bay has experienced extreme flooding in the past from a network of ravines where Bridges were washed

away and road edges undermined. The new access road is proposed to cross one of these ravines, however a design to install storm water pipes under the new access would allow uninterrupted flow for any potential flooding. The proposed dwelling would sit 10meters above the ravine level, which should ensure safety to the dwelling structure from possible flood water damage as well.

The proposal had been assessed against the LDCP policies.

In considering the application, the Authority expressed their concern regarding the storm water runoff from the main road and requested the dimensions of the drains under the proposed access road. The TPO however said that the new access spurs of from an existing secondary road leading to the neighbours property and not of the main road, thus the storm water runoff to main road would not be an issue. The applicant, who was in attendance was asked about the dimensions of the drains, his response was that they were the large concrete pipes approximately 900mm in diameter and that there is a proposal to dam up the water higher up the ravine that would enable better control.

**Resolution:** The application for Construction of a Two Storey, Three Bedroom Dwelling was approved with conditions as recommended by the TPO. A Decision Notice to issue.

**TPO** 

Application 2021/39 – Retrospective Application to Retain the Installation of Photovoltaic Panels and Replace the Existing Corrugated Iron Sheeting – Barracks Warehouse, Barracks Square, Jamestown – Gregory Cairns-wicks Member, Mr Karl Thrower having declared an interest left the table for this item of business. The PO presented the application. The site falls within the Intermediate Zone and the proposed Jamestown Conservation area. The application is to retain the existing photovoltaic panels that had been installed on the Building in July 2020. The applicant was not aware that permission was needed for this. There are 32 panels on the west and east elevations of the building. The applicant is proposing to paint the roof sheets grey in order to mitigate the visual impact of the panels and also to replace the existing corrugated iron sheets on the adjoining building. The comments from Stakeholders were noted. The proposal had been assessed against the LDCP policies.

Following consideration, the Authority agreed Mr Cairns-wicks request to retain the installation of the photovoltaic panels and also to replace the existing corrugated iron sheeting on the Barracks Square Warehouse.

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**Resolution:** The application to Retain the Installation of Photovoltaic Panels PO and to Replace the Existing Corrugated Iron Sheeting was approved with conditions as recommended by the PO. A Decision Notice to issue. 6) Application 2021/51 – Installation of TV Antenna and Pole – Youngs Valley - Ricardo Morana JR The TPO presented the application. The application is to install a TV antenna on a 4 metre galvanised pole on vacant Crown land which includes laying 170 metres of cable underground within the applicant's private property, connecting to the existing house. The pole would be fix to an existing concrete base situated below ground level. The proposal had been assessed against the LDCP policies. In assessing the distance from the existing house for the proposed antenna, it was noted that advice from Sure SA Ltd made this the optimum location for the required signal. While the proposal was for a standalone pole along the main road and would be visible by all road users, the visual impact would be remarkably less than the existing electricity and telephone poles in the area and across the island. In considering the application, the Authority requested that the pole be painted a dark green to blend in with the vegetation. **Resolution:** The application for Installation of TV Antenna was approved with **TPO** conditions as recommended by the TPO with an added condition to take into account the colour of the pole. A Decision Notice to issue. 7) Application 2021/43 - Construction of a Bus Shelter - Red Hill Junction, Levelwood - Property Division, TI&SD Portfolio, St Helena Government The PO presented the Application. In August 2019 development permission was granted for the construction of a bus shelter within the Levelwood district, near Quincy Vale Sheltered Accommodation. The application was for a bus shelter on the eastern side of the main road, positioned in front of the existing Government Landlord Housing. This application is now for a bus shelter in a new location – at the Red Hill Junction. The site falls within the Intermediate Zone with no proposed conservation area restrictions. The area sits on the south side of the road to Red Hill. Excavation into the existing slope would be created in order to accommodate a level platform for the bus shelter where gabions would be constructed to the ground level of the existing road as supporting foundations. A concrete slab would then be poured on top of the gabions to provide a base for the installation of the bus shelter. The Applicant was advised to carry out public consultation with the residents in the area in an effort to determine how many people uses the bus

service, the frequency and whether they support the location in which the bus shelter should be erected and if not to suggest an alternative location. Out of a number of 37 residents who received the questionnaire, 18 responded in support of the proposed location. There was representation from a neighbour and also comments from Stakeholders. The proposal has been assessed against the LDCP policies. In assessing the application, the development does not take the current bus service routes into consideration or the pick-up and drop off points in the area. Currently the buses informally stop across the junction, towards Silver Hill. Vehicles approaching from Woody Ridge attempt to overtake on a blind bend where they risk a head on collision with another unsuspected vehicle. The location for this development is in close proximity of a junction with a steep incline and a blind bend which would, it was felt, encourage unsafe highway practises.

The application that was approved previously provided a safer area for the bus shelter to be located. The PO said this proposal would formalise and encourage unsafe highway practises which could not be supported and therefore was recommended for refusal.

In considering the application, the Authority highlighted concerns regarding public safety and the fact that the original permission given was a better proposal taking into account the Sheltered Accommodation that provides for people with disabilities. It was agreed that the application be refused with reason given by the PO. It was felt that the Police also should have commented on the danger of this proposal.

It was also brought to attention that a fence with wooden posts have been erected in this area and the PO was asked to look into this matter.

**Resolution:** The Application for Construction of a Bus Shelter was refused with reasons as recommended by the PO. A Decision Notice to issue.

PO

## 8) Application 2021/52 – Construction of a Three Bedroom, Split Level Dwelling – Upper Cleughs Plain – Theo and Sone Meij

The TPO presented the application. The site falls within the Intermediate Zone and not within any proposed conservation area. From viewing the plans submitted originally it was discovered that the proposed building design layout and access would not make best use of the land and would create unnecessary excavating scarring and land spill. The applicant was informed of this and provided a revised plan to invert the house layout that would allow access directly on to the site from the existing track. The development site sits close to the Green Heartland Zone and the Applicant proposes to be as green and off grid as possible. The comments received from Stakeholders were noted and also the representation from the neighbour that had been

taken into consideration. The proposal has been assessed against the LDCP policies.

Following consideration, the Authority expressed concern regarding the scarring from the excavation of the road relating to the original plan that was submitted. It was felt that Applicants should be advised what would be in their best interest once the plans have been submitted. The development application was however approved.

**Resolution:** The application for Construction of a Three Bedroom, Split Level Dwelling was approved with conditions as recommended by the TPO. A Decision Notice to issue.

**TPO** 

#### 8. Approvals by CPO and PO under Delegated Powers:

The following Three Development Applications were dealt with under Delegated Powers by the Chief Planning Officer and the Planning Officer.

1) Application 2021/20:

Requested : Full Development PermissionProposal : Access Road to Existing House

– Location : Deadwood

Applicant : Maureen StoneOfficial : Shane Williams, PO

Approved : 25 June 2021

2) Application 2021/08:

Requested : Full Development PermissionProposal : Construction of a Carport

Location : Bottom Woods CDA

Applicant : Infrastructure & Transport, SHG

Official : Ismail Mohammed, CPO

Approved : 28 June 2021

3) Application 2021/13:

Requested : Full Development PermissionProposal : Construction of a Double Garage

Location : Cleughs Plain, St Pauls

- Applicant : Darrell Henry

Official : Ismail Mohammed, CPO

Approved : 28 June 2021

#### 9. Minor Variations Approved by CPO & PO

The following Four Development Applications was approved as Minor Variations by the Chief Planning Officer and the Planning Officer. As normal practice key Stakeholders are approached when and where needed for Minor Variation Evaluation.

	_	Requested	:	Minor Variation
	_	Proposal	:	To change the configuration (stagger)
		photovoltaic pane	ls on th	ne North Western elevations resulting in an
		increase in the number of panels to be installed.		
	_	Location	:	Thorpes Warehouse, Ex Paramount
		Cinema, Jamestow	/n	•
	_	Applicant	:	W A Thorpe & Sons Limited
	_	Official	:	Ismail Mohammed, CPO
	_	Approved	:	22 June 2021
2)	Application 201	• • •		
	_	Requested	:	Minor Variation
	_	Proposal	:	To convert Carport into a Garage by the
		addition of two windows and a roller door		
	_	Location	:	Cleughs Plain, St Pauls
	_	Applicant	:	Beatrice McDaniel
	_	Official	:	Shane Williams, PO
	_	Approved	:	1 July 2021
3)	Application 202	1/18/MV1:		
	_	Requested	:	Minor Variation
	_	Proposal	:	To reposition the drainage lines and amend the

Proposal : To reposition the drainage lines and amend the

soakaway design

– Location : Alarm Forest

Applicant : Programme Management Unit, St Helena

Government

Official : Shane Williams, PO

Approved: 16 July 2021

#### 4) Application 2020/89/MV1:

Application 2021/34/MV1:

1)

- Requested : **Minor Variation** 

Proposal : To reposition the house approximately 1.6m to

the north and 0.9m to the west

Location : Nr Coleman's Tower, Sapper Way, St Pauls

Applicant : Paul Loosley

- Official : Shane Williams, PO

Approved : 22 July 2021

### 10. Discharge of Conditions by CPO and PO

1)	Application 2021/16/DC5:		
	<ul> <li>Requested</li> </ul>	:	Discharge of Condition Five

		Proposal	•	For the details showing how the access road to	
	_	the development si	te would		
		Location		Alarm Forest	
	_		•		
	_	Applicant	•	Sandie Coates	
	_	Official	:	Ismail Mohammed, CPO	
٥١	-	Approved	:	22 June 2021	
2)	Application 2020			Discharge of Condition Form	
	_	Requested Proposal	:	<b>Discharge of Condition Four</b> For the details of Hard and Soft Landscaping	
	_	Scheme	•	rol the details of hard and soft Landscaping	
				Pad Hill Water Treatment Works Site St David	
	_	Location	:	Red Hill Water Treatment Works Site, St Pauls	
	_	Applicant	:	Connect St Helena Limited	
	_	Official	:	Ismail Mohammed, CPO	
	_	Approved	:	23 June 2021	
3)	Application 2020/87/DC7:				
	_	Requested	:	Discharge of Condition Seven (Partial)	
	_	Proposal	:	For the details in respect of the storm water	
		management 			
	_	Location	:	Along Side Path Road	
	_	Applicant	:	Programme Management Unit, St Helena	
		Government			
	_	Official	:	Ismail Mohammed, CPO	
	_	Approved	:	25 June 2021	
4)	Application 202				
	_	Requested	:	Discharge of Condition Four	
	_	Proposal	:	For manufacturer specifications for the panels	
		demonstrating a no	n-reflect	_	
	_	Location	:	At the back of Essex House, Jamestown	
	_	Applicant	:	Gregory Cairns-wicks	
	_	Official	:	Shane Williams, PO	
	_	Approved	:	1 July 2021	
5)	Application 202				
	_	Requested	:	Discharge of Condition Four	
	_	Proposal	:	For the submission of a Method Statement and	
		Contamination Rep	ort		
	_	Location	:	Rupert's Valley	
	_	Applicant	:	Programme Management Unit, St Helena	
		Government			
	_	Official	:	Shane Williams, PO	
	_	Approved	:	13 July 2021	
6)	Application 2020/53/DC3 (Partial):				
	_	Requested	:	Discharge of Condition Three (Partial)	
		Proposal	:	For the submission of details regarding the	
	_	•			
	_	•	tural sur	vey of Coleman's Tower	

	_	Applicant	:	Mr & Mrs James Venning
	_	Official	:	Shane Williams, PO
	_	Approved	:	22 July 2021
7)	Application 20	20/59/DC4:		
	_	Requested	:	Discharge of Condition Four
	_	Proposal	:	For the submission of a Landscaping Scheme
	_	Location	:	Sapper Way, St Pauls
	_	Applicant	:	Justine M Joshua
	_	Official	:	Shane Williams, PO
	_	Approved	:	22 July 2021
8)	Application 20	20/89/DC5:		
	_	Requested	:	Discharge of Condition Five
	_	Proposal	:	For the submission of Hard and Soft
		Landscaping Sche	me	
	_	Location	:	Nr Coleman's Tower, Sapper Way, St Pauls
	_	Applicant	:	Paul Loosley
	_	Official	:	Shane Williams, PO
	_	Approved	:	22 July 2021

The Chairperson asked Members if they had any observations on any of the discharge of conditions that were approved. Members highlighted item 3 and requested that the PO provide them with details regarding discharge of this condition. PO to furnish members with details as requested.

The PO explained to Members the reason for discharge of condition partially in respect of item 6. It was noted that Mr Adam Sizeland provided details regarding the condition and structural survey of Coleman's Tower but the information supplied was not sufficient hence the reason for the partial discharge of the condition.

The PO explained the reason for discharge of condition relating to item 8.

#### 11. Strategic Planning Matters

#### 1) Rupert's Valley Development Plan

The Chairperson spoke with PMU on this matter, as agreed at the LDCA meeting of 2 June 2021. PMU have now sent an email to the PO with the attached Plan and he (PO) advised that the CPO would deal with this item once he is back on island from overseas leave.

#### 2) Conservation Area Management Plan

On hold. To continue as an item on the Agenda until finalised. It was stressed that this item needs to be completed.

#### 3) LDCP Review

		The document is being scrutinised by the LDCA. Once completed the Secretary would compile the comments in readiness to be sent to the Portfolio Director of ENRP for the next course of action.
12.	Any	Other Business
There	e were	e no further business to discuss.
		Meeting OCA Meeting is scheduled for 1 September 2021.
The C	Chairp	erson thanked Members for their attendance. The meeting closed at 11.50hrs.
Signe	d by t	the Chairperson of the Authority, as a true reflection of the Meeting.
	norco	n to the LDCA Date