



St Helena
Government

MINUTES

Land Development Control Authority Meeting

Date : Wednesday, 6 October 2021
Time : 10 am
Venue : The St Helena Community College Large Conference Room, Jamestown

Present

Mrs Ethel Yon OBE	Chairperson
Mr Gavin George	Member
Mr Ralph Peters	Member
Mr Gerald Yon	Member
Mr Ronald Scanes	Member
Mr Karl Thrower	Member

Mr Ismail Mohammed	Chief Planning Officer
Mr Shane Williams	Planning Officer (PO)
Mr Paul Scipio	Temporary Planning Officer (TPO)
Mrs Karen Isaac	Secretary

Apologies

Mr Paul Hickling	Deputy Chair
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Also in Attendance Seven Members of the public

1. Attendance and Welcome

The Chairperson welcomed all present and thanked Members for attending.

2. Declarations of Interest

Member, Mr Karl Thrower declared his interest in respect of application 2021/68 as he had advised the Applicant on the amount of panels to be installed. The Member could however remain at the table when this item of business is discussed but not to participate in discussion or decision.

3. Confirmation of Minutes of 1 September 2021

The Minutes of meeting of 1 September 2021 were confirmed and signed by the Chairperson.

4. Matters Arising from Minutes of 1 September 2021

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

Nothing further has been received from the Applicant. To be reviewed in 6 months i.e March 2022.

Press Release to the Public regarding Planning Procedures

The Chairperson informed the meeting that she had spoken to both Medias and they asked that the CPO send them another request regarding radio interviews on planning procedures and they would be happy to discuss. The CPO to send them details on what is to be discussed.

ACTION: CPO

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

It was noted that the AG had advised that the Decision Notice on this Application could be issued. The Legal Agreement is in preparation in the AG's Chambers.

ACTION: CPO

Minor Variations

The matter was discussed on 21 June 2021. The Authority agreed at the 21 June meeting that the paper produced by the LCPO in January 2017 be revoked but advised that guidelines should be prepared to assist both the Planning Staff and the general public. The Chair asked that the PO's assist with preparing the guidelines and requested that this be brought to the next LDCA meeting in November 2021.

ACTION: CPO and PO's to prepare guidelines for the next LDCA meeting.

Rupert's Valley Development Plan

The CPO has started work on the RVDP and would be finalised in November 2021.

ACTION: CPO

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

It was noted that the Applicant have yet to present his proposals on the upgrading and improvements of the Mule Yard. The CPO to enquire position and report back to the next LDCA meeting.

ACTION: CPO

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

The CPO advised that the report is almost complete and would be presented to Executive Council at the next scheduled meeting.

ACTION: CPO

Application 2021/43 – Construction of a Bus Shelter – Red Hill Junction, Levelwood – Property Division, TI&SD portfolio, St Helena Government

The Application was refused on 4 August 2021. However, it was observed that a fence with wooden posts had been erected in the area and the Authority requested that this matter be looked into.

The PO investigated the matter and it had been established that the fence was erected on property owned by Mrs Clare O’Dean who did not know that planning permission was required. Mrs O’Dean has now been advised to submit a retrospective application for consideration. To be followed up by the Planning Officer.

5. Building Control Activities

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

6. Current Planning Applications

LDCA Members were given a list of current Development Applications. There were 27 applications awaiting determination at the time of preparing the Agenda. There were 3 in the consultation period whilst others are being addressed. It was noted that the services of the TPO has been extended for a further period of. The CPO advised that it is still very busy in Planning but the 27 development applications are manageable. Once the new Planning Officer/Enforcement Officer is appointed, this should help.

7. Applications for LDCA Determination

1)	<p>Application 2021/36 – Construction of a Three Bedroom, Two Storey Dwelling – Bottom Woods - Kris Hall and Courtney Obey</p> <p>The TPO presented the application.</p> <p>The site falls within the Intermediate Zone and not within any proposed conservation area.</p> <p>The application site forms part of four plots situated along the Haul Road. The three adjacent plots have already been granted development permission. The access road comes off the Haul Road which had already been granted development permission.</p>	
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	<p>The TPO informed Members that the proposal before them had been revised following discussion with the applicant as the original proposal created unnecessary scarring of the land with a long access drive onto the site. The proposal now provides a better siting of the development and access road with an inverted house layout.</p> <p>Concerns were expressed in respect of the size of the windows with regard to light and ventilation but Members were advised this would be considered and addressed as necessary when the Applicant applies for building regulations approval.</p> <p>The proposed site excavation would create an embankment at the rear of the house, measuring approximately 4m in height this being above the policy of 3m embankment height. However, the proposed development provides a better layout and less scarring of the site.</p> <p>The proposal had been assessed and complied with the LDCP policies.</p> <p>In considering the application, a Member enquired whether the Applicant is planning to build a retaining wall owing to the height of the bank and questioned the distance between the house and the bank. The distance is 1.5m from the face of the embankment. It was requested that an 'Informative' be included in the Decision Notice to advise the Applicant that the development should take account of the excavation into the slope and the infill in forming level platforms or embankments where it shall not exceed 3m in height.</p> <p>Resolution: The application for Construction of a Three Bedroom, Two Storey Dwelling was approved with conditions as recommended by the TPO with an added 'Informative' to take account of the stabilisation of the land. A Decision Notice to issue.</p>	TPO
2)	<p>Application 2021/56 – Proposed Demolition of Existing House and Construction of a Two Bedroom Dwelling – Long Range, Rock Rose, Sandy Bay – Annalea Beard</p> <p>The PO presented the application.</p> <p>The site falls within the Coastal Zone. Access to this plot is from the main road at the junction of Rock Rose where a single track extends approximately 800m from the junction to the site. There is an existing water supply in the area. An off-grid photovoltaic system is proposed where the panels would be installed on the Roof. The Applicant had not indicated the layout of the panels but this would not be of concern as it is not affected by any designation. Sewage is proposed into a septic tank and existing soakaway system. The consultation response from EMD were highlighted.</p>	

	<p>The proposal had been assessed and complied with the LDCP policies.</p> <p>In considering the application, Members expressed concern over the steepness of the access road where it was stressed that no emergency vehicles would be able to use the road. It was said that the road could be realigned.</p> <p>The Authority was advised that no response had been received from the Fire and Rescue Service. The PO was therefore asked to advise the applicant to consult with the Service to ensure that the access track is adequate for emergency vehicles. It was also noted that there is a power storage room next to the Kitchen and was questioned whether this would be safe. It was further noted that on the ground floor the Bathroom would be opening onto the Kitchen and Dining Area. These issues would however be dealt with by the Building Inspectors when building regulations approval is applied for.</p> <p>Resolution: The application for Demolition of Existing House and Construction of a Two Bedroom Dwelling was approved with conditions as recommended by the PO including consultation with the Fire and Rescue Service for emergency vehicle access. A Decision Notice to issue.</p>	<p>PO</p>
<p>3)</p>	<p>Application 2021/58 – Change of Use from One Dwelling to Two – Upper Cleughs Plain – Paul Peters</p> <p>The TPO presented the application. The application presented is in conjunction with application 2021/59.</p> <p>The site falls within the Intermediate Zone and not within any proposed conservation area. Over the years the existing house has had a number of extensions carried out resulting in the house having low eaves and varied roof pitches. The proposal is to remove the passage doors that connect the properties allowing an open corridor thus creating two independent residential units.</p> <p>There were concerns regarding the supporting of the wall that would be built on top of the existing, to the highest point of the roof and the entire length of the house and the width of the gap between the two buildings. Also whether there would be sufficient safe access into the building and for ventilation as the existing roof slopes down towards the corridor. There were concerns about the unstable embankment and the lack of details for the proposed retaining wall. These concerns would however be dealt with when the applicant applies for Building Regulations approval. This proposed development is adjacent to and sits below the proposed new dwelling reference 2021/59</p>	

	<p>The proposed development had been assessed and complied with the LDCP policies.</p> <p>In considering the application, Members highlighted the concerns regarding the access into the building and the ventilation but noted that these would be dealt with when the Applicant applies for Building Regulations approval.</p> <p>Resolution: The application for change of use from one dwelling to two were approved with conditions as recommended by the TPO. A Decision Notice to issue.</p>	TPO
<p>4)</p>	<p>Application 2021/59 – Construction of a Two Bedroom Dwelling – Upper Cleughs Plain – Emma Peters</p> <p>The TPO presented the application and was presented in conjunction with application 2021/58.</p> <p>The site falls within the Intermediate Zone and not within any proposed conservation area. The development would be situated above the development under reference 2021/58 and is being considered with regard to its appearance in relation with the development on the adjoining site.</p> <p>There was concern regarding overlooking and privacy, which is not possible to overcome due to site levels. There were also concerns surrounding the existing crumbling embankment to the front of this development which it is proposed to be retained under development application 2021/58. It was suggested that the existing embankment to the front be excavated further to allow the entire front wall of the house to be built and supported from the lower level. This will be brought to the attention of Building Control and dealt with under the Building Regulations.</p> <p>The proposed development had been and complied with the LDCP policies.</p> <p>Resolution: The application for construction of a two bedroom dwelling was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	TPO
<p>5)</p>	<p>Application 2021/68 – Installation of Photovoltaic Panels and Supporting Structure – The Market Toilet Block, Jamestown</p> <p>Member, Mr Karl Thrower having declared an interest but remained at the table for this item of business.</p> <p>The PO presented the application.</p>	

	<p>The site falls within the Intermediate Zone and proposed Jamestown conservation area. The Toilet Block is within the curtilage of the Market Building which is a listed building. It was considered the proposed development installation would have minimal impact on the listed building and the conservation area given its location away from the main access and thoroughfare.</p> <p>The proposed development had been assessed and complied with the LDCP policies.</p> <p>Resolution: The application for installation of photovoltaic panels and supporting structure was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	PO
6)	<p>Application 2021/64 – Kitchen, Dining and Bedroom Extensions to Existing House – Leper Station, Two Gun Saddle – Leroy Thomas and Annabell Crowie</p> <p>The TPO presented the application.</p> <p>The site falls within the Intermediate Zone and the building is not listed or in a conservation area, however it is distinguished by its history and former use as a place used to isolate people with leprosy and it stands out prominently when viewed from the north looking up the valley.</p> <p>Whilst there are no constraints on changing the appearance of the building, the proposed extension at the rear is hidden and thus the appearance at the front remains the same. Therefore in considering the impact of the development, the proposal would not detract from or affect the amenity of the area.</p> <p>The proposed development had been assessed and complied with the LDCP policies.</p> <p>In considering the application, it was questioned whether the existing roof is of asbestos and if so an ‘Informative’ should be inserted in the Decision Notice regarding its removal.</p> <p>Resolution: The application for Kitchen, Dining and Bedroom Extensions to Existing House was approved with conditions as recommended by the PO with an ‘Informative’ regarding the existing roof material. A Decision Notice to issue.</p>	TPO

<p>7)</p>	<p>Application 2021/65 – Bedroom and Patio Extensions to Existing House – Near High Knoll, Half Tree Hollow – Clint Knipe</p> <p>The TPO presented the application.</p> <p>The site falls within the Intermediate Zone and not within any proposed conservation area. The extension would be constructed on an existing level platform to the east of the existing house.</p> <p>The proposed development has been assessed and complied with the LDCP policies.</p> <p>In considering the application it was noted that the plan shows a Garage to be constructed but the TPO clarified that the Garage is not part of the development application and should not have been included on the drawing.</p> <p>Resolution: The application for Bedroom and Patio Extensions to Existing House was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<p>TPO</p>
<p>8)</p>	<p>Application 2020/74 – Retrospective Application to Retain the Change in Roof profile and Structure – Narra Backs, Jamestown – Cordelia Piek</p> <p>The PO presented the application.</p> <p>The site falls within the Intermediate Zone and is within the Jamestown Conservation Area and also adjoins a listed building. The PO provided background information to the application and highlighted the discussions held with the applicant. The building is not listed but adjoins a number of buildings that are listed and being in the conservation area required careful consideration and potential impact.</p> <p>The development had been assessed and complied with the LDCP policies.</p> <p>The works that were carried out by the applicant has achieved what was advised by the Planning Officer in ensuring the character and general appearance were retained. The works undertaken does not adversely affect the character and amenity of the building or its setting.</p> <p>Resolution: The application to retain the change in roof profile and structure was approved as recommended by the PO. A Decision Notice to issue.</p>	<p>PO</p>
<p>9)</p>	<p>Application 2021/71 – Construction of a Three Bedroom Dwelling – Near St Marks Church, Longwood – Samara Isaac</p> <p>The TPO presented the application.</p>	

	<p>The site falls within the Intermediate Zone and not within any proposed conservation area.</p> <p>It was presented that the building is proposed to be raised at the front to allow a stepped entrance, this reduces the height of the excavated embankment at the rear to approximately 1.9 metres and allows the house additional elevation.</p> <p>It was highlighted that the development is adjacent to similar neighbouring properties all facing relatively in the northerly direction and that the building's footprint fits with the topography of the land, therefore not creating extreme embankments. It was also highlighted that the bungalow's physical design attributes such as height, shape and bulk does not overly dominate or compromise the area and is consistent with surrounding properties.</p> <p>The proposed development had been assessed and complied with the LDCP policies.</p> <p>In considering the application it was noted that the site plan shows that grey water is to be connected to the soakaway system and it was questioned whether this was correct. It was clarified that the original plan relating to the soakaway system was amended to take account of this.</p> <p>Resolution: The application for construction of a three bedroom dwelling was approved with conditions as recommended by the PO. A Decision Notice to issue</p>	TPO
<p>10)</p>	<p>Application 2021/78 – Development of Phase 1A of Bunkers Hill CDA, incorporating access roads, installation of services and layout of 18 plots for housing – Bunkers Hill, Alarm Forest – Nigel George</p> <p>The CPO presented the application.</p> <p>The site falls within the Intermediate Zone.</p> <p>The proposed development application is for a development phase that forms part of the Bunkers Hill CDA that was granted Hybrid permission in February 2020. The application is to develop phase 1A of the development site to provide access roads off the main road that would incorporate services and layouts to serve 18 housing plots.</p> <p>The Authority was advised that there is a Legal Agreement being negotiated between the applicant and the AG's Chambers in respect of sale of the land.</p>	

The Legal Agreement requires that each phase of the development should provide service plots to potential buyers, this include excavation to enable building construction. The applicant was advised that if excavation of the plots was required, then the application need to be accompanied by appropriate level of detail in respect of each plot including details of building to be constructed. However this was not a requirement of the development application if the applicant is only seeking permission for the layout for this phase of the development (access road, alignment of the plots and access drive) with the details of the services. The details submitted are sufficient for this purpose. The details given on the access roads were sufficient to show alignment but more details would be required to ensure how this reflects the contours in the area. It was stressed by the applicant that he would not be able to create the access roads until development permission for this Phase of the development is given. However, once the applicant gets on site and the development starts, then it might be necessary for the applicant to request minor variations to the proposal in respect of the contour lines.

The CPO said that if the Authority were minded to approve the application, strict conditions would need to be placed. Developers would need to submit details on each plot and its approval would not be for construction works. The applicant cannot make a start on the development site until the Legal Agreement had been signed.

The Applicant was allowed to speak.

In considering the application, the Authority were not satisfied with the position regarding the Legal Agreement, but accepted that this was not a development planning issue but a civil issue between the two parties on the sale. Any future changes to the development would need to come back to the LDCA for consideration. The only excavation fully approved is the main spine road as per previous permission and Discharged Condition.

The CPO advised that he is conversation with the AG's Chambers in this respect, but stressed that as it is not a development planning issue, it was for the applicant to resolve with his Legal Advisor.

It was felt that fortnightly meetings should occur with the Applicant and the CPO. After a lengthy discussion, the Authority approved the application as recommended by the CPO.

	<p>Resolution: The application for development of phase 1A of Bunkers Hill CDA, incorporating access roads, installation of services and layout of 18 plots for housing was approved with conditions as recommended by the CPO with an added condition to take account of the spine road. A Decision Notice to issue.</p>	<p>CPO</p>
<p>11)</p>	<p>Application 2021/79 – Retrospective Application for the Construction of a Workshop, Office, Carpentry Shop and Store Room – Ruperts – Adrian Duncan</p> <p>The CPO presented the application.</p> <p>The Site falls within the Coastal Zone with no conservation area restrictions.</p> <p>The applicant had submitted a development application in July where it was assessed. The application was incomplete and the applicant was informed and advised to submit the additional information in support of the proposal. The applicant had in the meantime started works on site without development permission and building regulation approval. The applicant was advised to stop works. There are concerns regarding the car parks as the proposal would require 22 car parking spaces and the applicant could only provide 7. Another concern was health and safety due to the close proximity of the BFI and that there would be just a single narrow access into the area. It was stressed that these issues should be addressed and dealt with before the site could be implemented and occupied. It was noted that the Fire and Sea Rescue Service initially raised no objection to this proposal. The CPO however sought clarification from the Service regarding close proximity to the BFI site and concern was expressed regarding the need for an escape route out of the area. This had been discussed with the applicant and would also need to be discussed with other users and the Government as the landowner.</p> <p>In considering the application it was stressed that the escape route should be a pedestrian access route initially to enable safe evacuation from the area and then to consider a vehicular route as soon as possible. An issue was raised in respect of the water capacity in the area. It was believed that there was not sufficient water capacity in case of a fire which mean that there would be additional strain. A question was raised as to whether the new Bulk Fuel Farm had a stored water stored supply. The CPO to check.</p> <p>A question was raised as to whether the Authority could take any action against the applicant for undertaking the unauthorised works or if an enforcement notice could be issued. The CPO said that the legal position is quite difficult.</p>	

<p>It was suggested that an advisory should be included in the Decision Notice to take account of the pedestrian route up to the main road.</p> <p>A point was raised that Planning should have been consulted before the land was leased to the applicant.</p> <p>The Chair advised that the CPO should bring to the attention of the public and also SHG Officials in his radio interview with the media that before any building works are started, planning approval is required.</p> <p>Although the proposed development is a departure from the LDGP, the Authority was advised to support the recommendation for approval.</p> <p>Resolution: The application for construction of a Workshop, Office, Carpentry Shop and Store Room were supported with conditions as recommended by the CPO with an advisory to take account of the creation of a pedestrian route up to the main road. To Governor in Council for final determination.</p>	<p>CPO</p>
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8. Approvals by CPO and PO under Delegated Powers: NIL

9. Minor Variations Approved by CPO

<p>The following Three Development Applications was 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>1)</p>	<p>Application 2019/112/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Install Two additional Solar Lights with Poles – Location : Near the Baptist Church and behind Barracks Square, Market Street, Jamestown – Applicant : Infrastructure and Transport Directorate, St Helena Government – Official : Ismail Mohammed, CPO – Approved : 20 September 2021
<p>2)</p>	<p>Application 2020/77/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Reposition the Building approximately 4m to the North where it would be realigned to near parallel with the existing Container Park – Location : Red Hill Depot, St Paul's – Applicant : Connect St Helena Limited

	<ul style="list-style-type: none"> – Official : Ismail Mohammed, CPO – Approved : 20 September 2021
3)	<p>Application 2014/86/MV3:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Increase the depth of the Building from 7.5m to 8m – Location : Plantation Square – Applicant : Cambrian Properties Limited – Official : Ismail Mohammed, CPO – Approved : 22 September 2021

10. Discharge of Conditions by CPO and PO:

1)	<p>Application 2020/41/DC6 (Partial):</p> <ul style="list-style-type: none"> – Requested : Discharge of Condition Six (Partial) – Proposal : For the submission of Security Fencing Details in terms of exact alignment of the fencing having regard to the historic structures and buildings, design, material and colour – Location : Ruperts – Applicant : Programme Management Unit, St Helena Government – Official : Shane Williams, PO – Approved : 26 August 2021
2)	<p>Application 2020/53/DC6:</p> <ul style="list-style-type: none"> – Requested : Discharge of Condition Six – Proposal : For the Submission of the Interpretation Board and Signage Details – Location : Coleman’s Tower, Sapper Way – Applicant : Mr & Mrs James Venning – Official : Ismail Mohammed, CPO – Approved : 170 September 2021

11. Strategic Planning Matters

1)	<p>Rupert’s Valley Development Plan</p> <p>The CPO advised that he is making progress with the document.</p>
2)	<p>Conservation Area Management Plan</p> <p>On hold. To continue as an item on the Agenda until finalised.</p>
3)	<p>LDCP Review</p> <p>The CPO advised that he is working on the last few chapters of the document and is almost complete. A meeting would be held soon after the election date. It was noted by the Chair that good progress has been made.</p>

12. Any Other Business

There were no further business to discuss.

13. Next Meeting

The next LDCA Meeting is scheduled for 3 November 2021.

The Chairperson thanked Members for their attendance. The meeting closed at 12.50hrs.

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

Chairperson to the LDCA

Date