



St Helena  
Government

# MINUTES

## Land Development Control Authority Meeting

Date : Wednesday, 4 May 2022

Time : 10 am

Venue : Training Room 1, opposite St Helena Community College Main Hall, Jamestown

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<b>Present</b>	Mrs Ethel Yon OBE	Chairperson
	Mr Paul Hickling	Deputy Chair
	Mr Ronald Scanes	Member
	Mr Gavin George	Member
	Mr Gerald Yon	Member
	Mr Lawson Henry	Member
	Mr Shane Williams	Chief Planning Officer (Acting)
	Mr Paul Scipio	Planning Officer (PO)
	Mrs Karen Isaac	Secretary
	Miss Kaylee O'dean-Piek	Administration Assistant

**Apologies** Mr Ralph Peters Member

**Also in Attendance** Four Members of the public, including Applicants

### 1. Attendance and Welcome

The Chairperson welcomed all present with a special welcome to Member, Mr Ronald Scanes from overseas medical, and thanked Members for attending.

### 2. Declarations of Interest

The Chair and Member, Gerald Yon declared their interest in respect of Application 2022/19.

### 3. Confirmation of Minutes of 6 April 2022

The Minutes of meeting of 6 April 2022 were confirmed and signed by the Chairperson.

#### **4. Matters Arising from Minutes of 26 April 2022**

##### **Application 2021/45 – Construction of a Three Bedroom Dwelling – Head O’Wain – Marjorie and David Harding**

The Application was supported by the LDCA on 2 February 2022. CPO, Ag to prepare cover note for the next Governor-in- Council meeting scheduled for early May 2022.

**ACTION:** CPO, Ag

##### **Application 2021/93 – Demolition of Existing House and Construction of a Two Storey Dwelling – Barracks Square, Jamestown – Neil George**

The Application was presented to the LDCA on 2 February 2022. As recommended by the CPO, Ag, a site visit was carried out to establish what potential impact the proposed development would have on the setting of Barracks Square, before a decision was made. From the site visit, grave concern was expressed on the foundation support and, as such, whether it would be advisable for the Applicant to seek engineering advice. It was pointed out however by the CPO, Ag that the latter would be dealt with through Building Regulations. The CPO, Ag informed Members that he is in discussion with the Applicant’s Draughtsman who undertook to relay to the Applicant the concern raised. Revised plans to be submitted.

**ACTION:** CPO, Ag upon receipt of revised plans

##### **Application 2021/95 – Installation of Security Gates – The Marine Centre, the Wharf, Jamestown – Marine Section, ENRP, SHG**

The Application was supported by the LDCA. It was noted that the Minister of ENRP was in discussion with the Legal Chambers concerning the revised directions to the CPO and it might not therefore be necessary for the application to be presented to Governor-in-Council. The Chairperson had also spoken to the Minister on the matter who advised her that she had asked for the item to be withdrawn from the Exco Agenda. The Minister advised she would have further discussions as to what really is intended.

##### **Rupert’s Valley Development Plan**

It was noted that the new CPO would be arriving on Saturday, 7 May 2022. This would now be referred to the new CPO to deal. The Chair would ensure that the item is given early attention.

**ACTION:** CPO

##### **Application 2021/79 – Construction of a Workshop, Office, Carpentry Shop and Store Room – Ruperts – Adrian Duncan**

The CPO, Ag advised that he had prepared a cover note for Governor-in-Council and the Application would be presented to the Council on Tuesday, 10 May 2022.

**Application 2022/02 – Installation of Photovoltaic Panels – Bishopsholme, St Pauls – Diocese of St Helena**

Following discussion, the Authority highlighted that the Application could fall under the new directions to CPO dated 21 February 2022 and requested the CPO, Ag should seek clarity on this. Clarity was sought from the Minister of ENRP and she advised that this application would need to be presented to Governor-in-Council as it is a listed building. However, the Application was put on hold pending further revision of the new directions to the CPO.

**Food Vendors**

A member enquired the position regarding the Food Caravan near the General Hospital as the person responsible was now doing car valeting. The CPO, Ag had followed this up with the Minister of SS&HA who advised that he should speak to the Police as this is a matter for them. The CPO, Ag to follow up and report back at the next LDCA meeting.

**ACTION:** CPO, Ag

**COP 26**

In response to a question asked by a member with regard to Cop 26, the CPO, Ag advised that he had a brief discussion with the Director, ENRP concerning the implementation of Climate Change. It was noted that Sun Tunnels had been installed at Scotland Headquarters to reduce energy consumption. It was also believed that the Chief Minister had a discussion on Island Innovation.

**LDCP**

This item would be referred to the new CPO. Councillor Dr Essex would also be following this up with the CPO and the Director, ENRP.

**Paul Scipio– Part-time Worker**

Mr Scipio advised that his appointment as PO in Planning would expire at the end of April. He asked the Authority if they were happy for him to carry on drawing plans whilst still being employed by SHG. The Authority felt that while there would not be any objection in principle to this, it would not be appropriate for him to then present Applications to LDCA for approval. It was suggested that the PO discuss the matter with the Director of ENRP. It was noted that Mr Scipio's appointment had been extended to June 2022.

**Application 2022/06 – Change of Windows and Doors to UPVC – Fairhaven, Jamestown – Belinda Bennett**

It was noted that the Application might not have to be presented to Governor-in-Council. This was dependent on the revised directions to the CPO.

**Application 2022/07 – Installation of Handrail – Baptist Church, Jamestown – Baptist Church**

It was noted that the Application might not have to be presented to Governor-in-Council. This was dependent on the revised directions to the CPO.

**Application 2022/03 – Construction of a Two Bedroom Dwelling and Garage – Ruperts Valley – Deon Maggott**

The Application would be further discussed under Agenda Item 7.5.

**Application 2021/94 – Revocation of Condition 3 of Decision Notice – Melanie Richards**

To be discussed under “Any Other Business (AOB).”

**Application 2020/87 – Rehabilitation of Field and Side Path Roads – PMU**

To be discussed under “Any Other Business (AOB).”

**5. Building Control Activities**

LDCA Members were given a list of Building Control Activities for the month of March 2022 for their information.

**6. Current Planning Applications**

LDCA Members were given a list of current Development Applications. There were 13 applications awaiting determination at the time of preparing the Agenda.

**7. Applications for LDCA Determination**

1)	<p><b>Application 2022/12 – Construction of a Two Bedroom Dwelling – Red Hill, St Pauls – Claire George</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>Following discussion, the Authority highlighted the possibility of water seepage and that the septic tank would be constructed on the land owned by Ms George’s parents. The Authority also highlighted that the access road would run through someone else’s property. It was however, pointed out that an Agreement had been reached between the interested parties on the matter of the construction of the septic tank but the Authority noted that there was nothing in writing to this effect. The PO advised that this is a matter for the Applicant and the neighbour to sort out. In a response to one Member’s enquiry why there were two sizes for the proposed development, he was advised that there were two plots involved.</p>	
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	<p><b>Resolution:</b> The Application for Construction of a Two Bedroom Dwelling was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<b>PO</b>
2)	<p><b>Application 2022/13 – Construction of a Two Bedroom Dwelling and Garage – Red Hill, Levelwood – Shakaye Henry</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>Following discussion, it was questioned whether this was a residential site? The PO advised that the site was residential a number of years ago. It was noted that the Garage would be separate to the Dwelling.</p> <p><b>Resolution:</b> The application for Construction of a Two Bedroom Dwelling and Garage was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<b>PO</b>
3)	<p><b>Application 2022/14 – Bedroom and Bathroom Extension and Construction of a Garage – Half Tree Hollow – Elaine Essex</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>Following discussion, a question was asked how thick the walls would be for the Garage? The PO advised that the walls would be seven inches thick. It was recognised that the proposed development would fit in with the original and if the Applicant propose any other development, it should come back to LDCA for consideration.</p> <p><b>Resolution:</b> The Application for Bedroom and Bathroom Extension and Construction of a Garage was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<b>PO</b>
4)	<p><b>Application 2022/16 – Installation of a Septic Tank and Soakaway – Whites, Ball Alley, Blue Hill – Brian Davies</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>Following discussion, it was questioned whether the Septic Tank would be big enough. The PO advised that this would be a matter for the Building Control to decide. It was noted that the proposed development falls within the Sandy</p>	

	<p>Bay Conservation Area. The PO advised that the Applicant wished to have the property reinstated to its former glory.</p> <p><b>Resolution:</b> The application for Installation of a Septic Tank and Soakaway was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<p><b>PO</b></p>
<p>5)</p>	<p><b>Application 2022/10 – Construction of a Two Bedroom Dwelling and Garage – Rupert’s Valley – Deon Maggott</b></p> <p>The CPO, Ag presented an Addendum to the application. The Application was discussed and deferred by the LDCA on 6 April 2022 for the Applicant to discuss with the Planning Staff other options and concepts regarding the external cladding. The CPO, Ag outlined the main issue for consideration as detailed in the “Addendum Report” and advised that his recommendation remains the same as originally reported i.e it should be refused.</p> <p>Following discussion, the majority of the Members felt that this was an improvement to the original design. It was felt by one Member that a precedent would be set if this were to go ahead and questioned whether the proposed development would be fire proof. The CPO, Ag advised that the matter of fire proofing would be dealt with by Building Control. The majority of Members felt that the Applicant should consider using neutral colour finishing. The CPO, Ag advised that in his opinion, the Application should be referred to Governor-in-Council de decide as it was a slight departure from the Coastal Zone policy of the LDCA. One Member agreed that the Application should be presented to Governor-in-Council and the majority said that it should not.</p> <p><b>Resolution:</b> The application for Construction of a Two Bedroom Dwelling and Garage was approved. A Decision Notice to issue.</p>	<p><b>CPO, Ag</b></p>

<p>6)</p>	<p><b>Application 2022/17 – Conservatory and Window Replacement – Ladder Hill – Russell Clingham</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>Following discussion, it was noted that the application was not only for window replacements but also for blockworks as there could be underlining structures. The PO however advised that this would be a matter for Building Control to deal. It was noted that the replacement windows were different to the originals and that it would look better if they were designed exactly like the back windows.</p> <p><b>Resolution:</b> The application for Conservatory and Window Replacement was approved with Conditions as recommended by the PO subject to an added condition that all windows proposed to be replaced on the front elevation of the house are to be of the same design as those existing, likewise the window in the proposed conservatory should be of the same design as those on the front elevation of the House. A Decision Notice to issue.</p>	<p>PO</p>
<p>7)</p>	<p><b>Application 2022/19 – Change of Use from Single Dwelling to Two Dwelling Units – Clinic Drive, Half Tree Hollow – Sylvia Benjamin</b></p> <p>PO presented the application, outlining the main issues for consideration as detailed in the “Handling Report” and recommended approval.</p> <p>The Chairperson and Member, Mr Gerald Yon declared their interest at this time and left the table as they are family members of the Applicant. Mr Paul Hickling deputised for the item of business.</p> <p>Following discussion, it was questioned why the Application was not dealt with under the General Development Order (GDO)? The PO advised that the Application was for a Change of Use hence the reason why it had to come before the LDCA.</p> <p><b>Resolution:</b> The Application for a Change of Use from Single Dwelling to Two Dwelling Units were approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	<p>PO</p>

**8. Approvals by CPO, Ag/PO under Delegated Powers:**

The following Two Development Applications were dealt with under Delegated Powers by the CPO, Ag /PO.

<b>1)</b>	<b>Application 2022/08:</b>	–	Requested	:	<b>Full Development Permission</b>
		–	Proposal	:	Bedroom Extension and New Roof Profile
		–	Location	:	Guinea Grass
		–	Applicant	:	Delma and David Stevens
		–	Official	:	Paul Scipio, PO (authorised by Shane Williams, CPO, Ag)
<b>2)</b>	<b>Application 2022/15:</b>	–	Requested	:	<b>Full Development Permission</b>
		–	Proposal	:	Construction of a Garage
		–	Location	:	Thompsons Hill
		–	Applicant	:	Raymond Moyce
		–	Official	:	Paul Scipio, PO (authorised by Shane Williams, CPO, Ag)

## 9. Minor Variations Approved by CPO, Ag: NIL

## 10. Strategic Planning Matters

<b>1)</b>	<b>Rupert’s Valley Development Plan</b>	This would now be a priority for the new CPO when he arrives on Island.			
<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>	On hold until the arrival of the CPO. The Chairperson to ensure that the item is given priority.			

## 11. Any Other Business

### Revocation of Condition 3 of Decision Notice - Application 2021/94 – Construction of a Two Bedroom Dwelling – Barren Ground – Melanie Richards

A site visit was carried out and it was felt that the excavation works that were undertaken did not prove to be adversely affected from a distance. On site it was noted that vegetation had already grown on the affected area. The Authority was therefore content to revoke condition 3 attached to application 2021/94 but requested that a condition be included for the Applicant to submit details on the trimming of the top of the top section of the embankment and proposals for landscaping of the area for approval by the CPO.



**Application 2015/102 - Construction of a Two Bedroom Dwelling - near the Ex Rifle Range, Half Tree Hollow – Sidonio Benjamin**

The CPO, Ag advised that he had received a letter from Mr Sidonio Benjamin requesting to omit Condition 10 of Decision Notice dated 6 November 2015 that states “Notwithstanding the approved drawings the bedroom window closest to the boundary with land parcel HTH1221 is not approved”.

Following discussion the Authority did not see any issue and were content to approve. Mention was made of having a frosted window installed.

**Unauthorised Development – Cleugh’s Plain – Delray McDaniel**

The CPO, Ag alerted the Authority of a complaint that he had received regarding an unauthorised development that had been carried out at Cleugh’s Plain. The applicant said that permission was granted a number of years ago, but no documentation could be provided by the applicant nor could the Planning Office find any approval on record. The Applicant was advised and requested to submit a retrospective application to retain the structure and was given one month to do so for consideration of the LDCA. Since the Applicant failed to submit a retrospective application within the stipulated time frame, the CPO, Ag asked the Authority if they would consider issuing an Enforcement Notice. The Authority considered and agreed the course of action.

**Excavation Works – Parcel SCOT0416 - Near Young’s Valley – Owner Delray McDaniel**

The CPO, Ag alerted the Authority of excavation works that came to his attention near Young’s Valley. Development permission was granted in 2005 for Construction of a Two Bedroom Dwelling in the name of Mr Stephen McDaniel. Condition 15 of the Decision Notice required that the development should be completed by June 2010 unless permission beyond the period had been applied for. The owner was asked to provide evidence that an extension of permission was applied for and if no extension was applied for a new application would have to be submitted for consideration of the LDCA. Since no response was received, the owner was advised to stop all works with immediate effect. The Authority advised that the CPO, Ag speak with the AG’s Chambers on the matter of direction and report back to LDCA. Following discussion on the course of action to take, the Authority stressed that a Press Statement should be made to make the public aware of what is expected of them regarding planning development applications.

**Excavation Works – Parcel SCOT0447 - Near Young’s Valley – Owner Belfred McDaniel**

The CPO, Ag alerted the Authority on excavation works that came to his attention near Young’s Valley. Development permission was granted in 2003 for Construction of a Three Bedroom Dwelling. From checking the plans it seemed that the development had not been carried out in

accordance with the approved plans. The owner was advised to stop all works with immediate effect and to arrange an appointment to speak with the Planning Staff to discuss the matter. Since no response was received, and following discussion on the course of action to take, the Authority advised that the CPO, Ag speak with AG's Chambers on the matter of direction and report back to LDCA.

### **Application 2021/77 – Car Park – Maldivia – PMU**

The CPO, Ag advised that he had written to PMU regarding deviations from approved drawings in respect of application 2021/77 – Car Park at Maldivia. It was noticed that demolition works of the entire wall took place without the approval of the Planning Service. The members were given a copy of the email from PMU in response to the CPO's letter. It was noted as works progressed, it was necessary for the applicant(s) to make adjustments but they failed to consult with Planning. The CPO, Ag advised that he was meeting with the AG's Chambers to discuss the matter. It was noted that this is not the first time that PMU failed to inform the Planning Service of any adjustments to approved plans.

### **Thanks to CPO, Ag (Mr Shane Williams)**

The CPO, Ag was thanked for a job well done whilst he was standing in for the new CPO. The CP would do a letter of thanks to CPO, Ag.

### **Meeting with new CPO**

A meeting would be arranged for the Authority to meet the new CPO.

## **12. Next Meeting**

The next LDCA Meeting is scheduled for Wednesday, 1 June 2022.

The Chairperson thanked Members for their attendance. The meeting closed at 12 noon.

**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