



**St Helena
Government**

MINUTES

Land Development Control Authority Meeting

Date : Thursday 6 July 2023
Time : 10 am
Venue : Training Room 1, opposite the St Helena Community College Main Hall, Jamestown

Present	Mrs Ethel Yon OBE	Chairperson
	Mr Lawson Henry	Member
	Mr Gavin George	Member
	Mr Gerald Yon	Member
	Mr Ralph Peters	Member
	Mr Shane Williams	Chief Planning Officer (Ag)
	Miss Petra Joshua	Planning Officer
	Miss Karen Isaac	Secretary
Apologies	Mr Ronald Scanes	Member (Hospital Appointment)
	Mr Paul Hickling	Deputy Chair (on holiday overseas)

Also in Attendance Six members of the public including Applicants/Objectors.

1. Attendance and Welcome

The Chairperson welcomed all present and thanked Members for their attendance.

2. Declarations of Interest

Member, Mr Gerald Yon declared his interest in respect of application 2023/22 as he is an employee of the St Helena Airport Limited. Mr Yon was allowed to remain at the table but not to participate in any discussion nor decision relating to the application.

3. Confirmation of Minutes of 1 June 2023

The Minutes of meeting of 1 June 2023 were confirmed and signed by the Chairperson as a true record of the meeting.

4. Matters Arising from Minutes of 6 April 2023

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

The CPO (Ag) advised that he had hoped that the Applicant would have submitted revised plans but nothing had been received. The CPO (Ag) said he would speak with the Applicant to determine whether he would like for his application to be withdrawn.

ACTION: CPO (Ag)

Land Development Control Plan (LDCP)

The matter on hold until a substantive CPO has been recruited or alternative measures are explored by the Portfolio Director of ENRP.

ACTION: New CPO

Conservation Area Management Plan

On hold until a substantive CPO is appointed.

Unauthorised development – Cleughs Plain – Delray McDaniel

The developer had advised that a formal application would be submitted on 6 July 2023. To be kept in view until application received. CPO (Ag) to follow up.

ACTION: CPO (Ag)

Excavation Works – Near Young's Valley – Owner, Delray McDaniel and Belfred McDaniel

The developer had advised that a formal application would be submitted on 6 July 2023. To be kept in view until application received. CPO (Ag) to follow up.

ACTION: CPO (Ag)

Sewage Treatment Facility – Half Tree Hollow

The CPO (Ag) advised that he had written to Connect St Helena Limited concerning their response to new proposed developments. They will now change their responses accordingly. The CPO (Ag) to provide statistics on the number of houses built in Half Tree Hollow that cannot be connected to the sewage system for members information.

ACTION: CPO (Ag)

5. Building Control Activities

LDCA were given a list of Building Control Activities for the month of May 2023 for their information.

6. Current Planning Applications

LDCA were given a list of current Development Applications. There were 4 applications awaiting determination at the time of preparing the Agenda.

7. Applications for LDCA Determination

1)	<p>Application 2023/27 – Installation of an External Lift, the Castle Courtyard, Jamestown: Central Support Services, St Helena Government</p> <p>The CPO (Ag) presented the Application.</p> <p>The site falls within the Intermediate Zone and the Jamestown Historic Conservation Area.</p> <p>The Application is to carry out some alterations to the Castle Building for the Installation of an External Lift. The Alterations to be carried out are to the façade of the building that would involve blocking up a window in the Governor’s Office and a Window within the meeting room to the back of the reception area. Two new door openings would be created from the blocked up windows to enable access from the Lift onto the respective floor levels. A stud partition would be installed internally to part the Governor’s Office with a door that would lead into the waiting area outside the Council Chamber. The proposal is to cater for disabled users, the elderly, pregnant mothers and the use of buggy’s and for people with difficulty in managing steps. It could also open up opportunities for wheelchair users.</p> <p>A number of site selection options were explored by the applicant in order to achieve the primary access to the Council Chambers and the one presented was deemed to be the most economical one for consideration.</p> <p>Two objections from stakeholders, namely the National Trust and Heritage Society and one representation from a member of the public were received.</p> <p>The proposal was assessed against the Intermediate Zone and the Built Heritage Policies of the LDCP.</p>
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	<p>The Castle is Grade I Listed, where it is given the highest level of protection in light of its architectural and historical value, and should be preserved in terms of its external form and appearances.</p> <p>The CPO (Ag) stated the proposed works would have an adverse impact on the façade of the building. The lift system appeared to be overpowering and would dominate the facade when viewing within the Courtyard.</p> <p>It was recommended therefore that the application be refused as the proposal did not comply with the objectives of the LDCP policies IZ1 a), BH1 a), BH1 c), BH.2, BH3 and BH5 as the implementation of the proposed development would result in the loss of architectural features. The new openings and the installation of the lift would result in disproportionate appearance where the lift system would not be subservient to the building. It did not encourage nor did it support the conservation of the listed building and failed to enhance and protect the character of the area in respect of the scale, proportion details and the external materials in relation to those of the Historic Conservation Area.</p> <p>Mr Andrew Pearce and Mr David Taylor spoke in support of the objections.</p> <p>At this point, Member Mr Lawson Henry declared his interest in the item of business as he was unaware that his wife (Mrs Carol Henry) had submitted the planning application nor was the Chair and members of LDCA. The member was allowed to remain at the table but not to take part in any discussion or decision.</p> <p>Following discussion, the Authority highlighted that they were very disappointed that the application had come before them for determination without the applicant taking into account any advice from key stakeholders nor consulted the LDCP policies. The objections and comments from key stakeholders and member of the public were noted and taken into consideration. The application was considered to be incomplete and a departure from the policies of the LDCP. The Authority therefore refused the application.</p> <p>Resolution: The application for an External lift was refused as outlined in the Handling Report. A Decision Notice to issue.</p>
2)	<p>Application 2023/29 – Renovation of H M Prison Workshop for additional Cells and Conversion of the Pipe Store into a Rehabilitation area, Pipe Store, Jamestown: Alex Mitham, SS&HA Portfolio, St Helena Government</p> <p>The CPO (Ag) presented the Application.</p>

The site falls within the Intermediate Zone and the Jamestown Historic Conservation Area.

The Pipe Store is a Grade III Listed Building. The north side of the building is currently used as a Workshop for H M Prison, whilst the southern portion used by the St Helena National Trust, intended to be used as a Flax Museum. The request is to renovate the building by installing stud partition to form three cells, communal area, two toilets and two shower cubicles that would be connected into the existing manhole and lead into the public sewer system. The rehabilitation area would be utilised within the southern portion of the building where the steam engine is located. It is intended to enclose the steam engine and overlay the existing timber flooring with heavy duty rubber matting. Due to the increasing number of imprisonment rates, additional cells are of the utmost importance to the service to meet the needs of the court, therefore it was considered necessary to expand the footprint of the current prison with a least imposing effective solution. The proposal would allow additional improved living accommodation until the new prison facility has been constructed and operational in the coming years. The St Helena National Trust has been made aware that SHG would be honouring the lease as agreed previously. A formal agreement would be put in place to this effect.

Two objections were received from stakeholders.

Mr David Taylor spoke in support of the comments received from the Heritage Society.

Following discussion, the Authority noted that the steam engine would be protected and the rubber matting would not be glued down. It was mentioned that the LDCA does not have any authorisation when it comes to determining the use of the building from a landownership perspective. It was noted that there was a lack of historical knowledge of SHG in consulting upon with the appropriate persons. It was noted that two additional toilets would be created and it was questioned whether the system would be able to manage that. The CPO (Ag) confirmed that Connect St Helena Limited did not have any objection to the proposal but the matter would be pointed out to the applicant. The Authority therefore supported the recommendation to Governor in Council with the provision that Section 25 - Development Agreement to state the following:

- (a) All of the proposed work to the Pipe Store and the work to conserve and protect the Robey steam engine shall be agreed in advance with the Heritage Society and carried out in accordance with that agreement; and
- (b) On a date not later than three months after the new prison has been brought into operation, the use of the Pipe Store by the prison shall cease and the building shall be made over to the St Helena National Trust in perpetuity for museum purposes.

	<p>Resolution: The Application for Renovation of H M Prison Workshop for additional Cells and Conversion of the Pipe Store into a Rehabilitation area was supported with conditions as outlined in the Handling report. To Governor-in-Council for final determination with the recommendation from the LDCA that Section 25 Development Agreement be considered.</p>
3)	<p>Application 2023/22 – Construction of a Storage Facility, Combined Building, St Helena Airport: St Helena Airport Limited</p> <p>Member, Mr Gerald Yon declared his interest in this item of business as he is an employee of the St Helena Airport Limited. Mr Yon was allowed to remain at the table but not to take part in any discussion nor decision.</p> <p>The CPO (Ag) presented the Application.</p> <p>The site falls within the Coastal Zone and not within any Conservation area.</p> <p>The application is to construct a Storage Facility within the confines of the St Helena Airport site. It would be a steel framed structure with grey IBR cladding.</p> <p>The relevant policies that are applicable in assessing the proposal are the Coastal Zone and the Airport policies.</p> <p>The additional storage facility would ensure the Airport have a purpose built storage capacity to accommodate equipment and would serve as a central location for all ground servicing equipment and storage needs. The proposal does not comply with policy CZ1 as it would not meet the objectives of the Coastal Zone, however, the site is currently in operation as an Airport where existing built development has already have an impact on the natural appearance and ecology of the area. The proposal would have a different appearance to that of the Terminal and Combined Building in terms of the materials to be used. It was recognised that this type of design is not unusual within Airports around the world. Policy AP1 permits all elements of infrastructure that are required in connection with the construction and the operation of the St Helena Airport including any variations or additions.</p> <p>The application to be referred to Governor-in-Council in accordance with the Airport Development Ordinance, 2006 with any comments from the LDCA.</p> <p>Following discussion, the Authority highlighted that the LDCA was enacted before the Airport was built. The Application was supported based upon the recommendation from the CPO (Ag).</p>

	<p>Resolution: The Application for the Construction of a Storage facility was supported with conditions as outlined in the Handling Report. To Governor-in-Council for final determination.</p>
4)	<p>Application 2023/25 – Construction of a Two Bedroom Dwelling, Thompsons Hill: Natasha Stevens</p> <p>The PO presented the Application.</p> <p>The site falls within the Intermediate Zone and has no Conservation Area restrictions. The application is for the construction of a two bedroom, split-level dwelling. Access to the dwelling would be from the north-west side, off the existing track.</p> <p>In assessing the application, the proposal complies with the relevant policies of the LDCP and could be supported.</p> <p>Following discussion, the Authority did not have any concerns or queries and approved the application. It was noted that a percolation test result was received for the proposal.</p> <p>Resolution: The Application for Construction of a Two Bedroom Dwelling was approved with conditions as outlined in the Handling Report. A Decision Notice to issue.</p>
5)	<p>Application 2023/26 – Construction of a Three Bedroom, Split-Level Dwelling, Near Springbok, Levelwood: Jordan Clingham</p> <p>The PO presented the Application.</p> <p>The site falls within the Intermediate Zone and there were no Conservation Area restrictions.</p> <p>The application is for the construction of a three bedroom, split-level dwelling. Access to the dwelling would be from the west side, off the main road. The footprint of the development is comparatively larger at 245sqm, however, due to the relative remoteness of the area, this did not pose a real concern when considered in the whole context. The proposal complies with the relevant policies of the LDCP and could be supported.</p> <p>Following discussion, the Authority did not have any concerns or queries and approved the application. It was noted that a percolation test result was received for the proposal and the flooring above the Garage would be constructed of concrete.</p> <p>Resolution: The Application for Construction of a Three Bedroom, Split-Level Dwelling was approved with conditions as outlined in the Handling Report. A Decision Notice to issue.</p>

6	<p>Application 2023/28 – Verandah and Garage Extension, Ropery Field, Longwood: Jane Augustus</p> <p>The PO presented the Application.</p> <p>The site falls within the Intermediate Zone and there were no Conservation Area restrictions.</p> <p>The application is for an extension to the existing dwelling comprising of a verandah and a Garage. Access to the property would be from the south side, off the main road. The same materials would be used for the development as that of the existing building and would be coherent in terms of its design, scale and appearance. The proposal complies with the relevant policies of the LDCP and could be supported.</p> <p>Following discussion, the Authority did not have any concerns or queries and approved the application. It was noted that the verandah would be constructed on both sides of the existing dwelling.</p> <p>Resolution: The Application for Verandah and Garage Extension was approved with conditions as outlined in the Handling Report. A Decision Notice to issue.</p>
7	<p>Application 2023/30 – Construction of a Two Bedroom Dwelling, Windy Point, Red Hill, St Paul's: June Constantine</p> <p>The PO presented the Application.</p> <p>The site falls within the Intermediate Zone and there were no Conservation Area restrictions.</p> <p>The application is for the construction of a two bedroom dwelling. Access to the dwelling would be from the south side, veering of an existing track.</p> <p>In assessing the application, the proposal complies with the relevant policies of the LDCP and could be supported.</p> <p>Following discussion, the Authority did not have any concerns or queries and approved the application. It was noted that a percolation test result was received for the proposal.</p> <p>Resolution: The Application for Construction of a Two Bedroom Dwelling was approved with conditions as outlined in the Handling Report. A Decision Notice to issue.</p>

8. Approvals by CPO/PO under Delegated Powers:

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

1)	Application 2023/20:		
	– Requested	:	Full Development Permission
	– Proposal	:	Construction of a Garage
	– Location	:	Guinea Grass
	– Applicant	:	Doreen Edwards
	– Official	:	Shane Williams, CPO (Ag)
	– Approved	:	30 May 2023
	Application 2023/23:		
	– Requested	:	Full Development Permission
	– Proposal	:	Alterations
	– Location	:	Alarm Forest
	– Applicant	:	Sonia Andrews and Peter Temenes
	– Official	:	Petra Joshua, PO (authorised by Shane Williams, CPO (Ag))
	– Approved	:	20 June 2023
	Application 2023/19:		
	– Requested	:	Full Development Permission
	– Proposal	:	Gabion Walls and Concrete Ramp
	– Location	:	The Poultry Unit, Scotland
	– Applicant	:	Programme Management Unit, St Helena Government
	– Official	:	Shane Williams, CPO (Ag)
	– Approved	:	23 June 2023
	Application 2023/24:		
	– Requested	:	Full Development Permission
	– Proposal	:	Formation of Access Road
	– Location	:	Gordons Post, Alarm Forest
	– Applicant	:	Gavin Williams
	– Official	:	Petra Joshua, PO (authorised by Shane Williams, CPO (Ag))
	– Approved	:	28 June 2023

9. Minor Variations Approved by CPO/PO:

The following Six Development Applications were approved as Minor Variations by the CPO (Ag). Application 2021/07/MV1 recorded in minutes of 1 June 2023. As is normal practice, key Stakeholders are approached when and where needed for Minor Variation Evaluation.

1)	<p>Application 2023/04/MV2:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Change the Ground Floor Columns from Timber to Concrete with a wooden finish paint system. This was in respect of Balcony, Verandah, Toilet and Replacement of first floor (front elevations) windows with Slide Doors that was approved on 9 March 2023. – Location : Sapper House, Upper Jamestown – Applicant : Marjorie Harding – Official : Shane Williams, CPO (Ag) – Approved : 24 May 2023
	<p>Application 2019/03/MV4:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : A Deck Extension to the Southern Dwelling. This was in respect of the Construction of a Two Bedroom Dwelling that was approved on 27 February 2019. – Location : Clay Gut – Applicant : Paul Spencer – Official : Shane Williams, CPO (Ag) – Approved : 23 May 2023
	<p>Application 2023/03/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To lower the height of Existing House by excavating a 1m in depth platform and to change the colour of the Roof from dark Slate Grey to Red. This was in respect of the Construction of a Two Bedroom Dwelling that was approved on 9 March 2023 – Location : Half Tree Hollow – Applicant : Lorraine and Alan Benjamin – Official : Shane Williams, CPO (Ag) – Approved : 24 May 2023
	<p>Application 2022/87/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Construct a Concrete Blockwork Retaining Wall on the northern side of the plot. This was in respect of the Construction of a Cannery that was approved on 2 March 2023 – Location : The Cannery, Rupert's, adjacent to Rupert's Lines – Applicant : Green Fish Company – Official : Shane Williams, CPO (Ag) – Approved : 8 June 2023

10. Strategic Planning Matters

1)	<p>Conservation Area Management Plan Dealt with under Matters Arising.</p>
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2)	Land Development Control Plan Review Dealt with under Matters Arising.
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11. Any Other Business

Development Application 2015/31 – Lounge, Bar/Food Shop, Rupert’s Valley: Patrick Williams

The Authority was advised of an email from Mr Patrick Williams expressing his concern that he is not being able to connect into the community sewer system in Rupert’s, as Connect St Helena Limited advised him that there are not sufficient volume of effluent going into the plant. Mr Williams further advised that he had meetings with the Ministers and Members from ENRP Portfolio, who have advised him to write to the Authority requesting permission to consider an alternative means of dealing with his sewerage. Mr Williams has therefore made a request to temporarily connect his toilets in the Bar to his existing septic tank, which was to act as a cesspool, to allow his Bar only to be operational. Mr Williams states that he has invested quite a lot of funding into the project and Connect St Helena Limited has told him that he cannot connect into the community sewer system until the new Customs facilities are completed. Mr Williams feels that he has been seriously let down by St Helena Government, who had invited islanders to invest in the future of St Helena since the introduction of the Airport and tourists coming to the island. With the demise of Basil Read on island and with other contractors now working in Rupert’s and the existing beach area, he feels the amenity would be of service since the closure of Wicked Wahoo. Mr Williams has requested full support from LDCA in this matter.

An email on the matter was also received from Mrs Corinda Essex, President of the St Helena Chamber of Commerce. Mrs Essex advised that Mr Patrick Williams has written to the LDCA to ask that consideration be given to allowing him to make an additional connection to his existing septic tank in order for it to take the sewage from his proposed bar. When he applied for planning approval for a Bar and Restaurant in 2015, he was informed that these could not be opened until he could connect to the communal system to be installed by Connect St Helena. However there have been major delays to this project and the system cannot be used until there is sufficient volume to enable it to function adequately. This means Mr Williams would have to wait considerably longer before seeing any return on his investment unless the Authority permits him to make the connection which he is now seeking.

Mr Williams accepts that this connection would not be adequate to meet the requirements of a Bar and Restaurant and is willing to delay opening the Restaurant until the Connect system is operational. If he can be permitted to open the Bar only this would not only ease his financial situation but also provide a service to the community and visitors to Rupert’s Valley which has been without any form of leisure facility since Wicked Wahoo ceased to operate. Mrs Essex therefore ask that the Authority takes whatever action is appropriate to assist Mr Williams.

In considering the request, the Authority noted that the decision notice highlighted that notwithstanding the submitted plans and before the development hereby approved is brought into use the sewerage treatment system shall be upgraded and sized to service the development. The proposed septic tank and secondary treatment shall be located a minimum 5m away from any building. This is to ensure an efficient sewer system sufficient to avoid pollution and nuisance to residents and visiting clients. It was further noted that Mr Williams had been advised to provide a plan showing the area intended for parking as stipulated in condition 2 of the decision notice and to ensure the condition has been discharged, to consult with Crown Estates seeking permission to use Crown land for the purpose before the premises are operational.

The Authority, in considering Mr William's request, advised the CPO (Ag) that he should respond informing Mr Williams that his request was very carefully considered by the Land Development Control Authority (LDCA) at its meeting on 6th July 2023. But as there is currently no regulation in relation to cesspools within the St Helena Building Regulations 2019, any proposal would need to meet the regulations set out in the UK Building Regulations. Following advice from the Acting Head of Planning & Building Control, the Land Development Control Authority determined that his request could not be considered permissible as the existing septic tank is inadequately sized, as the minimum capacity required as stipulated within the Building Regulations 2010 Drainage and Waste Disposal, H2 section 1.59 & 1.61 is 18000 litres for a minimum of two users and the size should be increased by 6800 litres for each additional user. Furthermore any cesspool should be sited at least 7m from any habitable parts of buildings.

In order to bring his development into use, he would need to consider an alternative means of dealing with the sewerage, and submit details to the Acting Head of Planning & Building Control to consider and for him (Ag Head of P & B Control) to advise the LDCA accordingly.

Mr Williams should be advised that if he have any questions, he should contact the Acting Head of Planning & Building Control.

12. Next Meeting

The next LDCA Meeting is scheduled for Thursday, 3 August 2023.

The Chairperson thanked Members for attending. The meeting closed at 11:35 Hrs.

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

Chairperson to the LDCA

Date