



**St Helena
Government**

MINUTES

Land Development Control Authority Meeting

Date : Thursday 2 November 2023
Time : 10 am
Venue : The St Helena Community College Main Hall, Jamestown

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

Also in Attendance Six members of the public, including Applicant(s).

1. Attendance and Welcome

The Chairperson welcomed all present with a special welcome to member, Mr Lawson Henry who had recently returned from medical overseas and thanked Members for their attendance. Well wishes were also extended to member, Mr Ralph Peters.

2. Declarations of Interest

There were no Declarations of Interest to declare.

3. Confirmation of Minutes of 5 October 2023

The Minutes of meeting of 5 October 2023 were confirmed and signed by the Chairperson as a true record of the meeting.

4. Matters Arising from Minutes of 5 October 2023

Land Development Control Plan (LDCA)

The matter is on hold until a new CPO is in post.

ACTION: CPO (Ag)

Conservation Area Management Plan

On hold until a new CPO is in post.

Food Vendor at the Hospital

The CPO (Ag) advised that he did not receive a response from Mr Ryan Backhouse with regard to the removal of his Caravan on site in Upper Jamestown when not in use or to seek development permission for it to remain on site. The CPO (Ag) further advised that he had sent a letter to Mr Backhouse asking him for a response within 14 days and if no response is forthcoming within the specified time then legal action would be sought, which could result in appropriate enforcement action being taken. It was agreed that the CPO (Ag) would speak with Mr Backhouse in the first instance before any enforcement action is taken.

ACTION: CPO (Ag)

5. Building Control Activities

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

6. Current Planning Applications

LDCA were given a list of current Development Applications. There were 9 applications awaiting determination at the time of preparing the Agenda. It was noted that some applications are to be assessed, some are still in the advertising period and one awaiting the revision of the LDCA.

7. Applications for LDCA Determination

1)	Application 2023/40 – Construction of a Two Storey Dwelling – St Andrews Church, Half Tree Hollow: Diocese of St Helena
	The Application was deferred from the meeting of 5 October 2023 to allow the Applicant to produce 3D visuals of the proposed development in order to gain a better understanding of how the dwelling would appear in its context of surrounding dwellings. The 3D visuals were provided.

	<p>In assessing the 3D Visuals, the PO advised that it offers further support to what was originally assessed. Although the development would sit in a closely populated area and of a two storey design, the development would fit into the local surroundings without over imposing on the amenity of the area. From the 3D visuals provided it could be seen that the front of the proposal overlooks the back of St Andrews Church which meant there would be no intrusion into the privacy of neighbouring properties particularly as this was one of the concerns raised in the Representation.</p> <p>Following further discussion, it was recognised that the 3D visuals highlighted the scale of the proposed development in that it would be prominent in the immediate surrounding environment. It was therefore suggested that if the building were to sit lower on site, it would appear less prominent among neighbouring properties. It was felt that if during excavation, it was possible to further excavate, but not exceeding 2.5 metres, this then would reduce the visual impact of the dwelling in the immediate setting. Considering the concerns raised, it was agreed that the Applicant should be advised of this as an “Advisory” in the Decision Notice.</p> <p>The Applicant to be further advised to seek an easement from Crown Estates with regard to the use and future maintenance of the access road. In Condition 6 (a) the word “Continuous” to be replaced with the word “regular” and the second paragraph of condition 6 – hours of operation – the words “and Saturday 0900 – 1300” to be inserted after the word “Holidays”.</p> <p>Resolution: The Application for Construction of a Two Storey Dwelling was approved with conditions as outlined in the Handling Report with an Advisory to take account of the excavation, the easement and the amendment to the times of operation. A Decision Notice to issue.</p>
2)	<p>Application 2023/43 – Construction of Staircase and Wheelchair Access Ramp – Britannia, Market Street, Jamestown: John and Betty Joshua</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 building to which the proposal would be carried out is listed as Grade III. It is proposed to demolish the existing steps at the main doorway and also two steps outside the existing Bedroom and to Construct a Timber Ramp and Staircase on the front elevation of the property.</p>

	<p>The relevant policies of the LDCP that are applicable in assessing the proposal are the Intermediate Zone and the Built Heritage.</p> <p>The proposal was being considered as a permanent structure but one that could be removed if required without significantly impacting the building. From the representation received, reference was made to the complicated appearance of the structure with the diagonal wooden balustrades being out of character with street frontages and protrusions in Jamestown. The rationale for the staircase orientation was to minimise direct view from visitors and also to maintain the practical and visual relevance of the front door. Alternative options had been explored with regard to the siting of the ramp. The layout of the ramp was considered to be the most appropriate option. The proposal would contribute to the character of the building.</p> <p>There was one Representation received.</p> <p>The Agent spoke in support of the application.</p> <p>Following discussion, it was felt that a more simple design would be much better rather than a criss cross design and whether another plan could be obtained for a straight rail design. It was pointed out however that there were 14 other criss cross designs in Jamestown. Mention was made of the colour and it was therefore agreed that the proposed development should be painted white with the slope being made of ply wood. The model provided of the proposal was very helpful.</p> <p>The Authority did not have any further concerns or queries and approved the Application.</p> <p>Resolution: The Application for Construction of Staircase and Wheelchair Access Ramp was approved with conditions, as outlined in the Handling Report. A Decision Notice to issue.</p>
3	<p>Application 2023/47 – Construction of a Storage Unit – Bagley’s Estate, near Rosemary Plan: Programme Management Office, SHG</p> <p>The PO presented the Application.</p> <p>The site falls within the Green Heartland Zone and has no Conservation Area restrictions.</p> <p>It is proposed to Construct a Storage Unit to the South of a plot of pastureland located near Farm Buildings that is currently being used for grazing. The frame would be constructed of timber and cladded with charcoal grey IBR metal sheeting. The roof</p>

	<p>would be of a pitched design and also finished with charcoal grey IBR metal sheeting. The unit would sit on a concrete floor. The purpose for the structure is to provide a convenient place for workers to secure their tools.</p> <p>The relevant Policies of the LDCP that are applicable in assessing the proposal are the Green Heartland Zone and Agriculture and Forestry Policies.</p> <p>In assessing the proposal, the Green Heartland Policy was highlighted. The location of the Storage Unit would be located between the 530 and 540m contour line that satisfies the criteria as stipulated in policy GH.4. In addition, the purpose for the proposal relates to commercial agriculture and is considered to be in compliance with the particular policy. The proposal would have a relatively small impact on the Green Heartland Zone as it would be located adjacent to Farm Buildings which is a larger complex of agricultural and commercial buildings. The proposed development would not therefore be considered as further adversely affecting the immediate amenity of the area. The design is simple and coherent and could be considered fit for purpose. Consequently, the development could be supported on the basis that it complies with the elements of the Green Heartland Zone and the Agriculture and Forestry Policies.</p> <p>Resolution: The Application for Construction of a Storage Unit was approved with conditions, as outlined in the Handling Report. A Decision Notice to issue.</p>
4	<p>Application 2023/48 – Construction of Ramp and Installation of Railings at the Big Rock Recreational Site and Extension of Car Parking Facilities at Scotland – The Big Rock Recreational Site and Scotland: Myra Young, ENRP Portfolio, SHG</p> <p>The PO presented the application.</p> <p>The site falls within the Green Heartland Zone and has no Conservation Area restrictions.</p> <p>The Big Rock Recreational site is currently used for the purpose of forest recreation. The area being part of a productive forest with tree species on the fringes and throughout. The Car Park facilities are used for parking 4 x 4 vehicles used by ENRP staff only.</p> <p>The proposal is to improve the overall visitor experience with a specific focus on low-impact forest recreation, safety, wellbeing and access for all members of the community, in particular those who experience challenges with mobility.</p>

	<p>The site in its current state lacks basic amenity and safety features which leaves visitors open to safety hazards. The proposal seeks to address these issues by including various site improvements.</p> <p>All features, with the exception of the Wheelchair access, Viewing Platform and Sign would be made of timber in keeping with the natural environment. The Wheelchair access and Viewing Platform would be made of concrete and the Sign and Interpretation Board would be made of metal with a timber frame. The construction of improved parking facilities would require minimal preparatory works. The designated parking area would be demarcated with the use of kerb stones around the perimeter. Additional seating and waste receptors would also be on site.</p> <p>The relevant policies of the LDCP that are applicable in the assessment of the proposal are the Green Heartland and the Social Infrastructure. The proposal complies with Social Infrastructure policy SI.6 in that development permission would be granted to enhance the facilities and recreation areas and for the creation of new facilities. The development would however have an impact on the Green Heartland. The principle premise of the proposal is an endeavour to ensure that those with mobility problems are able to access areas of the island which would enable them to experience and enjoy the benefits of the natural environment.</p> <p>The proposal could be supported on the basis that it complies with the elements of the Green Heartland and Social Infrastructure Policies.</p> <p>Following discussion, it was noted that the car parking facilities were not indicated on the actual plan. It was also noted that the concrete ramp would be constructed in the middle of the forest, but the reason for this was to ensure confidence in the stability and security for wheel chair users. The applicant advised that the concrete ramp would be no more than 6 inches at the highest point and would follow the contours of the natural landscape.</p> <p>Resolution: The application for Construction of Ramp and Installation of Railings and Extension of Car Parking Facilities were approved with conditions, as outlined in the Handling Report. A Decision Notice to issue.</p>
5	<p>Application 2023/49 – Alterations, New Roof and Verandah – Ropery Field, Longwood: Allan Williams</p> <p>The PO presented the application.</p> <p>The site falls within the Intermediate Zone and has no Conservation Area restrictions.</p>

	<p>It is proposed to alter the existing home that would include an extension for a new Toilet and Shower Room, a Verandah and new Roof. The existing spare Bedroom would be replaced with a Bathroom that would sit adjacent to the proposed extension for the new Toilet and Shower Room. The existing Bathroom would become an additional Bedroom. The proposed Verandah would surround the entire house, increasing the footprint by 57 metres square. A small amount of excavation would be required for the proposed extension. The new Roof would be made of IBR sheeting and in a colour that would complement the roofs of neighbouring properties. The proposal complies with the Intermediate Zone Policies and could be supported.</p> <p>Following discussion, the Authority did not have any concerns or queries and approved the application.</p> <p>Resolution: The Application for Alterations, New Roof and Verandah was approved with conditions as outlined in the handling Report. A Decision Notice to issue.</p>
6	<p>Application 2023/51 – Change of Use from one Dwelling to two Dwelling Units and retention of Septic Tank and Soakaway – upper Cleughs Plain: Theo Meij</p> <p>The CPO (Ag) presented the application.</p> <p>The site falls within the Intermediate Zone and has no Conservation Area restrictions.</p> <p>The CPO (Ag) advised that development permission was given in August 2021 for the Construction of a Three Bedroom, Split Level Dwelling that is currently in the construction phase and is nearing completion.</p> <p>The Application is to alter the ground floor to a change of use for a separate dwelling comprising of a Kitchen, Dining area, Bedroom, Bathroom, Wardrobe and separate Office space. It is not intended to increase the footprint for the proposal. The sewage would be connected into the septic tank and the soakaway would be retained. It is also proposed to retain the installation of the Septic Tank and Soakaway. It was noted that the relocation of the Septic Tank and Soakaway were carried out without obtaining the necessary permission, hence the reason for the application. In comparing the approval given, it was further noted that the septic tank had been constructed 6 metres to the east and the soakaway 4 metres north of their approved locations.</p> <p>One representation was received.</p> <p>In assessing the application, advice was sought from the Building Inspectors as well as the Civil Engineer.</p>

In reviewing the plans submitted the Building Inspectors advised that the plans did not satisfy the regulation of being underground, a compromise could be made in that 300mm maximum exposure would be satisfactory providing all other requirements are met. The requirement for the compacting of the fill on the eastern side of the tank to a height where only a maximum of 300mm is exposed above ground would be complied with. The Agent would provide a methodology statement regarding the material for the backfill. With regard to the Soakaway, the Civil Engineer advised that there should not be a major issue if the percolation results are a true reflection of the condition of the ground. The likelihood of water seepage onto the access road was considered to be low. The proposal would not have any visual or adverse impact on the amenity of the surrounding development. The septic Tank should not have an adverse impact on the neighbouring development provided it complies with the Building Regulations and should not pose a risk on to the access road and therefore the application could be supported.

The Agent spoke in support of the Representation.

Following discussion, it was noted that the works that were being carried out was brought to the attention of the Planning Section. It was considered that assurance must be given to the effect that the Septic Tank is water tight and structurally sound. It was felt that there would be an issue with regard to raising the height of the bank. It was noted that works were being undertaken without consent. Although there was a deviation to where the original septic tank was to be constructed, it would now be positioned in a better place. Members felt that it was totally unacceptable for any construction to take place without permission and in this case was considered to be quite a big deviation.

After a lengthy discussion the application was refused on the grounds that:

- 1) The proposed works to remedy the septic tank was deemed to be inadequate to ensure the septic tank is considered underground in compliance with LDCP Policy SD.7, which stipulates that 'in the case of new development, permission will be granted only where all parts of the sewerage system, including any septic tank and pipework, are laid underground apart from access covers and vents.'
- 2) The fill material proposed on the eastern side of the septic tank will contribute to an already increased embankment height behind the property located on land parcel SCOT0653, and will pose a risk to the amenity of the neighbouring property, and therefore does not comply with LDCP Policy IZ1 f), H.9 b) and H.9 f).

Resolution: The Application for Change of Use from one Dwelling to two Dwelling Units and retention of Septic Tank and Soakaway was refused. A Decision Notice to issue.

8. Approvals by CPO/PO under Delegated Powers:

The following Four Development Applications were dealt with under Delegated Powers by the CPO/PO.	
1)	<p>Application 2023/41:</p> <ul style="list-style-type: none"> – Requested : Full Development Permission – Proposal : Installation of 4 x 9m Wooden Poles – Location : Deadwood Plain – Applicant : Sure SA Ltd – Official : Petra Joshua, PO – Approved : 12 September 2023
	<p>Application 2023/42:</p> <ul style="list-style-type: none"> – Requested : Full Development Permission – Proposal : Installation of 8 x 9m Wooden Poles and 1, 11m Wooden Pole – Location : Mulberry Gut, Ropery Field, Bottom Woods and near Waste Management Compound, Horse Point – Applicant : Sure SA Ltd – Official : Petra Joshua, PO – Approved : 12 September 2023
	<p>Application 2023/44:</p> <ul style="list-style-type: none"> – Requested : Full Development Permission – Proposal : Extension to Single Garage to form a Double Garage – Location : Bamboo Hedge, Sandy Bay – Applicant : Melvyn Fowler – Official : Petra Joshua, PO – Approved : 13 October 2023
	<p>Application 2023/46:</p> <ul style="list-style-type: none"> – Requested : Full Development Permission – Proposal : Construction of a Garage/Workshop – Location : Two Gun Saddle, Alarm Forest – Applicant : Deon Robbertse – Official : Petra Joshua, PO – Approved : 10 October 2023

9. Minor Variations Approved by CPO/PO:

The following Development Application were approved as Minor Variations by the CPO (Ag). As is normal practice, key Stakeholders are approached when and where needed for Minor Variation Evaluation.

1)	Application 2023/25/MV1: <ul style="list-style-type: none">– Requested : Minor Variation– Proposal : For an additional Window in the Kitchen and Lounge area and to relocate the Window from the rear elevation to the side elevation. This was in respect of the Construction of a Two Bedroom Dwelling that was approved on 12 July 2023– Location : Thompsons Hill– Applicant : Natasha Stevens– Official : Shane Williams, CPO (Ag)– Approved : 2 October 2023
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10. Strategic Planning Matters

1)	Conservation Area Management Plan Dealt with under Matters Arising.
2)	Land Development Control Plan Review Dealt with under Matters Arising.

11. Any Other Business:

Works undertaken at the Swimming Pool

The CPO (Ag) advised that a concern had been raised with regard to works undertaken by SHG at the Swimming Pool that was not pointed up with lime mortar. However, some off the works have now been rectified. The CPO (Ag) would speak to the Works team about the concern raised and would report the outcome to the LDCA at its next meeting.

Degree Course

The CPO (Ag) advised that he had passed his first module and would commence his degree course in September 2024 if funding was granted.

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

The CPO (Ag) advised that a site visit was undertaken at Field Road as there was a concern with regard to the existing wall from the Side Path/Field Road junction to the Saddle. This has now been sorted out. The time frame for completion of works was May 2024.

Application 2021/07 – Rupert’s Port Facilities

The CPO (Ag) advised that it is anticipated that the facilities would be operational in March/April 2024.

Application 2022/87 - Cannery

On hold due to remains being found on site.

Retrospective Applications

It was agreed that the process for Retrospective Planning Applications should be placed on the Agenda for discussion at a future meeting of the Land Development Control Authority.

Christmas party

The Chair to arrange.

12. Next Meeting

The next LDCA Meeting is scheduled for Thursday, 7 December 2023.

The Chairperson thanked Members for attending. The meeting closed at 13:15 Hrs.

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

Chairperson to the LDCA

Date