

# MINUTES

## Land Development Control Authority Meeting

**Date** : Thursday, 7<sup>th</sup> November 2024  
**Time** : 10 am  
**Venue** : St Helena Community College Main Hall, Jamestown

---

<b>Present</b>	Mrs Ethel Yon OBE	Chairperson
	Mr Lawson Henry	Member
	Mr Gavin George	Member
	Mr Gerald Yon	Member
<b>Apologies</b>	Ms Patricia Coyle	Head of Planning & Building Control (HoP&BC)/Chief Planning Officer (CPO)
	Mr Shane Williams	Senior Planning Officer (SPO)
	Miss Petra Joshua	Planning Officer (PO)
	Mrs Karen Isaac	Secretary
	Mr Ronald Scanes	Member (off island)
	Mr Ian Gough	Member

### Also in attendance:

Eight members of the public, including Applicant(s) and Objector(s).

### 1. Attendance and Welcome

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

### 2. Declarations of Interest

There were no Declarations of Interest to declare.

### 3. Confirmation of Minutes of 3 October 2024

The minutes of 3 October LDCA meeting were confirmed and signed by the Chairperson as a true record of the meeting.

#### **4. Matters Arising from Minutes of 3 October 2024**

##### **Application 2024/13 – Installation of Fence (Retrospective Application) – the Coffee Shop, Jamestown: Jill Bolton**

The SPO advised that there had been discussions with the Landlord (SHG), the applicant and the Police regarding alternative measures but no time frame was given. It was anticipated that a proposal would come forward in the week commencing 11 November 2024. One Member questioned as to whether the fence would be removed as recommended by LDCA to Governor-in-Council. The CPO advised that the Governor-in-Council had supported the recommendation but it was not clear whether enforcement action might be taken to remove the fence if this was not done as the letter from the Secretary to GiC to the CPO said “depending on the outcome of the conversation between the CPO and the Applicant.” Clarification was sought on this. The CPO said that if there was no issue in serving the enforcement notice then she would do that.

**ACTION:** CPO (re the issue of an Enforcement Notice); SPO (re new proposal submission)

##### **Amenity Notice AI2024/02 - Works to the lower section of the wall at the Jamestown Swimming Pool**

A site visit to the Swimming Pool took place on Monday, 7 October 2024 which the Authority felt that the work undertaken there was very good.

No further action to be taken on this part of the wall.

With regard to the concerns raised in respect of the water ingress on the top part of the Swimming Pool Wall, the Authority stressed that the condition of this part of Wall needs to be addressed. Further to the site visit on Monday, 7 October 2024, Members agreed that while no Amenity Notice should be served at this point in time, Planning Officers should maintain pressure on SHG Estates Section to ensure that progress is made in respect of survey/other works required to be carried out.

**ACTION:** SPO

##### **Application 2024/18 – Electrical Box affixed to External Wall of Rickmers, Jamestown: Phil Yon**

At the meeting of 12 September 2024, it was highlighted that the power unit that was affixed to Rickmer’s Building had been removed and placed on the Ex-PWD Store Building. The SPO however said the Applicant is not currently on island but he expect to get a response from him in the week commencing 11 November 2024.

**ACTION:** SPO

**Application 2023/54 – Construction of a Two Bedroom, Split Level Dwelling – Young’s Valley:  
Belfred McDaniel**

It was noted that a Conformity Notice was issued in relation to a land slip which has now been exceeded. A revised proposal had been received that would be the subject of a new application for the Authority’s decision.

**ACTION:** SPO

**Application 2024/24 – Store Room Extension near the General Hospital, Upper Jamestown:  
Christina Williams**

The Application was deferred from the meeting of 3 October 2024 until a site visit was undertaken. This was carried out on 7 October 2024. The SPO advised that a revision to the Application had been received and it was anticipated that the Application would come back to the LDCA at its meeting scheduled for 5 December 2024.

**ACTION:** SPO

**Unauthorised Developments**

It was noted that two notices to apply were issued, one to Mr Clayton Vanguard and the second to Mr Adrian John which would lapse within the week commencing 11 November 2024.

**ACTION:** SPO

**5. Building Control Activities**

Members were provided with a paper on the activities for the month of October 2024 for their information. Members again commented that this was a useful document.

**6. Current Planning Applications**

Members were provided with an updated report on current applications. It was noted that there were 16 applications awaiting determination: 1 awaiting Governor-in-Council decision and 15 to be assessed.

**7. Applications for LDCA Determination**

**Application 2024/31 – Change of Use from Residential Care Home to (HMO) House of Multiple Occupation – Barn View, Longwood: Property Division, St Helena Government**

SPO presented and gave an outline of the Application including its planning history.

The site is situated on the lower side of the road, north of Longwood House. The plot is designated within the Intermediate Zone. A small portion of the Complex is within the Longwood House Conservation area.

There were two representations received.

The proposed development was assessed against the policies and guidance as set out in the Handling Report.

In assessing the application, the main aims of the proposal were to bring the property back in to productive use after a long period of vacancy and to seek to address a shortage of lower-cost accommodation for key workers – Nurses and Care Workers employed by SHG’s Health and Social Care Portfolio.

The LDCP contains no specific planning policy relating to HMO-type accommodation, however the Application had been assessed by Officers in relation to general housing policies H1 a b, H.9 and H.11, together with policies for the Intermediate Zone, Social Infrastructure, Road and Transport and Built Heritage; together with the St Helena Housing Strategy Manual 2015.

The SPO advised that the proposal would be contrary to Policy SI.4. However, the applicant submitted that in considering the need for the existing type of development as a residential care home (Use Class C2) the future expansion of Barn View had been superseded in the intervening period by the provision of suitable alternative accommodation at Ebony View and at Piccolo Hill, meant that Barn View had remained vacant for around 9 years. Planning Officers considered that the alternative provision means that there was a material planning consideration which should be taken into consideration in deciding whether Policy SI.4 is no longer relevant in respect of Barn View expansion. The Planning Officers advice was that the Policy was no longer relevant in the material circumstances indicated.

In considering the application for HMO-style accommodation, this was the first Development Application that had requested this type of residential accommodation. The Land Planning and Development Control Ordinance do not have a definition for a HMO, therefore as a proxy, a definition from the UK had been used by Officers as follows:

**A house in multiple occupation (HMO):** *“is a property rented out by at least three people who are not from one ‘household’ (for example a family) but share facilities like the bathroom and kitchen.”*

The building is currently capable of being returned to a suitable on-going productive use requiring maintenance/limited works. Planning Officers therefore considered that the proposal would enable the re-use of an existing building in an urban location which results in the sustainable use of this building while helping to protect areas such as the Green Heartland and Coastal Zones.

Regarding Referral to Governor in Council for decision: It is for the Authority to make the decision as to whether the application should be referred to Governor in Council in accordance with Section 23 (2) (b) (i) of the Land Planning and Development Control Ordinance, 2013. The Authority are required to decide whether *“granting the application would be inconsistent with a Development Plan but that there are material planning considerations which suggest that permission should nevertheless be granted.”*

If the Authority decides that the application should be referred to Governor in Council, recommendation A below should be agreed otherwise recommendation B should be agreed by the Land Development Control Authority.

It was the Chief Planning Officer’s opinion that if members are minded to approve, that the application be referred to Governor in Council on the grounds that:

- i) the Land Development Control Plan has no specific policy relating to HMO-type accommodation and that this would set out a new Policy direction relating to alternative types of accommodation not previously developed on St Helena; and,
- ii) as Policy SI.4 reads *“development permission will be granted for the expansion of Barn View, Longwood or for redevelopment of the Longwood First School site as a challenging behaviour/psychiatric unit to be run in tandem with Barn View.”* As this proposal is not for the expansion of Barn View under its current use class, by granting this application it would be considered inconsistent with this particular policy within the development plan, however there are other policies and material considerations that demonstrate why permission should be granted.

**RECOMMENDATION A:** To refer the Development Application to the Governor in Council with a recommendation that Development Permission be **GRANTED** subject to the Conditions as outlined in the Handling Report:

**OR, RECOMMENDATION B:** That Development Permission be **GRANTED** subject to the Conditions also as outlined in the Handling Report.

Speakers (objectors) had asked to speak at the meeting but none were present when the Officer finished presenting the item. Apologies had been received.

In considering, the Authority felt that there was a lack of planning policy in respect of the definition that was being used. It was raised that it is not the role of the LDCA to make policy or make definitions when considering Development Applications.

It was noted that Officers had sought legal advice from the AG Chambers regarding the use of the proxy definition but that, while the time period to consider the application was nearing, the requested advice was not forthcoming prior to preparing the report for the Authority Meeting.

A Member requested that the item be deferred until legal advice is received regarding whether, in the absence of a bespoke planning policy and definition for HMOs, the LDCA

can make a decision/recommendation to GiC based on existing housing/other policies; and/or that the AG attend the LDCA meeting.

Concerns were raised on the lack of clear definitions and how it related to the proposal in respect of new forms of housing development that could lead to unfair expectations during decision making.

The SPO made reference to the Housing Strategy Document in relation to room sizes and occupancy levels which are defined in that document.

It was asked what was the requirement for parking spaces? The SPO advised that parking was indicated on the plans and that this would be required to be provided through the attachment of a planning condition. Whilst it was noted that the transporting of staff by mini-bus would be work-related only, it was mentioned that there would also be social aspects as well.

It was questioned as to whether the proposal would conform to Building Regulations. Planning Officers indicated that the Building Regulations application would be submitted should approval be forthcoming but that the applicant had sought to meet the Regulations in respect of toilet/washing facility provisions and by providing disabled bedroom/toilet and wash facilities.

Whilst Members generally supported the scheme, they felt that they could not make a decision on the application as presented and therefore agreed that the application should be deferred until definitive legal advice was received from AG's Chambers with a special LDCA meeting to be arranged once the legal advice had been received.

One Member raised that there should be a named person on the Application form.

**Resolution:** The Application was deferred until legal advice is received from the AG's Chambers. A Special Meeting of the LDCA would then be arranged.

**Application 2024/32 – Two Bedroom Extension – Longwood Hangings: Neil Henry c/o Doris Williams**

The PO presented and gave an outline of the Application.

The plot is located within the residential area of Longwood Hangings where it is designated within the Intermediate Zone and has no Conservation area restrictions.

In assessing, the proposed extension would be a simple addition to the original design. The overall design of the finished proposal was coherent in itself and with neighbouring properties. It has no adverse effect on the amenity or aesthetic of the immediate area. The proposal complies with the Intermediate Zone policies and could be supported.

In considering, members did not have any issues and approved the Application.

**Resolution:** The Application for Two Bedroom Extension was approved with conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/38 – Extension to Existing House to form a Covered Area – New Ground: Rico Williams**

The PO presented and gave an outline of the Application.

The plot is located within a mixed use of New Ground where it is designated within the Intermediate Zone and has no Conservation area restrictions.

In assessing, the proposed covered area extension would be a simple design that would serve as an additional outside living area. The roof style of the extension was not in keeping with that of the original building, however, it is appropriate for the shape and scale of the design. The proposal would not have any adverse effect on the amenity or aesthetic of the immediate area. It complies with the intermediate Zone policies and could be supported.

Members did not have any issues and approved the Application.

**Resolution:** The Application for Extension to Existing House to form a Covered Area was approved with conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/41 – Conservatory and Patio Extension and Construction of Garage – Colt Sheds, Longwood: Dave Crowie**

The PO presented and gave an outline of the Application.

The plot is located within the residential area of Colt Sheds, Longwood where it is designated within the Intermediate Zone and has no Conservation area restrictions.

In assessing the proposal, the modifications appeared to be minimal as with the proposed stand-alone Garage. The design is simple and is in keeping with the style of the existing dwelling. The overall design is coherent in itself. There would not be any adverse effect on the amenity or aesthetic of the immediate area. It complies with the Intermediate Zone policies and could be supported.

Members did not have any issues and approved the Application.

**Resolution:** The Application for Conservatory and Patio Extension and Construction of Garage was approved with conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/42 – Construction of a Two Bedroom Dwelling – Thompsons Hill, St Paul's: Marion Henry-Rhodes**

The PO presented and gave an outline of the Application.

The plot is located within the residential area of Thompson's Hill where it is designated within the Intermediate Zone and has no Conservation area restrictions.

In assessing, it was highlighted that Policy IZ1 indicated that new dwellings would be acceptable in the Intermediate Zone providing that it meets the relevant criteria. Policy H1 also indicated that development would be granted for sufficient new dwellings to ensure that housing needs are met. The proposal would be acceptable in principle in line with Policies IZ1 and H1. The proposal would have no effect on the amenity or aesthetic of the immediate area in line with Policy H.9. It complies with the Intermediate Zone and Housing Policies and could be supported.

In considering, there was a concern regarding the agricultural status of the adjoining land where the soakaway is proposed and its implications for future use. The PO to clarify land ownership and its use for the soakaway system and this would be addressed with the relevant parties.

**Resolution:** The Application for the Construction of a Two Bedroom Dwelling was approved with conditions as recommended in the Handling Report subject to clarity being sought with regard to the agriculture status of the adjoining land.

**Application 2024/44 – Partial Change of Use to Class A1: Shops and Partial Enclosure of Ground Floor Verandah and Change in Signage – Rosie's Bar and Restaurant, Ladder Hill, Half Tree Hollow: JT Partners**

The PO presented and gave an outline of the Application.

The plot is located within the mixed use area of Ladder Hill where it is designated within the Intermediate Zone and the Heritage Coast Conservation area. Its current use is as a restaurant (although the site is currently vacant).

There was one representation received.

In assessing the proposed change of use to shop with the Extension and Signage, the proposed extension works were considered acceptable as their appearance would not adversely impact the amenity or setting of the Conservation Area. The change of use from Restaurant to Shop was also considered acceptable as it was a similar land use as existing, taking into consideration the social and economic benefits the development would bring.

The design of the Advertisements would be scaled proportionately and would not be overbearing on their respective elevations. There was some deviation to the Advertisement Policy but the visual harm was not considered to be so significant as to adversely impact the setting of the Conservation Area.

In considering, it was questioned as to how the Signage would fit in with the Advertisement Policy. Officers however advised that it was replacement signage and that

the previous signage was considered to be acceptable, even if it was not in complete compliance with the policy. The signage would not have any greater impact.

A question was raised as to the use for the Upper Floor and it was said that it would be used for a Café; however, this was not part of this Development Application and such a use might not require a Development Application as the current legal use is as a Restaurant.

**Resolution:** The Application for Partial Change of Use A1: Shops and Partial Enclosure of Ground Floor Verandah and Change in Signage were approved with Conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/45 – CFS Yard to Break Bulk Yard Bridge – Rupert’s Cargo Handling Port Facility, Rupert’s Valley: Capital Programme Section, EDIP, St Helena Government**

The SPO presented and gave a brief outline of the Application and also the planning history.

The site is designated within the Coastal Zone and not within any Conservation area. The Wall forms part of the garden boundary to Hay Town House which is Listed, albeit that the direct connection had been severed by the new use.

In assessing, it was highlighted that the Applicant had considered numerous options for addressing the issues by the Port Logistics Officer as reported in the Handling Report. It was determined that this proposal was the preferred solution by the end users. In considering the Application as a whole and also the benefits of the development with addressing the risks such as the impact on the existing services, the potential of the stacker falling into the Run and preventing possible damage to the No. 1 Building, the proposal was considered acceptable even though this would result in harm to a historic asset.

In considering, there was a concern regarding the heritage of the Wall but Officers advised that the removed stones of the part of the wall affected would be reused elsewhere within the Port such that the overall impact on the heritage asset would be minimised. It was recognised that the proposed bridge would depreciate over time. It was further said that when the ship is in dock the main road/area would be cut off from public access with road control barrier so that the vehicles can move freely across the main road during that time so there would be no pedestrian/car safety concerns arising. The development would be beyond 50m of the sea and therefore there was no need to be referred to GiC for decision.

**Resolution:** The Application for CFS Yard to Break Bulk Yard Bridge was approved with Conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/46 – Construction of a Two Bedroom Timber Dwelling – Near the Ex Rifle Range, Ladder Hill: Charlize Henry**

The PO presented and gave an outline of the Application.

The plot is located within the mixed use area of Ladder Hill where it is designated within the Intermediate Zone and has no Conservation area restrictions.

In assessing and considering the proposal in its entirety within the context of the area as outlined in the Handling Report, any deviations from other existing housing designs would not adversely affect the aesthetic or amenity of the area. It would add to the architectural diversity of the modern built environment of the local area. The proposal complies with the Intermediate Zone policies and could be supported.

The Authority did not have any issues and approved the Application. It was highlighted that the dwelling would not be occupied until the communal sewage system had the capacity to properly treat raw sewerage (Condition 3 refers).

**Resolution:** The Application for the Construction of a Two Bedroom Timber Dwelling was approved with conditions as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/49 – Demolition of Chimney – Barracks Square, Jamestown: Dennis Harris**

The PO presented and gave an outline of the Application.

The plot is located within the mixed use area of Barracks Square, Jamestown where it is designated within the Intermediate Zone and Jamestown Historic Conservation area.

In assessing, the loss of the chimney would not adversely affect the setting of the Conservation area.

The Authority did not have any issues and approved the Application.

**Resolution:** The Application for Demolition of Chimney was approved as recommended in the Handling Report. Decision Notice to issue.

**Application 2024/54 – Construction of Animal Shelter – Bottom Woods Pasture, Longwood: ANRD, ENRP Portfolio**

The SPO presented and gave a brief outline of the Application.

The development site is situated within the Bottom Woods Pasture Land, east of the proposed new Prison site. The area is designated within the Coastal Zone and Bottom Woods important Wire bird Conservation area.

In assessing, the development would not be intrusive within the landscape in terms of its location and appearance with the use supporting the rehabilitation and productivity of the land to support the Wire bird Species and was considered acceptable in respect of the relevant policies for Natural Heritage, Agricultural Land and the Coastal Zone. There was a requirement in Policy NH.4 that any development irrespective of scale would be subject to an Environmental Impact Assessment. A screening opinion was requested by the Developer and it was concluded that the proposed development would not have any significant impact on the environment. Therefore, an EIA report was not required to be submitted with the Development Application.

Members did not have any issues and approved the Application. It was noted that the proposed development would be outside of the Prison development site.

**Resolution:** The Application for the Construction of an Animal Shelter was approved with conditions as recommended in the Handling Report. Decision Notice to issue.

## **9. Strategic Planning Matters**

### **Jamestown Conservation Management Plan (JCMP)**

The CPO advised that there was nothing further to report since the meeting of 3 October 2024.

### **Land Development Control Plan Review**

The CPO advised that she had spoken to the Portfolio Director, ENRP and also a Project Manager for input into the proposed task list/timetable. The CPO further said the Minister for ENRP would input but it was noted that she would be off island until the end of November 2024. The Chair said that she had been advised by the Director that there should be a timeline soon.

## **10. Any Other Business**

### **Consultations**

One Member expressed that the Airport Stakeholder has not been receiving consultations regarding development applications and that was crucial for their role in safeguarding aircraft operations. The lack of communication had raised concerns about the effectiveness of the planning consultation process. The Member said that he had contacted the Planning Section that indicated a need for follow-up on the planning consultations that the Airport should be receiving.

The Chairperson would take the matter up with the Portfolio Director to discuss the planning role of the Secretary, LDCA.

**ACTION:** Chairperson

### **11. Next Meeting**

The next meeting is scheduled for Thursday, 5 December 2024.

There was no further business to discuss. The Chairperson thanked members for their attendance and the meeting closed at 12.15 Hrs.

---

**Chairperson to the LDCA**

---

**Date**