

Minutes of the Executive Council in Planning held on Thursday 6 February 2025 at 11:00am
in the Council Chamber

Present: His Excellency the Governor (Mr N J Phillips CBE)
The Honourable Chief Minister/Minister Education, Skills & Employment (Mrs J D Thomas)
The Honourable Minister Treasury, Infrastructure & Sustainable Development (Mr M A Brooks)
The Honourable Minister Health & Social Care (Mr M D Henry)
The Honourable Minister Environment, Natural Resources & Planning (Miss C L Scipio)
The Honourable Minister Safety, Security & Home Affairs (Mr J R Ellick)
The Honourable Acting Attorney General (Mr M E James)

In attendance: Portfolio Assistant (Miss C G Maggott) (For minute taking purposes)
The Chief Secretary (Mrs S O'Bey)
The Financial Secretary (Mr D L Richards)
The Head of Governor's Office (Mrs N M Harris)
The Head of Communications (Mrs A Dillon)

OPEN SESSION

10.1 Welcome

The Governor welcomed all present at the meeting of Executive Council in Planning including the Acting Attorney General and members of the public seated in the Gallery.

The Chief Planning Officer, Ms Patricia Coyle and the Senior Planning Officer, Mr Shane Williams, were in attendance.

10.2 Declarations of Conflict of Interest

There were no declarations of conflict of interest.

10.3 Change of Use from Residential Care Home to House of Multiple Occupation (HMO)
- Barn View

The Minister for Environment, Natural Resources and Planning (ENRP) introduced the Memorandum and explained the reason for the referral of the application to Executive Council in Planning, the background to this development application and the fact that this referral has no relation to the caution raised by the Disabled Persons Aid Society in relation to the Barn View premises. It was noted that the application was inconsistent with LDGP policy SI.4 as this specific policy relates to the expansion of Barn View; the proposal is now for a change of use, of which this specific policy had no provisions for at the time it was formulated. There is also no existing planning policy relating to HMO-type accommodation; thus this would inform a new policy direction in this type of alternative accommodation not previously developed in St Helena.

The Minister for ENRP acknowledged that representations had been received following the public consultation process for this application; in particular from the St Helena Disabled Persons Aid Society. The Chief Secretary had provided confirmation of the funding contributions towards the construction of Barn View, however, the financial/ownership issues relating to Barn View were not for consideration as part of the development application under the Land Planning and Development Control Ordinance.

It was noted that the proposed development was designed for shared adult accommodation and would be used solely to house key workers, working in Health and Social Care. The proposed development would not impact the external appearance of Barn View.

It was noted that Barn View in its current form was not fit for purpose for health and social care needs and that financial constraints prevent necessary changes. Furthermore, the approach of the Health and Social Care Portfolio is to utilise existing facilities for respite care rather than establishing new facilities. Staffing shortages are a critical issue that affect the capability to maintain and provide an adequate care service.

The Senior Planning Officer went through the development application, the recommended conditions attached and the informative notes to the applicant. Key points noted were that the initial scheme included triple occupancy bedrooms. Adjustments were made to reduce some to double and single occupancy based on feedback following public consultation as well as from key stakeholders, including the Equality and Human Rights Commission and noting the existing Housing Strategy and policies. Regarding the lack of parking spaces available for the development, the applicant had demonstrated provisions to put in place a bus service and cycle storage facility for tenants.

Concerns were raised regarding the lack of responses to the consultation process from relevant SHG departments (raised at a previous meeting also), which did not provide Executive Council in Planning assurance as to whether the specific elements of applications had been considered. It was necessary to ensure that the consultation feedback process was actively sought and responded to in future applications. **The Chief Secretary agreed to follow up on this with Portfolio Directors to ensure that they respond to future applications.**

(Action: Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Full Development Permission should be granted subject to conditions 1 – 4 as per the Planning Officer's report to the Authority but noting that condition 4 had been revised as follows:

- 4) Prior to works commencing, details for the proposed 17-seater bus and cycle storage shall be submitted to the Chief Planning Officer in writing; once approved the service/storage shall be implemented in accordance with the approved details prior to first occupation and retained in perpetuity.**

Reason: To ensure that suitable alternatives to the car spaces are provided for occupiers of the approved development in line with Policies RT1 and RT.7.

Informative:

This Development Permission does not confer approval under the Building Control Ordinance. Therefore you are advised to consult the Building Inspector(s) to find out whether Building Regulations approval is required, prior to the development commencing.

(Action: Secretary)

It was noted that outside of the consideration of this application, a policy options paper would be developed on HMO accommodation as part of reviewing the Land Development Control Plan to define HMO and ensure that guidelines were in place for future applications.

10.4 Application for Full Development Permission – Balcony and Verandah with Secondary Mean of Escape at the Yacht Club, the Wharf, Jamestown

The Minister for Environment, Natural Resources and Planning (ENRP) introduced the Memorandum and explained the reason for the referral of the application to Executive Council in Planning and the background to the application; seeking a variation to the original development application that was brought to Executive Council in Planning on 21 February 2023.

The Minister for ENRP acknowledged there had been stakeholder feedback and representation received from the public, including a number of objections.

The Chief Planning Officer presented the development application in more detail, including the conditions that needed to be addressed. The proposed balcony width would measure 4.5 metres at the northern end to 3.8 metres at the southern. At the northern section of the balcony, the applicant proposed a fire escape to connect with an existing access from the top floor, as recommended by the Fire Service.

The Minister for ENRP advised of an additional condition recommended by the LDCA relating to the design of the balcony/Veranda that had not been included in the documentation that was distributed to Executive Council in Planning; she took full responsibility for the omission.

It was noted that the Maritime Authority had raised an objection to the proposal from a safety and security aspect in regards operational activities. Port Control had also objected on similar grounds as the Maritime Authority.

Given there are plans for the redevelopment of the Wharf in the near future and noting that a pedestrian access requirement/condition was attached to the original planning permission, concerns were raised regarding the existing bollards along the front of the Yacht Club. A concern was raised that if they were removed in the future would that affect the safety of the area.

Executive Council in Planning was supportive of the development given that the Yacht Club had become increasingly popular, especially with the recent events like the Yachts rallies and the Wednesday evening Fish Fry, contributing to the local tourism product but felt it would make economic sense from a cost perspective that the developer consider long-term structural

implications. There was concern that if a revised development scheme was approved there was risk of potential damage to the building/balcony due to current container operations.

Noting that the existing planning permission could be implemented immediately, provided the necessary Building Regulations were met (condition 10 under original application was to submit a revised plan which was yet to be received), it had been recommended by the LDCA that an informative note be added to the development permission if granted to encourage the developer to communicate with the relevant Authorities regarding the timing of the development and to wait until Port/Cargo operations were relocated to Rupert's Valley.

It was noted that a Working Group had been established to explore concepts for the redevelopment of the Wharf, indicating ongoing efforts to improve the use of these areas. The Minister for Treasury and Economic Development anticipated that options for the redevelopment of the Wharf would be available by the end of April or May 2025. **Meanwhile, the Minister for TED would make his Portfolio, under which the Property Division sits, aware of this discussion had at Executive Council in Planning.**

(Action: Minister for TED)

There was a concern raised about the lack of consultation with the Fire Service regarding the application which again raised concern in regards to the consultation/feedback process for planning applications. Council noted also that the Police Service were not consulted on this and previous applications, which was seen as a breakdown in communication that needed to be addressed to ensure proper oversight and safety in planning applications, especially in the case of those relating to licensed premises. **It was agreed that there was a need to instruct the relevant SHG inter-departments to respond to planning applications.**

(Action: Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Full Development Permission should be granted subject to conditions 1 – 8 and the informative notes to the developer as per the Chief Planning Officer's report to the Authority.

An additional condition was proposed by the Land Development Control Authority which was agreed by Council: –

- **Prior to development works commencing, details of the proposed posts and railings to the edge of the Balcony/Verandah shall be submitted at a minimum of 1:50 scale (preferably at 1:20 scale) to be designed to include, as appropriate, suitable measures to prevent accidental falls of items from the balcony/verandah; once approved in writing by the Chief Planning Officer, the posts and railings shall be implemented in accordance with the approved details and retained.**

Reason: to ensure that the proposed balcony/verandah posts and railings are designed to discourage their use for placing items in order to protect passing vehicles and pedestrians from accidental items falling from the balcony/ verandah, in accordance with LDCP Policy BH1 and Policy RT1 d).

Informatives:

This Development Permission does not confer approval under the Building Control Ordinance. Therefore you are advised to consult the Building Inspector(s) to find out whether Building Regulations approval is required, prior to the development commencing. This is to ensure that the development is carried out in accordance with the Building Control Ordinance 2013.

The applicant is advised that they will need to obtain a permit to dig in relation to telecommunications and existing water lines.

The applicant is also advised that if they wish to start the works now (there are no stipulations saying otherwise and noting that the previous application had been approved) they need to understand that Cargo Operations are still taking place in Jamestown, thus they will need to be aware of any Health and Safety Issues/concerns etc. Therefore it is worth advising the applicant that it is recommended that works take place once Cargo Operations are moved to Rupert's Valley.

(Action: Secretary)

10.5 Publicity/Briefing to Press

The Minister for ENRP and the Chief Planning Officer would undertake radio briefings to inform the public of the decision for both applications.

(Action: Minister ENRP)

10.6 Confirmation of Minutes of Executive Council Meeting held on 23 July 2024

The Governor advised that the original version of the minutes of the Executive Council in Planning meeting had been confirmed and signed, dated 19 September 2024. The formal record would be supplemented by the attached notes which were typed by the note taker and provided by the Minister for Environment, Natural Resources and Planning (attached). As such, the Matters Arising were drawn from both documents.

10.7 Matters Arising

10.7.1 Amendments to Rupert's Container Handling Facility

The action to the Chief Planning Officer regarding the process for feedback on development applications had been completed.

The Chief Planning Officer advised that there had been variations to various elements of the Rupert's Project. The team was gathering the necessary information for the next LDCA meeting to discuss conditions that require approval from the LCDA.

10.7.2 Installation of Fence at Coffee Shop

The Chief Planning Officer advised that an enforcement notice had been drafted in consultation with the Chair for the Land Development and Control Authority; legal

advice was being sought as requested by the Chair. The LCDA had recommended a 3 month period to remove the fencing.

Liaison was ongoing with the Property Division regarding options for submitting a new development application.

Regarding the CCTV signage currently situated on the fencing, the Chief Planning Officer advised that there may not be a legal requirement for development permission for such. The advertisement policy would apply in the case of relocation of the CCTV signage.

It was agreed that the previous actions discussed were now closed.

There being no further business the meeting ended at 10:20am.

N M Bargo
Secretary to Executive Council

N J Phillips CBE
Governor

31 March 2025

Attached:

Notes of Executive Council in Planning Meeting held on 23 July 2024 which were typed by the note taker and provided by the Minister for Environment, Natural Resources and Planning. As such, the Matters Arising were drawn from both documents.