



MINUTES

Of Land Development Control Authority Meeting

Date : Wednesday 6 September 2017
Time : 9am
Venue : The Education Learning Centre, Jamestown

Present	Mrs Ethel Yon	Chairperson (CP)
	Mr Paul Hickling	Member
	Mr Raymond Williams	Member
	Mr Ralph Peters	Member
	Mr Karl Thrower	Member
	Mr Gavin George	Member
	Mrs Riana de Wet	Chief Planning Officer (CPO)
	Mr Shane Williams	Trainee Planning Officer (TPO)
	Mrs Karen Isaac	Secretary (S)

A. Attendance and Welcome

The Chairperson welcomed all present and thanked members for attending.

There was one Member of the Public present, a representative from the Media and five Applicants in respect of Applications that are being presented for determination to the Authority.

B. Declarations of Interest

There were no Declarations of Interest.

C. Confirmation of Minutes

The 2nd of August 2017 LDCA Minutes were circulated, confirmed and signed during the 6th of September 2017 LDCA Meeting.

D. Matters Arising from Minutes

1)	There were no matters arising from the Minutes of 2 nd August 2017.	
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E. Building Control Activities

LDCA Members were given an Updated List of Building Control Activities for the period 1 to 31 August 2017 for their information. The CPO noted that the Draft Building Regulations are currently under review.	CPO / BI
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F. Current Applications Received & Awaiting Determination

LDCA Members were given a list of Current Development Applications. 23 Applications awaits determination of which some awaits more information and others within the consultation period. No Applications was withdrawn during this period.	CPO
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G. Applications for LDCA Determination

The following Twelve (12) Development Applications were considered by the Authority on the 6th of **September 2017** following perusal of the Planning Officer's Handling Reports and Recommendations with the following outcomes:

1)	<p>Application 2017/59 – Development of a Hot Food Takeaway (Class A5) – Nr the Salvation Army Hall, Half Tree Hollow – Alan Joshua</p> <p>The Applicant was in attendance. The CPO presented the Application by means of a Power Point Presentation. CPO highlighted that significant consultation in regards to the parking took place at the time when Solomon's proposed the extension of their parking area for HTH approved earlier during the year but that a key consideration would be not to allow customers to the Takeaway to obtain access from the Main Road as this will encourage parking of vehicles in the Main Road which could potentially cause congestion of traffic and road safety risks. The orientation of the building should therefore be such that customers are encouraged to park within the parking area (to be shared as per agreement by Solomons and the Applicant). Whilst the submitted plans indicate otherwise, the orientation of the building was therefore discussed with the Applicant to ensure that the building will best fit onto the site, still be practical and address these concerns. The Applicant agreed to this and as such the CPO propose certain</p>	CPO
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	<p>conditions. There were no objections with both the Salvation Army and Solomon’s providing their support in writing for this Development. Members noted that a footpath will have to be formed to meet objectives of the LDCP for disabled persons and the CPO confirmed that conditions have been placed to this affect. One member required about the reversing of vehicles into the car parks – however the CPO noted that the layout was so supported by Planning Officer (D Taylor) who dealt with the Application at the time and so approved by the Authority earlier in 2017. It was further noted that the agreement of sharing of the parking would be between the two parties (Solomon’s and the Applicant) however the Applicant are to supply one parking per every 30m² of the building to accord with LDCP policies and therefore has to ensure compliance. The Authority agreed for the need for establishing a fence or form of hedging to discourage entrance from the Main Road as well as the need to require landscaping to soften and provide aesthetic appeal to this somewhat unappealing building – as proposed by the CPO.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent out to Applicant.</p>	
2)	<p>Application 2017/61 – Siting of a Non-Permanent 20ft Container for storage purposes – Firing Range below Cox’s Battery, Bottom Woods – Police Directorate</p> <p>A Representative was in attendance. This application for Siting of a Temporary Container was deferred from last month’s meeting as Members noted Excavation of the Site to form a Firing Lane & Embankment with Target Board and questioned when Development Permission was provided. The Authority noted that this site is located within the National Conservation Area as well as forming part of a Post Box Walk. The CPO was requested to investigate. The CPO conducted a site visit and met with the Applicant on the 18th of August 2017 to establish when excavation took place and provided the following feedback to the Authority at this meeting.</p> <p>The CPO explained that Development Permission for a Police Shooting Range was granted during March 2011. She noted however that the Application details (unlike with applications today which are much more comprehensive) have been relatively vague, merely indicating a</p>	CPO

relatively large redlined area with no specific details in terms of for example demarcated vehicle parking areas, no-go-zones, shooting-zones, etc. She further highlighted that both the Application (form and plans) and the Decision Notice are silent in regards to site preparation other than that the site needs to be kept clean following each shooting session and that no permanent structures are to be erected. The CPO at this time noted that this condition potentially referred to formalised development such as “build structures”.

Since neither the Application nor the Decision Notice ever referred to “excavation of the site” it is clear that this was done without the necessary Development Permission and therefore can be deemed unlawful action by the Police Services and that the Authority have the power under Sections 33 of the Ordinance, to instruct reinstatement of the site. The CPO further noted that this was discussed with the Police representative, who responded in writing noting that they were unfortunately not aware that they should have applied for Development Permission to excavate the site to make it fir for purpose offered their sincere apologies. Along with the apology, they provided noteworthy motivation why excavation was deemed necessary and requested that the Authority give this some consideration.

The CPO clarified that as it stands, shooting could (before the excavation of the firing lane) take place anywhere on this relatively extensive site. Vehicles can for example be parked anywhere and people tramp everywhere on the larger site. By having this defined area, a benefit could potentially be that activity can at least be concentrated to a specific smaller and well-defined area on the site, which will inevitably place less burden on the natural environment – noting also that cleaning of the site (following shooting as per the decision notice) are made easier due to the concentration of shooting activity. The CPO also highlighted that the Applicant motivated that they need to meet certain international safety standards and that the target board against the soft embankment ensures no ricocheting of bullets (also a key requirement of the UK Trainers). The CPO further highlighted that this is only designated Police Shooting Range on the Island (which was seemingly earmarked followed significant search for a suitable site prior to the 2011 Approval) and that as per the Applicant’s discussion, expert trainers from UK are not prepared to conduct training in handling of Firing Arms on the Island for the Police Services unless a designated Firing Lane was developed as per their

requirements. CPO noted that the lack of a professionally trained firing squad on the Island may have significant ramifications and from what the CPO understands (following discussion with the Police), can effectively impact for example the Final Airport Certification. Should the Police be required to reinstate the site at this stage, this may very well impact on the training which is scheduled to take place as from October 2017.

The CPO reiterated that the Authority may however use their power to enforce reinstatement of the site if they so decide and not agree with the recommendations put forward by the CPO. Following deliberation, Members of the Authority agreed that it is potentially illogical to request reinstatement of the site at this stage however felt strongly that the Police should be made aware that they have acted unlawfully (and that this can set a undesirable example to others) and as such requested the CPO to formally notify the Applicant that the Authority will not generally accommodate such unauthorised development.

At this point the CPO noted the excavation of the site is a matter that stands separate from the Planning Application which was in fact submitted, which was to site a **Temporary Container on the Site**.

The CPO noted that the Applicant has originally approached the Planning Office with the request to site the container permanently – but was advised by the CPO to consider request for Temporary Siting – since the previous Development Permission clearly stated that no structures shall be stored permanently noting that this is the National Conservation Area. The CPO confirmed that it was unlikely that the container will be visible from significant vantage points due to the location being tucked away in a deep valley – and will only be noticeable when reaching the specific site en-route the Post Box Walk. The Authority agreed that the container will be sited for a temporary period only with the view to support the specialised training that is to take place over the next months.

Resolution: The Application to **Site the Container Temporarily** was approved with Conditions as recommended by the CPO for a period of 6 months. Condition 3 to be slightly amended to take account of the Colour of the Container.

Further to this, the Applicant to be formally notified of their unlawful

	<p>actions regarding Excavation of the Site without obtaining the necessary Development Permission - and to be made aware that this will not be tolerated by the Authority – however given the special circumstances and potential Island wide implications will be permitted at this stage. Correspondence to be sent to the Applicant.</p>	
<p>3)</p>	<p>Application 2017/68 – Retrospective Application - Vehicle Service Pit inside Existing Garage – Blackfield, Longwood – Jeffrey Joshua</p> <p>The Applicant was in attendance. Members were informed that this is a Retrospective Application. The CPO provided the Planning Background and noted that originally an Application was received to accommodate four Commercial Buses at this location but approval were given for a Garage to accommodate only two commercial buses. The Decision Notice clearly stated that no servicing is to take place within the garages which are meant to only <i>house</i> the buses. During November 2016 another Application was received to develop a further two garages alongside the existing. The CPO noted that from previous Minutes, the Planning Board at the time noted that they would have supported the initially proposed four garages, if the electricity poles could be relocated (which were to be at the cost of the Applicant). The November 2016 Application indicated that the Applicant were planning to have the electricity poles relocated. The Planning Officer (D Taylor) at the time however advised the Applicant that this Application is unlikely to be supported by the Planning Authority (2017) and the Applicant opted to withdraw the Application.</p> <p>The submission of this Retrospective Application however came to light when a concerned neighbour alerted the Planning Office that the Applicant seems to construct a Vehicle Service Pit within one of the approved Garages. The CPO investigated and found that the Development Permission provided specifically required that no servicing is to take place. This was discussed with the Applicant, who was informed that the Authority has the power under the Ordinance to require Conformity. The Applicant was however given the opportunity to submit a Retrospective Application for siting of a Vehicle Service Pit. The Application was advertised and one representation was received by the neighbour who originally alerted the Planning Office and who also objected initially the original development (to develop the garages). The objection was primarily concerned about the fact that servicing may cause nuisance and this type of activity effectively does</p>	<p>CPO</p>

not belong in residential areas. The Authority noted this concern.

The CPO explained that although the Applicant can be requested to fill the Vehicle Service Pits and reinstate the site, the motivation by the Applicant as to why the service pits are required should also be considered by the Authority – with one of the primary reasons being that there is currently no adequate land available on Island from where the Applicant can effectively and adequately run this noteworthy business, which supports much of the Island Community on a daily basis. Although there has been attempts by both the Applicant, Crown Estates and the Planning Office alike to identify suitable and mutually agreeable land for this type of business (namely a bus terminal which will allow the accommodation as well as allow small-scale routine maintenance of the busses to ensure public safety) none has materialised. This inevitably necessitates the Applicant to make use of the existing garages to perform such routine maintenance. The CPO noted that although this is not generally regarded a *compatible activity* within a *residential setting*, fact is that these buses have been allowed to be accommodated within this residential area and that through proper mitigation and monitoring routine maintenance that are non-intrusive could potentially be achieved. Activity allowed should take place indoors only and should include activity which will not become a nuisance to surrounding neighbours both in terms of aspects such as noise, odour, pollution, etc. – this can be conditioned.

The Authority noted the comments by the CPO and agreed that neighbours are generally the best monitors within a community to establish if a use becomes intrusive / a nuisance and that this is an opportunity to also ensure that the Applicant conform to the initial approval whereby the buses are to be housed inside of the garages and not parked on the road reserves and sidewalks. In the meanwhile, the Authority prompted the CPO to work alongside Crown Estates and the Applicant to find suitable land for this needed Bus Terminal and Service Centre with a longer-term vision in mind and requested that the various alternatives be presented to the Authority for their input and deliberation.

Resolution: The Application was approved with Conditions as recommended by the CPO. The Applicant to be made aware that he acted unlawfully and acted against the Development Permission granted during March 2012. by constructing a pit without obtaining

	<p>Development Permission. The LDCA stressed that this behaviour will not be tolerated in future and that the necessary steps will be taken if the Applicant acts outside of the said Development Permissions. Correspondence to be sent out to applicant.</p>	
4)	<p>Application 2017/72 - Proposed Erection of Steel Framed Insulated Cladded Building for Store/Warehouse/Office – Sure Communications Complex, Briars – Sure S A Ltd</p> <p>A representative was in attendance. The CPO presented the Application by means of a PowerPoint Presentation. It was noted that the structure will be located on the site which previously accommodated the Central Telegraph Office building which was demolished in 2010. The provision for disabled access was discussed and recommended to form part of the Conditions if approved.</p> <p>A member requested from the Applicant what Sure plan to do with the existing old building on site. The Applicant responded that it is an old derelict building (perhaps 60 years or so) which are currently seen as a safety risk to their staff and that they have no immediate plans with the building but may consider demolition thereof in future.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to the Applicant.</p>	CPO
5)	<p>Application 2017/64 - Proposed Toilet Extension to form a Bathroom and Store Room – Napoleon Street, Jamestown – Merle Peters Officer</p> <p>The applicant was in attendance. The CPO noted that this is a Listed Building and situated in the Jamestown Conservation Area. A site visit was undertaken with the Building Inspector to establish if the drawings and the proposal can meet the building regulations– following which new drawings with correct design standard were requested and submitted. The Authority confirmed Approval of the layout and acknowledged that this development will take place at the rear of the building and not be visible or change the façade of this Listed Building.</p> <p>Resolution: The Application was Approved with Conditions as Recommended by the CPO. Correspondence to be sent to the Applicant.</p>	CPO

<p>6)</p>	<p>Application 2017/69 - Proposed Renovations and Extensions (Developing the Three Detached Buildings into Two Dwelling Units) – Barnes Cottage, Jamestown – W A Thorpe & Sons</p> <p>The CPO presented the application by means of a Power Point Presentation. This development falls within the Jamestown Conservation Area. Although largely in support of the aim of the development, Members questioned the reason as to why there is a different roof profile in the higher lying (top) Unit. It was felt that the roof should rather be similar to the other dwellings. The CPO indicated scale, proportion and context are all matters to be considered as per the LDCP, it could be a matter of interpretation and taste. One member considered that since it may be visible from Side Path Road, the rationale for the design should be discussed with the Applicant once again. There was also concern over the privacy of the window from the neighbouring property as it seems quite close to this proposed developments. It was stressed that the neighbour did not object and that it meet the 45° standard to allow light into the neighbouring building. The CPO was however requested to discuss with the Applicant once again.</p> <p>Resolution: Because of the concerns raised by the Authority the Application was deferred for the CPO to open dialogue with the Applicant. The applicant to be invited to the next meeting when the Application will be further heard.</p>	<p>CPO</p>
<p>7)</p>	<p>Application 2017/70 - Proposed 2 Bedroom Dwelling – Nr the Rifle Range, Ladder Hill – Len Coleman</p> <p>The CPO presented the application by means of a Power Point Presentation. The CPO stated that the Applicant had advised that this development will be a model to show case to clients. Members are aware of the challenges with road infrastructure in this area and it was highlighted that the LDCA cannot refuse this development on this basis as precedence has been set for previous approvals with a resolution taken by the Authority to grant development permission with a standard condition relating to road infrastructure.</p> <p>Concerns also were raised with regards to the sewage connections where it was asked if Connect St Helena will be responsible for connecting sewage lines. At the moment new dwellings can be accommodated. Mention was also made of the fact that this land is</p>	<p>CPO</p>

	<p>being leased from Crown Estates but before this can be released, the Applicant must first obtain development permission. Members stressed that it is not good practice that Government advertise plots for release if the land is not suitably serviced by infrastructure. The CPO highlighted that a working group is being established to take this issue forward and members saw fit for a council member to be on such working group. The CPO to follow up.</p> <p>Resolution: The Application was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	
8)	<p>Application 2017/71 - Proposed Demolition of Old Garage and Extension to Existing Dwelling House – Cow Path, Half Tree Hollow – Gladys O’Bey</p> <p>The CPO provided a brief overview of the Applicant and noted that this Application does not present any reason for concern but was brought to the Authority as the percentage increase of the addition requires Authority decision and could not be dealt with under Delegated Power. The Authority confirmed their approval.</p> <p>Resolution: The Application was approved with Conditions as Recommended by the CPO. Correspondence to be sent to Applicant.</p>	CPO
9)	<p>Application 2017/73 – Proposed Installation of a Sign and an Awning – “Gerti-Dans” Narra Backs, Jamestown – Anders Bowers</p> <p>The CPO presented the application by means of a Power Point Presentation. A small typo on the size of the signage was detected. To be amended in the Handling Report. The building is Grade 3 Listed Building on which this proposal will take place. Members saw fit for a monitoring system to be developed in terms of conditions set on Applications. CPO to take this forward.</p> <p>Resolution: The Application was approved with Conditions as recommended by the CPO. Condition 5 to be amended to ensure that the advertisement is illuminated with a soft warm light only and only during times of operation. Correspondence to be sent to Applicant.</p>	CPO
10)	<p>Application 2017/75 – Proposed Extension to accommodate Coffee Shop Facilities – Pub Paradise, Longwood –Lucille Johnson</p>	CPO

	<p>The CPO presented the application by means of a Power Point Presentation. One member noted that it seems as if the Applicant also accommodates another business activity (namely a Taxi Service) at the premises – noting that the car parking area is meant for purposes of serving the current business, namely a Restaurant. The CPO to arrange to meet with the applicant to ascertain what exactly is her proposals in the future and to report back to the Authority. Members however supported the extension and proposed alterations of the building as proposed.</p> <p>Resolution: The Application was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	
<p>11)</p>	<p>Application 2016/110 – Proposed 2 Bedroom Dwelling – Windy Point – Robert Yon</p> <p>This application has been pending since last year awaiting further plans. It was noted that the designs has been altered under advice by the Planning Officer (D Taylor) at the time, to be less intrusive given the location just below High Knoll Fort and within the vicinity of the Heart Shape Waterfall. The Building Inspector also conducted a preliminary site visit with the CPO to establish feasibility.</p> <p>Resolution: The Application was approved with Conditions as recommended by the CPO. Correspondence to be sent to Applicant.</p>	<p>CPO</p>
<p>12)</p>	<p>Application 2016/57 – Request for Modification - to Modify Condition 5 of Decision Notice on Restriction of Hours of Operation – Longwood Enterprise Park – ESH</p> <p>The CPO highlighted that although this item was placed on the Agenda as “Application for Determination”, it is effectively not a “Application” but a “request by the CPO to the Authority for Modification of Condition relating to a previously approved Application (as per Section 30 of the Ordinance) and as such does not require public consultation.</p> <p>The Authority agreed that Condition 5 be modified to take into account the restrictions on the hours of operation as set out in the Decision Notice issued.</p> <p>Resolution: The Request for Modification was approved as</p>	<p>CPO</p>

	recommended by the CPO. Correspondence to be sent to the applicant.	
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H. Approvals under Delegated Power

The following Development Application were approved under Delegated Power by the Chief Planning Officer:		
1)	<p>Application 2017/67 – Proposed Refurbishment of the Swimming Pool Recreational Facilities – Jamestown – Crown Estates</p> <p>The Authority provided Delegated Powers to deal with this Application. The CPO noted that although Phase 1 and 2 of the Swimming Pool are well underway, this Application requests Development Permission for Phase 3 as it encompass works to above ground structures. Due to the location of the Swimming Pool 50m from the shore, it has to be referred to Governor-in-Council.</p> <p>Resolution: The Authority confirmed Recommendation for Approval with Condition to be referred to Governor-in-Council.</p>	CPO

I. Minor Variations

The following three (3) Development Applications were approved as Minor Variations by the Chief Planning Officer.		
1)	<p>Application 2016/57/MV2:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To replace Grass Block Area with Tarmac – Location : Enterprise Park, Longwood – Applicant : ESH – Official : R de Wet (CPO) – Status : Approved on 8 August 2017 	
2)	<p>Application 2016/109/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To Change Supporting Roof Structure from Steel Beams to Wooden Trusses – Location : Church Lane, Jamestown – Applicant : Mark Caswell 	

	<ul style="list-style-type: none"> – Official : R de Wet (CPO) – Status : Approved on 14 August 2017 	
3)	<p>Application 2017/40/MV1:</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To relax Building Line Restriction between property and development boundaries from 0.5m to 0m to mitigate against encroachment – Location : Half Tree Hollow – Applicant : Colin Bargo – Official : R de Wet (CPO) – Status : Approved on 14 August 2017 	

J. Strategic Planner Matters - CPO Feedback

The Chief Planning Officer reported briefly on the strategic Planning Matters:		
1)	<p>Land Development Control Plan (LDCP) Mid Term Review:</p> <p>Preliminary review has been completed and to be taken forward by the new Council.</p>	CPO
2)	<p>Building Regulations Review:</p> <p>A Draft of the Building Regulations has now been received from the Consultant, David Taylor. The CPO has arranged for an in house working group to go through the review over the next weeks. This will be followed by a public consultation process.</p>	CPO / BI
3)	<p>Historic Environment Record (HER):</p> <p>In progress - nothing further to report at this stage.</p>	CPO
4)	<p>Bottom Woods CDA:</p> <p>In progress - nothing further to report at this stage.</p>	CPO
5)	<p>Jamestown Conservation Area Management Plan:</p> <p>The Draft is expected in the coming weeks from Consultant David Taylor.</p>	CPO

K. Any Other Business

1)	<p>Unauthorised Siting of Training Structure at Ladder Hill</p> <p>It was noted that the structure has now been taken down. No further action.</p>	
2)	<p>Feedback from EXCO Meeting held on 29th of August 2017 – Ruperts Wharf</p> <p>The CPO provided a brief feedback of Executive Council where they considered the Discharge of Two of the remaining three Planning Conditions that had been attached to the Rupert’s Wharf Development and to delegate Authority to the Chief Planning Officer to Discharge the Third Condition.</p>	CPO
3)	<p>Application 2017/55 – Siting of Four Containers – Ambledale Work Shop, Nr the Rifle Range - Chris Bargo</p> <p>The CPO informed the Authority that the Applicant had communicated with her on his Refusal and presented a new proposals. The Authority agreed that the Applicant should submit a new Application with Full Details.</p>	CPO

L. Closed Items

M. Next Meeting

The next LDCA Meeting was scheduled for Wednesday 4 October at 9:00 at the Education Learning Centre, Jamestown.	CPO / S
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N. Closing

The Chairperson thanked Members for their attendance. The meeting closed at 13:45 hrs.	
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Signed by the Chairperson of the Authority as a true reflection of the Meeting.

Chairperson to the LDCA

Date