



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 16th October 2023, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Present: * Mr D Ashford, MHK, Chair of the Planning Committee
Mr P Young, Member, and Acting Chair of the Planning Committee
Mrs H Hughes, Member
Mr M Warren, Member
V Miss A Betteridge, Member
Mr P Whiteway, Member

In Attendance: Miss A Morgan, Acting Head of Development Management
Mr P Visigah, Planning Officer
*V Mr T Cowell, Planning Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
*Mr R Webster, Highway Development Control, Highway Services
*Part of the meeting only
Attending virtually via Microsoft Teams V

1. Introduction by the Chair

The Chair welcomed members of the public in attendance to view the proceedings.

2. Apologies for absence

Apologies for absence were noted from Mr Skelton.

3. Minutes

The minutes of the 2nd October 2023 were agreed and signed as a true record.

4. Any matters arising

None

5. The Members considered and determined the schedule of planning applications as follows.

<p>Item 5.1 Land At Ballahane House Erin Rise Port Erin Isle Of Man IM9 6FF PA23/00539/B</p>	<p>Erection of a single detached dwelling with associated car parking Applicant : Haven Homes Limited Case Officer : Mr Toby Cowell Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. He confirmed that DEFA Ecosystems Policy Team have now removed their objections subsequent to further information submitted by the applicant with regard to ecological mitigation measures, tree protection and landscaping. He confirmed that no objections had been received from Highway Services or the local authority.

The Highway Services representative confirmed there was nothing further to add to their report.

The owner/occupant of 45 Erin Way spoke against the proposal. The points raised were as follows:-

- Concerns regarding overlooking and loss of privacy
- Window 14, the North facing bedroom window, overlooks their property as well as window 15, the bathroom window
- While the bathroom could be considered a non-habitable room and obscured glazing utilised, the same could not be said for the bedroom
- Additional plans submitted indicate that the proposed window was secondary in nature and therefore obscured glazing could be used
- Both windows are less than 20m from their property and would have clear line of sight into their habitable areas as well as to the garden
- Not sufficient mature vegetation to screen the proposed property and provide privacy to their property
- Consideration be given to the use of non-opening, obscured glazing, or the removal of the bedroom window in order to prevent overlooking
- Had extended their own property and used non-opening obscured glazing in any windows where there was potential for overlooking of other properties

The representative for the applicant spoke in support of the proposal. The points raised were as follows:-

- Pre-application advice guided the approach to the site's various constraints, including the sloping topography and existing trees on-site
- Site zoned for residential development in the Area Plan for the South and situated on the edge of an existing housing estate so can utilise existing highways and drainage with no adverse impact on same
- Noted the neighbours' concerns but the proposal was developed in line with the Development Plan and the Residential Design Guide
- Not averse to conditions being applied to restrict views from the windows identified as potentially overlooking neighbouring property
- The soft landscaping scheme was developed in line with guidance received from DEFA Ecosystems Policy Team and proposed to carry out planting of native species
- The proposal was of appropriate scale, form and design, and refers to both existing nearby property styles and To Manx vernacular architecture
- The Strategic Plan noted there was a balance to be struck between contemporary architecture and traditional built form, which the proposed design has achieved

In response to the matter of overlooking, the case officer reported that the view between the windows in question would be quite angulated and not direct, which would therefore naturally limit any overlooking. He stated that while he would be prepared to amend their recommendation with regard to requiring obscured glazing in the specified windows should the Members feel that to be appropriate, in his opinion the proposal complied with the Residential Design Guide.

Following discussion, Mr Young proposed a site visit in order to aid their deliberations, which was seconded by Mrs Hughes. The Members voted unanimously to carry out a site visit at a time and date to be agreed at the end of the meeting.

In response to a question from the Members, the representative for the applicant confirmed that the site was in the ownership of the applicant.

DECISION

Following discussion and a vote, the Members unanimously agreed to carry out a site visit with regard to this proposal at a time and date to be agreed at the end of the meeting

Out of consideration for members of the public present, the following three items were considered out of agenda order.

Items No's 5.3 and 5.4 relate to the same property and so were considered together

Item 5.3 Former Eastfield Mansion House Eastfield Douglas IM1 4AU PA23/00526/B	Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping Applicant : Care Developments Ltd Case Officer : Mr Paul Visigah Recommendation : Refused
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And

Item 5.4 Former Eastfield Mansion House Eastfield Douglas IM1 4AU PA23/00527/CON	Registered Building consent for demolition elements to PA 23/00526/B Applicant : Care Developments Ltd Case Officer : Mr Paul Visigah Recommendation : Refused
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The case officer reported on both matters, reporting on item 5.4 (PA23/00527/CON) and then 5.3 (PA23/00526/B) updating the Members subsequent to the site visit carried out on the 9th October 2023, and summarised the key issues as set out in the reports and with reference to the visual presentation. He referred to the matter of overlooking specifically with regard to Item 5.3. as PA23/00526/B included the creation of the new property while Item 5.4, PA23/00527/CON, dealt solely with the demolition elements in a Conservation Area.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative on behalf of the applicant spoke in support of the proposal. The points raised were as follows:-

- Hoped the Members found the site visit helpful
- The applicant had bought the property in September 2022. The previous owner had obtained planning permission but had not taken up the permission
- Felt there was a housing need in Douglas
- The existing building was at the end of its life and did not conform to current building standards
- The Isle of Man Victorian Society and the Isle of Man Natural History and Antiquarian Society were both recognised authorities in the field of historic buildings, and neither organisation had objected to the demolition of the existing building
- The existing building was in poor form and not economically viable to upgrade and repair, with such works required making it effectively a replacement building
- The existing building was not built to the highest standard, and had now deteriorated
- Cannot see to what use the existing building could be put and felt the proposal was the best outcome for the site

The case officer reported that the Isle of Man Victorian Society had refrained from making further comment in order not to complicate the matter further, and confirmed that the Isle of Man Natural History and Antiquarian Society objected to the proposal as currently submitted. He also confirmed that no information had been submitted to support that renovation and repair of the existing building was financially prohibitive or that any steps had been previously taken to restore the building.

The representative for the applicant stated that the comments received at the consultation stage indicated no objection to the demolition of the existing building. He confirmed that details of the costs associated with renovation and repair of the existing building were available and apologised for not submitting them.

The Members expressed sympathy with the applicant, but had concerns with regard to the demolition of the current building and the proposed replacement buildings.

The Acting Head of Development Management advised with regard to the two connected applications, and confirmed that in a Conservation Area, it was recommended that demolitions were not approved without details of a suitable replacement being in place, with such replacement scheme balancing the loss of the existing building in the Conservation Area.

The representative for the applicant confirmed that there had been a historic application for the demolition of the existing building, without a scheme submitted for its replacement (PA 22/01326/CON), and that significant costs had been incurred with regard to architects fees associated with PA23/00526/B.

The Acting Head of Development Management advised that consideration of planning applications is carried out under the IOM Town and Country Planning Act 1999, and that while further information had been submitted, it would have to be disregarded. She further advised that a refusal of an application can lead to clarification of a scheme and a successful outcome.

The Members expressed that the site visit was beneficial in that it enabled them to have first-hand experience of the condition of the existing building. They noted the difficulties inherent in building in a Conservation Area, but expressed that the proposal did not sufficiently reflect existing features and architectural styles evident in the nearby terraces in the Conservation Area.

The representative for the applicant stated that they felt their architect had referenced 14 of the 17 architectural styles and details identified within the existing streetscape, and was confident the proposed scheme adequately reflected these. He further confirmed that the DEFA Arboricultural Officer was content with the proposal, and that the objectors' main concerns were over parking provision, which he felt had been adequately provided within the proposed scheme.

Overall, Members expressed that the design needed significant improvement and should either more closely reflect the existing building and streetscene or be of a more modern innovative design, together with retaining the existing trees and greenery.

DECISION for PA23/00526/B

The Committee **unanimously** accepted the recommendation of the case officer and the application was **refused** for the following reason(s).

R 1. The demolition of the Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area is considered to be unacceptable as the application has not demonstrated that all reasonable efforts have been made to preserve the building nor provided sufficient justification for its total loss.

Therefore, it is considered that the proposals would fail to preserve or enhance the character or appearance of the conservation area and are contrary to Section 16 (3) and Section 18 (4) of the Town and Country Planning Act (1999), Environment Policies 35 and 39, Strategic Policy 4 (a), and Paragraph 7.32 of the Isle of Man Strategic Plan 2016; policies RB/6, CA/2 and CA/6 of PPS1/01, and Urban Environment Proposal 3 and 4 of the Area Plan for the East. Accordingly, it is recommended that the proposals be refused on these grounds.

R 2. The proposed first and second floor windows on the rear (north) elevation of the proposed terrace dwellings, by virtue of their proximity to the neighbouring dwelling and boundary, and height above the ground level, would result in unacceptable levels of actual and perceived overlooking from the proposal site into Emsdale, Hawarden Avenue, Douglas, to the detriment of their residential amenity. In this respect, the proposed development is considered to be unacceptable when assessed against General Policy 2 (g) and the principles promoted by the Residential Design Guide 2021.

R 3. Whilst it is noted that the proposed terrace has been designed to bear some traditional features, it is not considered that the design, form and appearance of the proposed dwellings would serve to preserve and enhance the character and appearance of the site and Conservation area as an appropriate replacement, given that it is not truly traditional, and fails to integrate a number of the key features on the existing terraces around the allotments that serve to define the character of this part of the Woodbourne Road Conservation Area. The scheme is, therefore, considered to fail the requirements of Environment Policy 35 and Policy CA/2 of Planning Circular 1/01.

INTERESTED PERSON STATUS for PA23/00526/B

It was decided that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Manx Utilities Authority Drainage

It was decided that the following Organisation should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

The Isle of Man Victorian Society, as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

12 Eastfield, Douglas, as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

DECISION for PA23/00527/CON

The Committee **unanimously** accepted the recommendation of the case officer and the application was **refused** for the following reason(s).

R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area.

INTERESTED PERSON STATUS for PA23/00527/CON

It was decided as the demolition works proposed within this application for Registered Building Consent do not involve any proposed alterations to or immediately adjacent to a highway, the Department of Infrastructure Highways Division are not judged to have sufficient interest in the subject matter of the application, and therefore should not be awarded Interest Party Status.

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

13 Eastfield, Douglas, as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Mr Ashcroft left the meeting at 10.45am. Mr Whiteway proposed that Mr Young be elected Acting Chair in his absence, which was seconded by Mr Warren. Following a unanimous vote, and in accordance with Article 13 of the Planning Committee (Constitution) Order 2019, the Members appointed Mr Young to act as Chair for the remainder of the meeting.

Item 5.2 The Auburns 19 Lezayre Road Ramsey Isle Of Man IM8 2LP PA22/01212/A	Approval in principle for proposed residential development, addressing means of access and number of plots Applicant : Mr & Mrs David Pearce Case Officer : Mr Paul Visigah Recommendation : Refused
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. He updated the Members with regard to a late representation received from Ramsey Commissioners, and confirmed that such representation had not caused him to amend his recommendation. He further confirmed that the application had been brought before the Members again at this

meeting as the date for consultation had not expired when the matter was brought before them at the meeting of the 2nd October 2023. He confirmed again that he had not changed his recommendation to refuse the application.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **refused** for the following reason(s).

R 1. Insufficient information has been provided to demonstrate that appropriate mitigation measures could be implemented on site to safeguard the occupants of the four dwellings proposed within the scheme from future flood occurrence in accordance with the requirements set out in Appendix 4 of the Strategic Plan and as required by Environment Policy 10.

R 2. It has not been sufficiently demonstrated that the proposal would not result in unacceptable risk from flooding, either on or offsite, for future occupants of the proposed dwellings, and that the development would not increase flood vulnerabilities and intensity of flooding in the area. Therefore, the scheme is considered to fail the requirements of Environment Policy 13.

R 3. Due to the overall layout of the site, positioning of the buildings and the spaces around them, coupled with the volume of hardstanding areas to be created on site, it is considered that the proposal would result in significant loss of an established green corridor which has public amenity value and contributes to the character of the site and locality.

The removal of large sections of the garden area and its replacement with about 526sqm of hardstanding areas (impermeable parking areas and dwellings) would considerably deplete the green corridor with potential to further decrease the available green corridor, resulting in deleterious impacts on the character and appearance of the area and the context of this part of Ramsey, and a loss of a sense of place for the immediate locality, thus failing to comply with Policy R/R/P3 of the Ramsey Local Plan, and Environment Policy 42, General Policy 2 (b, c, & g), and Strategic Policy 4(b & c) of the Strategic Plan.

INTERESTED PERSON STATUS

It was decided that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

DOI Flood Risk Management
Manx Utilities Authority Drainage
Manx National Heritage

It was decided that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

The Oaks, Lezayre Road, Ramsey; and
Clairmont, 17 Lezayre Road, Ramsey,
as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the

subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Abbeystead, 2 Auburn Place, Lezayre Road, Ramsey

as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Item 5.5 Andreas Village Millennium Garden Andreas Village Isle Of Man IM7 4EZ PA23/00280/B	Re-site village play park to area currently known as Millennium Garden Applicant : Andreas Parish Commissioners Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

In response to questions from the Members, the case officer confirmed that although he had initially recommended refusal for the scheme due to the proposal to remove all the surrounding hedging and sodbank around the boundary of the application site, the applicants had revised the scheme to retain the section adjacent the highway, the section bounding the dwelling at the Former Police Station, and part of the western boundary of the site and as such he considered that this would be acceptable.

The Officer also noted that the DEFA Ecosystem Policy Team was opposed to the removal of any of the plantings (shrubbery and sodbank) along any of the boundaries. However, he considered that it would not be acceptable in terms of child safety to not have open sections of the site towards the main sports grounds. He further noted that the former play area would remain mostly untouched which would ensure that any biodiversity loss for the application site would partly be mitigated by the recolonization of the former play area by plant species.

The members further questioned that type of fencing used at the current play area, with the Officer confirming that they are of timber construction.

The officer further confirmed that the existing hedge/sod bank around parts of the play area was to be removed and replaced with new metal fence similar to that which currently exists within the sports ground, showing an example of an existing fencing within the sports ground, whilst noting that the entrance to the play area would be away from the main road. He also showed the positions of the new entrances to the new play area.

The Members expressed concerns with regard to visibility and oversight into the play area could be diminished by hedging, but on the whole supported the proposal. In response to a question from the Members, the case officer reported that the DEFA Biodiversity Officer would be able to advise the applicant with regard to hedge cutting.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following conditions.

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the details that have been submitted, the leylandii hedge bordering the eastern boundary of the site, the sod bank to the southern boundary of the site, and the hedge on the southwest section of the site, shall be retained as shown on the Proposed Illustrations 1 and 2, and as indicated in the Planning Statement, all received 24 August 2023. The boundary treatment shall be retained as such thereafter unless changes to the surrounding landscaping have been submitted to and approved in writing by the Department.

Reason: In the interests of protecting and enhancing the biodiversity of the environment, and to safeguard the appearance of the development and the surrounding area.

Reason for approval:

Overall, it is considered that the proposal would comply with the provisions of General Policy 2, Transport Policies 1 and 4, and Environment Policy 5, whilst aligning broadly with the requirements of Environment Policy 4 of the Isle of Man Strategic Plan, the reasons set out in this report; having no significant impacts upon public or private amenities, highway safety or landscape impacts.

INTERESTED PERSON STATUS

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

Item 5.6 First Floor 10 Prospect Hill Douglas Isle Of Man IM1 1EJ PA23/01085/B	Variation of condition 2 of PA 23/00345/C to amend the opening hours and days of operation to 9am to 9pm Monday to Sunday Applicant : Mr Ram Singh Bhadouria Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, confirming that there was sufficient public parking available in the nearby area to service the proposal without detrimental impact to existing occupiers or businesses.

The case officer also provided a context to the new proposal by noting that Committee in dealing with the initial application wondered why the applicant had not asked for a broader opening time, and explained that the applicant later stated that he was impacted by personal circumstances whilst preparing the previous scheme which caused key details to be missed. The case officer further noted that the current proposal seeks to address the gaps with the operational times approved under the previous approval.

The Highway Services representative confirmed there was nothing further to add to their report.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following conditions.

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. No customers shall remain in the building outside the following hours:

Monday to Sunday: 9am to 9pm

Reason: The application has been assessed on this basis as requested in the application form and in the interest of amenity.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), the first floor office area (shown on the submitted floor plan) hereby approved shall not be used other than as an aesthetic clinic and for no other purpose in Classes 1.1, 1.2 or 4.1 of the Schedule of the Order at any time.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

Reason for approval:

It is not considered that the extension to the days and times of operation would have any significant impacts to neighbouring properties or parking and highway safety to raise concerns. The proposal is, therefore, considered to comply with General Policy 2 and Business Policy 1 of the Isle of Man Strategic Plan 2016, and the Area Plan for the East.

INTERESTED PERSON STATUS

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

6. Site Visits

The Committee agreed to make a site visit in relation to item 5.1 (PA23/00539/B - Land at Ballahane House Erin Rise Port Erin Isle Of Man IM9 6FF) at 2pm on Thursday 19th October 2023. Miss Betteridge gave apologies that she would not be able to attend the site visit. Mr Young requested that the plot be marked out for the purposes of the site visit.

7. Section 13 Legal Agreements (If any)

The Members noted that since the last sitting Section 13 Legal Agreements had been concluded on application(s) shown below, previously determined.

PA	Applicant	Proposal	Date issued
22/00639/B	Ardlui Ltd	Erection of new four storey apartment building (class 3.4) with ground floor retail space (class 1.1), 22 & 24 Parliament Street and 6 West Quay Ramsey, Isle Of Man, IM8 1AP	11/10/23

The Members further noted that an amended Section 13 Agreement had been concluded on the application shown below in order to address the conditions of approval applied at Appeal.

PA	Applicant	Proposal
22/00549/B	Jade Tree Limited	Creation of a parkland campus facility comprising of a head-quarters office building with restaurant, café, collaborative working areas and 66 associated staff accommodation units with associated landscaping, Former Isle Of Man Holiday Camp, Switzerland Road, Douglas, Isle Of Man

8. Any other business

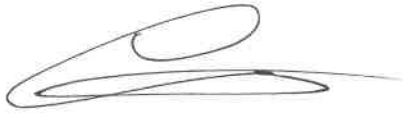
None

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 6th November 2023.

There was no further business and the meeting concluded at 11.09am.

Confirmed a true record



 **Secretary to the
Planning Committee**

**Mr D Ashford, MHK
Chair of the
Planning Committee**



**Mr P Young
Acting Chair for Items 5,2,
5.5 and 5.6**