



**Isle of Man
Government**

Rezlyys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 12th February 2024, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Present: Mr R Callister, MHK, Chair of the Planning Committee
Mr P Young, Member
*Mr S Skelton, Member
Mrs H Hughes, Member
Mr M Warren, Member
Miss A Betteridge, Member
Mr P Whiteway, Member

In Attendance: Miss A Morgan, Acting Head of Development Management
Mr J Singleton, Principal Planner
*Miss L Kinrade, Planning Officer
*Mr P Visigah, Planning Officer
*Mr P Shen, Planning Officer
*V Mr T Cowell, Planning Officer
*Mr H Laird, Planning Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
*Mr M Cowin, DOI Flood Risk Management
*Mr C Kershaw, Senior Highway Drainage Engineer, DOI Design Services
Mr K Almond, Transport and Traffic Officer, Highway Services
*Part of the meeting only
Attending virtually via Microsoft Teams V/*V

1. Introduction by the Chair

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

2. Apologies for absence

No apologies for absence had been received.

3. Minutes

The minutes of the 29th January 2024 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.

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

The Chair, Mr Callister, MHK, Mr Skelton and Mr Warren took no part in the consideration and vote with regard to this matter as they were not present at the site visit.

<p>Item 5.1 East Of 15 Terence Avenue Douglas Isle Of Man IM2 5BN</p> <p>PA23/01097/B</p>	<p>Erection of a two bedroom bungalow with associated landscaping and car parking facilities</p> <p>Applicant : Mr Scott Wilson 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, updating the Members with regard to representations received subsequent to the site visit carried out on the 5th February 2024, all of which were included in the preamble to his report

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

The residents from Hillcrest spoke against the proposal. The points raised were as follows:-

- The original application submitted in November 2022 was refused in May 2023
- The original refusal was not taken to appeal but instead this application was filed
- This application only addressed in part the reasons for refusal of the original application
- The footprint, size and height of the proposal were overbearing
- Loss of outlook for No. 11 Ballanard Road
- Sited too close to the boundaries with existing properties
- Removal of existing trees
- Potential damage to the existing Elm tree, which was also not shown on the plans
- Increase in traffic
- Detrimental impact on existing green corridor
- Detrimental impact on the environment
- 18 households on Terrence Avenue, together with nos. 7 and 9 Ballanard Road, all objected to the proposal

The agent spoke in support of the proposal. The points raised were as follows:-

- Thanked the Members and the DEFDA Arboricultural Officer for carrying out a site visit, and for the Arboricultural Officer confirming that the development of this site would not cause unnecessary disruption to the neighbouring elm tree
- The proposal to develop this land was not extraordinary and was supported by the IOM Strategic Plan
- The national goal set out by the IOM Strategic Plan was to deliver high quality housing in a sustainable manner in appropriately zoned areas
- The proposed development was situated in the centre of Douglas on land zoned for residential development as shown in the Eastern Area Plan. For this reason, there was a general presumption in favour of development. The ISS report and Residential Land Availability Survey in July 2023 indicate that the East was still short of new housing stock in accordance with national need
- The IOM Strategic Plan supports initiatives such as this, which can be seen throughout the Plan's policies, with 16 policies or objectives which would support developments such as this
- Understand the design was not in keeping with the general ethos of Terrance avenue, but given the plot and its constraints this would not have been practical
- The notion that new housing stock should conform to past design idioms has often produced buildings which were not suitable for 21st century lifestyles and were bland and uninspiring. We sought to design a modern, innovative and ecologically sound bungalow.

- Whole there was a partial conflict with EP42 in terms of its design, it was otherwise supported by SP5, with paragraph 4.3.9 stating *"The department recognises the need to raise the quality of the islands architecture and built environment"* and Paragraph 4.3.11 stating *"that new styles of housing, particularly those which draw their design principles in an effort to promote sustainability and energy efficiency, will generally be welcomed."*
- Felt the unusual design would contribute positively to the character and appearance of the area, as well as to the wider Island, with its asymmetric appearance and sedum roof providing an interesting and innovative addition to Terrance Avenue, while promoting a sustainable approach to construction methods and contributing positively to local biodiversity.
- The bungalow has been oriented so that only glance views of the lower portion of the dwelling would likely be possible from the far end of Terence Avenue.
- The proposal would not pose a detrimental impact to the neighbouring properties with regard to overlooking, loss of light and overbearing impact due to the nature of the proposed property being a bungalow together with the proposed landscaping and boundary treatments

The Members expressed concern that the reasons for refusal of the earlier application had not been addressed by that under consideration, that there would potentially be a detrimental impact on the ecology and biodiversity of the area, that the site was off Ballanard Road rather than Terrence Avenue and therefore would be backland development, that there was insufficient parking provision, that the proposal represented overdevelopment of the site and would be visually intrusive with a loss of light to the neighbouring properties, and that there would be limited amenity space.

In response to a question from the Members, the agent confirmed that the difference in ground levels between the site and the proposed garage would be dealt with by way of the site being lowered 600mm with a ramped access to the garage.

The Members felt the site visit to be beneficial, but were not all minded to accept the case officer's recommendation to approve the application. Following discussion, the Members who were able to vote on this application rejected the case officer's recommendation. Mr Whiteway proposed reasons for refusal based on overdevelopment, layout, amenity of adjacent properties, detrimental impact on the environment, local ecology and existing trees, and the loss of the existing green corridor. The Members discussed the proposed reasons and accepted the proposed reasons for refusal.

With regard to IPS, the case officer advised that IPS had been recommended based on the lead signatory of the submitted petition and on individual submissions received. He confirmed that the said lead signatory was outside of the 20m limit. The Members instructed that the owner/occupiers of 9 Ballanard Road and 15 Terrence Avenue be accorded IPS, but noted that the owner/occupiers of 7 Ballanard Road were not to be accorded IPS, as in the case officer's opinion, although they had been accorded IPS on the previous application, their representation did not comply with policy. The case officer indicated the locations of the objectors with reference to the visual presentation, confirming that the owner/occupiers of 14 Terrence Avenue had not been accorded IPS as they had not submitted any comments.

DECISION

The Committee Members who were able to vote on this matter **unanimously** REJECTED the recommendation of the case officer and the application was **REFUSED** subject to the following REASONS

- R 1. Due to the overall density of development, layout of the site, design and landscaping of the building and the spaces around them, coupled with the quantum of development on the broader site area, it is considered that the proposal would result in a visual

overdevelopment of the site. The scheme would also result in significant loss of an established green corridor which has public amenity value and contributes to the character of the site and locality. It is, therefore, considered that the development would result in a particularly noticeable intrusive backland development within the site when viewed from the surrounding area, and would have a deleterious impact on the application site and the character and appearance of the area and the context of this part of Douglas, which is defined by detached buildings laid out within large curtilages with mature landscaping, thus failing to comply with Environment Policy 42, General Policy 2 (b, c, f & g), and Strategic Policy 3(b) of the Strategic Plan.

R 2. Due to the separating distance between the new dwelling and existing dwelling at Creggan Ashen, 11 Ballanard Road, the proposed development would result in an overbearing impact upon the amenities of the existing property at No. 11, contrary to General Policy 2 (g) of the IOM Strategic Plan 2016 and the principles set out in the Residential Design Guide 2021.

R 3. It has not been demonstrated that the development could be undertaken without creating significant adverse impacts on the ecology of the site or biodiversity, with insufficient levels of mitigation having been demonstrated as part of the proposals. The development would also result in the loss of a significant section of the existing green corridor on this part of the locality which has ecological and environmental benefits for the microclimate and biodiversity. It is therefore, considered that the intensity of the development coupled with the inability to provide suitable ecological mitigation in relation to the development within the current scheme to address biodiversity concerns would be contrary to the requirements of General Policy 2 (d), Strategic Policy 4 (b) of the Strategic Plan, as well as Strategic Objective 3.3 Environment (b), and habitat loss action 21 of the IoM Government Biodiversity Strategy.

R 4. Whilst the site is within an area designated for Residential use on the Area Plan for the East, the development will result in the loss of a mature tree on site, with potential to impact on tree root areas for neighbouring trees, without adequate provision made for their protection and replacement planting within the site, whilst encouraging further removal of trees, resulting in significant adverse impacts on the character and appearance of the site and area. The proposal is, therefore, contrary to General Policy 2 (f) and Environment Policy 3.

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:
Department of Infrastructure Highway Services

It was decided that the following 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:

9 Ballanard Road
15 Terence Avenue

as they have 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.

It was further decided that the following 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 6(4):

7 Ballanard Road
13 Terence Avenue

4 Terence Avenue
20 Terence Avenue
21 Terence Avenue
110 Port-E-Chee Avenue

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.

<p>Item 5.2 Land At Poyldooey Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274 Ramsey Isle Of Man</p> <p>PA22/00679/B</p>	<p>Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access</p> <p>Applicant : Blythe Church Investments Holdings Ltd Case Officer : Mr Hamish Laird Recommendation : Approve subject to Legal Agreement</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, updating the Members with regard to representations received and matters concluded following the site visit carried out on the 18th January 2024 as follows:-

Errors in the Officer Report:

C14 has been removed (CEMP Condition) – explanation to follow:

- Correction: Paragraph 0.10 DRAINAGE. The assertion that FMD raises no objection is incorrect.
- The last line of Para 0.15 was to be deleted as it was irrelevant to the discussion at that point.
- Paragraph 0.19 – Flood Management Division had not withdrawn its objection. It has provided conditions which it considered would be appropriate in the event that an approval was granted. FMD firmly maintained its objection to the scheme as advised in the Representations section of this report where its concerns, along with the suggested conditions, are outlined in full.
- Paragraph 0.32 – the word ‘mossed’ should read as ‘missed’.

Officer Meetings with other Departments between 15/1/24 and 9/2/24.

In the interim DEFA Planning Officers held Meetings with:

- FMD – 29/1/24 which resulted in comments received and advised in the officer’s report.
- Highways Drainage 8/2/24 which resulted in additional comments received on 9/2/24 of which Members will be advised.
- The Ecosystems Policy Officer, Inland Fisheries Manager and the Senior Biodiversity Officer at Inland Fisheries
- Highways Drainage 8/2/24 which resulted in additional comments received On 9/2/24, as follows:- Highways Drainage Team - Further to our Teams meeting

with the Acting Head of Development Management, the planning report on the proposed below DOI Highways response to the above.

“Planning Report

Conditions C2 and C27 and comments in 0.20 Highway Design and Safety and Question of Adoption

Contrary to the advice given to the Members on 15/01/2024 by the DOI Highways representative, the spine road link points to the existing highway to the east and west have not been designed in accordance with Manual for Manx Roads (MfMR). MfMR section 5.2.7 on vertical curves states that they should be provided at all changes in gradient to ensure reasonable standards of comfort at sag curves and to provide the appropriate visibility at crests. Section 5.2.9 specifies how the length of curves are determined. One of our highway design engineers has applied the vertical curves guidance to the spine road connection points; to reach a level of 6.50m AOD from the existing road level to the east would require 90m of roadway and to the west 70m.

The 6.50m AOD level of the spine road to the east is reached approximately 150m in from Poyll Dooy Road with approximately 140m of it predicted to flood during a 1:200 year 2120 tidal event (see dwg 296-300-102 Rev C). Vertical curves can be applied to this section to comply with MfMR guidance although it might lead to a slight increase in flooding depths. The 6.50m AOD level of the spine road to the west is reached approximately 15m in from Auldyn Meadow and even though the Applicant proposes to vertically re-align a 15m section of existing highway, this level cannot be achieved as shown on dwg 296-300-101 Rev C. We roughly estimate that the 6.50m AOD spine road level can be achieved by around plot 32 with flooding of the road to around plot 29 for the predicted 1:200 year 2120 tidal event of 6.01m AOD. This puts in doubt the level of flood protection provided to the 2 culs de sac serving plots 1 – 15 and 73 – 78. This could be mitigated by vertically re-aligning more of the existing highway to the west which is currently outside the planning application boundary. With reference to planning conditions C2 and C27, the spine road levels shown on drawings 296-300-101 Rev C & 102 Rev C do not comply with MfMR standards.

The Applicant has not approached DoI Highway Asset Management with regard to adoption of the spine road or culs de sac and we don't recall the Department ever being asked to adopt new highways that are predicted to flood now and even more in the future. This will set a precedent if one is made and the Department will need to carefully consider any request as this would undoubtedly increase the risk to road users, residents and emergency services.

Flooding and Drainage

It's unfortunate that the Applicant's FRA omitted a flood map showing the post development 1:200 year 2120 tidal level as this would have confirmed at an early stage that both ends of the spine road are predicted to flood to levels that are dangerous to road users. The post development fluvial flood maps for the 1:100 year 2020 (5.23m AOD) and 2120 (6.01m AOD) events in fig 4.4 and 4.5 show the north west corner of the site flooded to depths of up to 0.5m and 1m respectively. Drawing 296-300-101 Rev C indicates that the north west corner of the site post development will be at a level of 6.50 AOD, 1.27m above the 1:200 year 2020 tidal level and 0.5m above the 1:200 year 2020 tidal level. Clearly there is a discrepancy with the flood model which needs to be investigated.

The Preliminary Drainage Assessment report No. FWM8791-RT002 R01-00 by HR Wallingford recommends that the uplift for climate change for the Ramsey area should be 35% and the Future Drainage Project 2021 recommends that the uplift for climate change for the upper reaches of the Sulby River is 40%. We note that the FRA model has used an uplift of 30% which is below that recommended by their industry leading experts. We have not encountered industry leading experts that carry out soakaway tests in August.

Whilst the existing roads either end of the spine road are predicted to flood now and even more in the future, this is not a valid reason to construct new ones which will increase the existing risk to road users, residents and emergency services. Contrary to the Applicant's statement, the FRA demonstrates that the development will not provide a greater level of flood protection to the east than at present and it is debateable whether it provides a greater level of flood protection to the west as the flood model appears to have omitted the land raising for the cul de sac to the north west as mentioned above.

Sulby Riverside FRM Comments responses

In their submission dated 6/02/2024 Baca Architects believe that a Pinzgauer fire appliance would be able to access the site via either end of the spine road during a 1:200 year 2120 tidal event and this confirms the extent that the access points are predicted to flood. Fig 1.1.4 is the first time we've seen a flood map indicating the post development 1:200 year 2120 tidal level which shows both spine road access points flooded. What the map also shows is the predicted extent of flooding to Ramsey Town and we doubt that 1 Pinzgauer would be sufficient to deal with emergencies arising within the town centre let alone an additional development.

Please add our response as additional information and pass them onto the committee members."

DoI FMD

The FMD remains opposed to the development and maintains its objection as reported in its comments on the application received (1/2/24).

Isle of Man Fire and Rescue Service

Response received from Isle of Man Fire and Rescue submitted via FMD (9/2/24) – reads as follows:

"I must clarify that fire engines are not designed to drive in water up to 11 feet in depth. This capability far exceeds the operational parameters of standard fire appliances and any safe working practices.

Additionally, the mention of the Pinzgauer's operational status within our fleet. The Pinzgauer's were removed from service 2 years ago and are no longer operational and not available for deployment. These have been replaced by off road vehicles, but these do not possess the same capabilities as traditional fire appliances and are not deployed as first-line appliances in our operational deployment model. To deploy fire service appliances into flood waters must be a strategic decision made by the Senior Leadership Team. Currently, such actions are not part of our standard operating procedures. The Laxey floods serve as a reminder of the dangers and challenges associated with exposing vehicles and personnel to flood waters."

Further comments have been received from the Climate Change Team (received 9/2/24)

Further comments received from the Climate Change Team (9/2/24)

"Further to our previous comments submitted on the Poyll Dooley Development planning application (PA 22/00679/B), the Climate Change Transformation Team has noted that the proposed development is being considered by the Planning Committee on 12 February 2024.

We have read through the updated planning conditions and note that the specific condition requiring the developer to produce a Construction Environmental Management Plan (CEMP) has been removed. Condition 2 refers to it but C14 indicates that this condition has actually been removed. It is unclear as to why this was done, and concerning as it is a vital step in ensuring that environmental impacts are prevented, especially considering the site location and the high potential for surface water / sediment runoff in the site clearing and construction phases to impact the adjacent saltmarsh habitat.

As previously noted in our comments, the Poyll Dooley saltmarsh is an incredibly important carbon sequestration and ecological site, and the protection of it from sedimentation, erosion or surface water contamination is vital. A CEMP would be a first step in preventing impacts to this site and a good means of control in materials / water storage and management. The requirement for compliance monitoring has also been removed along with the CEMP, which is irregular and concerning. There is no alternative condition which replaces the CEMP, and no explanation of why it was removed. For a development of this size and considering its location, surely this would be a minimum requirement from DEFA Planning? Has the developer offered an alternative EMP which has not been laid out in the conditions?

We also refer to the Planning Officer's previous report to the Planning Committee, Section 7.17 below:

- "It is considered that on balance, the proposed development is acceptable in terms of its potential for adverse impacts on the existing ecology and habitat of this statutorily unprotected, allocated site".

The methodology for considering the balance of ecological impacts versus economic benefits has not been outlined. The Climate Change Transformation Team would like to request that the methodology used to weigh these benefits / impacts be presented by DEFA Planning. In addition, we would like to request how DEFA Planning determine ecological value on sites that are statutorily unprotected.

We draw attention to Section 21 of the Climate Change Act 2021, which lays out the duties of public bodies (such as DEFA Planning):

A public body, in performing its duties, must act in the way that it considers best to contribute to —

(a) the meeting of the net zero emissions target by the net zero emissions target year;

(b) the meeting of any interim target;

(c) supporting the just transition principles and the climate justice principle;

(d) sustainable development, including the achievement of the United Nations sustainable development goals; and

(e) protecting and enhancing biodiversity, ecosystems and ecosystem services.

Section 21 (a) and (e) are relevant to this response, and we believe that in the consideration of this application and the proposed conditions, DEFA Planning are not adhering to these duties in that: (i) the protection of the saltmarsh from any negative impact is vital in us meeting our net zero targets; and (ii) the removal of the requirement for a CEMP does not protect and enhance biodiversity, ecosystems and ecosystems services.

Finally, the Climate Change Act 2021 contains amendments to the Town and Country Planning Act 1999, setting out six policy areas – including the “the maximisation of carbon sequestration” - to be included in a Strategic Plan or National Policy Directive before a dead line of 1 January 2025. Although these amendments have not yet been commenced, their intention is clear and has been approved at the highest level as part of primary legislation. We therefore feel that they should form part of the decision making process.”

Further comments received from DEFA Fisheries (9/2/24):

DEFA Fisheries has noted the forthcoming planning committee consideration the *Poyll Dooney* development (Sulby River) proposal (22/00679/B) and has taken the opportunity to review the proposed conditions, as outlined in the meeting Planning Authority agenda. Noting that DEFA Fisheries has previously submitted comment on this application, and objected to the proposal on the grounds of lack of mitigation /assessment measures with respect to potential impacts on the fishery environment.

As you are aware, DEFA Fisheries Division has responsibility for fisheries management, including inland waters (e.g. rivers) and migratory fish, such as endangered Atlantic salmon and European eels, as well as marine conservation (including the protection and management of the island’s marine nature reserves).

Further, Section 5 of the **Fisheries Act 2012** confers a responsibility on DEFA to have regard for the supporting environment for fisheries;

5) Responsibility of Department for inland *and* sea fisheries

(1) Subject to the provisions of this Act, the Department shall be responsible for —

**(a) the supervision and protection of inland and sea fisheries, and
(b) fostering the establishment and development of such fisheries.**

(2) In the exercise of its functions under this Act, the Department shall have regard to the need —

(a) to preserve natural beauty and amenity;

(b) to conserve freshwater flora and fauna and the freshwater environment;

(c) to conserve marine flora and fauna and the marine environment;

(d) to conserve features of geological or geomorphological interest; and

(e) to protect buildings and other objects of architectural or historic interest, so far as those matters are capable of being affected by that exercise.

Point highlighted above appear to be immediately relevant to this proposed development, notwithstanding other points.

The proposed development is adjacent to the Sulby River, low in the catchment and is partly influenced by tidal movement. This estuarine area is a transitional aquatic habitat, and forms an important fisheries nursery area, as well as containing the Island's largest salt marsh area, that the Government's Blue Carbon project has shown to be the highest aquatic carbon storage habitat on the island.

In addition, potential activities on this site will be relevant to the protection of the marine environment, being close to the mouth of the river and which empties into the Ramsey Bay Marine Nature Reserve, which is statutorily designated and protected under the Wildlife Act 1990. Ramsey Bay MNR is the island's oldest MNR, having been designated in 2011.

As such, it is of significant concern that one of the main mechanisms for pre-emptive control of environmental impact on sensitive habitats and species, a Construction Environmental Management Plan (CEMP), has been removed from the proposed conditions associated with this development. It is apparent that it has been previously included in proposed conditions, see reference to a CEMP in C2, which refers to C14, but which is absent from this condition. It is also noted that the project ecological consultants, JBA, has recommended the inclusion of a CEMP for this development proposal. Perhaps you could please explain the rationale for this change/omission?

As you are aware, a CEMP is used to help minimise adverse impacts from activities relating to a development, and puts the onus on the developer to consider and address management of these, and how they will be managed during the preparatory and construction phases, i.e. **before they occur**. As such it is fundamental for a development of this scale and location, in ensuring that impact are managed before they occur, and do not rely on *post facto* enforcement actions. Surely this must also be a fundamental aim of the planning process?

In light of the above, the Fisheries Division would expect that the requirement for a CEMP is included as a condition for this proposal. The CEMP must include sufficient measures to ensure that the developer is required to engage with, and obtain agreement, prior to construction, from the relevant government groups responsible for protection and management of their respective interests; including Fisheries, and potentially both the Climate Change Team and Blue Carbon Project.

Comments to Planning Committee Meeting on 12/2/24 by the Case Officer

There are 6 tests for planning conditions:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

The main issues with CEMPs

Half of the requirements a) to h) that are outlined in the previous C14 CEMP condition are covered by other conditions, and the other half would be un-enforceable.

We do not have a Breach of Condition Notice procedure on the Island. For any Breach of condition we would have to issue an Enforcement Notice. The applicant would have 28 days in which to appeal, if no appeal is received the Enforcement Notice would take effect and the applicant would then have 3 months in which to comply.

The applicants propose a CEMP as outlined in their 'Planning Query Response – Ecology – Final Report (October 2022). This is normal practise on scheme such as this in the UK.

For example: NW Cullompton Urban Extension – Mid Devon – Bell Cornwell acting as Agents for Taylor Wimpey. Outline granted Phase 1 17/01346/MOUT:
RM – Phase 1 22/00755/MARM;
Spine Road – 22/00706/MFUL;
Phase 2 – 22/00729/MFUL.

Conditions – cond 2 refers to

...“a site compound and car park have been constructed in accordance with the Construction Environment Management Plan (CEMP) required by Condition No. 14 prior to the first building of any residential units permitted by this planning permission.”

....as outlined at PP's 58-59 on the Agenda - (Condition 14 on PP's 58-59 of the Agenda) recommended. Parts i) to q) of the former CEMP condition are now covered by elements of conditions 4, 6, 7, 8 14 and 16; and new Part E added to the LEMP condition 7; and, proposed new conditions 28 and 28.

This is due to elements a) to h) of the CEMP condition being unenforceable.

Additional conditions.

Addition to LEMP Condition 7

C 7. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, a Landscape and Ecology Mitigation Plan (LEMP) shall be submitted to and approved in writing by DEFA Planning. This information shall include:

A. An annotated, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, sod banks, buildings, and view corridors out to the surroundings to the north incorporating the Poyll Dooey Nature Reserve up to the Sulby River where it runs to the north and east of the site between the White Bridge and the Spine Road access onto Poyll Dooey Road.

B. An annotated landscape and ecological impacts plan that provides details of the physical impacts of the proposals on the landscape and ecological features detailed in A above; and

C. Avoidance/mitigation/compensation/enhancement measures.

D. Timescale for implementation and ongoing management (minimum 10 years required).

The plan should demonstrate how existing landscape and ecological value is being conserved as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and, include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain.

E. The submitted details shall include all details of street lighting and how it would interface with the other requirements of the LEMP.

The LEMP shall apply to both the Full and Outline elements of the site (Phases 1 and 2) and any Reserved Matters applications for the site shall incorporate the approved Landscape and Ecology Mitigation Plan (LEMP). The development shall be carried out in accordance with the approved details.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

Construction condition

C. 28. Prior to the commencement of development on any Phase of the development, hereby permitted, On any part of the area of land located to the south of the Spine Road where topsoil, subsoil or overburden from the site is to be stored, measures to prevent such stored material and any pollutants or particulates arising therefrom, from washing into the Sulby River along with any runoff waters from the site, and the methods employed to control such run-off, shall be submitted to and approved in writing by DEFA Planning. Such measures shall be put in place prior to any storage of topsoil, subsoil or overburden first occurring, and shall thereafter be retained and maintained for the lifetime of the construction period of the development.

Reason: To ensure that adequate provision is made for the protection of the Saltmarsh habitat area; the marine environment of the Sulby River; and, the downstream Ramsey Bay Marine Nature Reserve, arising from the development from any material contained in suspension in the form of runoff from the site. This is due to the sensitive nature of the Saltmarsh Area which is the largest Blue Carbon sequestration site on the Island, and river bed being contaminated with waterborne pollutants, fines or particles in suspension from the site contained within any runoff waters.

Ecological Clerk of Works condition

C. 29. In accordance with the requirements of conditions 4, 6, 7, 8, 10, 11, 14, 16 and 28, of this planning permission, the applicant shall provide the name(s) and details of a suitably qualified Ecological Clerk of Works who shall be employed to ensure that the required protection measures and survey work have all been undertaken, implemented and subsequently maintained at both the pre-development stages and subsequently for the lifetime of the construction phase of the development.

Reason: To ensure that the provisions of conditions 4, 6, 7, 8, 10, 11, 14, 16 and 28, of this planning permission, are adequately managed and monitored.

Informative Note:

Post development, the applicant is advised that there should be no pumping or diversion of any water flows from the site into any adjoining watercourse without first obtaining permission from the DEFA Environmental Protection Unit. To do so would constitute an offence under the Water Pollution Act 1993.

22/00679/B - Sulby Riverside

Comments from DoI FMD objecting to the proposals received on 1st February 2024. **In response the comments (in bold type) are from HR Wallingford dated 7th February, 2024, and received by DEFA Planning on Thursday 8th February, 2024.**

Suggested conditions

1. The detailed surface water drainage with calculations must be provided showing the position of attenuation tanks/ponds behind the spine road and not within the flood area. The surface water system is to be designed to not surcharge in a 1 in 50 year event and the storage must be for a 1 in 100 plus climate change event. This information to be provided and approved prior commencement on site.

This will be provided.

2. Details of the flood embankment to be provided prior to starting on site to be designed to current industry standards and best practice.

This will be provided by an engineering design consultant.

3. Culvert design under the flood embankment to be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). This is subject to consent under the Flood Risk Management Act 2013, section 20.

The requirement is agreed.

4. The detailed application for phase 2 must include a flood risk assessment that shows rate of flood water rise both tidal and fluvial, flood water velocity and depth. This area contains children's play areas, light industrial units, pub/community area it must be demonstration how in time of flood especial fluvial where there is no flood warning how people will evacuate.

This can be provided from the modelling results.

Detailed comments

Please refer to the spreadsheet that was circulated at Committee Meeting no 1. Monday 10th January 2024.

1. The flood management division objects to the proposed development on this site because development should not continue to be allowed on green field sites in areas of known flood risk. There should be no residential development on this greenfield site as the site is largely in a high risk flood zone (fluvial and tidal) no development other than water compatible should take place in this area.

Answered previously

2. The building on green field sites which flood or potential could flood is leaving a legacy for future generations to deal with. Defences can be constructed to standards set out and freeboard added however these will be overtopped at some point. This will mean more property and more lives at risk. For example Brechin in Scotland had new flood defence constructed in 2016 to a 1 in 200 fluvial standard these were breached in October 2023 when Storm Babet hit.

Answered previously

3. This site was originally zoned in 1980's policy and opinion in other jurisdictions has moved on. English planning policy in the National Planning Policy Framework advises development should be directed away from areas at greatest risk of flooding. This is same in other jurisdictions and is the position the Island is looking to move towards with policy and strategy documents currently being developed. The proposed development goes against the policy position of the leading independent chartered professional body for water and environmental professionals. The Chartered Institute of Water and Environmental Management policy position statement states "stronger policies are need to avoid new development in places that are currently or will become at high risk of flooding or coastal erosion" The Flood Planning Strategy and policy being developed for the Island will seek to follow this guidance to prevent flooding on greenfield land in flood zone or area that will become flood zones.

Answered previously

4. There are two culverts that will pass through the embankment. There is a no information on the culverts which should include detailed drawings showing long section, cross section, inlet and outlet details, etc. The culvert needs to be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). There are no flow calculations to support the application and demonstrate the capacity of the culvert. Generally we would ask to demonstrate the culvert can pass the 1 in 100 plus Climate change flow there must also be blockage scenarios and measures put in place encase of blockage. **This will be included in the detailed design.**

5. The flood embankment will be critical infrastructure there has been no ground investigation and no design only trial pits undertaken in August 2021. What standard will the flood embankment be designed too, who will own the embankment and what will be the maintenance regime?

The embankment will be designed for the estimated 0.5% AEP flood in the year 2120. The need for ground investigation and settlement estimates is recognised and will be included in the detailed design and specification.

6. The drainage in the spine road is proposed to be laid under permeable paving and the invert level of the drainage system is 5.1m AD02 (Page 17 of The HR Wallingford, Sulby Riverside Development Preliminary drainage assessment). This is 0.9m below the high tide level that has been provided how will the water be prevented from passing through the spine road into the site?

Drainage option 1 includes the option of permeable pavement on the side roads but not on the spine road, which would have a collector sewer. Water from high tides will be prevented from backflow using a non-return valve north of the spine road.

7. Appendix 4 of the Isle of Man Strategic Plan 2016 sets out the requirements for the flood risk assessment. Under other information (c) (snip below) it states the hydraulics of any drain or sewers existing or proposed on the site (during a flood event). This information has not been supplied and therefore the flood risk assessment is not complete. It is a great concern what will happen during a flood event with the surface water (sewers and watercourse) as the properties could be flooded from surface water which is tide locked during a flood event.

The issue of flooding during tide lock is addressed in the outline options for the drainage systems. Further joint probability analysis will be provided on detail design to reduce any potential for uncertainty in the sizing of storage facilities.

(f) A cross-section of the site indicating finished floor levels or road levels or other relevant levels relative to the source of flooding and to anticipated water levels and associated probabilities.

Cross-sections are included in the FRA but these do not show the levels in detail. Further detail showing levels can be conditioned and we are happy to provide these at the detail design stage.

Other information

(a) The probabilities and any observed trends and the extent and depth of floods for the location and, if appropriate, routes and speed of water flow. The effect of climate change on such probabilities should be examined.

The FRA and modelling reports provide information on flooding including extents, depths and velocities for present-day and climate change scenarios. The impact of climate change on flood probabilities can be provided. Rather than delay the project further these can be provided at the detailed design stage.

(b) The likely rate or speed with which flooding might occur, the order in which various parts of the location or site might flood, the likely duration of flood events and the economic, social and environmental consequences of flooding.

This can be provided from the model results. Rather than delay the project further these can be provided at the detailed design stage.

(c) The hydraulics of any drain or sewers existing or proposed on the site (during flood events).

This will be covered by the detailed drainage design.

(d) An estimate of the volume of water which would be displaced from the site for various flood level following development of the site.

This is normally required when loss of floodplain storage can lead to an increase in flood risk elsewhere. In this case the development is designed so that flood levels are not increased either within or outside the site.

(e) The potential impact of any displaced water on neighbouring or other locations which might be affected subsequent to development.

The modelling has shown that the development does not increase flood levels either within or outside the site.

(f) The potential impact of any development on fluvial or coastal morphology and the likely longer-term stability and sustainability.

The proposed development is not expected to have adverse impacts on the river or estuary morphology. The development affects the edge of the right bank floodplain and the impact on river flows and water levels is minimal. There is a risk of sediment deposition in the flood flow route within the development site north of the spine road during flood events. Flood events

will be rare and any accumulations should be removed after a flood has occurred.

Mitigation Measures

A.4.5

Details of flood defence arrangements proposed must be provided and also an assessment of their behaviour in extreme events.

Details of location and level are provided. See the response to Comment 5

A.4.5.1

Any work on a watercourse, stream or a designated main river (and normally including the banks for a distance of 9m either side) requires the permission of the Department of Transport's Land Drainage Engineer in accordance with the Land Drainage Acts 1934.

This is acknowledged.

8. The HR Wallingford, Sulby Riverside Development Preliminary drainage assessment does not use the Isle of Man standards for drainage design. In Manx sewers for adoption the sewers must be self-cleansing and must not surcharge for a 1 in 50 year event. The storage during a flood event should have the capacity for a 1 in 100 plus climate change event.

The drainage standards will be taken into account in the design. The proposed criteria in Section 4.1 of the Preliminary drainage assessment is based on our experience from elsewhere in the UK.

9. I have been in contact with the emergency services with regard to access during a flood event and have stated the depth of water could be up to 1 metre deep. The flood risk assessment should provide information on depth and velocity of flood water as this will also affect access in emergency situations.

- a) The police state that *"From a police perspective I can confirm we would have no ability to access in a flooding event through water – our vehicles being 'standard' and as such would be unable to pass water. In respect of the secondary entrance through a cycle path this would need to be looked at in more detail prior to being able to confirm"*
- b) The Fire and rescue service have said that a standard fire appliance would not have the ability to travel through flood waters of up to 1m in height.
- c) The Ambulance service stated *"From the ambulance side we wouldn't enter flood water due to the risks we can't see underneath. But if they did it would only be to the height of the sills of the vehicles which is less than 1ft of water "*

The Emergency Services asked for more information on the cycle route to check suitability and if there would be chance to comment further on the application.

Access is dealt with in our earlier responses to the DoI comments of 24 January. See Baca's response and plans.

HR Wallingford, 7th February 2024

The case officer further reported that the owner/occupier of 47 Lezayre Park Ramsey had requested that their submitted views be taken into consideration.

The Acting Head of Development Management confirmed that the additional views outlined in the case officer's report had been received subsequent to the conclusion of the agenda, with some being received on the preceding Friday. She further confirmed that she had nothing to add subsequent to the site visit and that some changes had been made to the proposed conditions subsequent to the site visit and in light of comments received from consultees.

The Members expressed grave concern with the number of views received so close to the date of the meeting, and of the technical nature of the information contained therein. They felt that they had not been given sufficient time to consider the important technical details prior to making any decision, but recognised that this was not the fault of the case officer. They further expressed that they found the number and timing of the late submissions unacceptable. Following discussion, the Members determined to continue with the consideration of the application in order to allow those present in connection with the application to be able to present their case, but gave notice that they were minded to defer making a decision at this meeting in order to allow for a fuller consideration and understanding of the late submissions and the details contained therein.

The case officer reported with regard to the amended conditions as follows:-

C14 (CEMPS) - was half covered by other conditions with the other half being unenforceable. The case officer reiterated that there was no separate breach of condition legislation in the Isle of Man. In response to this point the applicant proposed submitting a CEMP later on in the development process.

C7 (LEMP) the addition of a section with regard to street lighting provision

The case officer reported with regard to the additional new conditions as follows:-

C28 The intention of this additional condition was to control the storage of soil with respect to environmental protection for the Sulby River, the Saltmarsh and the Ramsey Bay Marine Nature Reserve.

C29 This will strengthen conditions 4, 6, 8, 7, 10 and 28 with the applicant to provide details of the appointed ecological clerk of works in order to protect the ecological interest of site. The case officer further reported that an Informative Note was also to be applied advising that post-development there was to be no pumping from the site to any waterway without obtaining the necessary permissions from DEFA.

The case officer confirmed that he had discussed conditions 28 and 29 with the applicant, who were agreeable to their imposition.

The applicant confirmed that they would comply with the requirements of DOI Flood Risk Management.

The Acting Head of Development Management advised the Members that at this stage, the Government Departments who had submitted objections would likely maintain those objections as they referred to matters controlled by their relevant legislation, noting that that the Departments in question would continue to work with the applicants in order to obtain the best outcome. All other material considerations would need to be weighed in the balance. She further advised that further information could be requested, but the Members may find themselves in the same position should consideration of the matter be deferred and that any change in the design may require the submission of a further planning application. With regard to the Spine

Road, she advised that the design details were a matter for Highways Services to consider, and that the risk regarding other required licences was for the applicant to consider.

The Highway Services representative reported that in May 2023 the Highway Services officer had assessed the application and deemed that the information submitted at that point indicated the proposed Spine Road had met the Department's criteria. Subsequent to that, further, different information had been submitted raising concerns regarding the proposal containing sufficient drainage and flood mitigation measures. He confirmed that as long as a suitable solution could be found, DOI Highways could support the application, but raised further concerns that the current design might lead to the proposed road not being adoptable.

The representative on behalf of Pooldooie Ltd spoke against the proposal. The points raised were as follows:-

- In conflict with several fundamental policies of the IOM Strategic Plan
- Detrimental impact on land owned by Pooldooie Limited
- The rear gardens of some of the proposed dwellings which back onto their land were only 6m in depth. Should they do the same on their side of the boundary there would only be 12m between dwellings, which would be in conflict with the Department's Residential Design Guide.
- For comparison, the shortest distance between a main elevation and the rear boundary for the existing houses shown on the other side of the spine road is 10.8 metres.
- The Planning Officer's report did not appear to include any assessment of their concern.

The representative on behalf of Manx Wildlife Trust spoke against the proposal. The points raised were as follows:-

- In 2022 Tynwald declared an ecological emergency. This application threatens our ability to fight climate change, poses irreversible harm to the most nature-rich part of Ramsey, home to a nationally important diversity of habitats and species of the highest conservation concern including half of the Island's saltmarsh containing more blue carbon than any other Manx locality
- Loss of rare and protected species including two Red Listed plants, threatening their extinction
- Lack of ecological survey especially with regard to birds, fungi, bat roosts, invertebrates, plants, frogs or lizards
- Removal of more than half of the existing trees, including veteran Oaks
- Lack of adherence to policies and laws including the Wildlife Act, Strategic Plan, Biodiversity Strategy, Climate Change Action Plan and two international conventions
- Objections submitted by Fisheries, Climate Change, Forestry, Flood Risk, Biodiversity and MNH
- Does not constitute sustainable development and will lead to net biodiversity loss
- Detrimental to the wildlife and ecology of the area
- 5,700 empty houses on the Island
- The application is bad for wildlife, climate, people and our nation, and inconsistent with international obligations

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

- Wished Members to be aware that the late submission of representations has occurred twice
- Firms advising government departments with regard to flood risk have been employed to advise other developers on the Island
- The site is on private land designated part residential and part light industrial

- There is a housing need and this was a sustainable location
- Wish to be a good neighbour and have worked with the owner/occupiers of River House to address concerns
- Adding to affordable housing stock and providing a Spine Link Road
- Phase two to be brought forward
- Flood Management Strategy designed in accordance with Flood Management Division aims
- The Tetra Tech Road Safety Review Stage 1 report was drawn up in accordance with Highway services and Highway Drainage requirements, rather than in liaison with same
- Content that the proposed scheme and associated flood evacuation measures will work.

The Members further discussed affordable housing, Phase Two of the proposed development, the Spine Road, the ecological report submitted by the applicant, potential harm to the ecology of the area, and potential problems with regard to connection to the existing drainage system.

The Highway Services representative reiterated that the proposal had originally been looked at in 2022/2023 but further information had been received since then. Highway Services want to be sure that the Spine Road could be of a standard to be maintained and adopted, but this would be done under a Section 4 Agreement

The applicant confirmed that they had been willing and open to speak with Government departments throughout the process

The Members enquired with regard to the possibility of a further condition which related to a Section 13 Agreement being included.

The case officer reported that the requirement for a named ecological clerk of works be also included in any Section 13 Agreement as there would be a cost implication of such a matter. In response to a question from the Members, he indicated the original and amended positions of the proposed public house with reference to the visual presentation. He further reported that Manx National Heritage should be accorded Interested Person Status as they were a Government Department that had made written submissions relating to planning considerations.

Following consideration of the information presented at the meeting, the Members discussed deferring taking a decision at this meeting in order to more fully consider all information submitted. The Acting Head of Development Management advised that there were officers present from the relevant Government Departments should the Members wish further clarification. With regard to the receipt of late submissions, she advised that the Directorate was legally bound to accept all submissions up to the point where an application was determined.

The formal proposal to defer consideration was put forward by Mr Young and seconded by Mr Whiteway. The Members voted as follows:-

The Chair, Mr Young and Mr Whiteway voted in favour of deferring consideration to the next meeting.

Mrs Hughes and Mr Warren voted against deferring consideration to the next meeting.

Mr Skelton and Miss Betteridge abstained from the vote by reason of not being present at the site visit

DECISION

Following discussion and a vote, the Committee determined by majority to defer consideration of the matter to the meeting of the 26th February 2024.

INTERESTED PERSON STATUS

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 mentioned in Article 4.2:

Pooldhooie Limited, Dandara Group Head Office, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man, IM2 2SA

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Watersmeet, Westfield Drive, Ramsey, IM8 3ER
2 Belmont Villas, Jurby Road, Ramsey, IM8 3PF
West View, Westfield Drive, Ramsey, IM8 3ER
Pine View, Westfield Drive, Ramsey, IM8 3ER
River House, Riverside, Ramsey, IM8 3DA
47 Lezayre Park, Ramsey, IM8 2PT
26 Greenlands Avenue, Ramsey, IM8 2PE
6 Dreeym Ollay, Ramsey, IM8 2QA
16 Fairway Drive, Ramsey, IM8 2BB
Port Natal, Riverside, Ramsey, IM8 3DA

The above persons, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

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

Flood Management Division (DOI)
Manx Utilities Drainage
Public Estates and Housing (DOI)
Manx National Heritage

Mr Skelton declared an interest in the following Item. In accordance with 19(3)(b) of the Constitution Order left the meeting during its consideration.

Item 5.3 Land In Front Of Bay View Hotel Between Shore Road Underway And Bay View Road Port St. Mary Isle Of Man PA21/00547/B	Erection of a single detached residential dwelling with integral garage Applicant : Haven Homes Case Officer : Mr Hamish Laird 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.

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

- Case officer's presentation covered much of the detail
- Present in order to answer any questions
- The principle for development of the site was long-established with an extant approval in place for two semi-detached dwellings. The approved scheme had incorporated a single, three-storey tall retaining wall which remained feasible and could still be implemented. We have proposed an alternative, braced and terraced retaining structure, which will reduce the ground excavation required and therefore facilitate construction.
- All non-habitable space to be located on the ground floor, mitigating flood risk on the same basis already approved. Occupants would also be able to leave the rear of the dwelling at the second-floor level if subjected to a prolonged event.
- Burdens on neighbouring amenity would be half that of the two approved dwellings. An integral garage was still proposed and the two external parking spaces within the applicant's registered ownership would also be available for occupants, exceeding Strategic Plan requirements.
- As originally submitted, this application had featured a low-angled roof with projecting eaves, and had an officer's recommendation for approval in late 2021. We were subsequently asked to alter the external design, particularly the roof, which now features a more traditional pitched form. The approved scheme featured large extents of white render but to further reduce visual impact, we referenced a vernacular seen in both Ramsey and Castletown, cloaking the side elevations in roofing slates. Natural stone and timber cladding would further soften the front-facing elevation, and the centre of the building will step away from the highway to reduce overall presence.
- Two Independent Inspectors have previously stated that this site is not within a Conservation Area, noting that, as there was no dominant architectural treatment, the street scene comprises a diverse range of designs, sizes and styles. Notwithstanding this assessment, officers have held this site to a particularly high standard and we have incorporated all the various recommendations put to us.
- Reviewed the proposed conditions of approval and broadly agree with each. Regarding Condition 4, while it's accepted that some windows may require privacy glazing, there remains a requirement under Building Regulations Approved Document F to provide purge ventilation. We would therefore respectfully request that this regulatory requirement be accommodated, so that the windows may be openable, even if with a restrictor.

In response to the point made by the applicant regarding C4, the case officer agreed to amend his recommendation in order to include such opening method. In response to a question from the Members, the case officer confirmed that the land outlined in blue on the submitted plan was within the ownership and control of the applicant, and was the site of the off-street parking provision referred to. The land in question also formed the off-street parking provision for the previously approved development.

In response to concerns raised by the Members regarding potential for land slips, the applicant confirmed that the development would comply with Building Regulations legislation and that it was industry standard practice to have indemnity insurance. He confirmed that they were aware of neighbours' concerns and of a previous land slip nearby.

The Highway Services representative confirmed they were content with the proposal, and advised that where retaining walls were to be built within 3.5m of a Public Highway, it must be demonstrated that they would not interfere with the Public Highway, and that they must conform to Building Regulations legislation.

In response to a point raised by the Members, the applicant confirmed that they were aware of previous storm damage in the area, and that they felt the storm mitigation measures contained within the application were sufficient. They noted that all the neighbouring properties were also at risk of storm damage.

In response to a question from the Members, the case officer reported that in his opinion the proposed design sat well with the existing streetscene as the elevational treatment echoed the existing terrace as well as properties in the street above, and that the proposed property would not block the views to the sea of existing properties.

The Members noted that there were minor typographical errors in conditions 2 and 5, which the case officer agreed to amend.

In response to a question from the Members, the case officer confirmed that the site of the proposed development was within a proposed Conservation Area, and that the proposed development would not have a detrimental impact on the adoption of same as a Conservation Area.

DECISION

The Committee, with the exception of Mr Warren, 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. The site benefits from an extant planning permission PA10/01892/B - Erection of two dwellings with integral garages and associated visitor parking - Permitted - 26.04.2011. The car parking area on the beach side of the Underway has been verified by DEFA Planning as having been implemented and the time limit condition on this permission has been satisfied.

C 2. No work shall be carried out in relation to the construction of any of the external surfaces of the dwelling hereby permitted unless details of the materials, colour and finish (including the provision of samples of brick, stone and slate; and, water resistant membranes) to be used for all external walls and roofs have been first submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area, in accordance with policy GP2 in the Adopted Isle of Man Strategic Plan (2016).

C 3. The vehicle parking spaces shown provided for the development, hereby permitted, both within and outside the garage (blue land) as shown on Drawing No. 1512 001.01 Revision X - Site Plan - as proposed; and, Drawing No. 1512 001.02 Revision X - Proposed Floor Plans, Elevations and Sections - stamped received and dated 7 November, 2023, shall be provided prior to the first occupation of the dwelling and shall thereafter be retained and made available for vehicle parking at all times.

Reason: To ensure that sufficient on-site parking is provided to serve the development in order to avoid unnecessary on-street parking as per the requirements of the Manual for Manx Roads and Transport Policy 7 in the Adopted Isle of Man Strategic Plan (2016).

C 4. The windows to be inserted in the north elevation of the development, hereby permitted, serving the first floor bedroom and bathroom; second floor living room (2 windows); shall be

glazed with obscure glazing at no less than Level 5 (greatest obscuration) on the Pilkington Scale of obscurity. All windows inserted in this elevation shall be openable, and fitted with a restrictor that meets the requirements of Building Regulations Approved Document F to provide purge ventilation. Thereafter, these windows shall be retained in this manner with obscure glazing at Level 5 for the lifetime of the development.

Reason: To protect the amenities of occupants of the adjoining dwelling at Willow Cottage, the Underway, Shore Road, in respect of any potential for overlooking and loss of privacy, whilst meeting the requirements of the Building Regulations (2019) Approved Document F.

C 5. Prior to the commencement of the development hereby approved, details of a landscaping scheme shall be submitted to and approved in writing by the Department. All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Thereafter, all soft and hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development, and to safeguard the appearance of the development and the surrounding area.

C 6. The development, hereby approved, shall not be commenced until details of a 'Construction Environment Management Plan' (CEMP), which details on-site management measures that would protect the Baie Ny Carrickey Marine Nature Reserve (MNR), which is located only 15m to the east of the development site, during all phases of the development, where all environmental legislation and policy is adhered to, and will need to include at least the following measures to be put in place to prevent damage and disturbance to the MNR. Such measures must include:

- o The provision of spill kits,
- o The provision of secure storage areas away from the MNR,
- o The use of biodegradable oils;
- o The use of oil and silt interceptors;
- o Detailed measures outlining good waste management and litter prevention on and around the site;

All works carried out during the construction period shall be undertaken strictly in accordance with the details outlined in the approved CEMP.

Reason: To provide adequate safeguards in terms of site management during all phases of the development period including any works of demolition, excavation and construction, because Baie Ny Carrickey Marine Nature Reserve (MNR) is located 15m to the east of the development site, and there is potential for damage to the MNR, should responsible construction practises not be implemented.

C 7. Prior to the commencement of the development, hereby permitted, updated elevations shall be submitted showing the positions of:

- o 4 integrated universal nest bricks - which must not be located directly above windows;
- o 2 integrated bat boxes on the south elevation which must not be located close to the ground or above opening windows;
- o An integrated bee brick on the south elevation;

Such details as approved, shall subsequently be installed prior to the first occupation of the dwelling; and shall thereafter be retained and maintained for the life time of the development.

Reason: In the interests of improving the biodiversity of the site and development and for the conservation and protection of legally protected species, in accordance with the requirements of the Wildlife Act 1990 and Environment Policies 4 and 5 in the Adopted Isle of Man Strategic Plan 2016.

C 8. Prior to the commencement of development on site, including any works required for excavation, protective 'Heras' fencing shall be erected around the mature elm tree on site to be retained where it abuts the areas of development. The protective fencing should be installed to form a construction exclusion zone in accordance with BS5827:2012. Such fencing shall be retained in the positions shown throughout the construction period for the development, hereby permitted. At no time before, during or after the construction period, when the fencing has been removed, shall any construction materials, machinery, liquids or fuel be stored within any of the 'Construction Exclusion Zones' shown and annotated as such on the Tree Protection Plan.

Reason: To ensure that the mature elm tree to be retained on the site is protected throughout the construction period.

C 9. Details of foul and surface water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by DEFA Planning. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

C 10. 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) no extension, enlargement or other alteration of the dwelling, including the installation or replacement of any windows or doors, hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 11. 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), no garages or other free standing buildings shall be erected or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil or liquid petroleum gas, or the erection of a gate, fence, wall or other means of enclosure, within the curtilage of the dwelling hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 12. Prior to the first use of the garage as part of the dwelling, hereby approved, provision for the charging of electric vehicles shall be made within the structure of the garage, and shall thereafter be maintained for the lifetime of the development.

Reason: The provision of an electric vehicle charging point will aid net zero objectives as outlined in the Isle of Man Climate Change Plan (2022 - 2027).

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposed scheme would be an acceptable form of development that has been designed to ensure that it would not harm the use and enjoyment of neighbouring properties and would comply with General Policy 2 of the Isle of Man Strategic Plan 2016; and, the principles of the Residential Design Guide 2021.

INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the following properties should be given Interested Person Status because they comply with the requirements of The Operational Policy on Interested Person Status (July 2021), in that they are occupants of a property sited within 20 metres of the red line boundary of the application site and are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 4(2) Proximity to the Proposed Development (Criteria B):

Willow Cottage, The Underway, Shore Road, Port St Mary, IM9 5DY

as they satisfy all of the requirements of paragraph 4.2.2 of the Department's Operational Policy on Interested Person Status (July 2021), in that their property is located within 20 metres of the application site, and they have raised relevant planning points in their objection to DEFA Planning.

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status because they do not comply with the requirements of The Operational Policy on Interested Person Status (July 2021), in that they are occupants of properties sited more than 20 metres from the red line of the application site as mentioned in Article 4(2) Proximity to the Proposed Development (Criteria B):

Brier Cottage, 3 Willow Terrace, Port St Mary,
The Hon Juan Watterson MHK
Dr Michelle E K Haywood MHK for Rushen
'Baycrest', 3 Primrose Terrace, Port St Mary,
'Avoca', 7 Primrose Terrace, Port St Mary,

Item 5.5 The Stables Greenhill Jurby Road Andreas Isle Of Man IM7 2EJ PA23/00221/B	Change of use of land and buildings to animal sanctuary. Placement of container and hardstanding and installation of replacement drainage and septic tank (retrospective) Applicant : Ms Caroline Cardona Case Officer : Mr Jason Singleton 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. Whilst the application would be technically contrary to policy, for private use, there would be no public views to the site, and is for the care and welfare of animals.

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

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

- Are a IOM Government Registered Charity
- Governed by a constitution
- Work closely with IOM Police, M.S.P.C.E. and other local charities
- Noise complaints from neighbours are exaggerated
- Fills the void as there is no dog warden

The Members noted the comments received from the local authority.

In response to questions from the Members, the applicant confirmed that they live 4 miles from the site, so were available on-call for welfare concerns, and that there are currently approximately 12 chickens and 12 dogs on-site. They stated that while there was nobody resident on-site, the same was true of the M.S.P.C.A. premises at Ard Jerkyll.

In response to questions from the Members, the case officer reported that in his opinion the site was sufficiently distant from its nearest neighbour so as not to cause nuisance, and the comments submitted by the neighbouring properties had been taken into consideration and formed part of the report and the introduction of conditions ensure there was no further increase on existing levels.

The Acting Head of Development Management clarified that the applicant could be called upon by IOM Police in the absence of a dog warden.

DECISION

The Committee, with the exception of the Chair, accepted the recommendation of the case officer and the application was **approved** subject to the following conditions.

C 1. The container located on the site shall only be used for staff welfare facilities and office space associated with the animal sanctuary hereby permitted and for no other purpose(s) including no residential occupation.

Reason: In order to regulate and control development on the site, as the site lies in the open countryside.

C 2. The site shall not be open to the general public.

Reason: In order to regulate and control development on the site, as the site lies in the open countryside.

C 3. The yard and turning area as shown on two parking areas shown on drawing Yard and Field Plan dated 25 April 2023 shall be retained, kept clear and made available for use in association with the animal sanctuary hereby permitted at all times.

Reason: In the interest of highway safety and the free flow of traffic.

C 4. There shall be no more than 10 dogs accommodated on site at any one time.

Reason: In the absence of a noise assessment it is considered to specify a max 10 dogs would strike the right balance between the operations of the sanctuary and would be reasonable to protect the living conditions of neighbouring residents.

C 5. If Greenhills Sanctuary leave the site the use of the site as a dog rescue and animal sanctuary shall cease and all structures on the site, including the container, shall be removed within three months of Greenhills Sanctuary leaving the site.

Reason: The application site is located in the open countryside with the proposal representing exceptional development in the countryside.

Reason for approval:

While the keeping of animals in connection with agriculture does not involve development, it is clear that the applicant takes in stray and distressed animals and are not involved in the use of the land for agricultural purposes, however the use of the land for keeping the rescued animals is considered acceptable as it is very similar to agriculture. The site is located within the open countryside and the proposed use of the land and buildings as an animal sanctuary requires a countryside location to accommodate the animals and associated buildings. The proposal is considered to be low key and have a limited visual impact on the countryside. Planning conditions can be used to control the use and safeguard the identified limited impact on the countryside and on neighbours and would therefore broadly accord with the following policies; Strategic Policy 1, Strategic Policy 2, Strategic Policy 5, Strategic Policy 10, Spatial Policy 5, General Policy 3, Environment Policy 1, Environment Policy 21, and Environment Policy 22.

INTERESTED PERSON STATUS

It was decided that the following 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:

Greenhill Jurby Road Andreas
Ballacreebin Cottage Jurby Road Andreas

as they have 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 5.6 School Hill/Westhill Estate Castletown Isle Of Man PA23/00823/B	Erection of 133 dwellings with associated drainage and access (Amendments to 19/00961/B) Applicant : Castletown Commissioners Case Officer : Miss Lucy Kinrade Recommendation : Approve subject to Legal Agreement
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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, updating the Members with regard to this application now seeking a reduction to 10 affordable housing units (AHU) compared with 18 units of 19/00961/B. The case officer verbally updated the Members with a comment received from DOI Public Estates and Housing which set out their views in regard to AHU and the current need for such housing in the south of the Island and that a Section 13 Legal Agreement for 18 units being sought in order to cover the public sector units lost and adding 25% of the new dwellings in line with Housing Policy 5.

The case officer further reported that the number of units to be replaced varied in calculations throughout PA19/00961/B but that this application was clear that the 101 units of the existing estate would be replaced with 94 public sector houses resulting in a loss of 7 public sector houses and not 10 as calculated in DOI comments. The case officer summarised that the crux of the matter fell to the AHU in this case, and that exceptional circumstances of the application with the applicant being the local authority who were seeking to replace an entire estate the old existing public sector housing stock with 94 new public sector housing stock whilst also

upgrading the road networks, services and layout as a whole and providing 10 AHU meeting 25% of the uplift that these all weighed in favour and that public open space would be secured by condition 13.

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

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

- Was present on behalf of Castletown Commissioners who gave apologies for not being able to be present at the meeting
- Was present in order to answer questions
- Had not yet been able to consider the comment from DOI Estates and Housing
- The number of houses for sale had increased in order to help finance the overall scheme as there was a shortfall of available funds for capital schemes
- Phase 2 was under consideration
- The quality of the houses available for sale and those for public sector housing were identical, and were designed to comply with high standards with regard to climate change being equipped with extensive insulation, internal air source heat pumps and were airtight in order to assist with the properties meeting the required standard
- 10 of the proposed properties were for first time buyers with the remaining saleable properties being for the open market

The case officer reported that the comments from DOI Public Estates and Housing were received on the Tuesday preceding the meeting, and that they were placed online straight away. She further reported that the details of the 10 affordable housing units would be confirmed in the resulting Section 13 Legal Agreement.

Noting the reduction of 7 public sector units, one member asked the agent whether all of the existing public sector housing tenants had been suitably accounted for and rehoused as part of the new development, the agent confirmed that all existing tenants were to be accommodated.

The Members commented that while they were unhappy with the reduction in affordable housing units especially given current housing need, they understood why it had been proposed in this case and taking into consideration that the works in fact result in a large public sector housing estate being upgraded. They commended the applicant on the high standard of the proposal.

The case officer confirmed that based on comments received from DOI Public Estates and Housing that they should be a government department granted IPS.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the applicant entering into an updated legal agreement for provision of 10 units of **affordable housing** along with 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. Fencing and boundary treatment shall be carried out in full accordance with drawing number SC1536/P/10-05 Rev B and SC1536/P/10-02 Rev D and retained as such thereafter.

Reason: to ensure that the boundary treatment is appropriate for the character and appearance of the estate including pedestrian routes through the development and to align with those conditions satisfied under 19/00961/B.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012, or any such Order superseding this, no wall or fence may be erected other than those approved in this application, where the fence or wall would sit between any dwelling and a highway including pedestrian routes within the site.

Reason: to retain a pleasant and open estate as shown in the submitted plans.

C 4. No site clearance, preparatory work or development shall take place until the tree protection measures are installed in accordance with those details shown on drawing SC1536/P/10-05 Rev B and SC1536/P/10-02 Rev D. The protective measures shall remain in place until the development is complete unless otherwise approved in writing by the Department.

Reason: to ensure that the proposed tree retention is practicable and implemented that the retained trees are adequately protected throughout the construction period.

C 5. Prior to the occupation of the last dwelling, the cycle parking shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-02 Rev D and shall be retained for such purposes thereafter.

Reason: to support active travel and sustainable transport.

C 6. Prior to the occupation of any dwelling, the respective car parking for that dwelling must be provided in accordance with SC1536/P/10-02 Rev D and thereafter retained free and available for parking purposes.

Reason: to ensure off road parking is available in the interest of highway safety.

C 7. Prior to the occupation of the last dwelling the traffic calming measures shall be installed in full accordance with SC1536/P/10-02 Rev D and retained as such thereafter.

Reason: in the interests of highway safety and to align with the satisfied conditions of 19/00961/B.

C 8. Prior to the occupation of the last dwelling, the EV charging shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-06 Rev A and SC1536/P/10-02 Rev D and shall be retained for such purposes thereafter.

Reason: to support sustainable travel.

C 9. Prior to the occupation of any dwelling the respective wheelie bin store for that dwelling shall be provided in full accordance with those details shown on SC1536/P/10-03 and retained thereafter.

Reason: in the interest of suitable bin provisions for each dwelling.

C 10. The hardstanding connection from Westhill Avenue to the bus stop on the A5 as shown on SC1536/P/10-02 Rev D shall be completed prior to the occupation of the first dwelling in Phase 3 of the site and retained thereafter.

Reason: in the interest of highway safety and access to the bus stop and sustainable travel.

C 11. Notwithstanding the wider site detail shown on drawing BBC ZZ DR 311 C02, approval of this drawing relates only to the details given for the highway alignment and highway level details specified. The highway alignment and levels must be carried out in full accordance with the details and retained as such thereafter.

Reason: For the avoidance of doubt as the drawing shows other detail which relates to the original 19/00961/B and not to this current application and this drawing is being assessed for the highway alignment and levels only in the interest of highway safety.

C 12. Notwithstanding the wider site detail shown on drawing BBC ZZ DR 312 C01, approval of this drawing relates only to the details given for the highway contours specified and any works relating to highway contours shall be carried out in full accordance with the details provided and retained as such thereafter.

Reason: For the avoidance of doubt as the drawing shows other detail which relates to the original 19/00961/B and not to this current application and this drawing is being assessed for the highway contours only in the interest of highway safety.

C 13. Prior to the commencement of any works relating to dwellings within Phase 2 or Phase 3 (which ever is the sooner), details of the layout of the Public Open Space including any children's play equipment and landscaping, and including a schedule of implementation shall be submitted to the Department for approval. Any works relating to the Public Open Space shall be carried out in full accordance with the approved details and maintained thereafter.

Reason: To ensure the Public Open Space is provided in the interest of public amenity.

N 1. For avoidance doubt, the conditions supporting planning approval 19/00961/B which required submission of further detail (specifically 2, 4, 6 and 8), whilst all having been satisfied, the obligations are reiterated by this approval and must be further considered.

N 2. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The physical works relating to site layout changes are all considered to have an acceptable visual, amenity and highway safety impact and not to create any increased or unacceptable harm beyond the works already accepted under 19/00961/B and suitably worded conditions will be added to ensure works are carried out in accordance with the submitted details, and whilst there will be a loss of existing public sector housing from 101 to 94, the overall replacement and upgrading of 94 public sector houses along with redevelopment of the immediate surroundings including upgraded internal road networks and public space provision are circumstances that weight in favour of the scheme, and on an exceptional basis considered to outweigh the loss of 7 public sector houses in this specific case. Subject to conditions and a S13 securing the affordable housing the application is considered acceptable in line with Strategic Policies 1, 2 and 12, Spatial Policy 2, General Policy 2, Housing Policy 5, principles of Housing Policy 18, principles of Recreation Policies 3 and 4, Transport Policy 2 and principles of Transport Policies 4 and 7 of the Isle of Man Strategic Plan 2016.

ISSUING OF DECISION

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

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:

- Department for Enterprise
- DOI Public Estates and Housing

It was decided that the following Government Departments should not be given Interested Person Status on the basis that they have not made written submissions relating to planning considerations:

- Manx Utilities

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 Owners of Croft Beg, The Crofts, Castletown as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Item 5.7 15 Third Avenue Douglas Isle Of Man IM2 6AL PA23/00654/B	Erection of single storey side extension, Loft conversion, associated external remodelling and landscaping Applicant : Mr James Brookman 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 the applicant worked with him to address concerns raised both by himself and by the neighbours. He updated the Members with regard to a late view received that morning from a neighbour who noted concerns had been addressed but requested that the finish be amended in order to fit better within the existing streetscene.

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

The residents of Step Aside, 13 Third Avenue, spoke against the proposal. The points raised were as follows:-

- Were directly adjacent to the proposed extension
- Felt the proposed extension was too large and too close to the boundary
- The plans were misleading with regard to the South elevation in that the finished extension would be 16m long
- The proposed extension would sit directly alongside their garden which together with the increase in overall height would detrimentally affect their enjoyment of their garden and right to light

- The proposal would sit higher than their property at 4.6m and so would feel overbearing
- Many of the neighbours have objected
- Would negatively affect their living conditions
- Request that the extension be reduced in size and relocated away from the boundary
- Felt erroneous information had been included in the application
- Request that the Planning Committee carry out a site visit

The case officer confirmed that he had carried out a site visit, that the applicants had reduced the elevation in question by 4m at the front to minimize impact on the neighbouring window situated by the front garden of the application site and while the proposed extension would run along the boundary there would be minimal loss of light given the proposed position of the side extension which would be north of the neighbouring property at No. 13. In his opinion, the revised scheme addressed his concerns.

At this point, the Chair recognised the resident of Step Aside, 13 Third Avenue, who was attending the meeting via a Teams link, and so declared an interest and took no further part in the consideration of the matter.

In response to a question from the Members, the Acting Head of Development Management advised that "ladder rights" were a civil matter rather than a planning concern.

The Members recognised that the intention of the proposal was to enhance the property, and noted that the proposed cladding may help to insulate the property.

The case officer confirmed that the proposed side extension would be single storey and that the elevation adjacent to the neighbours contained no windows. The Officer also noted that the alterations would include a mix of white clapper board cladding, stone finish, and rendering which typifies the blend of materials on the external elevations of the dwellings within the immediate street scene.

DECISION

The Chair abstained from the consideration of the application and therefore did not vote. The remaining Committee Members, with the exception of Mr Skelton and Mr Whiteway, 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. Prior to the installation of external finishes and materials, a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, windows, doors and external walls, shall be submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and retained thereafter.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 3. Notwithstanding the details that have been submitted, a detailed landscaping plan shall be submitted to the Department in writing to be agreed within three months of this approval.

The landscape plan shall include details of hard surfacing materials, planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and a

programme for the implementation, completion and subsequent management of the proposed landscaping.

No Wildlife Act 1990 Schedule 8 non-native invasive plant species, or cherry laurel, Rugosa rose or buddleia are to be planted on site.

Any proposed planting should be in accordance with details contained within a Planting Palette provided as part of the plan.

The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality environment.

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposals accord with General Policy 2, Strategic Policies 1 and 3, and Transport Policies 6 and 7 of the IOM Strategic Plan 2016, and the principles of the Residential Design Guidance 2021, as the proposal would not harm the use and enjoyment of the application site, neighbouring properties, and the character of the area.

INTERESTED PERSON STATUS

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):

- 12 Second Avenue, Douglas;
- 13 Third Avenue, Douglas;
- 17 Third Avenue, Douglas;

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):

- 14 Third Avenue, Douglas;

16 Third Avenue, Douglas;
'Kionslieu', 20 Third Avenue, Douglas;

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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 5.9 Colby AFC Clubhouse Main Road Colby Isle Of Man IM9 4LR PA23/01118/B	To improve the existing Sure mobile site at the Colby Football Club, Colby, to move to a new area of the site and include a dedicated 15 m tower to support next generation Mobile phone network equipment Applicant : Sure (IOM) Ltd Case Officer : Mr Jason Singleton 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.

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

- Were present in order to answer questions
- The new antennae were larger and the existing installation was not sufficient to house the new antennae
- The current installation had been retrofitted to the existing poles, but the new equipment would require a dedicated structure

In response to a question from the Members, the representative for the applicant confirmed that the site was chosen to be near to the existing treeline, but they would be open to re-siting the tower should that be required. The case officer indicated the existing infrastructure with reference to the visual presentation, stating that the siting of the tower would have to take into consideration the Heritage Railway, housing, public footpath and existing trees. In his opinion, the proposed site would not interfere with the use of the existing football club and pitch, nor the existing houses and surrounds.

In response to a question from the Members, the representative for the applicant confirmed that the tower was not to be a shared structure and Manx Telecom had its own installations.

The case officer referred to the comment received from IOM Railways, confirming that in his opinion the proposal complied with all necessary safety parameters, and that he had communicated same to IOM Railways.

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. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or telecommunications structure must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

C 3. The development hereby approved shall not commence until further details of the antennas, dishes and remote radio heads to be installed have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and shall be retained as such thereafter unless a variation or alteration is permitted under Schedule 2 of the Town and Country Planning (Telecommunications) Development Order 2019 (or any alteration/replacement of that order).

Reason: To ensure appropriate use of the mast for telecommunication equipment.

C 4. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any amendment or replacement of that order) no fencing, walling or gates shall be erected at the site other than as shown on the approved plans shall be erected.

Reason: to ensure the development is carried out in accordance with the approved plans in the interests of the visual amenity of the area.

C 5. The proposed 1.25m high post and rail fence shall be painted dark green and maintained and retained in perpetuity.

Reason; To be in keeping with a rural area.

C 6. No development shall be commenced on site until a planting scheme has been first submitted to and approved in writing by the Department showing details of existing and proposed type of native trees and bushes to bolster the existing levels of planting to those areas of open parts of the site, and a programme of implementation. All planting shall be carried out in accordance with the approved details.

Reason: In the interests of the wooded appearance of the development and the surrounding area.

C 7. The proposed telecoms mast and affixed communication equipment here by approved shall be no higher than the stated 15m when measured from the concrete base as shown on plan referenced; IoM_13/013 Rev.C

REASON To respect the existing heights of the flood lights.

C 8. The proposed antennas, dishes and RRU shall be coloured to match the monopole tower mast to which they are affixed.

REASON: To mitigate any visual impact.

Reason for approval:

The proposed application is not considered to harm the use and enjoyment of neighbouring properties and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, specifically those sections of Environmental Policy 22; General Policy 2 (b,c,g); and Infrastructure Policy 3 is recommended for approval.

INTERESTED PERSON STATUS

It was decided the following Government Departments 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):

- o DoI Railways

Mr Skelton declared an interest in the following Item. In accordance with 19(3)(b) of the Constitution Order left the meeting during its consideration. The Chair and Mr Young declared that they knew the objectors present at the meeting but had not discussed the matter with them.

Item 5.10 BMS House Port Way Balthane Industrial Estate Ballasalla Isle Of Man IM9 2AJ PA23/01468/C	Additional use of the premises for pharmaceutical retail (Class 1.1) and associated health services (Class 4.1) Applicant : Mr Charles Simpson Case Officer : Mr Jason Singleton 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, updating the Members with regard to comments received from DHSC subsequent to the conclusion of the agenda, encompassing that while the use may be compatible with the current land designation, the premises could not currently be registered as a retail pharmacy because of the land use designation as "industrial use", that they query the need to establish further areas for retail premises given the number of suitable retail premises currently vacant, that the access to the premises is across poorly maintained private roads with a lack of safe or suitable pedestrian access, and that it is not located near to existing medical centres.

The case officer further reported to the Members with regard to further comments received from the local authority, that while they did not wish to speak at the meeting, they wished the Members to be made aware of the following:-

- The previously advised 'no objection' to PA 23/001468/C was made on the basis of the information included within the application and the understanding that the applicants did not intend to act as a retail site selling other products usually found within a community pharmacy. This was to be operated focusing on the bulk storage and distribution of drugs to the local pharmacies and internationally. Also consultation rooms to provide patient privacy if required.
- However, on review of some of the other consultees responses to the application, it would appear that full retail approval is required to allow the appropriate licences to be issued. The Commissioners acknowledge that this may cause some concerns within the existing community pharmacies.

The case officer further reported to the Members with regard to comments received from objectors on the 8th, 9th and 12th of February which encompassed poor access to the site, the proposal not being in accordance with the land zoning, and commercial competition. He confirmed that the majority of businesses present within Balthane Industrial Estate have deviated from industrial over the years and more aligned with serving the public through specific services, retail or storage and distribution, and that the proposal itself was a private venture and not resultant on Government but would support their function for the Island in general. He confirmed the majority of the business model was storing of medicines and distribution through electronic sorting machines and delivered through IoM Post office with a small element allowing collection of prescriptions from the premises with office staff on the first floor. He further

confirmed that the Department for Health and Social care had commented and was present online for questions.

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

The resident of Ivy Bank, Lower Foxdale, spoke against the proposal. The points raised were as follows:-

- The retail element was an unwelcome addition. The use as wholesale/supply would be advantageous
- The retail element could detrimentally effect local businesses
- Access to the retail element would be difficult given its location

The resident of 15 New Road, Laxey, spoke against the proposal. The points raised were as follows:-

- An industrial estate was not a suitable location for a retail outlet dispensing to the general public
- There were a number of suitable existing town and village locations available for the retail element of the proposal
- DHSC letter confirmed that the site was not near any existing doctors surgeries or public transport routes
- The nature and amount of traffic within the industrial estate would make it unsafe for visitors to the premises
- The retail element could detrimentally effect local businesses and the vitality of town centres
- The wording of the proposed condition 2 was well-meaning but flawed in the 75% of pharmacy business is dispensing with the remaining 25% being retail. Such condition would not reduce the detrimental impact on local pharmacies
- The proposed mail service would further detrimentally impact local pharmacies

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

- ManxCare have issued a licence to distribute medications
- The business is locally owned
- No shop is proposed, the retail element is included as part of the licence requirements
- Treatment rooms and a state of the art robot for the warehouse element are proposed for March 2024
- A town centre location would not accommodate the proposed robot
- The proposal is crucial for the development of the wholesale and import/export aspects of the business
- The enhanced supply resulting from the warehouse would not be detrimental to local businesses, and would guarantee a continuation of supply
- Proposal supported by both ManxCare and the local authority
- The site is near to Ballasalla group Practice
- Had a proven track record in pharmacy

The representative for DHSC was present remotely by Teams and confirmed they were speaking on behalf of DHSC in response to a question from the Chair. The Chair advised the representative for DHSC that they were invited to speak for 3 minutes in compliance with Standing Orders and the Public Speaking Scheme. The points raised were as follows:-

- Its role was to insure integrated and sustainable healthcare on the Island
- The current pharmacy network was not sustainable

- There was a need for access to pharmacies across the Island
- Would seek the reduction in the total number of pharmacies and their relocation closer to doctors' surgeries and medical centres
- Felt the proposal to be against planning policy
- Confirmed the DHSC was responsible for the strategic element of health and social care on the Island while ManxCare was responsible for delivery of service
- Confirmed their concerns about the proposals and don't support the retail element.

During the debate around the application which focused predominantly around the retail element the Chair questioned the Representative from DHSC and their stance for the avoidance of doubt that DHSC object to the proposed planning application as it is. This was confirmed that DHSC objected to the proposal.

The case officer confirmed that commercial concerns were not a material planning consideration and that the proposed use broadly complied with the planning policies. In response to questions from the Members, the case officer confirmed that the retail element was in compliance with ManxCare requirements and to ensure parties could collect prescriptions from the site. He confirmed there was no material alterations to the property and internally would broadly remain the same with only a small aspect of the ground floor being available to the public, that there was a technical retail element and referred to the conditions attached to the recommendation limiting retail to medicinal or pharmaceutical only, no retail goods would be able to be sold, and that normal business hours would apply unless Members were minded to impose an additional condition with regard to the hours of operation.

The applicant stated that while the facility could be able to offer complete clinical care with three consultation rooms and one treatment room available for use when dispensing medicines, there was no shop proposed and the area in question was a reception area. He requested that no condition be applied with regard to opening hours as this could detrimentally affect the operation of the business if MEDS requires them to open.

The Members noted that no letter of support had been received from ManxCare and DHSC objected.

In response to a question from the Members, the case officer indicated existing pedestrian footways in the area with reference to the visual presentation and was confirmed by Mr Young as to the route taken from Ballasalla to the site for pedestrian access. The case officer also highlighted that Highways Services did not object to the proposals.

Following discussion, the Members indicated that they may be minded to approve the application to improve the resilience of the provision of medications on the Island, but were concerned with regard to the detrimental impact on local businesses and that the proposed use did not fit with the classification of "out of town retail use" and the objection from DHSC was a concern.

The applicant indicated they would be willing for the Committee to carry out a site visit to aid with their deliberations, and confirmed that the proposed facility could offer a walk-in facility for dispensing, and could also dispense by post following a deal with IoM post office. They envisaged approx. 10 walk in visits in the morning and about the same in the afternoon. They stated that under UK legislation, the retail element would be exempt, but understood that this was not so under Manx legislation.

Following discussion, the Members voted on the proposal as follows:-

Mr Young, Mrs Hughes and Mr Warren were in support of the case officer's recommendation to approve the proposal

The Chair, Miss Betteridge and Mr Whiteway voted against the case officer's recommendation, and the Chair used his casting vote in the Order that the application be refused.

Mr Skelton did not vote as he had declared an interest and left the meeting during the consideration of the item.

The Members discussed reasons for refusal, which were to be based on Business Policies 5 and 10, in that it was zoned for industrial use, an unsuitable environment, the proposed use not being suitable within an industrial estate, and the proposed use being more suitable for a town centre location and noted that the case officer's report stated that the proposal was technically contrary to the Development Plan.

The Acting Head of Development Management advised that commercial competition could not form a reason for refusal, and any reasons for refusal would have to be defensible at any Appeal on material planning grounds.

The case officer reported that not all businesses operating within the industrial estate were purely industrial, the character of Industrial estate across the Island has changed over the years with the decline in manufacturing and engineering and referred to the planning history section of the officer's report clarified this and the definition of industrial from the Strategic Plan. He further reiterated that a number of those applications have been before the committee and approved which also include small elements of retail and gave examples of existing business on the Industrial estate that benefit from planning approval. He further requested that a Member of the Planning Committee will need to be available to attend the appeal hearing, should an appeal be requested and asked Mr Whiteway if he would be willing.

DECISION

Following discussion and a vote, the Committee determined by way of the Chair's casting vote, the reject the case officer's recommendation and application was refused for the following reasons -

R1. The area is zoned for industrial use and as such the retail element of the proposal has failed to demonstrate why the proposed use and floorspace could not be located in a town centre location or local centre. As such, the proposal would fail to maintain and enhance the viability and vitality of town centres by controlling the location and nature of new retail and commercial development as outlined at page 11) para 3.4 (d) of the Isle of Man Strategic Plan 2016; and, is therefore, contrary to the provisions of General Policy 2k) and Business Policies 5, 9 and 10 of the Strategic Plan.

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 6(4):

- o 37 Ballahane Close, Port Erin
- o 45 Knock Rushen, Castletown
- o Bay View, Santon
- o Sherwater, Port St Mary
- o 4 Castlemere, Douglas
- o 26 Close Famman, Port Erin
- o 73 Silverburn Crescent, Ballasalla
- o 1 Oatfield Rise, Ballasalla
- o 2 Fuchsia Close, Ballasalla
- o 15 New Road Laxey
- o Ivy Bank, Foxdale

- o 25 Empress Apartments, Douglas
- o 10 Ballabridson Park, Ballasalla
- o 14 Croit Ny Glionney, Colby
- o Ballachrink Farm, Colby
- o 32 Birch Hill Grove, Onchan
- o Unit 4D Balderton Court, Balthane
- o 4 Africa Court, Douglas

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; are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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.

It was decided the following Government Departments 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 6(4):

- o IoM Police
- o DHSC

Mr Skelton returned to the meeting.

The published Agenda order was resumed

<p>Item 5.4 1-29 Ballamillagynh Estate Mount Rule Douglas IM4 4HU IM4 4HX</p> <p>PA23/01236/B</p>	<p>To install 6 x 9 metre wooden telegraph poles with associated overhead wires. All six poles have been included in this application as all poles will be required to provide an overhead fibre service to the properties</p> <p>Applicant : Manx Telecom Ltd Case Officer : Mr Jason Singleton 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.

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

The representative on behalf of the applicant was present in order to answer questions. In response to questions from the Members, he confirmed that the application was for the provision of fibre broadband in an area where there was no existing ducting into the properties, that the existing copper wire was not suitable for upgrade to fibre broadband, that this was the method of installation currently preferred as it offered the least disturbance to properties in order to provide the service, that using other service providers existing ducts had been investigated but was not currently viable, that existing underground conduits had been used where suitable, and that there was a "narrow cut" system of excavation, but that it was not financially viable.

In response to further questions from the Members, the representative for the applicant confirmed that it was ten times more expensive to underground the cables as it was to use poles, that under legislation the poles had to be a certain distance from existing properties and a certain height

above roads, that the "Plan B2 if the application was refused is that fibre broadband would not be able to be provided to the residents, and advised the Members with regard to the dimensions and technical details regarding the proposed cables.

The Members noted that there needed to be a national policy with regard to this matter as there was likely to be an increasing number of similar applications in future, that this decision could set a precedent, that such proposals could be visually intrusive in the landscape, and that their decision should not prejudice the resident in the area.

In response to questions from the case officer, the representative for the applicant confirmed that the application had come forward because of demand for the service, that there were likely to be further similar applications, and that they formed part of the provision of national broadband plan.

DECISION

The Committee, with exception of the Chair and Mr Warren, 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. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

The proposal would not create any visual harm or intrusion into the site and surrounding area and would conform to those parts of Strategic Policy 1, General Policy 2(b,c,g) and Infrastructure Policy 3.

INTERESTED PERSON STATUS

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):

No's 2, 8, 10, 14, 17, 20, 22, 23 Ballamillaghyn Estate,

as they are all within 20m of the application site and satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Item 5.8 Balla Bluff Pinfold Hill Laxey Isle Of Man IM4 7HL PA23/00818/REM	Reserved Matters application to PA 22/00669/A for the erection of two residential dwellings addressing siting, landscaping, drainage, means of access, internal layout and external appearance Applicant : Mr Richard & Mrs Ann Barks Case Officer : Mr Paul Visigah
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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.

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. Prior to the installation of external finishes and materials, a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, windows, doors and external walls, shall be submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and retained thereafter.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 3. The development hereby approved shall not be occupied or operated until the access/driveway, parking and turning areas have been provided in accordance with the approved plans (Drawing No. No. B/8846/1). Such areas shall not be used for any purpose other than for access, parking, and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that the development will not compromise the free flow of traffic or highway safety.

C 4. Prior to the commencement of the development hereby approved, details of the proposed foul sewage and surface water drainage system[s] including soakaway shall be submitted to and approved in writing by the Department. The strategy shall not include any discharge to the abutting Manx Electric Railway Line to the southeast. No part of the development shall be occupied until the agreed foul sewage and surface water drainage system has been implemented and it shall be retained as such thereafter.

Reason: To ensure that adequate drainage measures are provided, and retained, in the interests of the amenity of the area.

C 5. Within 3 months of this approval becoming final, details of a restriction zone along south-eastern boundary of the site to prevent access to the railway and ensure the safety of residents and others, shall be submitted to and approved in writing by the Department. This plan shall clearly mark out the protection zone within the site, and show details of restrictive measures to be implemented on site. The protection measures shall remain in place throughout the construction phase and use of the approved development.

Reason: To prevent access to the Electric Railway Line in the interests of safety on the site.

C 6. The development hereby approved shall be undertaken in accordance with Precautionary Working Method Statement for Common Lizard set out in Appendix IV of the Protected Species Survey prepared by Ecology Vannin Consultancy Services and dated August 2023. The

development shall not be carried out other than in accordance with the submitted Method Statement.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 7. The on-site Landscaping and Wildlife Mitigation Measures which includes native hedge creation, hedge retention, boundary enhancement planting (except fuchsia), log piles, universal nest bricks and natural wildlife area shall be undertaken strictly in accordance with the updated Proposed Site Plan (Drg B/8846/12) and Proposed Floor Plans and Elevations (Drg B/8846/2 (A)).

Areas Retained for Natural Wildlife shown on the Proposed Site Plan with Ecology Annotations (Drawing No. B/8846/12) shall be created and managed in accordance with the details indicated on the plan prior to the occupation of the dwellings hereby approved. The Natural wildlife Area must be retained in a natural state and protected from damage and disturbance during and after construction, apart from the small areas of the site to be used for the hibernacula and log piles, which should be created by hand.

The hedge along the western boundary of the natural area should be planted in the first planting season following the commencement of construction and then the area avoided throughout construction activities.

The development shall not be carried out other than in accordance with the approved plans. The on-site Landscaping and Area for Natural Wildlife shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 8. Within three months of the commencement of the development hereby approved, details of the Nest Bricks to be installed on the northeast elevation of the new dwellings shall be submitted to an approved in writing by the Department. These details shall include the specifications and samples of the net brick of suitable for crevice roosting species on the northeast elevation of the buildings. The nest bricks shall be retained thereafter.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 9. The existing trees marked for retention on the Outline Tree Protection Plans (Tree Works Plans) Drawing No. WTC-TWP 01, and Proposed Site Plan with Ecology Annotations shall be retained in accordance with the approved details. Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: To safeguard the existing trees and planting to be retained within the site.

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

It is considered that the proposal has no significant adverse impacts upon public or private amenities, the site ecology, or highway safety, and therefore complies with Strategic Policies 1, 2, 4 and 5, General Policy 2, Housing Policy 4, Transport Policy 4, Transport Policy 7, and Environment Policies 4 and 5 of the Isle of Man Strategic Plan 2016, and the principles promoted by the Residential Design Guide.

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:

Manx National Heritage
IOM Railways

Item 5.11 32 Summerhill Road Onchan Isle Of Man IM3 1NB PA23/01437/C	Additional use for tourism Applicant : Mr Michael Laugier Case Officer : Mr Peiran Shen 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, updating the Members with regard to a representation received from the applicant subsequent to the conclusion of his report confirming that the property would not be occupied by tourists when the owner was in residence.

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

In response to a question from the Members, the Acting Head of Development Management confirmed the application was for an "either/or" use, that the tourist let would only occur when the occupiers were not in residence. She advised the Members that there were Permitted Development Rights to allow for up to three bedrooms to be let for tourism use in association with a residence without the need to apply for planning permission.

Mr Whiteway raised concerns on removing more housing from the market by giving them approval for use as tourist accommodation.

DECISION

The Committee, with the exception of Mr Whiteway, 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. The approval is hereby given for the dwellinghouse (Class 3.3 of the Town and Country Planning (Use Classes) Order 2019) to also be used as a self-contained self-catering tourist unit (class 3.6 of the same order).

Reason: for the avoidance of doubt.

Reason for approval:

It is considered that the proposal would not give rise to an unacceptable impact on amenity or impact on highway safety.

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

None

7. Section 13 Legal Agreements (If any)

The Members noted that no Section 13 Legal Agreements had been concluded since its last sitting

8. Any other business

8.1 Planning Committee Meeting of the 26th February 2024

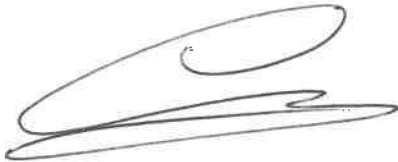
Mrs Hughes gave notice that she would be attending the next meeting of the Planning Committee by way of a Teams link.

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 26th February 2024.

There was no further business and the meeting concluded at 2pm

Confirmed a true record



**Secretary to the
Planning Committee**



**Mr R Callister, MHK
Chair of the
Planning Committee**

26th Feb 2024