



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 25th March 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
V Miss A Betteridge, Member
Mr P Whiteway, Member

In Attendance: Miss J Chance, Director of Planning & Building Control
Mr C Balmer, Principal Planner
* Miss L Kinrade, Planning Officer
*Mrs V Porter, Planning Officer
*Mr P Shen, Planning Officer
*V Mr T Cowell, Planning Officer
*V Mr H Laird, Planning Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
Mr R Webster, Highway Development Control, Highway Services
*Part of the meeting only
Attending virtually via Microsoft Teams V

1. Introduction by the Chair

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

2. Apologies for absence

No apologies for absence had been received.

3. Minutes

The Minutes of the 11th March 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.

Items No's 5.1 and 5.2 relate to the same property and so were considered together

Item 5.1	Registered building consent for alterations to facilitate a change of use to gym - RB 188 (in association with 23/01454/GB)
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<p>All Saints Church Alexander Drive Douglas Isle Of Man IM1 4EB</p> <p>PA23/01453/CON</p>	<p>Applicant : Landscape Limited Case Officer : Mr Toby Cowell Recommendation : Permitted</p>
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And

<p>Item 5.2 All Saints Church Alexander Drive Douglas Isle Of Man IM1 4EB</p> <p>PA23/01454/GB</p>	<p>Alterations to facilitate a change of use from place of worship to gym with associated facilities (in association with 23/01453/CON)</p> <p>Applicant : Landscape Limited Case Officer : Mr Toby Cowell Recommendation : Permitted</p>
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The Case Officer reported on the matter and summarised the key issues as set out in the reports and with reference to the visual presentation, confirming which areas of reports related to the development as a whole and which in particular to the Registered Building Consent application. He further reported that no concerns had been raised by Highway Services with respect to parking, that a parking survey had been submitted as part of the application, and that there was an element of control contained within the conditions with regard to parking, with the conditions in question being fully enforceable.

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

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

With regard to Item 5.1 – PA23/01453/CON

- The application proposed to introduce a new use for an important building whose historical and architectural contribution to the Island and to the Woodbourne Rd Conservation Area was acknowledged by its entry into the Protected Buildings register.
- The building was no longer needed as a church, and had been sold. It was very important, to ensure the continued maintenance and upkeep of the building, and to find a new use for it as there was a covenant in place that it can no longer be used as a place of worship or for any religious event.
- Traditional churches were generally designed for that sole purpose and so not the easiest to convert to other uses. Some smaller churches have been successfully converted to dwellings and the application contained an example of a church in the UK which had been converted to a climbing centre. Larger churches were more difficult to convert due to their often considerable size, high ceilings and often still contain features of interest within the buildings such as fonts, organs and organ enclosures.
- The conversion to a gym would maintain the open nature of the internal space and would not remove or permanently alter any of the important historic features. The provision of parking for cars and bicycles could be done without significant or adverse change to the building as is shown in the application. This use has been successful in other church conversions in the UK.
- This application would ensure the continued use and maintenance of this important building in a way which would not adversely affect its historic or architectural interest

With regard to Item 5.2 – PA23/01454/GB

- This application dealt with the planning impacts of the proposed conversion. The impact on the historic and architectural interest of the building were dealt with in the application for Registered Building consent.

- The principal issues raised were the impact on neighbouring dwellings from parking and noise.
- We believe that the current lawful use of the building could give rise, at times, to more noise and traffic, especially in evenings and weekends, than would be the case with the proposed use. It was fully accepted that the times at which the building was proposed to be used were different and therefore the resulting impact, while a much lesser concentration, would be different.
- The applicant had undertaken a parking survey to demonstrate the available parking at times when the gym would be operational and has concluded that there was sufficient space both within the site and in the adjoining streets, to accommodate the vehicles which would be generated. It was important to remember that the attendance does not equate only to cars and that members of the gym could use varying forms of transport. This has been accepted by the Highway Services Division of Department for Infrastructure and by the Planning Officer.
- The sustainable location of the site would generate use where customers could easily walk or cycle to the site, and the length of time customers would be in the building would be relatively short.
- The noise emitted from a gym depends greatly on the type of activities undertaken, with exercise classes giving rise to the loudest music. The proposed gym would not have such classes and customers would be attending as individuals undertaking their own personal workouts. Whilst there may be background music, this will be purely background noise and not amplified, and significantly quieter than an organ or a choir.
- It is important to remember that the building exists and it was not feasible, without adversely affecting the character and appearance of the building and its setting in the Conservation Area, to change anything to provide significantly more parking on site. Other uses for the building have been considered, which could not be achieved without significant and adverse changes to the structure, and in many cases would result in more parking demand at times which would coincide with when the surrounding neighbours are also looking for spaces, and where those spaces would be occupied for longer periods of time, for example office or residential uses. We believe that the gym would not have an adverse impact on the surrounding area, would improve the area visually and represented an appropriate use for this important Registered Building in the heart of Douglas.

In response to a question from the Members regarding the restrictions placed upon the business by C5, the agent confirmed that the applicant was content with C5 and their business model did not include offering such classes. Following discussion, the Members determined that as the removal of C5 could prejudice parties who would have objected had such classes been proposed as part of the application, C5 was to remain. In response to a further question, the agent confirmed that the large cross on the exterior of the building was to be retained.

The Members expressed that they supported the building in question being brought back into use.

The Case Officer outlined the reasons for the differing allocation of Interested Person Status within the two applications, in that the submissions for the Registered Buildings application were assessed using different criteria which was more appropriate to that type of application than that to the planning application.

The Members expressed concern with regard to potential noise nuisance to the neighbouring properties generated by early morning users of the facility, and discussed the matter of the proposed opening time of 5am in relation to existing noise legislation. They expressed that 5am was very early for a business operating within a residential area. The agent stated that the early opening was to facilitate use of the facility by a wide variety of users, and that it was in the best interest of the business to minimise disturbance to neighbouring properties, and felt that legislation with regard to noise control was intended more for the construction industry.

The Director of Planning & Building Control advised that such operations as proposed may not be covered by such legislation, and so could not be considered illegal under same. The Members noted that should noise disturbance occur, it could be dealt with by the relevant regulatory authority.

DECISION for PA23/01453/CON

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

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. Prior to the commencement of works to install the proposed mezzanine and changing facilities, details of all of the fixings in to the building's existing fabric are to be submitted and approved in writing by the Department. Thereafter, the works are to be undertaken in accordance with the approved details.

Reason: To ensure that this registered building's special architectural interest is preserved.

C 3. Prior to the commencement of any works to decorate the building's existing fabric, specification details of proposed paint or any other surface treatment are to be submitted to and approved in writing by the Department. Thereafter, the works are to be undertaken in accordance with the approved details.

Reason: To ensure that this registered building's special architectural interest is preserved.

Reason for approval:

The proposals for Registered Building Consent are considered to be acceptable by way of providing minimal external and internal alterations to facilitate the change of use, which would not undermine the building's intrinsic architectural and historic character. The proposals therefore are deemed to comply with Strategic Policies 4 and 5, General Policy 2, and Environment Policies 32, 33, 35 and 42 of the Strategic Plan (2016).

INTERESTED PERSON STATUS for PA23/01453/CON

It was recommended 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 9(4):

14 Selborne Road, Douglas
16 Selborne Road, Douglas
17 Selborne Road, Douglas
1 Primrose Avenue, Douglas
3 Primrose Avenue, Douglas
8 Primrose Avenue, Douglas
9 Primrose Avenue, Douglas

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

DECISION for PA23/01454/GB

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. The use of the premises shall only be for the purposes of a gymnasium and for no other use falling within Use Class 4.4 of the Town and Country Planning (Use Classes) Order 2019.

Reason: Permission has been granted solely on the basis and merits of the proposed use. Any subsequent change of use of the premises within the same use class would require further assessment.

C 3. Customers will only be permitted onto the premises between the hours of 5am to 10pm Mondays to Fridays and 8am to 8pm Saturdays and Sundays.

Reason: The application has been assessed on the basis of the opening hours provided as part of the submission. Any extension to opening hours would require further assessment in the context of residential amenity considerations.

C 4. The development hereby approved shall be implemented solely in accordance with the approved floorplans, namely drwg. nos. 5C and 6C, and thereafter retained as such in perpetuity.

Reason: The application has been assessed solely on the basis of the approved layout. Any deviation to the layout and introduction of additional activities would require further assessment in the context of residential amenity considerations.

C 5. At no time shall organised exercise and/or fitness classes be undertaken.

Reason: The application has been assessed solely on the basis that no organised exercise and/or fitness classes will occur on the premises. The introduction of such activities would require further assessment in the context of residential amenity considerations.

C 6. Prior to the commencement of the development full details of the tree protection measures for all trees to be retained shall be submitted to and approved in writing by the Department. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837:2012, and the monitoring of tree protection measures during construction. No works shall be carried out unless in accordance with the approved details.

Reason: To protect the visual amenity of the area and ensure the protection of Registered Trees within the site.

C 7. Prior to the occupation of the development, all external windows shall be fixed shut and thereafter remain non-opening.

Reason: To reduce noise impacts and in the interests of residential amenity.

Reason for approval:

The proposals are considered to result in the appropriate use of a vacant place of worship, which would ensure the continued use, upkeep and maintenance of a Registered Building, without detriment to its character, architectural significance, or the character and appearance of the wider Conservation Area. The proposals are further considered to not result in a demonstrable level of harm to the amenities of local residential properties, whilst providing a sufficient level of

on-site parking and not resulting in a detrimental impact upon the safety and convenience of the local highway network.

The proposals therefore are deemed to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policies 32, 33, 35 and 42, Community Policy 3 and Transport Policies 4 and 7 of the Strategic Plan (2016).

INTERESTED PERSON STATUS for PA23/01454/GB

It was decided that the following Government Departments should be given Interested Person Status:

Manx Utilities Authority

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:

- 23 Primrose Avenue, Douglas
- 14 Selborne Road, Douglas
- 16 Selborne Road, Douglas
- 17 Selborne Road, Douglas
- 2 Selborne Drive, Douglas

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 4(2):

- 10 Selborne Road, Douglas
- 15 Selborne Drive, Douglas
- 9 Westminster Terrace, Douglas

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

<p>Item 5.3 1 Ballure Grove Ramsey Isle Of Man IM8 1NF</p> <p>PA24/00058/A</p>	<p>Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling</p> <p>Applicant : Mr Fred Nothers Case Officer : Mr Chris Balmer 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 a representation received from the local authority subsequent to the conclusion of his report which stated that in their opinion the application went against General Policy 2 (b), (h) and (i) of the Isle of Man Strategic Plan 2016 in that it did not respect the site and it's surroundings in terms of siting, layout, scale, form, design, parking provision and highway safety.

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

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

- The application was in principle only at this stage

- Highway Services fully supported the application
- The alterations would improve the existing vehicular access
- Vehicles currently have to reverse into the site
- Consulted the Case Officer for pre-application advise and completed the application in line with advice received
- Will retain the existing tree and hedge line to Ballure Road
- Felt the proposed "like for like" house could be accommodated on the site
- Full topographical survey with site details was provided with the application
- The Reserved Matters application will provide full details for the proposed development
- Sufficient detail had been provided for the approval in principle application
- Was unaware of the objections from Ramsey Commissioners until this meeting

The Members enquired if the potential property would likely change that character of the neighbourhood. The Case Officer indicated the size and layout of existing nearby properties with regard to the visual presentation, stating that in his opinion, there was not the opportunity for these properties to submit similar applications as these plots were not of a size to permit same. He further stated that every application was judged on its own merit.

The Chair stated that in light of the comments received from Ramsey Commissioners, a site visit could prove of aid to their considerations and proposed that one be carried out. This was seconded by Mrs Hughes. Following a vote, the Members unanimously determined to defer consideration of this application in order that a site visit be carried out at a time and date to be agreed at the end of the meeting.

In response to a question from the Chair, the agent confirmed that detailed plans had not been submitted at this stage, that those submitted had been indicative of what could be accommodated on the site in question, and that he would be available to attend the site visit. The Case Officer confirmed that the application under consideration was in principle only.

DECISION

The Committee **unanimously** determined to defer consideration of this application in order that a site visit be carried out.

<p>Item 5.4 18 Selborne Drive Douglas Isle Of Man IM2 3LP</p> <p>PA23/00655/B</p>	<p>Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations</p> <p>Applicant : Chris Norman Enterprises Limited Case Officer : Mr Paul Visigah Recommendation : Refused</p>
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In the absence of the Case Officer, Mr Balmer read out a request from the applicant that consideration of the proposal be deferred as the agent dealing with the matter was currently off-Island. The Applicant was present and confirmed that although they had had registered to speak, they felt that the agent should be present in order to deal with the matter.

DECISION

Following discussion, the Members voted unanimously to defer consideration of the matter to the meeting of the 8th April 2024.

<p>Item 5.8 Unit 25C, 25D And 25E South Quay Industrial</p>	<p>Additional use of Unit 25C for sales of motorcycles and related motorcycle equipment and clothing, and use of forecourts of Units 25D and 25E for associated parking.</p>
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Estate Douglas Isle Of Man IM1 5AT	Applicant : Mr Nathan Harrison Case Officer : Mr Hamish Laird
PA24/00006/C	Recommendation : Permitted

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

- Being involved in the motorcycle industry, the applicant was acutely aware of the need for local opportunities for people to not only have their vehicles repaired but also to buy new or used machines as well as parts, clothing and helmets. Previously Road and Track and Tommy Leonard Motorcycles had provided these services but have both had ceased operating in Douglas, and the other main outlets - Jason Griffiths, Isle of Man Motorcycles and Paul Dedman, all operated from areas designated for industry.
- Most of the items to be sold needed the customer to be able to see and try them, to try clothing or helmets on, and at least sit on or have a trial ride on a motorbike before buying. It was important to try on motorcycling clothing and helmets to obtain the best fit. Different motorbikes are very different in seat height and comfort and prospective purchasers also benefit from being able to sit on one even before they think about having a trial ride to see if it is something they wish to invest in.
- Having a motorcycle retail outlet here will not only enable local residents to be able to do all this locally and not resort to off Island sales, but the location is close to the main area of employment on the Island and where people can come during their working day either on their motorcycles or on foot. Outside of the working day - at weekends for example, people coming to this site will be highly likely to remain in Douglas for other purposes - shopping or lunch, for example. As such, the proposal, we feel will support the city and enhance its vitality and interest.
- Just to clarify, the officer suggests that Units 25D and E were already being used for motorcycle sales, this was not the case and, as stated in the application, only unit 25C is to be used solely for motorcycle sales and related items, with unit 25D used for storage and repairs and 25E used for separate motorcycle repairs for the applicant's own machines.
- The Applicant rents all three units and has been using Unit 25E for repairs to his own motorcycles. The sales were proposed only in Unit 25C

The Director enquired that, as the application suggested the units were for differing planning uses, would the sale of motorcycle clothing be ancillary to and in the same unit as the sale of motorcycles, and would a further condition be required in order to control such use. The agent confirmed that the intention was for motorcycles and for motorcycle related clothing and paraphernalia, and the applicant would accept an additional condition with regard to the sale of such items, but the condition needs reflect that such items could be bought on their own and not just in connection with the purchase of a motorcycle. She stated as the Applicant rented the three adjoining units, the intention was to utilise the parking area to the front of the units for customer and staff parking.

The Case Officer amended their recommendation to include two further conditions, with one being to control the motorcycle clothing and paraphernalia sold on site, and the other being to limit the parking area to the front of the units for customer parking in connection with the operation of the business and not for the display of motorcycles for sale. He confirmed that Highway Services would be in support of such condition regarding parking provision.

The Members noted that there had been a number of applications brought before them recently for the inclusion of retail uses within industrial estates. The Director advised that the Cabinet

Office would be reviewing such policies as part of the development of the Draft Strategic Plan, the aim would be to retain and enhance town centre viability. The application under consideration complied as such uses would be difficult to carry out in a town centre location, and as such, the proposal would not undermine town centre viability or vitality.

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.

C2. There shall be no sales from the premises of products which are not related to motorcycles, motorcycle clothing, protective equipment and motorcycle accessories unless specifically approved in writing by DEFA Planning.

Reason: The sale of items unrelated to motorcycling may result in a harmful impact on the viability and vitality of comparison goods outlets and general retailing in Douglas Town Centre contrary to the provisions of Business Policy 5 (a) in the Isle of Man Strategic Plan 2016.

C3. The outdoor parking area serving Units 25C, 25D and 25E shown on the approved plans, shall be restricted for the purposes of customer and staff parking only. The area shall not be used for the display of goods for sale.

Reason: To ensure that adequate parking provision to serve the development is provided to serve the development in the interests of highway and pedestrian safety.

Reason for approval:

It is considered that the planning application is in accordance with General Policy 2 and Business Policy 5 of the Isle of Man Strategic Plan 2016; and, the Area Plan for the East (2020), and is therefore recommended that the planning application be approved.

INTERESTED PERSON STATUS

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

Item 5.9 Field 114121 West Kimmeragh Road Bride PA23/01041/B	Erection of proposed extensions to existing agricultural barn Applicant : Mr Paul Crocker Case Officer : Mr Toby Cowell 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:-

- Had a long career in farming
- They owned land in Bride
- The proposal was in response to the need generated by an expanding business
- The sheep were NV accredited and as such had to be kept separate from other animals

- They needed to be brought inside in bad weather
- Machinery and feed also needed to be kept inside as other methods of weather protection, such as tarpaulins, had been tried unsuccessfully
- Had a lockable building for such machinery, but the sheep would need to be kept in a more open building for welfare purposes

DECISION

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

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including all hardsurfacing, 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.

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

C 3. Prior to the commencement of development, a soft landscaping plan incorporating native species shall be submitted to the Department for approval in writing. The landscaping plan shall be implemented in full as per the approved details. Any new planting which is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

Reason: To ensure the delivery and retention of an appropriate landscaping scheme, in the interests of the visual amenity of the local and to provide ecological site benefits.

C 4. No external lighting may be installed without the prior consent of the Department in writing.

Reason To prevent light pollution and impact on wildlife.

C 5. The building hereby approved must be used only for agricultural purposes.

Reason: The countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 6. In the event that the building hereby approved is no longer used or required for agriculture it shall be removed and the ground restored to its former condition within 18 months of the date the use ceased.

Reason: The countryside is protected from development and an exception is being made on the basis of agricultural need.

Reason for approval:

In summary, the proposed development is considered to be acceptable in principle having demonstrated a clear agricultural need, without detriment to the visual amenities of the immediate locality and wider landscape. The proposals are considered to be in accordance with Strategic Policy 5, Spatial Policy 5, General Policies 2 and 3, and Environment Policies 1, 2, 15 and 21 of the Strategic Plan (2016).

INTERESTED PERSON STATUS

It was 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 4(2):

Thie Ain, Bride

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 5.10 Part Field 435254 & Curlew Cottage Scarlett Castletown Isle Of Man IM9 1TB PA23/01417/B	Demolish and replace existing dwelling, install photovoltaic panels, and landscape and re-wild adjacent land Applicant : Mr & Mrs Neville & Kim Young Case Officer : Mr Toby Cowell 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 agent spoke in support of the proposal. The points raised were as follows:-

- Were present to answer questions as the Case Officer's report covered the points which they had wished to make
- The decision to go for a new build rather than the continue with the approved extension was as a result of the engineers report submitted subsequent to stripping out the existing building. This indicated that although the approved extension could be brought to modern standards of thermal efficiency and could be built under extant permission, it would require a large number of interventions in order to do so
- The Applicant has taken the opportunity to propose a new building which would be built to modern environmental standards, and would be moved further back on the plot in order to be less visually intrusive and allow for the introduction of landscaping

The Members noted the substantial areas of glazing, and enquired if any measures had been proposed in order to minimise the risk of bird strike. The agent confirmed that advice had been sought from DEFA Ecosystems Policy Team, and decals would be applied to the glazing in line with advice received.

In response to a question from the Members, the agent confirmed that the re-siting of the new dwelling as proposed would not have a detrimental impact on the setting of the adjacent Registered Building, Scarlett House.

DECISION

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

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including all hardsurfacing, 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.

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

C 3. Prior to the commencement of development, and notwithstanding the details already submitted, a detailed soft landscaping plan shall be submitted to the Department for approval in writing. The landscaping plan shall be implemented in full as per the approved details. Any new planting which is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

Reason: To ensure the delivery and retention of an appropriate landscaping scheme, in the interests of the visual amenity of the local area and to provide ecological site benefits.

C 4. The front boundary treatment shown on drwg. no. 299/026 shall be planted at no higher than 1m and thereafter retained and maintained at no higher than 1m in perpetuity.

Reason: In the interests of highway safety.

C 5. The development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and access of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for parking and turning of vehicles in the interests of highway safety.

C 6. 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 development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 13 - Greenhouses and polytunnels

Class 14 - Extension of dwellinghouse

Class 15 - Garden sheds and summer-houses

Class 16 - Fences, walls and gates

Class 17 - Private garages and car ports

Class 18 - Domestic fuel storage tanks

Class 21 - Decking

Class 26 - Garage doors

Reason: To control future development on the site.

C 7. The proposed garage hereby approved shall be kept available for parking of private vehicles, the storage of plant and machinery with the running of Curlew Cottage and its surrounding grounds as a domestic dwelling.

Reason: To restrict further development in the countryside.

C 8. The residential curtilage shall be laid out in accordance with plan (299/026) and retained thereafter.

Reason: To prevent further development into the countryside.

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 replacement dwelling is considered to be of a high standard of design and suitably appropriate for this countryside location, without detriment to the visual amenities of the wider landscape. The proposals would allow for a more holistic form of development relative to the current property, whilst largely reducing its visual impact upon the site's immediate setting. The development is further complimented by an appropriate landscaping scheme which would improve the site's biodiversity credentials. The proposals are therefore deemed compliant with Strategic Policies 4 and 5, Spatial Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, Housing Policies 12 and 14 and Transport Policies 4 and 7 of the Strategic Plan (2016).

INTERESTED PERSON STATUS

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

Item 5.12 Ballachurry Beg Summerhill Road Jurby IM7 3BS PA23/00954/B	Retrospective approval for erection of stable and agricultural building Applicant : Mrs Fenella Hampton & Ms Charlotte Geoghegan Case Officer : Mr Paul Visigah Recommendation : Permitted
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In the absence of the Case Officer, Mr Shen 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 agent spoke in support of the proposal. The points raised were as follows:-

- The applicants purchased the site in 2019 and as they wished to use the land for agricultural purposes, they needed buildings for the animals and the associated feed, equipment and the vehicles and items associated with the management of the site and its trees and vegetation.
- There were buildings on the site at the time they moved in, albeit in poor condition, and the applicants did not realise that planning approval would be required to replace them.. Both the stable and barn have been in situ and used for agricultural and equestrian purposes since then and with no complaint.
- Both buildings were required for the use of the land for equestrian and agricultural purposes, whether this was for growing vegetables or crops, or the keeping of agricultural animals. If horses were to be kept on the site then stabling and storage was needed, no matter who lived on site in the house.
- Neither building was excessive in size nor visually intrusive, and since moving in the Applicants had managed and improved the site, removing dead and diseased trees with consultation with DEFA Forestry, and have planted more. Bird and bat boxes have recently been installed, details of which were provided in the application.

The Members expressed concern that two structures of such size could be constructed without the providers or builders realising planning permission should have been obtained. The Director noted the comment and confirmed that such circumstances were to be addressed.

In response to a question from the Members, the Applicant confirmed that the replacement buildings were built on the same footprint and so were of the same size, but although they could not confirm the replacement buildings were the same height as the original buildings, she felt that they were similar.

DECISION

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

C 1. The agricultural building must be used only for agricultural purposes.

Reason: the countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 2. For the avoidance of doubt, the stable building hereby permitted shall only be used for equestrian purposes.

Reason: The countryside is protected from development and an exception is being made on the basis of equestrian need only.

C 3. The agricultural building and stable hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for agricultural purposes.

Reason: The building has been exceptionally approved solely to meet agricultural and equestrian needs, and their subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

Overall, the proposal is considered acceptable in terms of both agricultural need, equestrian need, visual impact, impact on soils, and impact on highway safety, and accords with the requirements of General Policy 3, Environment Policies 1, 15, 19, and 21 of the Strategic Plan.

INTERESTED PERSON STATUS

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

The Published agenda order was reverted to

Item 5.5 Rocklands Bay View Road Port St Mary IM9 5AQ PA23/00917/B	Demolition & re-building of garage Applicant : Mr William Frank Corri Bush Case Officer : Miss Lucy Kinrade Recommendation : Refused
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The Case Officer reported that the Applicant had requested that consideration of this application be deferred as they were currently off-Island and wished to be present for the consideration of the matter. Following discussion, the Members unanimously agreed to such deferral.

Mr Whiteway advised that he used to own the building which was the application site, and had sold it to the Applicant. He confirmed that he had not discussed the proposal with the Applicant therefore felt there was no conflict of interest in this matter.

Item 5.6 3 West Quay Ramsey Isle Of Man IM8 1DW PA23/00832/B	Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding Applicant : Brillig Investment Limited 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, and confirmed that there was a typographical error with regard to C2 in that the cycle storage was for 3 cycles rather than 2. In response to a question from the Chair, he confirmed that the doors shown on the visual presentation discharged at street level.

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

In response to a question from the Members, the Case Officer confirmed that the proposed living accommodation was above ordinance datum level, and that he had submitted details to Flood Risk Management for comment, but to date had not received such. The Chair expressed surprise that this property had not flooded in the last 10-15 years.

Mr Whiteway noted that the door on the South elevation was below the level of the rest of the building, but advised that to his knowledge, the ground floor had not flooded in recent history.

The Director advised the Members with reference to planning considerations regarding flood risk and information submitted. The Case Officer reported that he felt no further information could be provided by the Applicant.

The Members expressed concern regarding the loss of retail use for the ground floor and the potential for overdevelopment, but noted that the upper floors had existing residential use. The Case Officer reported that the last use for the ground floor was as a dentist's office.

The Members discussed the proposed flood mitigation measures contained within the application, and expressed concern with regard to sleeping accommodation being situated on the ground floor. Mr Whiteway confirmed that flood mitigation measures had previously been used in the property, but only on the front door as the lane sloped upwards.

Following discussion the Members voted unanimously to overturn the Case Officer's recommendation and refuse the application. The grounds for the reasons for refusal were discussed and voted on as follows –

R1 - Flooding – the Members voted unanimously to accept this reason for refusal;

R2 – Loss of retail/ town centre type use – The Members, with the exception of the Chair and Mr Whiteway, voted to include this as a reason for refusal

R3 – the proposed fenestration failed to preserve or enhance the Conservation Area. Following discussion, the Members voted unanimously to reject this as a reason for refusal.

The Members therefore determined to refuse the application with suggested reasons for refusal, 1 and 2, being supported.

Mr Balmer advised the Members that under RTPC Policy 1, West Quay was deemed suitable for mixed use.

DECISION

The Committee **unanimously** rejected the recommendation of the Case Officer and the application was **refused** subject to the following reasons.

R1 The site is located on the quayside adjoining Ramsey Harbour and lies within in a High Risk Flood Zone in respect of tidal flooding. The proposed development is unacceptable because it would involve the provision of sleeping accommodation at ground floor level, where access to one of the two bedrooms serving the proposed ground floor apartment is set at street level; and, for the second bedroom, below street level, where it would be accessed via a set of three steps into the courtyard and access door with a level access serving this apartment and the first and second floor apartments above. In addition, no flood prevention measures or flood mitigation measures have been proposed as part of the development to avoid the potential for flood risk and consequent harm to the personal safety of occupants of the ground floor apartment. This is contrary to the provisions of General Policy 2 (l), and, Environment Policy 10 in the Isle of Man Strategic Plan 2016.

R2 The proposed development is unacceptable because it would result in the loss of the existing ground floor premises, previously used as a dental surgery, to a type of use appropriate at ground floor level, such as a shop, normally associated with the sites location within Ramsey Town Centre. This is contrary to the provisions of Business Policy 10 in the Isle of Man Strategic Plan 2016; and, Policy Town Centre Proposal 1a: East Quay Character Area, Ramsey, Part 2 which indicates that: "2. Shops, financial and professional services or food and drink uses are acceptable within quayside buildings. Residential use to upper floors of warehouse buildings is an acceptable alternative to shop storage;" in the Ramsey Local Plan 1998 (Planning Circular 2/99).

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 that relate to planning considerations:

Flood Management Division (DOI)

Item 5.7 Apartment 1 Courtyard Billown Mansion Billown Ballasalla IM9 3DL PA23/01172/B	Proposed conversion of existing Gardener's garage / store into living accommodation. Applicant : Mr Adam Cooke 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 Members enquired regarding which dwellinghouse was referred to in "the curtilage of a dwellinghouse", as referred to in C3, the intention of the condition, and if "the dwellinghouse" referred to was Billown Mansion, would the condition be necessary. The Case Officer confirmed

that the intention of the condition was to prohibit the proliferation of further walls, gates or fences to not visually interfere with the development site's setting within the wider site.

The Director proposed that C3 be amended to "within the red line area". While this may not be considered to be fully reasonable, such permissions could be applied for. If the aim and intent of this application was not to create a separate curtilage, this condition would prevent further walls, fences or gates being erected. Mr Skelton felt such condition would not be enforceable. The Case Officer suggested that the red line site refer to Billown Mansion House.

The Members discussed the wording, intent and impact of C3 in order that the structure be read as part of the wider area of Billown Mansion House rather than it be visually separated with a potential for the property created to potentially be sold off separately. Following discussion, the Members agreed that there was to be no formation of a curtilage on the accommodation hereby approved.

The Members enquired if the occupation of the proposed dwelling could be restricted until the completion of the stable conversion previously approved, and further be linked to the occupation of the main dwelling.

The Members noted that the standard note with regard to fossil fuel boilers had not been applied, and requested that it be applied in this case. The Case Officer agreed to amend his recommendation with regard to C3 and the addition of the standard note with regard to fossil fuel boilers.

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. All external facing materials, including any materials required for making good, shall be installed to match the existing external finishes.

Reason: In the interest of visual amenity.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) the erection, construction or alteration of fences, walls or gates within, or on the boundary of, **the curtilage of a dwellinghouse** is expressly prohibited by this approval, and no such form of development 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.

To be amended to:

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) the erection, construction or alteration of fences, walls or gates within, or on the boundary of, **the curtilage of Billown Mansion as indicated by the site edged red on the submitted site location plan (Drawing No. HLK/23/182 drg. no: 5)** is expressly prohibited by this approval, and no such form of development 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.

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 application is considered to comply with the tests of Planning Circular 8/89 and Housing Policy 11 of the Strategic Plan and is recommended for approval.

INTERESTED PERSON STATUS

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

Item 5.11 Tramway Office & Premises Strathallan Crescent Douglas Isle Of Man IM2 4NR PA24/00167/C	Change of use for operating centre/parking of vehicles in connection with Department of Infrastructure at Strathallan Horse Tram Depot. Applicant : Department Of Infrastructure Case Officer : Mr Chris Balmer Recommendation : Refused
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Members noted that the containers currently on site did not have consent.

DECISION

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

R 1. The proposal to create a DOI operating centre for the parking of vehicles/associated equipment in a prominent position would result in an adverse visual impact to the detriment of the site, street scene and Conservation Area neither preserving or enhancing the Conservation Area all contrary to Section 18(4) of the Town and Country Planning Act (1999), General Policy 2 and Environment Policy 35 of the Isle of Man Strategic Plan 2016 and Planning Policy Statement 1/01.

R 2. The proposed development which results in using part of the overall Summerland site has the potential to either reduce the overall development size of the Summerland site and/or its use as an operating centre could have a detrimental impact upon any future uses/development on the Summerland Site and prejudice the use or development of this adjoining land in accordance with the appropriate Area Plan, contrary to General Policy 2 of the Isle of Man Strategic Plan 2016 and the Area Plan for the East 2020.

R 3. The proposal to create a DOI operating centre for the parking of vehicles/associated equipment within immediate proximity to the Horse Tram Station/Facilities and the Manx Electric Railway Station would have a compromising impact upon their attraction as a tourism and leisure facility contrary to General Policy 2 and Transport Policy 3 of the Isle of Man Strategic Plan 2016 and Landscape Proposal 10 of the Area Plan for the East 2020.

R 4. The proposal to create a DOI operating centre for the parking of vehicles/associated equipment would fail to meet the land uses destination and the aims of the Area Plan for the East 2020.

INTERESTED PERSON STATUS

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

Item 5.13 Knock Rushen House Scarlett Castletown IM9 1TA PA23/01359/B	Erection of a two storey side extension Applicant : Mr Nick Daly Case Officer : Mrs Vanessa Porter 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 Members appreciated the clear visual distinction between the existing and proposed elements and noted that the new extension would not be visible from the public highway. The Case Officer confirmed that there was additional tourist use, and that no further comments had been received from the local authority.

DECISION

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

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, 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.

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

C 3. The two storey extension hereby approved shall only be used in association with Knock Rushen House and for purposes incidental to the use of Knock Rushen House for the purposes of dayroom, seating and external terrace as shown on drawing no. 23-052-03, and must not be used for sleeping accommodation nor be occupied as an independent dwelling unit and must only be used in accordance with the internal layout show on drawing no. 23-052-03, dated received 22nd November 2023.

Reason: the property has permission for both residential and tourist use, with the application only being considered acceptable for the reasons identified within this application. The application does not propose any additional tourist accommodation or a separate units of accommodation within the site, as such it has only been considered on the basis that no extra parking would be required.

Reason for approval:

The planning application accords with the provisions set out in General Policy 2 and Environment Policy 22 of the Isle of Man Strategic Plan 2016

INTERESTED PERSON STATUS

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

6. Site Visits

The Committee agreed to make a site visit in relation to item 5.3 (PA24/00058/A – Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling, 1 Ballure Grove Ramsey Isle Of Man IM8 1NF) at 9am on Wednesday 27th March 2024.

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

Apologies for the next meeting were given from Mr Skelton and Mr Warren. Hrs Hughes and Mrs Betteridge will attend remotely

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 8th April 2024.

There was no further business and the meeting concluded at 12.18pm

Confirmed a true record



**Secretary to the
Planning Committee**



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

8th April 2024