



**Isle of Man  
Government**

*Reillys Ellan Vannin*

**Minutes of a meeting of the Planning Committee, held on 8th April 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  
V Mrs H Hughes, Member  
V Miss A Betteridge, Member  
Mr P Whiteway, Member

In Attendance: Miss A Morgan, Acting Head of Development Management  
\*Mr C Balmer, Principal Planner  
Mr P Visigah, 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/\*V

**1. Introduction by the Chair**

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

**2. Apologies for absence**

Apologies for absence were noted from Mr Skelton and Mr Warren.

**3. Minutes**

The minutes of the 25<sup>th</sup> 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.**

<p><b>Item 5.1</b> 1 Ballure Grove Ramsey Isle Of Man IM8 1NF</p> <p><b>PA24/00058/A</b></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 subsequent to the site visit carried out on the 27<sup>th</sup> March 2024, and with regard to a late representation from the

resident of 2 Queens Valley, received subsequent to the conclusion of their report which reiterated their original concerns together with concerns regarding the widening of the access, visibility at the Ballure Road junction to the East, and with regard to 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 for IN Principle only, addressing the means of access
- Highway Services supported that proposal with regard to site access and parking
- Full, measured topographical survey provided which included all site boundaries, features and for a sense of scale included an indicative footprint of the proposed dwelling based on the existing 3 bedroomed dormer bungalow at 1 Ballure Grove
- The actual size, design and location of the proposed dwelling would be dealt with by the subsequent Reserved Matters application
- Such Reserved Matters application would be likely to go before the Members for consideration for the final decision of size, design and location
- The intention is to retain the existing mature hedgerow and trees to both Ballure Grove and Ballure Road. Noted that conditions 4, 5 and 6 ensure existing boundary features would be retained and we are in agreement with this
- Sufficient information has been included with this Approval in Principle application to allow a decision to be made. Access and parking details have also been provided which have met with Highway Services approval.

The Case Officer stated that should the Members prefer any subsequent dwelling to be limited to a single storey or dormer bungalow, further conditions could be included at this stage for their comfort.

Miss Betteridge stated that as she was unable to attend the site visit she would abstain from the discussion and vote for this application.

The Members expressed that the proposed access was sufficiently distant from the nearby junction to not adversely impact traffic movements or highway safety. The retention of the existing trees and vegetation at the boundary, and the likelihood that the potential design would mirror the existing dwelling was welcomed.

In response to a question from the Members, the Highway Services representative reported that the proposed access was unlikely to have a detrimental impact on highway safety as vehicles turning into the junction would be moving at a relatively low speed, and that the applicant had proposed widening the access to facilitate vehicular movements, and had provided swept path analysis to demonstrate that such vehicular movements could be accommodated without the need for vehicles to cross the central line.

The Chair noted that the local authority had objected to the proposal on the grounds that it was contrary to Policy. As a result of the site visit, he himself felt that there would be an element of overdevelopment of the site.

In response to a question from the Members, the agent confirmed that he had pegged out an indicative footprint for the site visit in order to assist the Members, but that he was mindful of the necessity to balance his client's needs and the potential costs with regard to any subsequent Reserved Matters application. His clients would be happy to accept a further condition to control the size and form of any proposed dwelling at the Reserved Matters stage, and that they felt the retention of the existing roadside trees and vegetation was important.

The Case Officer agreed to amend his recommendation with regard to the inclusion of a further condition (C7) which would limit the roof/ridge height to be no higher than that of the adjoining dwelling, 1 Ballure Grove.

The Members were broadly in support of the proposal, with the amended recommendation, and noted that an extension of a similar size to the adjoining dwelling would have a similar impact, but would likely result in little objection.

## **DECISION**

The Committee with the exception of the Chair who voted against, and Miss Betteridge who abstained, accepted the recommendation of the Case Officer and the application was **approved** subject to the following conditions.

C 1. Application for approval of all of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice or the expiration of two years from the date of approval of the last of the reserved matters, whichever is later.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 2. Approval of the siting, design, external appearance, internal layout of buildings, site layout, drainage and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Department prior to the commencement of the development hereby approved and the development shall only be carried out in accordance with the details as approved.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 3. The development hereby approved shall not be occupied or operated until the means of vehicular access and visibility splays have been constructed in accordance with the approved plans 01 REV A and 04 REV A and shall thereafter be retained for access purposes only and visibility splays shall be thereafter kept permanently clear of any obstruction exceeding 1.05m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. The reserved matters shall include a tree planting specification. Where applicable the tree planting specification shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include details of all trees to be planted, including a) their quantity, location (or density), species and size at date of planting; b) the approximate date when they are to be planted; and c) how they will be maintained until successfully established. The tree planting shall take place as agreed and any trees which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: to ensure an appropriate standard of visual amenity in the local area, that the development is appropriately landscaped to sit comfortably and acceptably in its location and to ensure the proposal mitigates the likely future loss of the large sycamore which is visible from the road.

C 5. The reserved matters shall include a scheme for the protection of the retained trees (a tree protection plan), and details of the appropriate working methods (an arboricultural method statement), all of which shall be prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

Reason: To allow the proper consideration to be given to the impact of the proposed development on existing trees and to ensure that the development provides an acceptable visual and environmental impact.

C 6. No retained tree and hedge along the eastern and southern boundary of the site shall be cut down, uprooted, or otherwise destroyed during the development phase, other than in accordance with the approved plans. In the event that existing trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase due to events outside the applicants control, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area.

C 7. The roof ridge/height of any new dwelling on the site shall be no higher than the roof ridge of the existing property Nr 1 Ballure Grove having a roof ridge level of 107.09 as shown on drawing Number 01 prepared by IOM Groundworks – Measured Survey dated 07.08.2023.

Reason: In the interests of visual amenities of the area/street scenes and within the site itself.

Reason for approval:

At this stage the Department is comfortable that an additional single dwelling on the site could be accommodated; albeit a future Reserved Matters application would consider the detailed design of any dwelling and the potential impacts upon neighbouring amenities, visual amenities of the street scene and other matters outlined within this report. Accordingly, it is considered the proposal would comply with the relevant planning policies of the IOM Strategic Plan 2016, Residential Design Guide 2021 and the Ramsey Local Plan 1998 and therefore the application is recommended for an approval subject to conditions.

#### **INTERESTED PERSON STATUS**

It was decided that the following persons 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):

Cronk Connee, 2 Queens Valley, Ramsey  
Konia, 3 Ballure Grove, Ramsey

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2019).

It was decided that the following persons 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):

16 Ballure Grove, Ramsey is 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.

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<b>Item 5.2</b> 18 Selborne Drive Douglas Isle Of Man IM2 3LP	Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations  Applicant : Chris Norman Enterprises Limited
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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:-

- The application was to regularise an established existing use of the dwelling
- The dwelling had been split into 3 apartments and used as such for more than 10 years
- The description had been changed from that as originally submitted by the Planning Department and was therefore misleading
- Douglas City Council and Highway Services had no objection to the proposal
- No significant changes to the elevations, which was acknowledged by the Case Officer
- To indicate each apartment could indicate 6 persons was misleading and inaccurate
- Flat regulations would limit the number of occupiers, and that would not be allowed under Fire regulations
- A single dwelling house would have no such restrictions placed on occupancy levels
- There are other houses in nearby roads which had been converted to apartments
- Adequate bin storage provision had been shown and Douglas City Council had no objection to this element
- The site was accessible to all amenities, schools and shops, and was within walking distance of the town centre. This is a sustainable location and has been discussed with and agreed by Highway Services, yet this was included as a reason for refusal
- The front garden was not proposed to be reduced in size and so would not detrimentally affect the character of the area
- The access and parking to the front is existing and not proposed to alter
- There is a large garden to the rear with ample amenity space
- Strategic Policy 12 does not rule out conversion of houses to apartments, but states favourable consideration would be given to boarding houses and commercial premises
- General Policies 2c and 2g refer to character. It was a strenuous link to suggest the proposal would change the character of the area as it had been utilised as such for a considerable time with no adverse effect.
- There was a misinterpretation of policy as the proposal would not adversely affect the character of the area. It would still be residential and the apartments had been in use for a considerable time
- There were to be no alterations to the building fabric which would materially affect the character of the area

The Case Officer reported that the application site is located within an area designated as Predominantly Residential Use on the Area Plan for the East (Map 4 - Douglas), and the site is located within the Douglas (Selborne Drive) Conservation Area.

In response to a question from the Members, the agent confirmed that the existing apartments had not been registered as such under Housing (Registration) Regulations 2013, although they had been operated as such for the preceding 10 year, albeit by a different owner. He stated that he thought the application would be relatively straightforward, that an application for a Certificate of Lawful Use would not overcome the problem in the same way as would planning consent, and confirmed that no alterations to the outside had been proposed.

The Members noted that the existing apartments had been used as such for a period of more than 10 years, without benefit of planning consent. Mr Young proposed a site visit in order to aid their consideration of the proposal, which was seconded by the Chair.

The acting Head of Development Management advised the Members with regard to applications for Lawful Use and Development. She further advised that retrospective applications should be considered as if the works in question had not been carried out.

In response to a further question from the Members, the agent confirmed that the current owners were looking to refurbish the building rather than create any new apartments, and that the building was currently empty pending a family member moving into the building.

With regard to the proposed changes to the building which the agent noted would not be impacting on the character of the property, the Case Officer noted that the works would impact on the character of the area, given the location of the property in a part of the Selborne Drive Conservation area which had been noted to only support large detached and semi-detached dwellings, with density lower than other parts of Douglas in the Character appraisal. He also stated that matters related to the impacts on character of the Conservation area had been adequately covered in the Officer report for the application.

Following discussion, the Members voted unanimously to carry out a site visit in order to assist with their consideration of the matter.

### **DECISION**

Following discussion and a vote, the Members unanimously agreed to carry out a site visit at a time and date to be agreed at the end of the meeting, and that the application be brought back before them at the next Planning Committee meeting of the 22<sup>nd</sup> April 2024.

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**Miss Betteridge declared that she knew the Applicant, but had not discussed the matter with him and so there was no conflict of interest in this case**

<b>Item 5.3</b> Castletown Commissioners' Yard Milner Terrace Castletown Isle Of Man IM9 1TE  <b>PA23/01235/B</b>	Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices  Applicant : Bushy's Brewery 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, advising the Members of updated wording to C4, agreed in consultation with Highway Services officers and the Applicant. This had also been circulated to the Local Authority for their information -

### **Revised wording for condition 4**

"Prior to the commencement of the development hereby approved, and in conjunction with the requirements of condition 3 for the implementation of the approved car parking layout as shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, of this planning permission, a Parking Management Plan shall be submitted to and approved in writing by DEFA Planning. Such plan shall:

- o Designate the three spaces fronting the office for use as public parking mitigating the loss of on-street parking; and,
- o Secure the use of three additional off-site parking spaces for office staff use;

Thereafter these spaces shall be made available for public vehicle parking (3 spaces on site opposite Milner Terrace). In addition, three spaces for office staff vehicles must be available in

addition to the parking spaces within the site, at all times, details of which must be approved by the Department.

Reason: To ensure that adequate public vehicle parking is provided to serve both the development and local demand and to provide suitable parking spaces within easy walking distance for Office Staff working in the Brewery development in the interests of highway and pedestrian safety."

The Case Officer further reported that in his opinion the proposal would be a good use of an underutilised site, would have little detrimental impact on the neighbouring properties and would fit well within the Conservation Area.

The Highway Services representative confirmed there was nothing further to add to their report. In response to a question from the Chair, he confirmed that Highway Services did not oppose the application as the Applicant had revised the scheme in line with advice given by Highway Services.

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

- In support as the local authority own the site
- Supported a collaboration with an internationally recognised brewery, which would also continue the history of brewing in Castletown
- The site was identified as industrial and has a long history of industrial use
- The proposal would not be detrimental to existing residents
- There has been no suggestion that the land use allocation was going to be changed to residential
- The proposed use would link to industry, and generate jobs and income for Castletown
- The proposed use would be an improvement on the current operational use
- The portacabin on site was no longer fit for purpose so the staff currently using same were to be relocated
- The local authority supported the Case Officer's recommendation and hoped that the Members would look favourably on the application

The objector from 4 Milner Terrace spoke against the proposal. The points raised were as follows:-

- The Conservation Area boundaries are shown on the IOM Government's website to be on or within the exterior walls of the proposed development on both sides
- Traffic going along Milner Terrace was in large part made up of commercial vehicles. The size and type of vehicles as well as the frequency has to be considered
- Only room for 1 vehicle to pass along Milner Terrace at a time. Traffic entering Milner Terrace has had to mount the pavement in order to allow oncoming traffic to pass, resulting in damage to the pavement outside 1 Milner Terrace. Would request that the Planning Committee carry out a site visit
- The 8 taproom staff proposed would not be sufficient for the intended size of the taproom/eatery. More staff would be needed and therefore more staff parking also
- Business Policy 5 refers to allowing retail on an industrial estate. As Bushy's beer is already sold throughout the Island this cannot be used to justify having retail on this industrial site
- Tourism was not mentioned within the application as one of the reasons for the developments, and the applicants stated during local consultation that the proposal was not intended to be "one of those places". For this to be used as a reason for development by the Case officer was not justifiable
- Paragraph 6.21 of the Case Officer's report stated that noise generated by the proposal would be no more likely to affect local residents than that by any of the public houses in the town. We did not purchase houses in the town centre and like the current quiet nature of Milner Terrace at night

- Re. General Policy 2 of the Strategic Plan – the removal of the only green space in the area would adversely affect the residents. The proposed alternative was not of equivalent community benefit as it would be at the pedestrian entrance, straddling the footpath and would not be enclosed. This would be unsafe and remove the option of outdoor play from the children who currently use the facility. There is no other open space in the vicinity.
- There is a Covenant to properties on Milner Terrace and Athol Terrace which stated that the only use for the plot North of Milner Terrace was to be for a garden, open land, or the erection of a dwelling. It would not be unreasonable to suggest that the land referred to was the grassed area in front of the proposed brewery building, and this therefore would require further legal investigation

The applicant and his representative both spoke in support of the proposal –

The representative for the applicant made the following points:-

- Site no longer required by the Local Authority and was designated for industry
- Sustainable location within convenient walking distance of town centre and close to tourist attractions, dwellings, shops, employment, public transport links, railway line and station
- Important that the town contain not just houses and shops but a range of opportunities for employment and economic activity
- Castletown has a history of being a location for brewing as well as having outlets for such products
- As the site is designated for industrial use, such lawful use could give rise to a number of impacts which we considered could be significantly greater than what would arise from this proposal in terms of numbers and size of vehicles and the timing of activities, which was not currently restricted. Such uses would not contribute as much as this proposal to the vibrancy of Castletown, the range of attractions and facilities for residents, workers, tourists or to the national economy
- The intended operator on this site is a long established, successful brewery business which needs to relocate from its current premises and is keen to work with the local community to ensure the business was a welcome addition to the local area and not something which could cause inconvenience or disturbance

The applicant made the following points:-

- Brewing has changed over the years
- The business was not sustainable by brewing alone and most other such operators have facilities such as a tap room and shop
- Would also have a restaurant/eatery facility
- Want to work with the local residents and hope they will become good customers

While the Members had sympathy with the local residents regarding the loss of open space and potential noise nuisance, they noted that the site was designated for industrial use, and that it was within distance of the town centre and near to public transport links, which should alleviate parking concerns. They further noted that potential disruption during the TT period was something which occurred Island-wide. The retention of 2 buildings on-site was appreciated.

In response to questions from the Members, the Highways Services representative confirmed that a swept path assessment had been submitted demonstrating that ingress to Alexander Road and egress to Milner Terrace was achievable, and that the submitted parking survey demonstrated sufficient parking and replacement parking for the lost off-street spaces, which was considered to be satisfactory by Highway Services

In response to questions from the Members, the representative for Castletown Commissioners stated that currently the site, together with the access from Alexandra Road, was in use daily by local authority and Manx Gas vehicles, including refuse collection vehicles and large delivery vehicles, where the major concern regarding access was the large S & S sales signage adjacent



to the access. He confirmed that while there was concern with parking locally, the main problem was with long-term parking of vehicles.

In response to a point made by the resident of 4 Milner Terrace regarding vehicles accessing Milner Terrace from the site hitting the kerb, the Highways Services representative reported that while he had not personally assessed the application, a colleague had assessed it to be acceptable.

The Members noted that Covenants were not a planning consideration and therefore could not be taken into account as part of their deliberations.

In response to a question from the Members, the Case Officer confirmed that the existing railings were to be removed and the site developed as per the submitted plans.

The matter of parking on the site was further discussed, with the Members agreeing that C4 as proposed was sufficient in order to control parking on the site, noting that staff parking was an operational matter for the business to enforce.

In response to a question from the Members, the Case Officer, clarified that all parties within 20m of the application site had been granted IPS. Following discussion and a vote, the Members agreed to extend IPS to the resident of 13 Milner Terrace as they had raised relevant concerns and were just outside 20m from the application site.

## **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 commencement of development on the site area including any works of demolition, precise details and samples of the construction materials proposed to be used for the external surfaces of the new Brewery building as outlined on Drawing No. WL/23/1574 - 3A; and the conversion of the existing workshop, dwelling, link extension and garden terrace as outlined on Drawing No. WL/23/1574 - 2; shall be submitted to and approved in writing by DEFA Planning. Thereafter, the development shall be carried out in accordance with these approved details. The details shall include samples of natural roof slate, dressed limestone, vertical timber cladding and colour finish; details of the lime mortar and mortar mix to be used; details of rendering; window and door frames; guttering and downpipes; and Velux conservation type rooflights.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 3. The car parking layout including the provision of 3 No. parking disabled spaces; spaces for motorcycle parking; and, all facilities for the secure storage of cycles shall be provided in accordance with the details shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, shall be laid out and made available for parking purposes prior to the first use of the development, hereby permitted, thereafter these spaces and facilities shall be made available for vehicle and motorcycle parking, and secure cycle storage for the lifetime of the development.

Reason: To ensure that adequate vehicles and motorcycle parking and secure cycle storage facilities are provided to serve the development in the interests of highway and pedestrian safety.

C 4. Prior to the commencement of the development hereby approved, and in conjunction with the requirements of condition 3 for the implementation of the approved car parking layout as shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, of this planning permission, a Parking Management Plan shall be submitted to and approved in writing by DEFA Planning. Such plan shall:

- o Designate the three spaces fronting the office for use as public parking mitigating the loss of on-street parking; and,
- o Secure the use of three additional off-site parking spaces for office staff use;

Thereafter these spaces shall be made available for public vehicle parking (3 spaces on site opposite Milner Terrace). In addition, three spaces for office staff vehicles must be available in addition to the parking spaces within the site, at all times, details of which must be approved by the Department.

Reason: To ensure that adequate public vehicle parking is provided to serve both the development and local demand and to provide suitable parking spaces within easy walking distance for Office Staff working in the Brewery development in the interests of highway and pedestrian safety.

C 5. Prior to the first occupation of the development, hereby approved, a Landscaping Strategy shall be submitted to and approved in writing by DEFA Planning. The Landscaping Strategy shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, as well as methods to eradicate any invasive species that may be present (Japanese Knotweed). 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.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 6. Prior to the commencement of development, including any repointing, the following schedule of survey work shall be carried out and inform an Ecological Mitigation Plan required to be submitted by condition 7 of this planning permission. Such survey work shall include:

Breeding bird surveys;  
Bat emergence surveys;

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecology consultancy.

Bat surveys are required to identify the species of bat utilising the property, their abundance and whether they are breeding and this will determine the mitigation required. Bird surveys are required to identify the species of birds utilising the property, their abundance and their nest entry point/s and this will determine the mitigation required.

Reason: To identify and safeguard legally protected species, and their places of shelter and protection, or nesting spaces.

C 7. Prior to the commencement of development, including any repointing, an ecological mitigation plan written by a suitably qualified ecological consultancy, informed by the surveys secured by condition 6 of this planning permission, shall be submitted to and approved in writing by DEFA Planning and the development then carried out in accordance with these details.

The ecological mitigation plan must contain measures for the avoidance and minimisation of impacts on wildlife, as well as compensation measures. Details should include the location of all existing nesting and roosting sites; and, those that are proposed to be retained and protected, the number, type, specification and location of new bat and bird bricks, hedging species, lighting requirements, work timings, Ecologist supervision as well as other measures required by the ecological surveys.

Thereafter, these features shall be permanently retained and maintained

Reason: For the protection of legally protected and high conservation concern species.

C 8. No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) and recommendations within the Ecological Mitigation Plan required by Condition 7 of this planning permission has been submitted to Planning and approved in writing. All works must be undertaken in full accordance with this plan.

Reason: To ensure that the development has an acceptable impact on the environment in respect of Bats which are a protected species.

C 9. Details of foul and surface water drainage provision, shall be submitted to and approved in writing by the Local Planning Authority. 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.

#### 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 this proposal for the re-development of the Commissioners Yard, Workshops & Office including the dwelling house on with the addition of a link extension on the site to a Tap Room; Eatery and Offices; and, for the erection of a Brewery, is acceptable and should be granted. Operational issues arising from the use of the Tap Room, Eatery and Outdoor Terrace and Garden areas can be controlled via a licensing application. Issues such as noise and fumes from the Brewery operation on the site are considered unlikely to arise owing to the modern nature of the equipment and brewing process. It is considered that there would be sufficient vehicle and cycle parking provision made on site and in the vicinity of the site for customers, staff, and neighbours through the conditioning of a suitable parking management plan. In addition, concerns raised in respect of nesting birds and Protected Species can also be covered by conditions requiring (for Bats) relevant surveys to be carried out before any works commence on the site; and, that proposed elevation drawings containing details of where nest sites are to be retained and where new bricks or other features are to be incorporated, should be submitted and approved prior to any development commencing. The development would accord with the

provisions of Policies STP2, STP3, STP4b(i) and STP8; SP10; Business Policy 5; SP10; GP2b), C), d), g), h) and i); ENV4b(i), ENV15, ENV22iii), ENV36; and, Transport Policies TP4 and TP7 in the Isle of Man Strategic Plan 2016; and, the provisions of the Area Plan for the South approved by Tynwald on 20 February, 2013.

### **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:

3 Milner Terrace Castletown  
4 Milner Terrace, Castletown  
5 Milner Terrace, Castletown  
6 Milner Terrace, Castletown  
8 Milner terrace, Castletown  
9 Milner Terrace, Castletown  
11 Milner Terrace, Castletown  
13 Milner Terrace, Castletown  
3 Athol Terrace, Castletown  
10 Athol Terrace, Castletown  
S&S Motors limited, Garage, Alexandra Road, Castletown  
Little Rascals Nursery, Alexandra Road, Castletown  
Paradise Field, Mill Street, Castletown  
10 Farrant Park, Castletown (Owner of 8 Paradise Court, Castletown)

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 none of the following properties should 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:

The Vicarage, Arbory Road, Castletown  
5 Paradise Court, Castletown  
16 Hope Street, Castletown  
25 Hope Street, Castletown

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  
Isle of Man Government - Department for Enterprise  
DEFA - Planning Policy

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<b>Item 5.4</b> Waterfall Hotel Shore Road Glen Maye Isle Of Man IM5 3BG	Proposed demolition of Waterfall Hotel and erection of 4 terraced dwellings on site with associated parking and amenity space  Applicant : Jim Limited
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In the absence of the Case Officer, Mr Visigah summarised the key issues as set out in the report and with reference to the visual presentation, updating the Members with regard to a late representation from the resident of Waterfall Cottage received subsequent to the conclusion of the Case Officer's report, which reiterated their original concerns together with damage to their property resulting from the lack of upkeep of the Waterfall Hotel.

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

The resident of Waterfall Cottage spoke against the proposal. The points raised were as follows:-

- Nothing had changed with regard to the application site
- The sale of the building had not been actively promoted
- The existing buildings had not been maintained, had become dilapidated and were detrimental to their property
- Other former public houses had been outsourced and ran successfully
- Access to the existing garage had not been maintained
- The proposed rooflights and roof line would be detrimental to their property
- The proposed dwellings would be visually intrusive and out of character within the surrounds
- Suggested to return the building to 2 cottages as formerly, and retention of the existing frontage
- Dual use of the buildings had not been explored
- The site was near to public transport links so was in line with tourist use
- Felt the buildings had been allowed to fall into disrepair
- Local community would like to retain a use which would bring people to the area
- Have had to carry out repairs to the food store building as it had become detrimental to their property

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

- Clarified that point 2.3 of the planning statement had a discrepancy in it that stated integral garages were part of the proposal, which was a discrepancy in the descriptor and there were no integral garages proposed, as can be seen from the drawings and statement
- The Case Officer had taken the extensive factors into consideration when drawing up their report and recommendation. The proposal has been through several iterations, and the refusals have all been taken into account, which culminated in the most recent appeal hearing.
- The appeal, whilst upholding the refusal, only upheld it on the basis of one small element of the design. In all other ways and notwithstanding the reliance on Community Policy 4 at first instance, the determination was that the proposal only fell down on the incorporation of dormer windows. The application under consideration sought to satisfy the dormer window issue, and meet all of the other relevant policy requirements.
- It is a sad fact for a lot of these kind of proposals that you can't please everybody.
- Unfortunately, whilst responses are often emotive, they are not always rooted in relevant considerations and policies. Both the Planning Inspector and Departmental Minister have confirmed that the building is no longer commercially viable and the building has been deemed not worthy of admission to the protected building register.
- The application process to date has shown that all submissions and concerns that are relevant have been fully accommodated for and are no longer an issue
- In his opinion, there was no other reason to reject this proposal, and given the Department decisions to date, to do so would be unreasonable and disregard due process.

The Members noted that the issues regarding the storage building were outwith the remit of the Planning Committee and were not covered by the application under consideration, and that there were long standing and ongoing issues with the parking area as a whole.

In response to a question from the Members, the Acting Head of Development Management advised that currently that the area was zoned as mixed Use, but that the application would make it all Residential. The Case Officer confirmed that the Appeal Inspector had determined that the public House was no longer in use and so residential use would be acceptable.

In response to a question from the Members, the agent confirmed that the ridge height of the proposed development would be approximately 800mm higher than the existing building, but that the front fascia would be 200mm lower, this being the same as shown on previous applications. He confirmed that there was a discrepancy in point 2.3 of his statement, that the front gardens and the car park all had access from Shore Road, and that all the proposed houses would have 2 allocated parking spaces within the existing car park with the remaining 35 spaces available for use by members of the public.

In response to a question from the Members, the Case Officer reported that the recommended conditions were sufficient to control parking provision and allocation, and that a further condition applied with regard to parking provision and access to the National Glen would be difficult to implement.

In response to questions from the Members regarding parking and access to the glen, the agent confirmed that there was a covenant on the land that the car park was for the sole use of visitors to the public house and the glen, that there were ongoing issues with regard to unauthorised long-term parking, and with rubbish being dumped on the site. The upkeep of the site was to be addressed by contract at the point of sale.

The Members discussed potential uses for the building and the lack of upkeep to same, noting the objector's concerns, further noting that the local authority had not policed the upkeep of the property. Following discussion, the Members expressed that they were bound to follow Policy with regard to this matter, and that, with the exception of the Chair, reluctantly agreed to support the Case Officer's recommendation.

## **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 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 works, including demolition, shall take place until a bat survey has been submitted to and approved in writing by the Planning Authority. Where any bats are identified as being present the bat survey shall identify impacts on bat species together with appropriate avoidance and mitigation, where appropriate, including a timetable for its implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the bats if present

C 3. Prior to the commencement of development the applicant shall submit a plan demonstrating the following and shall be agreed in writing by the department and retained in perpetuity.

- Allocation and marking of resident spaces within the car park;

- Identification of suitable bicycle storage at one space per bedroom; and
- Reduction of boundary wall to a max. height of 0.6m.

REASON For highway safety

C 4. 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 21 - Decking

Reason: To control future development on the site.

C 5. Prior to the erection of the new dwelling, a schedule of materials and finishes and samples or trade literature 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.

Reason for approval:

The planning application 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, has no detrimental visual impact on the character of the area and would comply with the aforementioned planning policies of the Strategic Plan 2016.

### **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):

2 Glen Close  
Waterfall cottage

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):

21 Creggan Ashen  
95 Malew Street  
Kinsale, Dalby  
Inner Ballakirkey Shore Road

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

**Items No's 5.5 and 5.6 relate to the same property and so were considered together**

<b>Item 5.5</b> Britannia Hotel Waterloo Road Ramsey Isle Of Man IM8 1DR  <b>PA23/00066/B</b>	Change of use from public house (use class 1.3) to create ten apartments (use class 3.4) while retaining original element of building, demolition of previous extensions and erection of new replacement extension.  Applicant : Heron And Brearley Case Officer : Mr Paul Visigah Recommendation : Approve subject to Legal Agreement
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And

<b>Item 5.6</b> Britannia Hotel Waterloo Road Ramsey Isle Of Man IM8 1DR  <b>PA23/00067/CON</b>	Demolition of previous extensions and erection of new replacement extension In association with application PA 23/00066/B  Applicant : Heron & Brearley Ltd Case Officer : Mr Paul Visigah Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. The Registered Buildings Officer considered PA23/00067/CON to be acceptable and therefore proposed approval of that application. The building had been redundant for some time, and there were a number of active public houses in the area so its loss was not considered significant. The proposal was considered to be acceptable. The site was near to public transport links so parking was not considered to be an issue in this case. With regard to concerns raised with regard to flooding, Flood Risk Management had objected to sleeping accommodation included within the ground floor. The submitted application had contained a flood risk management plan, which the case Officer considered sufficient to overcome such concerns taken together with the development site being in a location considered likely to flood. He noted that there had been objections raised with regard to the bin storage area, but he considered the provision as proposed was suitable. Overall, he felt the scheme was suitable and would occasion the retention of the building. He noted that a Section 13 Agreement was required for the provision of affordable housing and Open space provision with regard to PA23/00066/B.

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:-

- Clarified that the extension to the rear would change this elevation from 2 storey to 3 storey
- The public house had been closed for over 10 years
- Have entered into a Section 13 Legal Agreement with the local authority regarding affordable housing provision

The Case Officer clarified that the Section 13 Legal Agreement encompassed commuted sums of £14,309.63 in lieu of Affordable Housing Units and £5784 in lieu of Public Open Space provision. The commuted sum in place of Affordable Housing Units was considered acceptable as there was no demand for this particular type of housing in this area.

The Members noted that there was a low risk of flooding in this area, and expressed that they were in support of the building being brought back into use as it made a positive contribution to the street scene.



The agent confirmed that a Flood Risk Assessment had been submitted to address concerns with regard to potential flooding, and that they were unaware if the applicant intended to rent or sell the proposed properties. In response to a question from the Members regarding bin storage and refuse collection, he confirmed that arrangements regarding refuse collection would be made with the local authority

The Acting Head of Development Management advised that where a premises is no longer a commercial premises, refuse collection on a commercial basis was withdrawn. She further advised that C3 controlled the matter of bin storage.

In response to questions from the Members, the Case Officer confirmed that the bin storage area was communal, with the provision of three 625L bins for use by the residents. He further confirmed that the commuted sum was calculated on the basis of 25%, which in this case would give a minimum of 2.5 units.

The Members discussed the addition of a further condition with regard to affordable housing provision, but decided against such condition, noting that a similar scheme situated on the former Mart site had attracted no such condition.

### **DECISION for PA23/0066/B**

The Committee **unanimously** accepted the recommendation of the Case Officer and the application was **approved** subject to the applicant entering into a legal agreement for provision of a **commuted sum of £14,309.63 in lieu of affordable housing and £5784 in lieu of public open space provision** 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. Prior to the commencement of any development additional details shall be submitted in writing for approval by the Department which demonstrates the provision of at least 10 secure bicycle spaces being provided within the secure cycle store (shown on Drawing No. 101 Rev A) and these approved details shall be completed prior to the occupation of any unit. The approved bicycle spaces shall be retained at all times thereafter.

Reason: To promote sustainable travel in the interests of reducing pollution, congestion and given a relaxation of the parking standards have been agreed.

C 3. The development shall not be occupied or operated until the secure and covered bin store have been provided in accordance with the approved plan (Drawing No. 101 Rev A). The secure and covered bin store shall be retained at all times thereafter for this purpose.

Reason: To ensure adequate and appropriate bin storage.

C 4. 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, windows, doors, rainwater goods, and final paint colour 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 thereafter be retained as such.

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

C 5. The development must be carried out in accordance with the recommended flood resilience measures stipulated in the Flood Risk Assessment received 24 August 2023, and the flood mitigation approaches identified in the Agents Correspondence dated 22 November 2023, and shall thereafter be retained as such.

Reason: To safeguard the amenities of prospective occupiers and to ensure the development complies with Environment Policy 10 of the Strategic Plan.

C 6. Within 3 months of the date of the approval hereby given becoming final, a Flood Plan and flood door/barrier maintenance and deployment plan shall be submitted to and approved in writing by the Department. The development shall not take place other than in accordance with the approved plans.

Reason: To safeguard the amenities of prospective occupiers and to ensure the development complies with Environment Policy 10 of the Strategic Plan.

C 7. The Development shall not commence until a programme of historic building recording in accordance with Level Two as set out in Historic England's document 'Understanding Historic Buildings: A guide to good recording practice' has been undertaken, submitted to and approved in writing by the Department. Thereafter the information will be placed on the Isle of Man Historic Environment Record and available for public view.

Reason: To ensure the matters of historical importance associated with the building/site that will be lost in the course of works are properly recorded and available for public view.

#### 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.

N 2. The applicant is advised that when undertaking the external render repair/replacement on the existing building as noted on drawing 101revA, a material appropriate to the wall's construction should be used in order to avoid future damp issues.

#### Reason for approval:

It is concluded that the proposal would re-use an existing unoccupied building which is located within a prominent and central location within the Ramsey town centre, within the Ramsey Conservation Area, and for a building which has architectural interest. The proposal would introduce 10 new residential units within the centre of Ramsey where new dwellings are limited in an area which is sustainable in terms of travel, shops, services and employment. Whilst the proposal would generate a parking requirement in the area, so would the previous use, potentially to a similar level, and the site sits adjacent the Manx Electric Railway Station, is within a five minute walk to the Ramsey bus station, and the new scheme proposes covered and secure cycle spaces. Overall, the proposal would have no significant adverse impacts upon private or public amenities and therefore complies with General Policy 2, Housing Policies 5 and 17, Environment Policies 4, 10, 13, and 35, Recreation Policy 3, and Transport Policy 7 of the Isle of Man Strategic Plan 2016; Residential Design Guide 2021 and the Ramsey Local Plan.

### **ISSUING OF DECISION with regard to PA23/00066/B**

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 for PA23/00066/B**

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

- o Flood Management Division (DOI)
- o Estates and Housing Division (DOI)

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

- o Manx Utilities Drainage

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

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

It was decided that the owners/occupiers of the following properties should 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):

4 Marine Gardens, Ramsey, Ramsey, (Occupant of workshop on Chapel Lane, Ramsey, opposite site), as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

### **DECISION for PA23/00067/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. The Development shall not commence until a programme of historic building recording in accordance with Level Two as set out in Historic England's document 'Understanding Historic Buildings: A guide to good recording practice' has been undertaken, submitted to and approved

in writing by the Department. Thereafter the information will be placed on the Isle of Man Historic Environment Record and available for public view.

Reason: To ensure the matters of historical importance associated with the building/site that will be lost in the course of works are properly recorded and available for public view.

C 3. Within two months of this decision becoming final, a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs and the proposed doors and windows 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.

Reason: To ensure the satisfactory preservation of the character and appearance of the Conservation Area.

Reason for approval:

The proposal meets the statutory tests within Section 18 of the Town and Country Planning Act 1999, as the character of the conservation area is being preserved. It is also judged that the application meets the tests of strategic policy 4 and environment policy 35 of the IOM Strategic Plan 2016 as the proposed conservation area is being protected and preserved.

### **INTERESTED PERSON STATUS for PA23/00067/CON**

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

The IOM Natural History and Antiquarian Society;  
The Isle of Man Victorian Society;

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

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### **The Chair declared an interest in the following Item.**

**In accordance with Article 13 of the Planning Committee (Constitution) Order 2019 – members appointed Mr Young to act as Chair in their absence, with Mr Whiteway as proposer and Mrs Hughes as seconder.**

<b>Item 5.11</b> 14 Auburn Road Onchan Isle Of Man IM3 1LW  <b>PA23/01389/B</b>	Single Storey Rear Extension To Part Replace Existing And New Driveway  Applicant : Mrs Laura Martin Case Officer : Mr Peiran Shen 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 Highway Services representative confirmed there was nothing further to add to their report, confirming that Highways Services had no objection to the proposal as there was parking provision to the front.

The Case Officer confirmed the extension was to have a flat roof, and although this would generally not be considered acceptable, in this case, as there was an existing flat roofed extension it was felt that the proposal would not harm the character of the existing property.

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

- The application was submitted 1<sup>st</sup> December 2023 following consultation in July 2023
- It was designed in conjunction with both the applicants and their neighbours, who support the proposal
- Pre-application advice was sought and complied with
- Was designed in line with Policy and to fit within the parameters of the Residential Design Guide July 2021
- Note the concerns with regard to potential detrimental impact on neighbouring properties
- The proposed extension was an improvement on the existing
- Was designed in order to minimise overlooking and any detrimental impact on neighbouring houses and gardens
- Parking to the front of the house has been agreed
- While 1.3 spaces would be removed, 3 spaces would be created
- Confirmed the proposal was discussed with adjacent landowners

In response to a question from the Members, the agent confirmed that the intention of the proposal was to remove the front boundary wall in order to create 2 off-street parking spaces.

The Members noted that the creation of such off-street parking would remove 2 available on-street parking spaces from the area and were concerned that were they to approve the application it would set a precedent for the area. The Case Officer reported that although there were other instances of off-street parking in the area, this would be the only instance where the front boundary wall would be removed. The Members expressed that such removal could be to the detriment of pedestrians using the existing pavement and their safety.

The Members discussed the matter, with opinion split between the point of view that while the single storey rear extension may have been acceptable in its own right, the removal of the front boundary wall in order to alter the driveway and provide off-street parking was not acceptable, and, that the application in its entirety would be acceptable given there was existing off-street parking provision in a relatively quiet street which had sufficient on-street parking provision that the approval of the application would not be detrimental to the surrounding properties and area.

The Acting Head of Development Management confirmed that it was not within the vires of the Members to split the decision, but should they refuse the application as a whole the applicant could address the reasons for refusal as part of a new submission.

The Members voted on matter with the outcome below:-

Mrs Hughes and Miss Betteridge voted in support of the Case Officers recommendation to refuse the application.

Mr Young and Mr Whiteway voted against the Case Officer's recommendation to refuse the application, with Mr Young using his casting vote as Acting Chair to approve the application.

Mr Young stated that in his opinion the proposed extension was not considered to have detrimental harm to neighbouring properties by virtue of outlook, and that the proposed driveway did not detract from the character and appearance of the streetscene.

Following discussion, the Members voted unanimously to APPROVE the application with the following conditions as discussed and proposed at the meeting:

C1. 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. Obscure glazing (Pilkington level 5 or equivalent) shall be installed in the following windows and doors and shall be maintained as such thereafter;

East elevation of the rear extension, as shown on drawing no. LM-12, which has been received on 1st December 2022.

Reason: In the interests of neighbouring residential amenities.

C3. Render matching the existing render of the main house shall be applied to the following elevation and shall be maintained as such thereafter;

East elevation of the rear extension, as shown on drawing no. LM-12, which has been received on 1st December 2022.

Reason: In the interests of neighbouring residential amenities.

### **DECISION**

The Committee, by majority as detailed above, rejected the recommendation of the Case Officer and the application was **approved** for the following reason(s) and subject to the following conditions;

C1. 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. Obscure glazing (Pilkington level 5 or equivalent) shall be installed in the following windows and doors and shall be maintained as such thereafter;

East elevation of the rear extension, as shown on drawing no. LM-12, which has been received on 1st December 2022.

Reason: In the interests of neighbouring residential amenities.

C3. Render matching the existing render of the main house shall be applied to the following elevation and shall be maintained as such thereafter;

East elevation of the rear extension, as shown on drawing no. LM-12, which has been received on 1st December 2022.

Reason: In the interests of neighbouring residential amenities.

This application has been recommended for approval for the following reason.

The proposed extension does not have an unreasonable impact on the outlook of the primary window on the rear elevation of 12 Auburn Drive. The proposed front driveway does not have an unreasonable impact on the character and streetscene of the area. The driveway in front of

the primary window of 14 Auburn Road would not have an unreasonable impact on the outlook of the primary window on the front elevation of both 12 and 14 Road.

### INTERESTED PERSON STATUS

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

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**Following discussion and a vote, the Members agreed to suspend Standing Orders in order that this item be heard out of agenda order for the benefit of the Applicant who was present at the meeting**

<b>Item 5.10</b> Fairhaven 45 Station Road Port Erin Isle Of Man IM9 6AR  <b>PA23/01217/B</b>	Erection of extension, porch extension, door and window alterations and installation of a roof lantern  Applicant : Mr & Mrs Simon and Kerrie Birchall 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.

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

The Applicant was present in order to answer questions. At the invitation of the Chair, they spoke in support of proposal. The points raised were as follows:-

- The intention of the proposal was to make better use of the existing garage
- The intention was to convert the garage space to a kitchen and then convert the existing kitchen to a bedroom in order to meet the family's needs
- The property cannot be extended to the rear owing to existing sewerage pipes in that area
- Considered a dormer extension but that would not be suitable given the resulting level of disturbance
- Sought to increase the floor level in the existing garage to ensure a consistent floor level throughout the dwelling
- Consulted with the neighbour, who had no objection to the proposal
- The outlook was towards the neighbour's garage

The Members expressed that while a pitched roof to the extension would have been preferable, the proposed flat roof would maintain the street scene and was more cost effective in this case.

### 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.

Reason for approval:

The proposed extension has no negative impact on the character of the house and the area and has an acceptable impact on neighbouring amenities.

## 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):

43 Station Road, Port Erin

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy.

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<p><b>Item 5.7</b> Howstrake King Edward Road Onchan Isle Of Man IM3 2JP</p> <p><b>PA23/01511/REM</b></p>	<p>Reserved Matters Application - Alterations to the design of the main house and smaller ancillary house. Main House - amendment to incorporate basement level and incorporate new facade glazing to level 3; amendment to include level 4 (principal suite) and change entrance to the property. Reposition of garage block. Ancillary property - incorporate a basement level within the sub-structure.</p> <p>Applicant : Mr Gordon Halton 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, confirming that the initial Reserved Matters application had been approved by the Planning Committee in 2023 and was still extant, which itself followed on from the earlier Approval in Principal application.

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

In response to questions from the Members, the Case Officer confirmed that the additional floor proposed by the application under consideration would be below the level of the existing adjacent road and would not be visible from same, and that the proposed roof was to be sedum, with the finishes to be controlled by condition.

## DECISION

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

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

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

C 2. Notwithstanding the 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(s) 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 3. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 4. 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 of the dwelling, including all hardsurfacing within the site, 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 5. Prior to the commencement of the development hereby approved, a soft landscaping plan written in collaboration with a suitably qualified ecological consultancy, shall be submitted to, and approved in writing by the Department. Once approved any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the delivery of an appropriate landscaping scheme, in the interests of the visual amenities of the site and biodiversity.

C 6. Prior to the commencement of development, including construction and enabling works, a plan detailing measures to be taken to prevent water, sediment and pollution runoff from site, including measures to prevent the degradation of the neighbouring Douglas Bay Marine Nature Reserve and measures for the avoidance of light pollution onto surrounding habitats.

All works shall be undertaken in full accordance with the approved details during the construction phase of the development.

Reason: In the interests of biodiversity.

C 7. Prior to the commencement of development, including demolition, construction and enabling works, a Preliminary Roost Assessment shall be undertaken on building B2 (as referenced within the MWT's Bat Survey Report), to check its suitability for hibernating bats, and the results submitted to the Department in writing for approval. Should the assessment determine that hibernating bats are likely to be present then hibernation surveys will be required, together with further avoidance and mitigation measures. All works must then be undertaken in full accordance with any additional specified avoidance and mitigation measures as agreed by the Department.

Reason: In the interests of biodiversity.

C 8. Prior to the commencement of development, including construction and enabling works, a common lizard habitat creation, management and monitoring plan, written by a suitable qualified ecological consultancy, shall be submitted in writing to the Department for approval. This plan shall identify areas for habitat creation and management, including 4 lizard hibernacula, and contain methodologies for their creation and management as well as details of a monitoring regime by a suitably qualified ecological consultancy, during construction and up to 5 years following completion of a landscaping scheme and/or construction (whichever is later). This plan shall also provide details of measures to be put in place for the protection of the surrounding habitats during construction, including protective fencing and construction exclusion areas. Any habitat features which within 5 years from completion of landscaping/creation are removed, do

not grow or are otherwise damaged or diseased, shall be replaced. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 9. No permanent outdoor lighting shall be installed until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/12 on Bats and Artificial Lighting (2023), has been submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 10. Prior to the commencement of development, including construction and enabling works, an Invasive Species Management and Monitoring Plan, written by a suitable qualified ecological consultancy, shall be submitted in writing to the Department for approval. The plan shall include details of a management and monitoring regime by a suitably qualified ecological consultancy, during construction and up to 5 years following completion of a landscaping scheme and/or construction (whichever is later). All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 11. Prior to the commencement of development, including construction and enabling works, a bat and bird box plan, containing details including the location, specifications and timing of installation, of bat and bird boxes that are to be erected on the new buildings, shall be submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this statement.

Reason: In the interests of biodiversity.

C 12. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department which set out details of the type of glass or barrier to be used in all glass balustrades, alongside any additional measures such as use of etching, ultraviolet coatings or decals, for the prevention of bird strikes. The works shall be carried out in accordance with the approved details and retained thereafter in perpetuity.

Reason: To ensure that the details are appropriate to reduce the risk of bird strike.

C 13. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department a scheme which sets out the roadside boundary details (not timber fencing) along the King Edward Road. This approved scheme shall be completed in full prior to the occupation of the dwelling and retained thereafter.

Reason; In the interest of the visual amenities of the area.

C 14. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department a scheme which sets out the non-reflective glazing to all glazing to the eastern elevation of the dwelling. This approved scheme shall be completed in full prior to the occupation of the dwelling and retained thereafter.

Reason; In the interest of the visual amenities of the area.

N 1. This decision notice relates to a Reserved Matters approval pursuant to Approval In Principal application 15/00636/A as varied by planning application 21/01435/B. For the avoidance of

doubt all conditions that apply to 21/01435/B and those on this decision notice apply to the development and should be read in conjunction with one another.

## 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 proposed development is considered to constitute a high standard of design which would add a greater degree of visual interest in the context of the immediate landscape and seascape, whilst improving biodiversity across the site and bringing a neglected, redundant site back into use. The proposals would afford future occupants a very high standard of living, without detriment to the amenities of surrounding residential properties, nor give rise to a material impact upon the safety and convenience of the local highway network. The proposals are therefore considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policy 14 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

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<b>Item 5.8</b> The Tongue Douglas Isle Of Man  <b>PA23/01470/B</b>	Installation of galvanised steel staircase to create secondary access to inner harbour pontoon from adjacent car park at the bottom of Fort Anne Road.  Applicant : Mr Marc Marshall 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 noted that the proposal would provide necessary infrastructure.

In response to a question from the Members, the Case Officer reported that although no reason for the provision of the proposed facility had been included within the application, in his opinion, it would provide a direct link to the car park area without having to traverse the Tongue itself or go past other boats.

## 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.

Reason for approval:

The proposed development is acceptable in principle by way of providing necessary associated infrastructure in connection with the Inner Harbours operations, without detriment to the visual amenities of the site, its immediate setting, or on the character and appearance of the adjacent Conservation Area. The development is therefore in compliance with Spatial Policies 1 and 6, General Policy 2, Environment Policies 36 and 42 and Transport Policy 13 of the Strategic Plan (2016), together with aligning with the key objectives 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

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<b>Item 5.9</b> Berrag Farm Sandygate Ramsey Isle Of Man IM7 3BS  <b>PA23/00488/B</b>	Conversion of an Existing Barn Structure (Block A) into Two Self-Catering Tourist Cottages (Class 3.6), Erection of Bat Barn, and Erection of Solar Array  Applicant : Mr & Mrs Denzil & Beverly Williams 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. He advised the Members that the application had been placed on the agenda prior to the expiry date for consultations, with the intention to update the Members should further representations be received. He confirmed that no such representations had been received and the expiry date for consultations had now passed.

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

In response to concerns raised by the Members with regard to the retention of the barn within the ownership and control of the main dwelling, the Case Officer requested to vary C2 in order ensure that the barn be retained as ancillary accommodation and not sold off separately. The Members voted unanimously to accept such amendment.

### **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. The tourist accommodation hereby approved shall be used only for purposes incidental to the enjoyment of 'Berrag Farm', Sandygate, Ramsey, or as temporary holiday letting accommodation, and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the Department.

They shall not be occupied as a person's sole or main residence and the owner of the holiday/tourist accommodation shall maintain an up-to-date register of the name of each occupier of the holiday/tourist accommodation on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the Department.

No guest or customer may occupy any part of the accommodation for a period exceeding 28 days during the months of April to September (inclusive).

Reason: to ensure that the development is only used and occupied as short-let holiday accommodation during the holiday season and to maintain the availability of the units as short term holiday accommodation.

C 3. In the event that the solar panels and the support units hereby approved are no longer used or required for renewable and alternative energy generation for a period exceeding 12 months, they shall be removed and the ground restored to its former condition within 6 months following the 12 month period.

Reason: The structures have been exceptionally approved solely to meet sustainable energy need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The boundary of the area defined for use by the solar arrays shall be enclosed by post and wire fence. Any replacement fencing shall also be post and wire fence (not solid fencing), and shall thereafter be retained and maintained as such.

Reason: For the avoidance of doubt and to ensure the provision of an appropriate landscape setting to the development.

C 5. The solar panels hereby approved shall be fixed and angled south only as shown on approved plans, and shall not be rotational.

Reason: the application has been assessed on this basis only and in the interest of visual amenity.

C 6. Prior to the installation of external lighting within the site, a Lighting Plan shall be submitted to and approved in writing by the Department. The lighting of the site will be designed utilising inward directed led lighting columns to provide required site illumination without creating undue light pollution. The development shall not be carried out other than in accordance with the approved plan, and shall be retained as such thereafter.

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

C 7. The Bat Barn approved as part of the development shall be erected strictly in accordance with the approved plans (Drawing No. 151 Rev A), and shall thereafter be retained as such. The Bat Barn shall be built and available for use by bats prior to works affecting the bats.

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

C 8. Prior to the commencement of any works on the barn, a Methodology for bat protection during works and covering the bat mitigation provisions with notes to clarify intentions and a method statement, shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Bat Protection Methodology.

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

C 9. The tourist accommodation units hereby approved shall not be occupied or operated until the additional car parking and manoeuvring areas, have been provided in accordance with the approved plans (Drawing 001 Rev E) received 20 October 2023. Such areas shall remain free from obstruction thereafter and remain available to the users of the approved development.

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

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

Class 39 - Fences, walls and gates

Reason: To control future development on the site.

C 11. The element of this approval that relates to part of Field 214608 is for the installation of solar panels only. No permission is granted under this application for the change of use of the field to mixed use or residential land.

Reason: For the avoidance of doubt, and to reflect the information provided in the application, as the Department has assessed the impact of the proposal only on the basis of the additional use of the field.

C 12. No Ground Source Heat Pumps shall be installed unless they are in accordance with details which have been first submitted to and approved in writing by the Department.

Reason: For the avoidance of doubt, to reflect the information provided in the application and to ensure no unacceptable impact on the 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:

Overall, it is concluded that the planning application is in accordance with Environment Policy 22 and Energy Policy 4 of the Isle of Man Strategic Plan 2016, as well as the wider Government climate change strategy. The proposal is also considered to accord with General Policy 3, Environment Policies 1, 4, 5 and 16, Strategic Policy 8, and Business policies 11 and 14 of the IOM Strategic Plan. No unacceptable adverse impact has been identified as likely with respect of the character and appearance of the existing building and surrounding landscape, the residential amenity of the neighbouring property or on parking and highway safety.

#### **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:

- o Manx National Heritage

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:

- o Manx Utilities Authority (Electricity)

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## 6. Site Visits

The Committee agreed to make a site visit in relation to item 5.2 (PA23/00655/B - Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations, 18 Selborne Drive Douglas Isle Of Man IM2 3LP) by majority vote at 2pm on Friday, 12<sup>th</sup> April 2024. Mrs Hughes advised that she would be unable attend the site visit at that time. The Acting Head of Development Management advised that as the reason for the site visit was to look around the outside of the building, Mrs Hughes would be able to carry out such visit independently as access to the building would not be required. Mrs Hughes agreed to do so, and the Members noted this.

## 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 Forthcoming Appeals


The Acting Head of Development Management advised that there had been a number of Appeal requests received where the Case Officer may require input from Members of the Planning Committee.

## 9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 22<sup>nd</sup> April 2024.

There was no further business and the meeting concluded at 1pm.

## Confirmed a true record

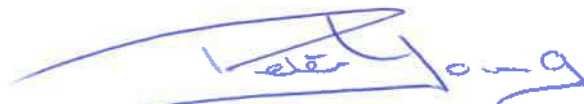


**Secretary to the  
Planning Committee**



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

22-4-2024



**Mr P Young  
Acting Chair for Item 5.11**

22/4/24