



**Isle of Man  
Government**

*Reilys Ellan Vannin*

**Minutes of a meeting of the Planning Committee, held on 18th December 2023, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

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

In Attendance: Mr S Butler, Head Of Development Management  
\*Mr J Singleton, Principal Planner  
\*Mr P Visigah, Planning Officer  
\*Mrs V Porter, Planning Officer  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
Mr R Webster, Highway Development Control, Highway Services  
\*Part of the meeting only

**1. Introduction by the Chair**

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

**2. Apologies for absence**

No apologies for absence had been received.

**3. Minutes**

The minutes of the 4<sup>th</sup> December 2023 were agreed and signed as a true record.

**4. Any matters arising**

None

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

<b>Item 5.1</b> Manx Birdlife Point Of Ayre Reserve Cranstal Road Bride Isle Of Man IM7 4BS  <b>PA23/01038/B</b>	Landscaping of the former quarry works area to provide an information point, seating and viewing area  Applicant : Mr David Andrews Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

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

- Thanked the case officer for the positive recommendation and for the matter being brought before this meeting as they were seeking Lottery funding early in the coming year.
- Sought clarification with regard to the wording of C5 and how it pertained to what machinery would be allowed onto the development site
- Noted that the Temporary Uses Order allowed for certain machinery to be used on sites with no further planning consents being sought, although this was not the case in Areas of Special Interest
- Sought clarification regarding what details were required to be submitted for any machinery needed to carry out the proposed works

The case officer reported that it had been noted that there was to be some remodelling of the site, but no details of the machinery necessary for the works had been provided within the submitted application. He further reported that the proposed conditions had been based on those applied to the earlier approval under PA 22/00377/B, with the intention for C5 being to protect the environment.

The Members discussed the wording and intention of C5. In response to a question from the Members, the applicant's representative advised that it was likely that only a digger and a dumper truck would be required in order to carry out the proposed works, and their intention was to confirm what details were to be submitted in line with C5. The applicant had no wish to request that C5 be removed.

The Members noted that the works already carried out on the site under earlier approval had enormously improved the site itself and its biodiversity.

The Head of Development Management advised the Members with regard to Permitted Development, how such were suspended with regard to Areas of Special Scientific Interest, and the resultant controls likely to be applied to planning applications in such areas. He further advised regarding the intention behind C5, explaining the differences between the terms "plant" and "vehicles" and how the proposed conditions sought to control same.

The Members discussed the wording of C5, with the Head of Development Management clarifying what could be considered "unlawful" with regard to vehicles or plant potentially brought onsite. Members requested the wording of C5 be amended in order to clarify what vehicles could be allowed on the site.

The case officer agreed to amend his recommendation with regard to C5 in the interests of clarifying what vehicles could be permitted on the site. The Members voted with regard to the proposed amended C5, unanimously accepting the amended recommendation.

## **DECISION**

The Committee **unanimously** accepted the amended 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 soft landscaping of the site shall be undertaken strictly in accordance with the Proposed Plan (Drawing No. PL500-04), and shall be retained as such thereafter unless changes to the landscaping have been submitted to and approved in writing by the Department.  
No Wildlife Act 1990 Schedule 8 non-native invasive plant species are to be planted on site.

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

C 3. The bat boxes are to be erected on site as detailed in the Location Plan (Drawing No. 01 Rev A), Bat Box Image, and Description of the proposal, all received 31 August 2023.

The boxes/bricks shall be retained thereafter.

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

C 4. No excavated material shall be removed from the site and no fill materials may be brought onto the site.

Reason: For the avoidance of doubt - the works proposed are engineering works to alter the existing landform but do not seek approval to remove material from/import material to the site and so any impacts which may result from that (e.g. highways/traffic) have not been assessed.

C5. There shall be no provision on the site of moveable structures, works, plant or machinery (excluding earth moving and excavation vehicles) required temporarily in connection with the development hereby approved unless details (including timescale for removal) have been submitted to and approved in writing by the Department and they are provided in accordance with those approved details.

Reason: To protect the environment

Reason for approval:

The proposal is not considered to have an adverse impact on the character and appearance of the countryside, and the works would enhance the nature conservation value of the site, thus according with Environment Policies 1, 2, 4 and 27. No material considerations have been identified which would justify refusal.

#### **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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#### **Mr Young declared that he rented a unit in Balthane Estate, but that would not cause any conflict of interest in this matter**

<b>Item 5.2</b> Unit F4 Harcourt Drive Balthane Ballasalla Isle Of Man  <b>PA23/01342/C</b>	Change of use from as storage unit to a personal training studio  Applicant : Mr Nathan Kelly Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report, that there was existing suitable parking provided on-site, and that the proposed use was not uncommon in such areas.

In response to a question from the Members, the case officer confirmed that no condition had been proposed regarding the hours of operation as in her opinion the site of the gym was such

that it would not have a detrimental impact, that there was sufficient parking nearby, and that it was situated far enough away from the existing gym for there to be no conflict.

**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 (Use Classes) Order 2019, the use hereby approved shall be limited to a fitness studio.

Reason In the interest to protect the character and uses of the neighbouring Industrial Units.

Reason for approval:

Whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit and the other non-residential uses in the surrounding industrial estate, the change of use to a training studio is not considered to be unacceptable or to adversely impact to the surrounding uses. As such the proposal is recommended for approval.

**INTERESTED PERSON STATUS**

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

**6. Site Visits**

None.

**7. Section 13 Legal Agreements**

**7.1 Section 13 Legal Agreements Issued**

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

<b>PA</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Date issued</b>
23/00451/B	Dandara Homes Limited	Erection of 13 terraced & semi-detached dwellings on the site of 9 previously approved detached & semi-detached dwellings on no.s 19 to 23 & 30 to 33 Faragher Road, and amendments to rear plot boundaries and adjacent footpath, bin collection point & parking spaces for no.s 40 & 41 Faragher Road, 19 To 23 & 30 To 33 And 40 & 41 Faragher Road, Phase 2, Reayrt Mie, Ballasalla, IM9 2BL	7/12/23

**7.2 Application(s) being brought back before the Committee**

<b>7.2 (a)</b>	<b>Applicant</b>	<b>Proposal</b>
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PA22/00171/B	B.E.T.Phoenix Limited	Additional use of eight self-contained tourist accommodation units (class 3.6) as residential apartments (class 3.4), erection of front and rear balconies, and alterations to windows to form doors, Falcons Nest Apartments, Strand Road, Port Erin, Isle Of Man, IM9 6HB
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The case officer, Mr Singleton, reported to the members with regard to the status of PA22/00171/B, which was a full detailed application for the additional use of eight self-contained tourist accommodation units (class 3.6) as residential apartments (class 3.4), erection of front and rear balconies, and alterations to windows to form doors, Falcons Nest Apartments, Strand Road, Port Erin, and the progress of the related Section 13 Legal Agreement. The application had originally been considered by the Planning Committee on the 21st November 2022, and the 6 months to conclude the agreement had now passed. The case officer confirmed that the matter was currently with the applicants advocate having negotiated £46,620 for a commuted sum in lieu of affordable housing on site.

Mr Singleton requested a further period of six months be allowed in order to facilitate the conclusion of the Section 13. The Members agreed to such extension of time.

<b>7.2 (b)</b>	<b>Applicant</b>	<b>Proposal</b>
PA22/00410/B	Loades IOM Limited	Approval in Principle for residential development with all matters reserved except position of access, Olive Court And Loades Buildings, Ramsey Road, Peel, Isle Of Man, IM5 1UR

The case officer, Mr Singleton, reported to the members with regard to the status of PA22/00410/B, which was an application for approval in principle for residential development with all matters reserved except position of access, Olive Court And Loades Buildings, Ramsey Road, Peel and the progress of the related Section 13 Legal Agreement. The application had originally been considered by the Planning Committee on the 24<sup>th</sup> October 2022, and the 6 months to conclude the agreement had now passed. The case officer confirmed that the matter was currently with the applicants advocate.

Mr Singleton requested a further period of six months be allowed in order to facilitate the conclusion of the Section 13. The Members agreed to such extension of time.

<b>7.2. (c)</b>	<b>Applicant</b>	<b>Proposal</b>
PA22/00243/C	Ballavitchel Estates Limited	Change of use from tourist accommodation to residential accommodation, Ballahowin Courtyard, Ballahowin Farm, Braaid Road, St Marks, Ballasalla, Isle Of Man, IM9 3AS

The case officer, Mr Singleton, reported to the members with regard to the status of PA22/00243/C, which was a full detailed application for the change of use from tourist accommodation to residential accommodation, Ballahowin Courtyard, Ballahowin Farm, Braaid Road, St Marks, Ballasalla, and the progress of the related Section 13 Legal Agreement. The application had been initially considered by the Planning Committee on the 21<sup>st</sup> November 2022, *and then* brought back before the Planning Committee on 19<sup>th</sup> June 2023 wherein a further 6 months to conclude the Section 13 Leal Agreement had been agreed. The further agreed period of 6 months to conclude the agreement had now passed.

The case officer reported that a commuted sum of £111,173 for affordable housing and £10,000 been agreed with the local authority, and that the matter was currently with the applicants advocate.

Mr Singleton requested a further period of six months be allowed in order to facilitate the conclusion of the Section 13. The Members agreed to such extension of time.

7.2. (d)	Applicant	Proposal
22/00675/B	Hartford Homes	Full approval for a residential development comprising up to 320 dwellings, a nursery and a neighbourhood centre with associated highway and pedestrian/cycle access and infrastructure, drainage, landscaping and public open space together with approval in principle for a 2-form entry primary school and associated access/infrastructure, Fields And Part Fields 524202, 524978, 524930, 524765, 524224, 524225 & 524226, Land East Of Braddan Road, Braddan

Mr Singleton reported to the Members on behalf of the case officer with regard to the status of PA22/00675/B which was a full detailed application for 320 dwellings and associated works on land East of Braddan Road, Braddan, as detailed in the submitted application, and the progress of the related Section 13 Legal Agreement. The application had originally been considered by the Planning Committee on the 24<sup>th</sup> July 2023, and the 6 months to conclude the agreement had now passed.

The case officer confirmed that the matter was currently with the applicants advocate.

Mr Singleton requested a further period of six months be allowed in order to facilitate the conclusion of the Section 13. The Members agreed to such extension of time.

### 7.3 Section 13 Legal Agreement Process

The Head of Development Management gave an overview to the Members with regard to the Section 13 Legal Agreement process and the timescales involved, advising that such timescales tended to be on a case by case basis.

### 8. Any other business

#### 8.1 Apologies for the Next Meeting

Mr Skelton gave apologies that he would not be able to attend the next meeting.

### 9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 15<sup>th</sup> January 2024.

There was no further business and the meeting concluded at 10.26am.

### Confirmed a true record



 Secretary to the  
Planning Committee

15/1/24



Mr R Callister, MHK  
Chair of the  
Planning Committee

15-01-2024