



Isle of Man Government

Reiltys Ellan Vannin

Minutes of a meeting of the Planning Committee held remotely on 5th May 2020 at 10.00am.

Matters considered are done so in accordance with temporary measures set to comply with Standing Orders 2020/02 and emergency powers in place due to COVID - 19.

Present: Mr T Baker, MHK, Chairman of the Planning Committee
Mr I Cottier, Member
*Mr P Young, Member
*Mr A Kermode, Member
*Mrs S Comish, Member
*Mr S Skelton, Member
Mr J M Cubbon, Member

In Attendance: Mr S Butler, Head of Development Management
Miss E J Callow, Secretary to the Planning Committee
*Part of the meeting only

1. Introduction by the Chairman

The Chairman welcomed members to the conference phone call and advised all that the expectation was that each had read all matters relevant to each application, including via the Department's online service and agenda.

Opportunity had been given for each member to raise any questions prior to the meeting.

To reduce office movement and contact in support of the meeting responses, over and above the information and detail already provided, will now be presented by The Head of Development Management.

2. Apologies for absence

None

3. Minutes

The minutes of the 16th March 2020 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.

Mr Young and Mrs Comish declared a perceived interest in the following application and left the phone call for the discussion.

<p>Item 5.1 Field 312862 Main Road St Johns Isle Of Man IM4 3LU PA19/01209/B</p>	<p>Creation of new access, including footpath, wall and gates Applicant : Creamo Ltd Case Officer : Mr Paul Visigah Recommendation : Permitted</p>
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The committee further considered this matter, which had been deferred from a previous meeting 2nd March 2020 to obtain additional information from the applicant. This had been obtained and included in the officer's report.

The Head of DM further informed the members to a correction necessary to the Officer report. The report refers to the land as being residential on paragraph 3.1; however, the site is designated as 'Open space' on the local plan. This should be the actual designation instead of 'residential use' erroneously imputed in the report.

The objection from German Parish Commissioners was noted.

There had been no new issues raised by consultees or private representation since the agenda publication.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the commencement of the development hereby approved, the details (including timings) of the Tree replacement scheme for the affected trees and details (including timings) of any remedial works to trees that are to be retained on site shall be submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details of any replanting and remedial works.

Reason: To safeguard the appearance of the development and the surrounding area.

N 1. The applicant needs to enter a section 109A Highway Agreement in order for the access to be constructed onto the abutting highway.

Reason for approval:

It is considered that the planning application is in accordance with General Policy 2, Transport Policy 6 and Environment Policy 35 of the Isle of Man Strategic Plan 2016, and Policy OS/P/2 of the St Johns Local Plan 1999.

INTERESTED PERSON STATUS

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

Mr Young and Mrs Comish returned to the discussion

<p>Item 5.2 Site Adj To Units A1 To A6,</p>	<p>Creation of additional 14 parking spaces with associated landscaping - forming amendments to application</p>
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B1 To B6, C1 To C6 & D1 To D6 Eden Business Park Cooil Road Braddan PA19/01311/B	17/01101/B (retrospective) Applicant : Eden Park Developments Ltd Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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The Head of DM clarified to the members the site already has approval for car parking under a 2017 application. The additional spaces were to regularise the situation and will help support the existing units at Eden Park some of which have, over time, added mezzanine floors increased the overall floor area of units and creating a potential increased demand for parking.

Whilst Mr Cottier expressed reservations about approving sites for other uses which have been approved, specifically and sometimes controversially, for industrial use, raising the possibility of additional land needing to be developed to meet the shortfall suggested by the Employment Land Review.

Unauthorised deviation from the original approval was noted and that later inclusion of internal mezzanine levels did not necessarily require planning approval.

There had been no new issues raised by consultees or private representation since the agenda publication.

DECISION

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

C 1. The parking spaces hereby approved shall be available for use at all times for the users or occupiers of the buildings and units contained within the red line on drawing number 002 Rev B.

Reason: To ensure that sufficient provision is made for off road parking in the interests of highway safety. The approval also relates to a need arising from this particular estate, which itself was approved exceptionally despite being in conflict with those policies relating to the protection of the Manx countryside for its own sake. As such, it is right that these additional parking spaces be made available for the users of the units as to avoid creating further land use tensions in the future.

Reason for approval:

The application is considered to comply with Strategic Policy 10, Transport Policy 7 and Appendix 7 of the IOM Strategic Plan and to meet with the principles of General Policy 2.

INTERESTED PERSON STATUS

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

Item 5.3 Dhoor House Andreas Road Dhoor Ramsey IM7 4ED PA19/01327/B	Erection of detached building to provide additional accommodation ancillary to existing property Applicant : Mr Peter & Mrs Catherine Clucas Case Officer : Mr Chris Balmer Recommendation : Permitted
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The Head of DM explained the lack of accordance with land zoning obligated this matter to be presented for the Committee's consideration.

Whilst Mr Cottier asked for clarity, if this was an either/or application? (See Para 2 (point 1) of 6.2), to which the Head of DM advised, not. The Case Officer had confirmed that the proposal is for the smaller building (52sqm), which is shown in the amended plans.

The Committee noted that the built development was smaller than the structure it was replacing.

There had been no new issues raised by consultees or private representation since the agenda publication.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The ancillary accommodation with the building hereby approved may be used only in association with the main dwelling house "Dhoor House" and for purposes incidental to the use of main dwelling house "Dhoor House" as a single dwelling, for no commercial purpose and only in accordance with the internal layout shown on plan 03 REV B received on the 2nd March 2020.

Reason: The dwelling is within a single residential plot in an area not designated for development/additional housing. The application does not propose to create separate units of accommodation within the site and the application has been judged on the basis of the unit being used as ancillary/incidental accommodation and not as a separate dwelling.

C 3. The building hereby approved shall be painted/finished in a dark brown (including timber having a natural finish or stained) or dark green colour and retained thereafter.

Reason: in the interest of the visual appearance of the area.

Reason for approval:

Overall it is concluded that the planning application accords with the provisions set out in EP1 of the Isle of Man Strategic Plan 2016 and as such the planning application is recommended for approval.

INTERESTED PERSON STATUS

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

Item 5.4 Field 624084 Rhowin Road Maughold Isle Of Man PA20/00072/B	Erection of an agricultural building to provide a livestock shelter Applicant : Mr James Allison Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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Officer photographs from their site visit had been circulated.

The members (Mr Young and Mr Skelton) both supported the Officer's assessment and recommendation but queried if the suggested conditions should oblige removal of the building and the land be restored, if its use was no longer required.

Mrs Comish noted that the proposal was for a livestock shelter but was not for livestock.

The members discussed the intended use of the application as described comparative to the use described in the supporting detail of the application.

The members were concerned that the applicant should not be able to build this unit and that approved under 19/00926/B.

The Head of DM confirmed an amended recommendation to include the two additional conditions.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following conditions, including 4 and 5 (5 to remove the option to build the unit authorised under 19/00926/B).

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 3. No approval is hereby given for the use of the building hereby approved to be used as a separate dwelling and it may only be used in association with the agricultural activities on the site.

Reason: the application has been considered for exceptional agricultural need and is not to be used as a dwelling.

C 4. If the use of the agricultural building hereby approved ceases for period exceeding 12 months, the building and any supporting base shall be removed and the ground restored to its former condition within 3 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.

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

C 5. The approval hereby given shall not be implemented if the development approved under 19/00926/B has been implemented, and the development hereby approved shall be removed from the site, and the ground restored to its previous condition, within 3 months of any implementation of 19/00926/B which takes place subsequent to the implementation of the approval hereby given.

Reason: The development has been approved as an alternative to the development approved under 19/00926/B, not as an additional development.

Reason for approval:

Whilst the proposed 'bothy' is not with the already in situ structures within the field the proposed 'bothy' is not within a general public vantagepoint, is situated within the field so that any impact is limited and is structured out of traditional material which will limit any impact on the character or appearance of the countryside. As such the 'bothy' complies with Environment Policy 1, 2 and 15.

INTERESTED PERSON STATUS

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

Item 5.5 Upper Sartfield Sartfield Road Jurby IM7 3AZ PA20/00095/B	Erection of a lean to extension to side of existing agricultural building Applicant : Mr Dale Stephenson Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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There had been no new issues raised by consultees or private representation since the agenda publication.

The remote location was noted.

DECISION

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

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

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

C 2. All external facing and/or roofing materials to the barn extension which are to be used shall match those of the existing barn in respect of materials and colour and retained as such thereafter unless submitted to and approved in writing by the Planning Authority.

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

C 3. The extension must only be used in conjunction with the property known as Upper Sartfield. For the avoidance of doubt, no approval is given for the use of the barn extension for anything other than for wood storage or agriculture.

Reason: for the avoidance of doubt and to prevent the separation of the planning unit.

C 4. If the use of the barn extension for the storage of wood hereby approved ceases for a period of more than 12 months, the building and any such base shall be removed and the ground restored to its former condition within 15 months of the date of its last use.

Reason: The building has been exceptionally approved solely to meet a need and its subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

The proposal will have a limited visual or amenity impact and is therefore considered to comply with Environment Policy 1, 2 and 3 of the Isle of Man Strategic Plan 2016.

INTERESTED PERSON STATUS

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

Mrs Comish declared a perceived interest in the following 2 items (5.6 and 5.7) and left the call for both discussions.

Item 5.6 Mountain View Innovation Centre Jurby Road Ramsey Isle Of Man IM7 2DZ PA20/00097/B	Installation of roof mounted solar panels Applicant : ZipAddress Ltd Case Officer : Mr Chris Balmer Recommendation : Permitted
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There had been no new issues raised by consultees or private representation since the agenda publication.

The Head of DM referenced the consultation on proposed changes to the Development Procedure Order.

The members discussed as to the difference between photovoltaic and solar panels and the visual impact/difference. This would be taken forward in future application descriptions

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:

Overall, it is concluded that the planning application is in accordance with General policies of the Isle of Man strategic plan 2016, having no adverse private or public amenities and therefore it is recommended for approval.

INTERESTED PERSON STATUS

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

Item 5.7 Castletown Metropolitan Football Club Stadium Malew Road Castletown Isle Of Man IM9 4EA PA20/00165/C	Temporary use for the creation of a camp site / motorhomes from the week prior to the TT festival to the week after the Festival of Motorcycling on an annual basis Applicant : Castletown Metropolitan Football Club Case Officer : Miss S E Corlett Recommendation : Permitted
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Mr Cottier enquired if the intended tents would be provided by the applicant or would campers be providing their own. It was confirmed that this had not been specified within the application, however had this been expressed it is not something the Department would control by condition.

The policy context around campsites, as set out in the report, was noted. It was also noted that this use supports a town/community facility and was not a commercially profit making venture, it could be available for all of the summer months and would need some level of site management/supervision, there had been no comment from the Commissioners and it reflected previous approvals.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The site may accommodate up to 100 tents and up to 20 motorhomes as shown in the submitted drawings and the period of use is restricted to the week before TT practice week to the week after the Manx Grand Prix/Festival of Motorcycling, including the time in between which also includes the Southern 100 races in any year.

Reason: to accord with the submitted proposal.

Reason for approval:
The application is for a temporary use of the site and is considered to support the Government's Visitor Strategy for the provision of sport and recreation on the Island and would not have any adverse environmental impact.

INTERESTED PERSON STATUS

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

Mrs Comish returned to the discussion.

<p>Item 5.8 244 Jurby Industrial Estate Jurby Isle Of Man IM7 3BD</p>	<p>Use of site as an agricultural/storage service business (class 2.4) (retrospective), placement of 2 containers, associated parking and additional light industrial use (class 2.2)</p>
<p>PA20/00190/B</p>	<p>Applicant : Farmers Combine Limited Case Officer : Mr Chris Balmer Recommendation : Permitted</p>

The Highways Officers comment (submitted after the issue of the agenda) and objection to light industrial use due to lack of parking, and the Applicants were noted, and both responses had been published.

The Head of DM provided an explanation around use classes, parking standards and the history of the site and that on balance it was considered that the use of an existing building

within an industrial estate for industrial uses was considered acceptable, noting that it did not meet parking standards which had been introduced after the state had been built.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved**.

Reason for approval:

Overall, it is concluded that the planning application is in accordance with General Policies of the Isle of Man Strategic Plan 2016 and is recommended for approval.

INTERESTED PERSON STATUS

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

The Committee had a short break at 11am.

Item 5.9 Field 320909 Top Road Crosby Isle Of Man PA20/00216/B	Erection of horticultural storage building Applicant : Mr Shane Skelly Case Officer : Mr Paul Visigah Recommendation : Permitted
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Whilst the Mr Young shared the Commissioners concerns he agreed that use of the building being restricted by condition was sufficient to restrict any unauthorised activity.

Mrs Comish flagged her concern as whilst the application was remarkably similar to 18/01157/B and the building height had been reduced, the accommodation was still enough for a tractor. As the applicant is a proposed tenant on the 1 acre site it was assumed the site still has the same owner as made the previously unsuccessful application. For a 1 acre horticultural site, where was the justification for a shed of these dimensions? As there was no available re-assurance that the applicant has secured a long term tenancy or evidence to justify this new submission.

The Head of DM reported that it was not normally within the scope of planning to review tenancy documents or ask applicants to submit long-term tenancy evidence before applications can be determined, given that the content of a deed does not form part of material planning considerations for assessment of development proposals and such circumstances may change. He referred to inspector report to other similar considerations and explained how this consideration differed. 7.14.2 of the Strategic plan was referred to and for the avoidance of doubt a condition was proposed to restrict sales.

Mr Cottier questioned whether the application should have been declined due to being similar to the previous application. The Head of DM advised that this was materially different, given the proposed purpose.

From the photographs, the existing presence of containers on the site, was questioned.

The unit size was noted.

DECISION

The Committee accepted the amended recommendation of the case officer, with the exception to Mrs Comish and Mr Cottier and the application was **approved** subject to the following conditions, including an additional condition to ensure no retail activity.

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

Reason: The building has been exceptionally approved solely to meet horticultural need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 3. The building may only be used for horticultural or agricultural purposes.

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

C4. No retail sales shall take place from the building hereby approved.

Reason: For the avoidance of doubt and to ensure the development takes place in accordance with the approved details.

Reason for approval:

The application is considered to accord with GP2, EP 2 and EP15 and is supported.

INTERESTED PERSON STATUS

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

Item 5.10 Former Prison Site Victoria Road Douglas Isle Of Man	Creation of temporary tourist accommodation units and associated facilities for the 2020 festival of motorcycling (21.08.20 - 06.09.20 inclusive)
PA20/00255/B	Applicant : Dept Of Enterprise Case Officer : Mr Chris Balmer Recommendation : Permitted

The Head of DM updated that there had been a representation from DOI Highways since the agenda, which referenced the potential for shunt collisions, and he also note that a condition had been included requiring visibility splays.

It was clarified that the conditions reflected a change from the original proposal to use the site for TT 2020 to the Festival of Motorcycling 2020, although this still suggested the proposal would not go ahead in practice (although would mean it could be used for local camping).

DECISION

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

C 1. The temporary building/s hereby approved on this site shall not be in situ before the 13th August 2020 and shall be removed from the site by the 10th September 2020. The use hereby approved shall not be in operation before the 21st August 2020 or after the 6th September 2020. The site shall be restored to its former condition within 4 days of the temporary building/s being removed.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the Festival of Motorcycling 2020 event only and for a period of one year as proposed by the application.

C 2. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show highway visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. The visibility splays as approved must be provided prior to first use of the development, and maintained as such unobstructed whilst the site is in use, with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety.

C 3. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show the car park laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m. The car park must be marked out in accordance with the approved plan prior to first use of the development.

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway, and to ensure adequate manoeuvring space is available for vehicles and servicing.

Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and therefore the application is recommended for an approval.

INTERESTED PERSON STATUS

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

Item 5.11 Cly Cur House Wigan Lane Ballamodha Ballasalla IM9 3EP PA20/00273/B	Erection of a summer house with outdoor covered area Applicant : Mr Alan & Mrs Angela Greenhalgh Case Officer : Miss S E Corlett Recommendation : Permitted
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The Head of DM confirmed that this consideration was for committee consideration due to the land zoning and that the Local Authority had confirmed no objection subsequent to the issue of the agenda

The minimal scale and impact was noted, and condition to protect amenity was noted.

DECISION

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

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

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

C 2. No development may be commenced until fencing has been erected in accordance with the approved site plan (drawing 27-03) to a specification that accords with the recommendations of Section 6.2.2 of British Standard 5837:2012 (Trees in relation to design, demolition and construction - recommendations). The fencing shall be maintained in position until the development is complete with the area to the north and west of this barrier considered as a 'Construction Exclusion Zone' where nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, until the development is complete.

Reason: to ensure that retained trees are adequately protected during construction

C 3. The summerhouse hereby approved may be used only for purposes ancillary to the occupation of the dwelling on the site defined in red on drawing 01 and may not be occupied separately or used for any commercial use.

Reason: to clarify the extent of the approval.

Reason for approval:

The development is considered to accord with Environment Policy 1 of the Strategic Plan.

INTERESTED PERSON STATUS

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

Item 5.12 Unit C Balderton Court Balthane Ballasalla IM9 2AJ PA20/00304/C	Change of use from general industrial to leisure (Class 2.3 to class 4.4) Applicant : Stephen Woodward Case Officer : Miss S E Corlett Recommendation : Permitted
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Mr Young questioned whether the catering facilities should only be available to those using the site and Mr Cottier raised concern (as for Item 5.2), expressing reservation about approving sites for other uses which have been approved, specifically and sometimes controversially, for industrial use, raising the possibility of additional land needing to be developed to meet the shortfall suggested by the Employment Land Review. He also queried if the proposed use was for 'hover cars'?

The Head of DM clarified that the previous application had shown catering facilities on the plans and hence had condition restricting their use this proposal did not shown any such facilities and so there was no condition.

Further, the concern regarding the loss of employment land was valid, and had the building been occupied after it was built it would have raised more issue in the earlier application. It is understood that the building had not been occupied since it was built which perhaps reflects a lack of industrial need/demand for these units.

The Head of DM clarified the Employment Land Review methodology, and also noted that uses such as this were not included but equally if not on industrial estates it is not clear where they would go.

The current lack of traffic impact on the estate at present was noted and regarded as minimal.

There as a discussion about whether a condition was required to link this use to the existing use, and the Head of DM confirmed that it was the officer recommendation that this was not required.

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 the use hereby approved, the area shown on plan reference GA200 must be levelled and hard surfaced and be available for the parking of vehicles associated with the approved use and thereafter must continue to be available for such purposes.

Reason: to ensure that there is sufficient car parking to accommodate vehicles associated with the approved use.

C 3. This approval relates to the use of the building as an indoor recreation facility.

Reason: to clarify the extent of the planning approval.

Reason for approval:

Whilst the proposed use is not consistent with the land use designation, it is considered that there is justification for accepting this alternative use as it supports the Strategic Plan objectives on recreation and it is not considered that there will be any environmental harm from the proposal.

INTERESTED PERSON STATUS

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

Item 5.13 Temp Beach Changing Shelters Mooragh Promenade Ramsey PA20/00310/B	Erection of three mobile huts to be used for changing cubicles Applicant : Ramsey Town Commissioners Case Officer : Mr Chris Balmer Recommendation : Permitted
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There had been no issues raised since agenda publication.

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:

It is concluded that the proposed works are acceptable and comply with General Policy 2 and Recreation Policy 2 of the Isle of Man Strategic Plan.

INTERESTED PERSON STATUS

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

Mr Skelton as a member of the Committee and the applicant for the following application left the meeting whilst the members discussed the detail and made their determination.

Item 5.14 Ballamaria Bay View Road Port St. Mary IM9 5AQ PA20/00173/B	Installation of replacement windows to front bay windows Applicant : Mr Sam Skelton Case Officer : Miss S E Corlett Recommendation : Permitted
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There had been no issues raised since agenda publication.

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 work is considered to accord with GP2b, c and g and Planning Circular 1/98 and would not prejudice the designation of the proposed Conservation Area, thus not in conflict with EP35 or PPS 1/01 should this come into force through adoption of the CA.

INTERESTED PERSON STATUS

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

Mr Skelton returned to the call.

Mr Young stated that whilst he knows the applicant he did not feel his relationship was sufficient to compromise his participation in the discussion

Item 5.15 Ballavolley Lodge The Curragh Ballaugh Isle Of Man IM7 5EA PA19/00246/B	Conversion and extension of existing disused tholtan and outbuilding to create two self-contained tourist units and alterations to access and creation of driveway (part retrospective) Applicant : Mr James Gale Case Officer : Mr Chris Balmer Recommendation : Permitted
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The further detail submitted by the applicants had submitted and the officer photographs had both been published on line prior to the meeting.

The Head of DM summarised the representation received from the owner/occupier of The Banks, The Curragh which had just been received. He also noted that many of the issues raised were civil matters and outside the scope of planning, and that the concerns raised in relation to access were considered to be addressed by condition 8.

It was also clarified that according to Government Mapping the only public right of way in area is along the former railway line. This would be unaffected by the development. If there was a public right of way which would need to be altered, this would need to be removed by other legislation (DOI/Tynwald approval). It was clarified that the Case Officer had discussed the pollution concerns (in relation to smoke) with Building Control, who had confirmed other safeguards existed with BC and also Environmental Protection.

It was clarified that the reference to Section 8.10 is from the Isle of Man Strategic Plan rather than the Planning Committee report. Finally it was noted that Hillcrest have not indicated in their submission that they own land adjacent or 20m of the site. Accordingly IPS is not recommended.

There was a discussion as to whether this application should be deferred for a site visit, but the committee voted against this (Mr. Cottier, Mrs. Comish and Mr. Cubbon for and Mr. Skelton, Mr. Young, Mr. Kermode and the Chairman against)

The Chairman suggested the build may be an improvement visually, but was disappointed with the retrospective element of the works and asked if the condition regarding access (8) could be tightened to ensure it was in place before any further works progressed, noting that this was an important element of the reason for the Case Officer's recommendation.

The Head of DM amended the recommendation such that condition 8 required the track to be closed off prior to any further works taking place to the building itself. Corrections were also noted to conditions 4 and 5.

DECISION

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

C 1. The conversion and extension of existing disused tholtan and outbuilding development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The recommendations listed within the Manx Bat Group Survey Report received on 19th August 2019 are required to be fully adhered to.

Reason: In the interests of a protected species

C 3. Within six months of this decision notice becoming final the access lane hereby approved is required to be finished with a dark coloured gravel, with the exception of the first 5m (measured from back edge of the highway) which shall be finished in black tarmac all as shown on drawing 19130304 REV A received on 19th August 2019 and be retained thereafter.

Reason: in the interest of the visual amenities of the countryside and highway safety.

C 4. Within one month of this decision becoming final full details of soft landscaping works shall be submitted to the Department.

Following approval by the Department, the landscaping shall be carried out strictly in accordance with the approved details in the first planting season after completion of the works required for C3 or after approval by the Department, whichever is the sooner.

Details of the soft landscaping works must include details of new planting showing, type, size and position of each along the southern boundary of field 224196 which reinforces the existing planting and "fill any gaps" to screen views of the new access road from the adjacent former railway line.

Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species..

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 5. The conversion and extension of the existing disused tholtan and outbuilding hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans (19130304 REV A). Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the tourist development and shall remain free of obstruction for such use at all times.

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

C 6. The visibility splay(s) identified on drawing 19130303 REV A received on 19th August 2019; shall be constructed in accordance with the approved plans within 6 months of this decision becoming final and thereafter kept permanently clear of any obstruction exceeding 1m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 7. Notwithstanding Condition 4, all planting, seeding or turfing comprised in the approved details of landscaping shown on drawing 19130303REVA in relation to the altered access must be carried out in the first planting and seeding seasons following the completion of the development (alterations to access as outlined in Condition 6). Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: The landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 8. No development relating to the conversion and extension of tholtan and outbuilding shall take place until a detailed scheme demonstrating how the vehicle access to the existing access (off Main Road) and the shared lane is to be blocked off for use by the occupants of Ballavolley Lodge and the two tourist units hereby approved.

The approved scheme shall be implemented prior to the commencement of aforementioned development and be permanently retained thereafter.

Reason: The new access/new lane affords significant highway safety improvements over the existing access/shared lane and the visual impact of the proposed works are considered acceptable on this basis only

C 9. The holiday/tourist accommodation hereby approved shall be used solely 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.

The units 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.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

Reason for approval:

Overall, the conversion of the former Tholtan within the site to two tourist units would reuse existing historic and architectural building worthy of retention in a sensitive and appropriate way, which would not cause adverse visual impact upon the amenities of the countryside setting and landscape nor impact upon public or private amenities and therefore comply with EP 16 &HP 13 and EP 1 & 2 of the IOM Strategic Plan. The new access arrangements whilst having an impact upon the visual amenities of the countryside/landscape, are considered justified and necessary, are appropriate, well designed and represent a significant improvement to highway safety for all road users over the current access arrangement, and therefore comply with EP 1 & 2 and TP 4 of the IOM Strategic Plan. Accordingly, the application is recommended for an approval.

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 6(4):

The Banks, The Curragh, Ballaugh as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

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 6(4):

Manx National Heritage
Hillcrest, The Curragh, Ballaugh

As they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Item 5.16	Erection of a building to provide ground floor retail (Class 1) and first and second floor offices (Class 4)
Market Hill Plot College	

Street Ramsey Isle Of Man PA19/01069/B	Applicant : Bravo Homes Limited Case Officer : Miss S E Corlett Recommendation : Permitted
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There had been no new issues raised by consultees or private representation since the agenda publication.

The members noted that the site appears to have been used as a bin store.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. No development shall commence until details of the materials and type of the finish of the external elevations of the approved building have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 3. No development shall commence until details of the material and method of opening of all proposed windows on the approved building 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:

This proposal is one which is considered acceptable on balance as whilst it does not strictly meet the criteria of Transport Policy 7, no cycle parking is provided and the site is not directly in the main retail core frontage, it is considered to be broadly in accordance with Strategic Plan and Local Plan policies in respect of the principle of the development, its design and issues of amenity impact, given the nature of the proposed use, the uses around it and the arrangement of existing and proposed windows.

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 6(4):

Drop Inn Ministries, Unit 1 Church Walk, St Paul's Square, Ramsey
2-3 Church Walk, St Paul's Square, Ramsey
1 College Street/4, Bourne Place and
Viking Corner, St Paul's Square, Ramsey.

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

It was decided that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

Manx Utilities

As they 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

Mr Kermode declared a perceived interest in the following application and left the phone call for the discussion.

Item 5.17 Filling Station Corkills Garage Main Road Onchan PA19/01343/B	Installation of an above ground diesel tank (25,000 litres) with screen Applicant : Carrera Investments (IOM) Limited Case Officer : Mr Chris Balmer Recommendation : Permitted
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Mr Skelton and Mr Cottier both enquired as to clarity, noting that

- diesel was already supplied, presumably from underground tank, and if this was a replacement?
- there was an extensive planning history on site –
- there was a lot of objection, including the Local Authority
- site already has 'lots on it'
- Health and Safety was a material issue – a tank of this size as close as is to housing albeit screened and fully sealed –covered off but not convinced, and that such a tank is hardly a welcome addition to site
- The car wash facilities were contentious at the time and the neighbours had legitimate worries.
- If the underground tank is past its useful life, why not replace like for like?

The Officer photos had been added to the online record and referred to

The Head of DM responded that two jet washes with two carport type structures outside vacuum unit have already been approved on this site and could be commenced today and which are both likely to have a greater impact to neighbours than the application now being considered, which is essential and makes no noise/emits no fumes.

Further these works would result in a larger building in this area than what is proposed, there are similar units already around IOM garages.

The applicant's statement comments were highlighted (published online).

The Head of DM confirmed that Health and Safety had not been consulted, but there had been discussions with Building Control. Mr Skelton members expressed a continuing concern in this matter. Mr Cubbon made comparison to another garage site and the diesel storage accommodation and was happy to support the recommendation.

Obligations for safety control, material considerations in planning terms and the restrictions that would be exercised by other complimentary regimes were acknowledged. The Head of DM amended the recommendation to add a note, referencing these.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The tank hereby approved shall not re-filled outside the following times;

9am-7pm Monday to Saturday, and
12pm -5pm on Sundays and bank holidays.

Reason: In the interest of residential amenity.

Note. The proposal will require approval under the Building Control Regulations (2014 – as amended). The OFT has issued a licence to keep petroleum spirit in underground tanks at CORKILL'S GARAGE, MAIN ROAD, ONCHAN, subject to the provisions of the Dangerous Goods Acts, 1928 and 1954, the Dangerous Goods Orders, 1928 to 1950 and conditions appended to the licence.

Reason for approval:

Overall, it is concluded that the planning application is in accordance with aforementioned Policies of the Isle of Man Strategic Plan 2016. As it would not have a significant impact upon private or public amenities it is recommended for approval.

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 6(4):

Sea View, 59 Governors Road, Onchan
Holly Cottage, 57 Governors Road, Onchan

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

Mr Kermode returned to the discussion.

Item 5.18 Unit 2 Block C Eden Business Park Douglas Isle Of Man IM4 2AY PA19/01455/C	Change of use to animal hydrotherapy and rehabilitation centre Applicant : Mr Lee Graham Paul France Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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There had been no new issues raised by consultees or private representation since the agenda publication.

The members raised concern as to animal related proposals contrary to existing light industrial land zoning, noting that this was the first of such nature on this very notable / profiled site with future expansion intentions, though accepting that any future cases would clearly be considered on own merit.

As with items 5.2 and 5.12, reservations about approving sites for other uses which have been approved, specifically and sometimes controversially, for industrial use, raises the possibility of additional land needing to be developed to meet the shortfall suggested by the Employment Land Review. The draft Area Plan for East suggests light industrial / industrial need is ongoing.

The Case Officer responded that there are no areas of land specifically designated to accommodate uses such as this. Concerned had been note form other neighbours, and conditions considered, but given any impacts would be unlikely to exceed any normal industrial type use and that very prescriptive/detailed conditions may be difficult to enforce, no conditions had been proposed.

The prominence of the site, use designation and its history was discussed.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

Reason for approval:

The proposal has been considered on an exceptional basis, and given the unique nature of the business operation and its needs, it is considered that the proposal by reason of the sustainable location of the unit, the availability of parking spaces and acceptable amenity impact on the neighbouring units is considered to be supportable.

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 6(4):

Units C1, C3 and C4 as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

<p>Item 5.19 High Tilt Douglas Road Kirk Michael IM6 1AS PA19/01432/B</p>	<p>Erection of mobile kiosk for sale of farm produce Applicant : IOM Goats Limited Case Officer : Miss S E Corlett Recommendation : Permitted</p>
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There had been no new issues raised by consultees or private representation since the agenda publication.

The applicant had written in subsequent to the issue of the agenda and raised concern with condition 4 as recommended, wanting to widen the source of the sale items.

The Head of DM responded by clarifying the site history and similar (preferred) conditions from other sites. The application was being considered on what it proposed, not deviating at this stage to accommodate retail items brought in from off site, and indeed such a change may result in a different recommendation. The applicant could appeal any condition attached to an

approval, or submit a future application to vary it. The larger approved use allowed for a wider range of goods, but in a different context.

The members suggested that if condition 4 was to be amended/removed the applicant should be seeking a different unit for such activity from within the village.

DECISION

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

C 1. All planting, seeding or turfing shown in drawing 860/27C including the planting of Aucuba japonica crotonifolia as the hedging vegetation, comprised in the approved details of landscaping must be carried out, at the latest, in the first planting and seeding season following the first installation of the kiosk, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: the landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 2. The kiosk and the use of both sites for the sale of produce subject to condition 3 below, may continue until May 31st, 2022 whereupon the kiosk must be removed from the sites and the sites no longer used for the purposes of any retail.

Reason: to clarify the extent of the approval in line with the application as submitted.

C 3. The kiosk to be positioned to the rear of the Mitre Hotel may be in place only during practice and race weeks associated with the TT and the Festival of Motorcycling.

Reason: to clarify the extent of the approval in line with the application submitted.

C 4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, the site defined in red on plan 860.27B hereby approved shall be used only for the sale of goods produced on the farm or from animals kept on the farm and shall not be used for any other purpose within Use Class 1.1 of the Order without the express grant of planning approval from the Department.

Reason: to enable the Department to consider the implications of any subsequent change of use on the amenities of the area.

Reason for approval:

The application is considered to accord with General Policy 2, Environment Policies 18 and 35 and Planning Policy Statement 1/01.

INTERESTED PERSON STATUS

It was decided that the owners and the occupiers of the following property should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

Westlands as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

<p>Item 5.20 14 Carnane View Ballakilly Port St Mary IM9 5NR</p> <p>PA20/00078/C</p>	<p>Additional use of dwelling as a fitness studio</p> <p>Applicant : Robert & Nicola Alston Case Officer : Mr Paul Visigah Recommendation : Permitted</p>
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There had been no new issues raised by consultees or private representation since the agenda publication.

In clarification of the key issues the Members raised concern regarding the objections from the neighbours, feeling that these were legitimate. Concerns were noted in relation to parking, restrictions in purchase agreements etc. and signage.

The Head of DM clarified that there a distinction between the relevance of the Town and Country Planning Order and conditions expressed in purchase agreements, which would be a civil matter. An additional condition was recommended to restrict signage.

Mr. Skelton suggested that whilst a condition in relation to signage would be helpful, and it was noted that covenant in sale not to run a business would not be not a planning issue:

- why the applicant may proceed with this obvious challenge,
- whether this could be enforced in law and
- how does this stack with good neighbourly behaviour when a short distance away in town lots of vacant units stand that could serve to satisfy though accept that would incur additional cost

The need to facilitate economic activity, whilst protecting residential amenity, was noted. It was also noted that smaller start-up business may struggle to move into premises initially, and also to fit in around other commitments.

DECISION

The Committee accepted the recommendation of the case officer, with exception to Mr Cottier and Mr Skelton, 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 business use hereby approved is only for the provision of service as a fitness studio and shall only be carried out by Robert Edward Alston and Nicola Louise Alston and only whilst resident at 14 Carnane View, Ballakilly, Port St. Mary, and no other staff may be employed and/or work at the premises. Upon cessation of occupation by Robert Edward Alston and Nicola Louise Alston, the use for the provision of fitness studio hereby permitted shall cease.

Reason: This permission is granted exceptionally and the Department wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby approved.

C 3. No clients of the Fitness studio use hereby approved shall remain on the application site outside of the operational hours stipulated in the application.

Operational Hours:

9am - 3pm

Monday to Friday

Saturday and Sunday - Closed

Reason: In the interest of protecting neighbouring living conditions.

C 4. One of the parking areas within the curtilage of the dwelling shall not be used for any other purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times unless otherwise approved in writing by the Department.

Reason: To ensure that sufficient provision is made for off-street parking during the business operational hours in the interest of highway safety.

C5. No advertisements shall be displayed at the site.

Reason: in the interests of visual and residential amenity.

Reason for approval:

Overall and on balance, it is considered that the proposal, subject to a condition relating to parking provision, complies with GP2 of the Strategic Plan 2016 and as such the planning application is recommended for approval.

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 6(4):

the owner/occupier of 3 Carnane Lane
the owner/occupier of 5 Ballakilley Lane
the owner/occupier of 6 Ballakilley Lane

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

the owner/occupier of 4 Carnane Lane
the owner/occupier of 6 Carnane Lane

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.

Item 5.21 Ballacobb Ballacurn Road Ballaugh IM7 5EU PA20/00191/B	Extension to existing car park to provide additional parking spaces Applicant : Department Of Health And Social Care Case Officer : Mr Chris Balmer Recommendation : Permitted
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There had been no new issues raised by consultees or private representation since the agenda publication.

The comment made by a 3rd party was noted, including that it did not indicate an objection in principle or set out any specific concerns in relation to the proposal.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following conditions and the typographical amendment to the note as recommended.

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.

N 1. Prior to the commencement of any works the applicant is recommended to discuss the works with the residents of Ballacobb (Nrs 10 to 16) to discuss the scheme and to try to address any concerns they may have.

Reason for approval:

For these reasons the proposal is considered to be appropriate in this location and comply with EP 1 & 2 of the IOM Strategic Plan and the application is therefore recommended for an approval.

INTERESTED PERSON STATUS

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 6(4):

11A Ballacobb Close, Ballaugh as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Whilst the following two applications both related to the same site they were offering differing recommendations, but could be reported on together within the same Head of DM presentation.

Item 5.22 Cranleigh Ville Glen Road Laxey Isle Of Man IM4 7AB PA19/00243/B	Demolition of existing dwelling and erection of three dwellings with associated works and access (in association with (19/00244/CON) Applicant : Mr Colin & Mrs Kerry Mills Case Officer : Mr Chris Balmer Recommendation : Refused
Item 5.23 Cranleigh Ville Glen Road Laxey Isle Of Man IM4 7AB PA19/00244/CON	Registered Building consent for the demolition elements relating the application 19/00243/B Applicant : Mr Colin & Mrs Kerry Mills Case Officer : Mr Chris Balmer Recommendation : Permitted

Additional comment from objectors (2 Rosedene Cottages), Lewin's and 1 Rosedene Cottages, had all been received and published subsequent to the issue of the agenda, highlighting concerns as to parking site levels and flooding. There had also been late objection from Garff Commissioners. A statement had also been received from Mr McGarrigle, agent on the applicant's behalf.

It was clarified that Glen Road is at risk of flooding in the 1% AEP + 20% (and 30%) CC events according to the Flood Risk Assessment, and these are rare events; albeit it should be noted that all recent flood events have not reached the 1 in 100 year flood event (lower level than the 1% AEP + 20% (and 30%) CC events) and has still caused substantial flood damage to the existing property on site and surrounding properties.

The site (initially given Nr GH018) in the call for sites and was placed (desk based assessment) as a Category 1 Sites which according to the TAPE are; "A number of potential development sites for housing due to their size, planning history and/or location do not need to be subject to the Site Assessment Framework. Although they are identified and mapped, it is proposed to subsume these sites into background land designations such as 'Predominantly Residential'." Accordingly, it has been washed over on the draft plan map (in pink) for residential (given existing land use designation and as it sits in a 'Predominantly Residential' area. The site been Category 1 has not been Considered in the same level of assessment for example as sites in Category 2 where a number of issues are taken into account i.e. Critical Constraints for example where a site is in a flood zones,

Due to the above there is no design brief i.e. stating x number of properties could be built on the site. Further it is not included in the "Sites proposed for residential allocation within existing settlement boundaries" (page 56 of Inspectors report) by the Inspector, where each site which is listed has an estimated number of houses which could be built on each site.

Site GH020 (Land adjacent to Ard Reayrt, Laxey – above Glen Road) was recommended by the Inspector that it should be removed from proposed res dev due to flood/surface water concerns by Inspector

Sites GH011, GH013 & GH038 (outskirts of Laxey) the Inspector has recommended they be removed for res dev due to access concerns (GH011 & GH013), but also as; "Furthermore, I have seen no evidence that there is a local housing need that would justify the extension of this settlement into the surrounding countryside...". Overall, there is still sufficient housing within the East which has been designated.

Given the above it is still considered the risks to future residents are real and present, and the provision of two additional dwellings are not key to providing the required amount of housing in the East, which have clearly been designated elsewhere on more suitable sites.

The members felt that a site visit was needed to consider give a more informed assessment, whether there may be need for further reasons to be added for a refusal and whether over development of the site was resulting. Tightness of parking, flood and ancillary issues would be clearer after a site visit.

The lack of objection from Manx Utilities was noted.

The Head of DM reflected on site comparatives, the proposal, risk level, impact was all explained.

DECISION Item 5.22 and 5.23

The Committee unanimously agreed to defer both applications for a site visit noting that one could not be conducted until the current social distancing restrictions had been lifted, sufficiently to allow such visit to proceed (at a date to be determined).

Item 5.24 April Cottage Corony Bridge Corony Ramsey IM7 1EY	Creation of vehicular access Applicant : Mr & Mrs Timothy Knighton Case Officer : Mr Chris Balmer
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Highway Services had made its final comment 30/04/2020 (on-line)

Further comment from the applicant had been submitted 1/5/20 detailing their justification for the proposal. This had been published.

The applicants request for deferral to accommodate a site visit from the Highways Officer was noted.

The Head of DM expressed concern as to the potential for further delays awaiting wider input from Highways.

Any splay requirement would need Manx Utilities input due to land ownership.

DECISION

The Committee **unanimously** agreed to defer its consideration in order that a site visit may be conducted between the applicant and the Highways Officer

6. S13 Agreement

The Secretary referred to the committee's approval of planning application 18/00524/B at Field 434021 and 434031, Corner Of Douglas Road And Victoria Road, Castletown, for the erection of 96 dwellings, and which had been considered at its sitting March 2nd 2020.

The legal agreement required to support the Committee's decision had now been concluded and the decision notice had been issued April 1st 2020. However, subsequent to the issue of the approval notice, an appeal had since been lodged against the decision.

7. Site Visits

The Committee agreed to make a site visit in relation to Items 5.22 and 5.23 at a date to be determined/advised and where social distancing requirements can be complied with.

8. Any other business

None other than the issue of there being an echo on the line in conducting the audio connection.

9. Next meeting of the Planning Committee

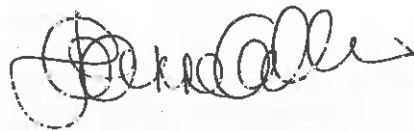
The Committee noted that the next Planning Committee meeting – by audio/remote working had been set for 18th May 2020.

Future dates were considered/discussed, and the frequency of meetings

June 8th and 29th were agreed as the future dates (after the next May 18th) moving forward. Each to be held remotely, Monday 10am.

There was no further business and the meeting concluded at 13.20pm.

Confirmed a true record



**Secretary to the
Planning Committee**



**Mr T Baker, MHK
Chairman of the
Planning Committee**