



**Isle of Man
Government**

Rialty's Eilan Vannin

Minutes of a meeting of the Planning Committee, held in the Barrool Suite of Legislative Buildings, 4th January 2022, at 10.00am. Some staff and members present and some attending virtually via Microsoft Teams,

Present: Mrs C Christian, MHK, Chair of the Planning Committee
V Mr P Young, Member
Mr A Kermode, Member
Mr S Skelton, Member
Mr J M Cubbon, Member
Ms H Hughes, Member
V Mr M Warren, Member

In Attendance: Mr S Butler, Head of Development Management
Mrs V Porter, Planning Officer
Miss E J Callow, Secretary to the Planning Committee
Mr F Williams, Technical Officer.
V Ms S Henley, Highway Development Control, Highway Services
Attendees are present unless indicated as joining via Microsoft Teams (V)

1. Introduction by the Chairman

Mrs Christian welcomed those attending and relayed the format for the conduct of the meeting.

2. Apologies for absence

Mr Balmer had given apologies

3. Minutes

The minutes of the 13th December 2022 were agreed and signed as a true record. Mr Young confirmed that Mr Kermode could endorse the minutes on his behalf and in his physical absence.

4. Any matters arising

None

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

The Chairmen advised that the Committee would hear the items in the order of the agenda.

<p>Item 5.1 Site To Rear Of Queens Hotel Switzerland Road Douglas Isle Of Man PA21/00847/A</p>	<p>Approval in principal to develop six town houses Applicant : Elliott Construction Case Officer : Mr Chris Balmer Recommendation : Refused</p>
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Mr Butler in the absence of the case officer further reported on the matter deferred from the Committee's previous sitting in order for the members to conduct a site visit, which was carried out on the 20th December 2021.

The members asked for confirmation of the number of parking spaces provided for each plot and asked questioned as to why only one space per plot was acceptable to DOI Highways.

The Highway Services Officer clarified her assessment of the proposal and confirmed that she had anything further to add.

Mr Butler confirmed the potential reasoning for setting aside or reducing parking standards as set out in the Strategic Planning, and the specifics for recommending a refusal in this case.

The members wished to minute the environmental value of the site, its topography, the application assessment against the nearby registered buildings and felt that this proposal suggested over development. The site already being problematic in its access.

The proximity of nearby buildings where parking had been set aside were queried, and the number of bedrooms in those buildings.

DECISION

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

R 1. The indicative proposal or any development on this scale on this site and siting above the Registered Buildings Queens Hotel (RB 201) and Erin Brae (RB177) would have a significant negative impact and dramatically adversely affect the setting of the two Registered Buildings and would be contrary to General Policy 2(b),(c) and (g) & Strategic Policy 4 of the IOM Strategic Plan 2016 and Policies CA/2 and RB/5 of the PLANNING POLICY STATEMENT 1/01.

R 2. The indicative plans or similar scheme do not demonstrate how a development for six dwellings of this scale/size on this site would preserve or enhance the character and quality of Conservation Area and therefore contrary to Environment Policy 35 and Section 18 of the Town and Country Planning Act.

R 3. The indicative plans or similar scheme would result in significant adverse impacts upon biodiversity on the site and result in the loss of all trees on site which make a significant contribution to the character and amenities of the area and the Conservation Area and therefore contrary to General Policy 2 (d), (c) & (f) and Environmental Policy 3, 4 and 35 of the IOM Strategic Plan 2016 and the Residential Design Guide 2021.

R 4. The application does not demonstrate that a reduced level of on-site car parking would not have an impact upon existing off-street parking in the area and therefore contrary to General Policy 2 (h) and Transport Policy 7 of the IOM Strategic Plan 2016.

INTERESTED PERSON STATUS

It was decided 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:

Manx Utilities

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):

11 Tromode Close, Douglas
Apartment 35, Piccadilly Court, Queens Promenade, Douglas
Apartment 47, Piccadilly Court, Queens Promenade, Douglas

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 4(2):

Villa Ramos, Clay Head Road, Baldrine,
Flat 1 Mile End Court, Peel Road, Douglas

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

Chadkirk, Rowan Avenue, Ballaugh (Management Company for Piccadilly Court acting on behalf of 48 apartments)
Ballacallister, 6 Westhill Village, Jurby Road, Ramsey

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; 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.

Item 5.2 Unit 2 Kirby Farm Industrial Estate Vicarage Road Douglas IM4 4LA PA21/01446/C	Change of use to allow the sale of motor vehicles. Applicant : Mr Kulwarn Dhadwal Case Officer : Mr Chris Balmer Recommendation : Permitted
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In the absence of the case officer Mr Butler reported on the matter and summarised the key issues as set out in the report.

The Members enquired as to whether the parking provision stated within the proposal was for sales 'display' or customer/staff parking purposes?

The Highways representative indicated that they had understood the external parking was for customers. Mr. Butler confirmed that this did appear to be the intention but the condition proposed simply required the parking to be provided and did not control how it was to be used. Members discussed whether more control was required, but also noted the amount of space available and did not want to unnecessarily restrict how the business was operated.

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 operation of the care sales business hereby approved the nine parking spaces as shown on the "Proposed Site Plan" shall be fully set out and retained as such thereafter.

Reason: To ensure adequate parking is provided within the site.

Reason for approval:

As it has been demonstrated, there are many examples of car sales garages located in industrial areas and as such it is considered that what is proposed, whilst not in full accordance with the Development Plan, would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses or not detract from the vitality and viability of the appropriate town centre shopping area.

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 White Cottage King Edward Road Onchan IM3 2JY PA21/00728/B	Alterations, erection of two storey extensions, creation of balcony and extension of existing side balcony Applicant : Mr & Mrs Michael McGovern Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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Mr Cubbon advised that whilst he did know the applicants there should be no perception requiring him to declare any interest.

The case officer reported on the matter and summarised the key issues as set out in the report, setting down the proposal against policy and that she had accommodated parking control 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. The garage hereby approved must at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use thereafter.

Reason: To ensure adequate off-street parking is available for the dwelling.

Reason for approval:

The proposal complies with Housing Policy 15 and although over the 50% threshold the proposal is considered to be of suitable and acceptable design as have no adverse visual impact on the countryside in line with Housing Policy 15 and Environment Policy 1.

INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are considered not 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):

Groudle Glen House, King Edward Road and as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

It was decide 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):

Glenholme, King Edward Road and as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

6. Site Visits

None.

7. Any other business

7.1 The members enquired as to the venue for the next sitting which was confirmed as to the Barrool suite.

7.2 S13 Agreements. There had been no legal agreements concluded since the last sitting

8.0 Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 17th January 2022

There was no further business and the meeting concluded at 10.30am.

Confirmed a true record



 **Secretary to the
Planning Committee**



**Mrs C Christian, MHK
Chairman of the
Planning Committee**