



**Isle of Man  
Government**

*Reillys Ellan Vannin*

**Minutes of a meeting of the Planning Committee, held on 21st November 2022, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

Present: \*Mr D Ashford, MHK, Chair of the Planning Committee  
Mr P Young, Member  
Mr A Kermode, Member  
Mr S Skelton, Member  
Mr J M Cubbon, Member  
Mr M Warren, Member

In Attendance: Miss Jennifer Chance, Director of Planning & Building Control  
Mr J Singleton, Principal Planner  
Mr C Balmer, Principal Planner  
\*Mr P Shen, Planning Officer  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
\*V Ms S Henley, Highway Development Control, Highway Services  
\*Part of the meeting only  
Attending virtually via Microsoft Teams \*V

**1. Introduction by the Chair**

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

**2. Apologies for absence**

Apologies were received from Mrs Hughes.

**3. Minutes**

The minutes of the 7<sup>th</sup> November 2022 were agreed and signed as a true record.

**4. Any matters arising**

None

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

<p><b>Item 5.1</b> Land South West Of Shelter Building The Promenade Laxey Isle Of Man IM4 7DD  <b>PA22/01102/B</b></p>	<p>Creation of external Shower Bay Area  Applicant : Garff Commissioners Case Officer : Mr Chris Balmer Recommendation : Permitted</p>
---------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

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. They felt that the solution now put forward was suitable but would like further mitigation measures regarding road safety and to address on-street parking and traffic movements.

The local authority spoke in support of/against the proposal. The points raised were as follows:-

- The Commissioners have considered other sites but felt that taking local weather and storms into consideration, the proposed site was the most appropriate
- Noted the submitted objections and had taken them into consideration
- Intended to provide suitable facilities for the amenity of all beach users
- The proposal accords with ongoing improvements along the whole of the Promenade
- Felt it was unlikely that disturbance would result from the proposed facility but were prepared to deal with such accordingly, including the potential to install CCTV in the area
- The area may already become slippery with rainfall, so there would be an improvement in drainage with the installation of the facility
- Discussions regarding further traffic safety and calming measures have been initiated with Highway Services
- The facility is most likely to be used by parents in order to wash sand from their children's feet rather than by open water swimmers
- There have been many requests for such a facility over the years
- There are similar facilities elsewhere on the Island, which have proved successful
- Noted that there is already a café and playground on this side of the Promenade, so there are already a number of pedestrian movements occurring

In response to a question from the Members, the case officer confirmed the correct dimension was 152mm.

The Members noted that the proposal complied with policy, but raised concerns with regard to its level of use, being a cold water shower, which they felt would not have a high level of use in the Manx climate. The Members noted that although the beach was popular year round for water sports, participants in such activities would be unlikely to utilise a cold water shower as their concern would be with raising and maintaining core temperature in order to prevent hypothermia.

The Members queried if the facility would be considered to be a good use of rate-payers money, given the current economic climate and the desirability of traffic control measures for the Promenade area. They enquired if there was potential to defer the decision pending public consultation taking place, and if the existing water pressure was sufficient for the proposed facility.

The representative for the local authority reiterated that there had been a number of requests for such a facility from beach users. The users would be primarily families, although there had been requests for such a facility from some open water swimmers. This type of facility is both available and successful in other areas of the Island and would be a positive and popular contribution to the area. The Commissioners have requested the installation of a more formal pedestrian crossing in the area in order to serve the existing playground and café.

In response to a question from the Members, the local authority representative confirmed that there had been very few reports of anti-social behaviour in the area, and that they had been dealt with appropriately. Any such issues arising would continue to be dealt with in such manner. Although the Commissioners welcomed any input and acknowledged concerns raised, they felt these had been addressed and that they should be able to provide a facility which would be of benefit to the area. Concerns raised at the meeting will be passed on to the Commissioners.

In response to a further question from the Members, the local authority representative reiterated that Highway Services had been consulted, confirming that the intention had been for a consultant to conduct a survey of the area, which had to be postponed because of the Covid-19 lockdown period, and that unfortunately there was no longer the budget available. The local authority representative agreed to put the Members views that the monies put aside for this scheme be put towards parking provision and traffic measure before the Commissioners.

## **DECISION**

The Committee, with the exception of Mr Cubbon, 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 showers are acceptable and complies with General Policy 2 and Environment Policy 35 of the IOM Strategic Plan 2016, Section 18(4) of the Town and Country Planning Act (1999) and the Area Plan for the East 2020, having a public benefit and not have significant adverse impacts upon public or private amenities.

## **INTERESTED PERSON STATUS**

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

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

It is recommended 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):

4 Bay View Terrace, Laxey  
1 Bay View Terrace, Laxey  
Beach Cottage, Laxey  
Breaside, Glen Road, Laxey  
Rainbow Cottage 3 Chapel Terrace Laxey  
Sea Villa, The Promenade, Laxey

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.

---

<b>Item 5.5</b> 28 Belgravia Road Onchan Isle Of Man IM3 1HH  <b>PA22/01269/B</b>	Proposed alterations and extensions to provide additional living and garage accommodation, (re-submission to P.A. No- 22/00640/B)  Applicant : Mr & Mrs Joe Kelly Case Officer : Miss Jennifer Chance Recommendation : Permitted
-----------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. They proposed that the Members may find a site visit beneficial in order to assist them with their deliberations.

The Highway Services representative confirmed there was nothing further to add to their report. With regard to paragraph 6.2 of the case officer's report, they confirmed that water run off would only become a Highways issue if it encroached into the highway.

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

- The application is a resubmission of the previously refused application, PA22/00640/B
- We feel PA22/00640/B was refused in error as the case officer had not noted that the DEFA Assistant Forester had withdrawn their initial objection following a site meeting
- The case officer for PA22/00640/B was complimentary and supportive of the design, with their comments agreed by the Director when signing off that application
- We understand and accept that errors can occur in the decision process of planning applications
- Find it hard to accept having to defend a design already accepted by the Department where the application had been wrongly refused as the Consultee withdrawing their objection had not been noticed
- Client lost over three months, at further cost to them, for an error which was not their fault. This appears to be a face-saving exercise which hardly seems fair
- Planning stepping back to the subjective view of a single officer feels a major step backwards

The Members expressed support for the proposal and felt that it would complete the appearance of the existing dwelling, and will fit well within the existing street-scene. They indicated that they were satisfied that the issue regarding the trees had been addressed. The Members requested that a further condition be added in order to address the concerns raised by Highway Services regarding the matter of drainage run-off to the highway. The case officer proposed to vary their recommendation by the inclusion of a further condition addressing Highway Services concerns, with the additional condition to be circulated to the Members. Following discussion, the Members agreed to such amendment.

## **DECISION**

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

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

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

C 2. The access and driveway, hardstanding arrangements must be carried out in accordance with Drawing No: 22 1630 03 Rev B.

Reason: In the interests of highway safety.

C 3. No development shall take place, nor any demolition, site clearance, preparatory work unless a tree protection scheme and the appropriate working methods (an arboricultural method statement) have been submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include but is not limited to;

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.
- g) Details of any proposed arboricultural site supervision.
- h) Details of a pruning schedule (including consent from the tree owners where required)

All documents should be prepared in accordance with British Standards BS3998:2010 Tree work - Recommendations and BS5837:2012 (Trees in relation to Design, Demolition and Construction -Recommendations) unless superseded.

The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

In the event that trees become damaged or otherwise defective during such period, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that a tree dies or is wilfully removed without prior consent it shall be replaced as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Department

Reason: required prior to commencement to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality

C 4. Development must be carried out in accordance with the approved external materials as shown on the approved plans, unless further details are submitted to and agreed by the Planning Authority.

Reason: In the interests of visual amenity

C5. No development may commence until a scheme to prevent surface water run off onto the highway has been submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details and maintained as such.

Reason: To prevent surface water run off onto the highway.

Reason for approval:

While the proposal will introduce alterations and extensions to a property that are not of the same style as the existing property or its surrounding neighbours, taking into account the size and location of the plot and wider character of the street scene, it is not considered that it would be so discordant as to warrant a refusal and as such would comply with General Policy 2 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

<p><b>Item 5.6</b> Fields 333135, Part 334998, 334999 And Part 335000 Land Opposite Springfield Terrace Foxdale Isle Of Man  <b>PA22/01134/A</b></p>	<p>Approval in Principle application for proposed residential development  Applicant : Yorkfields Limited Case Officer : Mr Toby Cowell Recommendation : Approve subject to Legal Agreement</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, confirming that foul water provision was to be added to the proposal.

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

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

- Fully support the case officer's report and recommendation
- It is accepted practice that an adopted plan has more weight than anything in draft form so in this case the Foxdale Local Plan takes precedence over the draft plan. In addition, we had raised a number of issues with the draft Plan, which does not appear to follow the Strategic Plan in terms of the settlement hierarchy and where settlements such as Foxdale had seen previously designated land removed. In the case of Foxdale, one of the reasons for this is that the settlement needs to be subject to a further study into the catchment wide contamination issue.
- The Foxdale Local Plan has considered each contaminated site in very fine detail with recommendations for remediation. This has not changed so we suggest that the solution to the contamination issue is not delay and further study but development being allowed which would remediate the issue. The solution to the contamination issue is development which introduced control and containment of any contamination and particularly the encapsulation of any flowing water and preventing that coming into contact with contaminated material.
- Cabinet Office advised to keep track on the progress of the plan in that land which is currently not designated may be and land which is presently shown as suitable for development, may come out. Weight should not, therefore be placed on the draft plan at this stage.
- The site is sustainable, in a settlement where further development is encouraged, where appropriate and the land has been considered suitable for development since 1999. Nothing has changed since then other than a Strategic encouragement of sustainable development within settlements. The lack of progress in the development of this land is not a justifiable reason to refuse development now, if the site is suitable, which we would maintain it is. Part of the reason for the delay in bringing this site forward was the remediation of the adjacent land, which at the time of the Foxdale Plan was in the same ownership as this site, but was separated shortly afterward, and on which, the development of this land, depends. This site has now been developed and remediated, leaving the application site suitable for development.
- We accept that part of the site is shown as being of ecological importance but this is a very small area and capable of being protected and details of this will be shown in any application for reserved matters, as required by the suggested condition.

The case officer concurred with the representative's statement.

In response to questions from the members, the applicant's representative confirmed that there would be no structural issues on this site as there were no mineshafts within the site. She

confirmed that developing site would allow for separation and containment of any chemical contamination on site. Following discussion, the Members concurred that development of the site would deal with the matter of contamination, but expressed that the application under consideration may be a speculative and submitted in response to the proposed de-zoning of the site in the upcoming area plan.

In response to a question from the Members, the case officer and Principal Planner confirmed that the current Area Plan had been drawn up in 1999.

## **DECISION**

The Committee, with the exception of Mr Warren, Mr Cubbon and Mr Young, accepted the recommendation of the case officer. The Chair utilised his casting vote in support of the proposal and the application was **approved** subject to the applicant entering into a legal agreement for provision of **25% of the proposed development to be affordable housing and that the reserved matters application makes provision of recreational and amenity space** along with the following conditions.

C 1. The development hereby approved shall be begun either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

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

C 2. Approval of the details of siting, design, external appearance of the building[s], internal layout, means of access, landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced.

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

C 3. Plans and particulars of the reserved matters referred to in condition 2 shall include details of;

- (a) the surface treatment of any roadways and other parts of the site which will not be covered by buildings;
- (b) all external materials to be used in the development;
- (c) existing and proposed ground and floor levels;
- (d) foul and surface water drainage.
- (e) the surface treatment of any roadways and other parts of the site which will not be covered by buildings;
- (f) existing and proposed ground and floor levels;
- (g) integrated measures to support bio-diversity net gain.
- (h) provide sustainable drainage systems.
- (i) provide an Preliminary Ecological Appraisal

Reason: in the interests of property planning and the character of the area

C 4. Any future Reserved Matters application shall also include the following highways details:

- i. Access and connection arrangements to the public road(s)
- ii. Streets, including any paths and turning areas
- iii. Visibility Splays
- iv. Parking provision in accordance with the adopted standards and criteria
- v. Waste bin storage in accordance with local authority standards
- vi. Surface water drainage scheme

- vii. Transport assessment
- viii. Accessibility audit
- ix. Stage 1 Road Safety Audit and Designer's Response
- x. Swept path analysis (waste collection vehicle).

Reason: In the interests of highway safety.

C 5. The application for reserved matters shall provide full details of how the proposed development will connect to the public sewage system. No development may commence until such time as there is sufficient capacity in the public sewage system to accommodate the additional flows.

Reason: In order that the necessary infrastructure is provided to meet the needs of future residents in the interests of residential and environmental amenity.

C6. The application for reserved matters shall provide the following details and/or demonstrate compliance with the following:

- o Foul drainage design in accordance with Manx Sewers for Adoption (MSFA)
- o Surface water drainage design in accordance with MSFA
- o Surface water attenuation designed to 1:100 year plus cc
- o Full details of the surface water attenuation system.

Reason: In order that the necessary infrastructure is provided to meet the needs of future residents in the interests of residential and environmental amenity.

N 1. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 21 November 2022. The issue of the decision notice has been triggered by the Section 13 agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposals conform to the site's present land use zoning in accordance with the Foxdale Local Plan 1999, and therefore the redevelopment of the site for residential purposes is considered to be acceptable in principle, in further compliance with General Policy 2 of the Strategic Plan (2016). All matters are reserved at this stage and will be subject to a future reserved matters application.

### **ISSUING OF DECISION**

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

### **INTERESTED PERSON STATUS**

It was decided that the following property 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):

Fuchsia House, 6 Springfield Terrace, Foxdale



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

<p><b>Item 5.7</b> Braywood 51 Howe Road Onchan Isle Of Man IM3 2AZ  <b>PA22/00517/B</b></p>	<p>2 storey extension to front elevation with internal alterations and minor landscaping works  Applicant : Mr D Pricor Case Officer : Mr Peiran Shen Recommendation : Refused</p>
------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

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

- Would support a site visit by the Members
- The drawing shown on the visual presentation had not appeared on the website so was unsure how widely the amendment had been circulated
- Understood that the proposal was finely balanced
- The existing street scene was diverse so felt the contemporary approach would fit well
- The garage roof currently had a flat roof. The proposal would replace this element in order to be a better fit with the overall design
- There are other properties in area with similar, contemporary designs
- Bringing the building line forward would allow for an improved living space
- The proposal would maximise views from the property
- While the proposal was finely balanced, it would be positive addition to the existing street scene

The case officer confirmed that while he had not taken into account the alteration to the flat roof in his initial report and agreed that the proposal could improve the outlook in general, he was not prepared to amend his recommendation.

Mr Young proposed a site visit in order to assist their deliberations in this matter. This proposal was seconded by Mr Warren. Following a vote, the Members agreed to such a site visit, to be at a time and date to be agreed at the end of the meeting.

<p><b>Item 5.2</b> Falcons Nest Apartments Strand Road Port Erin Isle Of Man IM9 6HB  <b>PA22/00171/B</b></p>	<p>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  Applicant : B.E.T. Phoenix Limited Case Officer : Mr Jason Singleton Recommendation : Approve subject to Legal Agreement</p>
-----------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

The Members expressed that while they were on the whole in support of the proposal, they were concerned that this was another Section 13 Agreement where there was a commuted sum proposed in lieu of affordable housing provision.

The Members noted that the shipping container previously on-site had been removed.

In response to a question from the Members regarding potential overlooking from the site to the Old Police Station, the case officer confirmed that there would be no appreciable increase as the increase to the balcony projection in the proposed design is minimal.

## **DECISION**

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the applicant entering into a legal agreement for provision of **25% affordable housing or in lieu of this a commuted sum as per HP5** along with the following conditions.

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

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

C 2. The application hereby approved shall only be used in accordance with Class 3.3- 'Dwellinghouse' and Class 3.6 'Self-contained self-catering units' as defined in the Town and Country Planning (Use Classes) Order 2019, or subsequently amended.

REASON To ensure appropriate use of the building in accordance with this application.

Reason for approval:

The proposed application would be compliant with Housing Policy 17, Business Policy 13, General Policy 2 of the Strategic Plan and the Residential Design Guide 2021.

## **ISSUING OF DECISION**

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

## **INTERESTED PERSON STATUS**

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):

The Old Police Station, Strand Road, Port Erin

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):

Lincluden, 9 Glenview Terrace,

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

---

**The Chair declared an interest in the following Item and left the meeting during its consideration. In accordance with Article 13 of the Planning Committee (Constitution) Order 2019, Mr Young was proposed as acting Chair for this item, which was seconded by Mr Cubbon. Following a vote, the Members appointed Mr Young to act as Chair in their absence.**

<b>Item 5.3</b> Ballahowin Courtyard Ballahowin Farm Braaid Road St Marks Ballasalla Isle Of Man  <b>PA22/00243/C</b>	Change of use from tourist accommodation to residential accommodation  Applicant : Ballavitchel Estates Limited Case Officer : Mr Jason Singleton Recommendation : Approve subject to Legal Agreement
-----------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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. They stated that they were in support of the case officer's report and recommendation, confirming that the applicant had also worked with Highway Services in order to achieve the best outcome.

The Members expressed that although the proposal was finely balanced, they had concerns with the loss of quality tourist accommodation, noting that there no objection to the proposal had been received from Visit Isle of Man. The Members expressed further concern regarding the Section 13 agreement again referring to a commuted sum in lieu of affordable housing provision rather than the provision of such housing. The Director confirmed that such monies were ring fenced in order to provide such housing where it was needed.

The Members discussed the nature of tourist accommodation and its current demand, noting that there was also a demand for permanent accommodation as proposed in the application under consideration. The Members had no concerns regarding open space provision as the development was situated in a rural area, and understood there were personal reasons for the change to permanent residential use.

The case officer proposed to vary their recommendation by the inclusion of a further condition suspending Permitted Development, with the additional condition to be circulated to the Members. Following discussion, the Members agreed to such amendment.

## **DECISION**

The Committee, with the exception of Mr Skelton, accepted the recommendation of the case officer and the application was **approved** subject to the applicant entering into a legal agreement for provision of –

- **a commuted sum in lieu of affordable housing for the equivalent of 3.25 affordable units; and**
- **a commuted sum in lieu of play space/amenity for the equivalent of 848sqm based on table 1 (A.6.4.2)**

along with the following conditions.

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

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

C 2. Within three months of the residential units hereby approved becoming occupied, the demolition of the agricultural building and the parking being laid in full accordance with plan referenced; 'Proposed car parking' No5.3.21 (or as otherwise advised by the Department) shall take place and the parking shall thereafter be retained for use for the 13 units

REASON: To provide adequate parking provisions on site.

**C3 – Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:**

**Class 13 - Greenhouses and polytunnels**

**Class 14 - Extension of dwellinghouse**

**Class 15 - Garden sheds and summer-houses**

**Class 16 - Fences, walls and gates**

**Class 17 - Private garages and car ports**

**Class 21- Construction of decking**

**Reason: To control future development on the site.**

N 1. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 21 November 2022. The issue of the decision notice has been triggered by the Section 13 agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposed application would be compliant with General Policy 2 of the Strategic Plan.

### **ISSUING OF DECISION**

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

### **INTERESTED PERSON STATUS**

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

**The Chair returned to the meeting.**

---

<b>Item 5.4</b> 11 Abbots Close Ballasalla Isle Of Man IM9 3EA	Erection of two storey extension to side elevation  Applicant : Mr Jonathon Slack
----------------------------------------------------------------------	-----------------------------------------------------------------------------------------

<b>PA22/01067/B</b>	Case Officer : Mr Jason Singleton Recommendation : Permitted
---------------------	-----------------------------------------------------------------

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

**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 application would comply with General Policy 2 of the Strategic Plan 2016.

**INTERESTED PERSON STATUS**

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

---

<b>Item 5.8</b> Sulby Shop Gara Aalin Main Road Sulby Isle Of Man IM7 2HR <b>PA22/00724/B</b>	Erection of two storey dwelling and creation of vehicular access and hardstanding.  Applicant : Mr John Messham Case Officer : Mrs Vanessa Porter Recommendation : Permitted
-----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

In the absence of the Case Officer, Mr Balmer 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.

In response to a question from the Members, the reporting officer confirmed that the condition regarding the air source heat pump concerned potential noise levels, which would be controlled by the condition referring to the specific model proposed, as was standard practice in this type of application.

The Members expressed that they did not concur with the local authority’s objection, and felt that the proposal would sit well within the existing streetscene.

**DECISION**

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

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 3. No development shall commence until a schedule of materials and finishes and samples of the stone cladding 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 4. The only model of the Air Source Heat Pump that can be installed is the HPA-0 05.1 CS Premium.

Reason: To ensure the development is implemented according to the plan/details submitted, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 5. The Air Source Heat Pump must be installed according to the plans and supporting information and must be maintained as such thereafter.

Reason: To ensure the development is implemented according to the plan/details submitted, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 6. Prior to occupation, the cladding as approved within Condition 3 of this approval must be installed and retained as such thereafter.

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

C 7. Prior to occupation the visibility splay as identified on Drawing No.01-07 B shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 8. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any 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.

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

N 1. No consideration has been given to the loss of trees on site, as no information has been received regarding this.

Reason for approval:

The proposal is considered appropriate on this site for the reasons indicated within the report. The proposal would not have any significant impacts upon public or neighbouring amenity and

highway safety. Accordingly complies with the relevant Strategic Policies and is recommended that the application be approved.

### **INTERESTED PERSON STATUS**

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

---

#### **6. Site Visits**

The Committee agreed to make a site visit in relation to item **5.7 (PA22/00517/B - Braywood 51 Howe Road Onchan Isle Of Man IM3 2AZ)** at 9am on Wednesday, 30<sup>th</sup> November 2022.

#### **7. Section 13 Legal Agreements (If any)**

The Members noted that no Section 13 Legal Agreements had been concluded since its last sitting

#### **8. Any other business**

##### **8.1 Apologies for the next meeting**

Apologies for the next meeting were received from Mr Cubbon and Mr Skelton.

##### **8.2 Retirement of Mr Adrian Kermode from the Planning Committee**

The Chair thanked Mr Kermode for his service and dedication during his tenure as a Member of the Planning Committee and wished him well for the future.

#### **9. Next meeting of the Planning Committee**

The Committee noted that the next Planning Committee had been set for 5<sup>th</sup> December 2022.

There was no further business and the meeting concluded at 11.43am

#### **Confirmed a true record**



 **Secretary to the  
Planning Committee**



**Mr D Ashford, MHK  
Chair of the  
Planning Committee**



**Mr P Young  
Acting Chair for Item 5.3**

