



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 5th December 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
Mrs H Hughes, Member
Mr M Warren, Member

In Attendance: Mr C Balmer, Principal Planner
*Miss L Kinrade, Planning Officer
*Mr P Visigah, Planning Officer
*Mrs V Porter, Planning Officer
*Mr P Shen, Planning Officer
Miss E J Callow, 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 and advised attendees that Mrs Henley would join as her connection allowed.

2. Apologies for absence

Apologies were noted from Mr Cubbon and Mr Skelton.

3. Minutes

The minutes of the 21st 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.

Item 5.1 Braywood 51 Howe Road Onchan IM3 2AZ PA22/00517/B	2 storey extension to front elevation with internal alterations and minor landscaping works Applicant : Mr D Pricor Case Officer : Mr Peiran Shen Recommendation : Refused
---	---

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, updating Members subsequent to the site visit of the 30th November 2022.

The officer clarified the roof treatment since his report had been concluded, but that this update did not impact the content of his report.

It was noted that the Highway Services had made no objection at the previous consideration.

The members acknowledged that the site visit had been worthwhile in order to appreciate the building lines, that the street scene was being respected and noting that there were already diverse properties in the locality.

The agent said that he was available if any questions were outstanding.

The members agreed to decline the recommendation

DECISION

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

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 a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including windows and 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 development shall be commenced until a soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees, hedgerows and other planting to the front of the property including a planting specification to include numbers, density, size, species and positions of all new trees and shrubs. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Department. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

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

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 5.2 Ballamaddrell Cottage Grenaby Road Ballabeg Castletown IM9 4HD PA22/00473/B	Reinstatement to dwelling, erection of two storey rear extension and rear pitch roof dormer, and alterations (including roof lights, re-rendering, re-roofing, chimney repair, and new window and door installations) Applicant : Miss Elizabeth Didham
--	--

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 site history was explained, and photos referred to in order to demonstrate the current state of the property.

The proposals were clarified by reference to the plans

Housing Policy 13 was referred to and the building's loss of residential status. The increase in floor area was mentioned proposing 53.6%, above the generally permitted 50% threshold.

The Highway Services representative reported nothing further to add.

The Applicant spoke in support of their application. The points raised were as follows:-

The poor state and lack of occupancy of the dwelling had justified a structural report which deemed the property worthy of renovation, albeit subject to extensive renovation being required, including heating, first floor roof timbers, a new roof, Georgian windows, inside bathrooms and toilets.

In order to accommodate this and a family a proposal was being made seeking in excess of the 50% floor area allowed.

The design was sympathetic, included solar panels and rain water harvesting, was eco friendly and allowed for 3 bedroom, 3 bathrooms a living room and kitchen. The appearance from Ballabeg would stay the same

The works would ensure that the dwelling would sit well in its surroundings

All consultation response had been taken on board including protection for Environmentally protected species and a bat survey and been obtained. The process had proven interesting and the new occupants were keen to install bat and bird boxes to comply with the conditions as proposed

The architect has met the trees office on site to be advised as to the tree planting

The woodland trust had been involved in all discussion and their suggestions will be respected, along with the protection of the sod banks

The speaker had recently returned to the island, was sad to see the property in its current condition and was keen to get the property reinstated

It is a local family who were seeking to undertake the works involved

The proposal will meet the handling of ground water, enhance wildlife habitats and use all the appropriate building materials and environmental obligations to result in an eco friendly example of what can be achieved

The Members appreciated what was intended, some having been present in previous considerations which had proposed demolition. In seeking to keep and preserve the dwelling should be applauded as it would have been a shame to have lost the building.

Bringing a new lease of life to the dwelling and the locality was acknowledged.

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

- 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

Reason: To control future development on the site.

C 3. Notwithstanding the submitted details, details of all external facing materials including windows, doors and external walls, shall be submitted to and approved in writing by the Department. The development shall not take place other than in accordance with the submitted details.

Any energy efficiency upgrades within the building should be in accordance with the recommendations of Historic England's Guidance to Energy Retrofit of Traditional Buildings

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

C 4. The development hereby approved shall not be occupied or operated until the access/driveway, parking and turning areas have been provided in accordance with the approved plans (Drawing Nos. JD2/1 and JD2/2). Such areas shall not be used for any purpose other than for access, 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 the development will not compromise the free flow of traffic or highway safety.

C 5. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Planning Department and these works shall be carried out as approved.

Details of the hard landscaping works to include details of landscaping/pedestrian paths to the front of the dwelling, driveways, parking and turning areas, and patio area shall also be provided. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

All further planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, 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: To ensure the provision of an appropriate landscape setting to the development.

C 6. Prior to the commencement of the development hereby approved, details of the proposed foul sewage and surface water drainage system[s] including biodisc shall be submitted to and approved in writing by the Department.

The strategy shall not include any discharge to the abutting land to the east.

No part of the development shall be occupied until the agreed foul sewage and surface water drainage system has been implemented.

The foul and surface water drainage system[s] shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

C 7. No development shall be commenced until an Updated Tree Plan prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction) has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees and other planting which are to be retained; a planting specification to include numbers, species and positions of all new trees and shrubs; and a programme of implementation.

Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: To safeguard the existing trees and planting to be retained within the site.

C 8. Prior to the removal of any tree on site, a Pre-Felling Risk Assessment by a suitably qualified ecologist shall be submitted to and approved in writing by the Department, as the trees on site were found to have potential roost features for bats.

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

C 9. The development hereby approved shall not be commenced until a Bat and Bird Box Plan have been submitted to and approved in writing by the Department.

This plan should provide details, including the specifications and location of 1x bird nest brick suitable for common starling on northern elevation of the building and 1x bat box suitable for crevice roosting species on the southern elevation of the building.

The Bat/Bird boxes shall be retained thereafter.

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

C 10. Prior to any works (including site clearance) commencing on the site, a Precautionary Working Method Statement for lizards, breeding birds and Schedule 8 plants, written by a

suitably qualified ecological consultancy, shall be submitted to and approved in writing by the Department.

The statement shall include the provision of a new hibernacula feature for lizards in a sunny spot close to a boundary hedge or wall.

The development shall not be carried out other than in accordance with the submitted Method Statement.

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

Reason for approval:

The proposal is considered to respect the proportion, form and appearance of the existing dwelling as required by Housing Policies 13 and General Policy 2 of the Strategic Plan, and Planning Circular 3/91, and would not harm the character and quality of the landscape or adversely affect the countryside and its ecology, and therefore comply with Environment Policies 1, 4 and 5, and General Policy 3 of the Strategic Plan.

INTERESTED PERSON STATUS

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

Manx Utilities Authority Electricity

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

The owner/occupiers of Heatherfield, 13 Victoria Road, Port St Mary, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

Ballamaddrell House, Ballabeg, Arbory; and
12 Croit ny Glionney, Colby,

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

Out of consideration for the parties in attendance and registered to speak the following item was considered out of order.

Item 5.5 Luss House 14 Patrick Street Peel Isle Of Man IM5 1BR PA22/01162/B	Erection of extension over raised patio area to provide roof terrace with storage under, to rear of dwelling Applicant : Mr & Mrs Jeremy Christian Case Officer : Mrs Vanessa Porter 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 terrace height, being on top of a stone wall, was explained in considering that the works were in a conservation area. It was possible that the works could be seen from Corrins Hill.

The overlooking was clarified. To support their assessment and in order to demonstrate the impact the officer had taken a number of photographs from three neighbouring properties that she felt would be most affected.

An additional consultation had been received since her report had been concluded requiring a condition to safe guard against bird impact, and that the glass should be opaque glazing.

The Highway Services representative reported they had nothing to add.

The agent spoke in support of the proposal. The points raised were as follows:- two immediate neighbours had been involved in the design from the outset.

Photographs had been submitted as part of the application to demonstrate the views but also that there is no impact of overlooking

The Local Authority objection he felt was 'blind' and that the Local Authority could have visited the site.

The agent suggested that there were alternatives, such as silhouette design that could be used to the glazing, as opposed to requiring opaque glass, and the proximity of neighbouring buildings would assist.

The case officer suggested that rather than requiring opaque glazing, an additional condition could be introduced to require the assessment of the glazing treatment, which the agent agreed.

The Officer also confirmed that neighbours had been approached, in writing, to which no reply had been received

The overlooking over and above any existing would not be increased by this proposal

Across the street and the distance was queried.

The lack of reply for a particular property was reiterated.

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 proposal complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 of the Isle of Man Strategic Plan 2016.

C2 Prior to commencement details of the proposed bird strike mitigation which is to be installed onto the proposed balustrade shall be submitted to an approved in writing by the Department and retained thereafter. The development shall be undertaken in accordance with the approved details.

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

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 Field 534504 Sunnyside Whitebridge Road Onchan Isle Of Man IM4 6AD PA22/01237/C	Additional use of fenced paddock for private dog walking (retrospective) Applicant : Miss Katie Druggan Case Officer : Mr Paul Visigah 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 site aspect and interpretation of the use, being additional, was clarified and the proximity of the nearby lane. The distance of the neighbouring objection was stated as being approximately 400m away.

The Highway Services representative confirmed there was nothing further to add to the recommendation.

The Members acknowledged the long driveway, the fencing that was present in the field, the time frame for the proposed use and that any equipment can be easily removed.

The nature of dog walking was mentioned and that the matter justified being presented in this forum.

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 approval does not in any way permit the creation of permanent dog care facilities on the site or the erection of structures on the site.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 3. The field may only be used as a dog walking field in support of the dog care business by Sunny Acres Dog Walking Paddock, together with the existing agricultural use.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and any alternative uses for the field other than the approved use or agricultural use will require further consideration.

C 4. The use hereby approved, shall only be operational between the hours of 9.30 - 4.00pm in winter, and 9.30 - 9pm in summer. No dogs shall be kept onsite overnight.

Reason: In the interests of the amenity of neighbouring residents in accordance with Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

C 5. The use hereby approved is only for the provision of fenced paddock for private dog walking and shall only be operated by Katie McIntyre Druggan and only whilst operating their dog care business. Upon the cessation of the dog care business, the use of the field for provision of a fenced paddock for private dog walking 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 permitted.

Reason for approval:

The proposal is considered to broadly accord with the principles advocated by General Policy 3 and Environment Policy 22 of the IOM Strategic Plan. No unacceptable adverse impact has been identified as likely with respect of the character and appearance of the surrounding landscape or the residential amenity of the neighbours.

INTERESTED PERSON STATUS

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

Unity Cottage, Bibaloe Beg Road, Onchan, 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

Item 5.4 School Hill/Westhill Estate Castletown Isle Of Man PA22/00967/B	Erection of 133 dwellings with associated drainage and access (amendments to PA 19/00961/B) (retrospective) Applicant : Castletown Commissioners Case Officer : Miss Lucy Kinrade 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.

Reference was made to the omission for referral to planning Committee in the officer's report, which was confirmed as being due to the proposal being more than 8 units and relying on a legal agreement. The officer also updated verbally the DOI Housing comments in respect of affordable housing which has not been included in the officers report.

The proposal was seeking for the re-positioning of 16 dwellings and 2 disabled bungalows beyond the previous approval and also the re-angling of 2 dwellings and installation of new EV charging points.

Other than this there was no changes at all to the original approved.

The Highway Services representative confirmed there was nothing further to add to their report. There was slight reduction of parking spaces and the placement of the EV charging points were noted, subject to a legal agreement on the highway side as well there was no objection

The members noted the eco friendly nature of the proposal that those involved should be congratulated in seeking to bring this forward, they look good and the environmental nature of the proposal was to be appreciated

It is hoped that the development can be progressed as soon as possible.

The local handling of the build and the nature of building be developed whilst residents were able to live on site to keep the community element ongoing during the build was acknowledged.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the applicant entering into a revised legal agreement for to vary that already in place under the original approval and to review and reaffirm provision for **affordable housing and public open space** along with the following conditions.

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

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

C 2. Prior to the occupation of any dwelling, details of all boundary treatments for all dwellings must first be submitted to and approved in writing by the Department. There shall be lower level fencing or planting where side and rear gardens abut a highway or pedestrian route, and boundary treatments must not be above 1m in front of any building. The development must be undertaken in accordance with the approved details.

Reason: to ensure that the boundary treatment is appropriate for the character and appearance of the estate including pedestrian routes through the development.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012, or any such Order superseding this, no wall or fence may be erected other than those approved in this application, where the fence or wall would sit between any dwelling and a highway including pedestrian routes within the site.

Reason: to retain a pleasant and open estate as shown in the submitted plans.

C 4. No site clearance, preparatory work or development shall take place until the tree protection measures are installed in accordance with those details shown on drawing SC1536/P/10-05 Rev B. The protective measures shall remain in place until the development is complete unless otherwise approved in writing by the Department.

Reason: to ensure that the proposed tree retention is practicable and implemented that the retained trees are adequately protected throughout the construction period.

C 5. Prior to the occupation of the last dwelling, the cycle parking shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-05 Rev B and shall be retained for such purposes thereafter.

Reason: to support active travel and sustainable transport.

C 6. Prior to the occupation of any dwelling, the respective car parking for that dwelling must be provided as shown in the approved plans and thereafter retained for such purposes.

Reason: to ensure off road parking is available in the interest of highway safety.

C 7. Prior to the occupation of the last dwelling the traffic calming measures shall be installed in full accordance with the approved details and retained as such thereafter.

Reason: in the interests of highway safety.

C 8. Prior to the occupation of the last dwelling, the EV charging shall be installed and provided in accordance with the details shown on drawing SC1536/P/10-06 Rev A and shall be retained for such purposes thereafter.

Reason: to support sustainable travel.

Reason for approval:

The proposed changes beyond that previously approved under PA 19/00961/B are considered to have an acceptable visual, amenity and highway safety impact. A new/updated Section 13 Agreement is required in order to ensure the affordable housing and public open space is provided accordingly. The application is considered to meet the tests of Strategic Policies 1, 2, 5 and 12, Spatial Policy 2, General Policy 2, Housing Policies 5 and 18, Recreation Policies 3 and 4, and Transport Policies 2, 4, and 7 of the Isle of Man Strategic Plan 2016, and to meet with the principles of Paragraphs 2.1.11, 4.4.6, 4.4.7, 4.13.1 and 4.13.2 of the Area Plan for the South 2013.

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

DOI Housing

6. Site Visits

None

7. Section 13 Legal Agreements

The Committee noted that since its last sitting the following Section 13 Legal Agreements had been concluded on the applications as shown below, previously determined.

7.1 22/00139/B Dandara Homes Limited Erection of 107 dwellings (amendment to dwelling types approved under PA 19/00137/B), B1-B9 B12-B17 B25-B33 B36 B40-B59 B62-B75 B86-B90 B96 B100 B102 B106-B131 B133-B139 B142-B148

Phase 2, Reayrt Mie, Ballasalla. The decision notice had been issued 30/11/22

7.2 22/00549/B Jade Tree Limited Creation of a parkland campus facility comprising of a head-quarters office building with restaurant, café, collaborative working areas and 66 associated staff accommodation units with associated landscaping, Former Isle Of Man Holiday Camp, Switzerland Road Douglas. The decision notice had been issued 22/11/22

8. Any other business

None

9. Next meeting of the Planning Committee

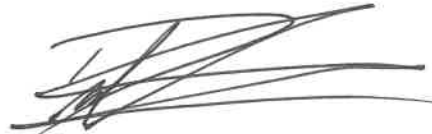
The Committee noted that the next Planning Committee had been set for 19th December 2022.

There was no further business and the meeting concluded at 10.55am

Confirmed a true record



**Secretary to the
Planning Committee**



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