



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 13th February 2023, 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 S Skelton, Member
Mr J M Cubbon, Member
Mrs H Hughes, Member
Mr M Warren, Member
Ms A Betteridge, Member

In Attendance: Mr C Balmer, Principal Planner
*Mr J Singleton, Principal Planner
*Miss A Morgan, Principal Planner
*Miss L Kinrade, Planning Officer
*Mr P Visigah, Planning Officer
*Mr P Shen, Planning Officer
Miss E J Callow, Secretary to the Planning Committee
Mr F Williams, Deputy Secretary
Mr K Almond, Highway Development Control, Highway Services
*Part of the meeting only
None were 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

3. Minutes

The minutes of the 30th January 2023 were agreed and signed as a true record.

4. Any matters arising

None

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

<p>Item 5.1 Field 430575 (now 435235) Opposite Outbuildings Middle Cordeman St Marks Country Park Cordeman Road St Marks</p> <p>PA22/00782/A</p>	<p>Approval in principle application for the erection of tourist and craft units and creation of motorhome overnight parking facility reserving siting, internal layout, drainage, design, means of access, landscaping and external appearance for future consideration</p> <p>Applicant : JR Creer Ltd Case Officer : Mr Richard Boyt Recommendation : Refused</p>
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In the absence of the case officer, and subsequent to a deferral from the members previous sitting in order to conduct a site visit, which was held on Monday February 6th, Mr Singleton further reported on the matter.

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

A representative of the applicant had registered to speak on the matter and the key points raised were

Following the site visit, the detail required by the applicant to include the EV points could be provided.

Development is high on their agenda and no wider financials support is required. The proposal is necessary to support tourism.

The site already supports local school trips.

The reporting Planning Officer was from off island, was inaccurate in their assessment and did not realise that this was a working farm.

The previous officer, now retired, had supported the development of tourist uses on the site previously.

The objection is only from the case officer and one neighbour.

The Chairman acknowledged that an objector had not followed policy to register to speak at the sitting, but the Chairman determined to make exception to set aside policy due to their very unusual circumstance.

The neighbour stated that this application would prove a burden on the single track road.

The surface often needs attention – and it has to support farm traffic with no passing places.

The increase in traffic could become intolerable.

This would cause an adverse impact on a very quiet area.

He is not adverse to holiday accommodation, but would require and hope that a separate could be provided and thereby removing impact on neighbours.

The Members discussed the matter and stated that approvals in principle were unwelcome, preferring detail, such as numbers as to motor home support and the type of buildings.

It was appreciated farmers needing to development and diversify.

The proposal was contrary to strategic plan.

Were there any alternative access points that could be developed? The Case Officer referred to the site plan.

Development of an existing track could be actioned, but the Officer clarified that creation of an adequate visibility splay must be provided, justifying another application.

Motor homes and the impact of 'standing out' in fields would need to be considered and appropriately screening provided.

Is this AIP 'binding'?

The Principal Officer clarified the AIP was for tourist units which numbered 6. The test of the finer detail would be presented in any reserved matters.

6 craft units, and 6 vehicles were confirmed as being proposed in this application.

The site visit had been helpful and proved that the area was beautiful, with lovely stunning views.

Alternative sites would be considered for the access, concern as to increased traffic on such a narrow road.

Zoning of the land was referred to.

Motor homes and narrow access prevailed as concerns.

Colour of the homes would also be a consideration

A lot of work had already been undertaken and this was appreciated.

High visibility for anything on the site would be prominent.

DECISION

Mr Cubbon excused himself due to being unable to attend the site visit

The Committee accepted the recommendation of the case officer with exception to Mr Young and the application was **refused** for the following reason(s).

R 1. The proposed development of tourism accommodation and facilities in an unzoned, countryside location will unacceptably harm the rural character of the local landscape and place an unsustainable reliance on the use of the private motor vehicle for accessing the location. The proposals are not one of the exceptional types of development listed in Policy GP3 of the Isle of Man Strategic Plan 2016 and are contrary to Policies BP11, BP12, BP13, BP14 and BP15 of the Isle of Man Strategic Plan 2016.

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 these do relate to planning considerations:

Drainage (DOI)

Tourism (DFE)

It was decided that the following should not 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:

Thaloo, Cordeman Road, St Marks

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.

<p>Item 5.2 Land South West Of Toilet Block Marathon Terrace Queens Promenade Douglas IM2 4NH PA22/00465/B</p>	<p>Erection of 6 timber beach huts with decking and removable access ramp Applicant : Mrs Lisa Leo Case Officer : Mr Peiran Shen Recommendation : Permitted</p>
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Subsequent to a deferral from the previous sitting in order that further information be obtained, the case officer further reported on the matter.

An Operation Statement had been received from the applicant. Colour samples of the huts had been provided, and this could be firmed up by condition.

Further input received from Douglas Borough Council (DBC).

The conditions were clarified as to storm protection for the huts, operating hours and requirement for removal.

Intention for community use was explained and it could fit within the Permitted Development (Temporary Use or Development) Order.

The Highway Services representative confirmed they has nothing further to add.

The applicant had registered to speak on the matter, the key points raised were

- The site had been identified by agreed consultation with DBC who supported the proposal
- The beach huts would be traditional with the exteriors being in muted pastel colours
- The aim is to reflect and compliment the local architecture and reflect a beach aesthetic.
- Each hut would sit on concrete pads and would be inspected daily
- In winter, the storm boards would be added to protect and maintain appearance - - this would include regular checking
- Use would be April to October on a full or part day basis – predominantly for hire by the public, but also available for community events.
- Detailed capacity for use and restrictions were clarified. Expected behaviour was also mentioned
- It was hoped that the members would support this as a welcome addition to the area.

Mr Shen clarified that DBC had confirmed early support for this Public Open Space site (POS). He also mentioned that beside the financial incentives, the proposal would support development of an area of the promenade where amenity was lacking.

Mr Cubbon felt the proposal was not in keeping, site was on POS, in the wrong area, not on the beach and adjacent to the dog walking area of the beach. With the huts being raised off the beach he felt he could not support the proposal.

Mr Warren expressed concern to the loss of public open space, setting aside the DBC support.

Mrs Hughes queried the storm board detail, which was confirmed – and there were no CGI images of the site proposed to view. She also expressed concern to the loss of POS.

Ms Betteridge expressed concern as to the loss of POS for 7 months of the year, along with the impact of the boarded up aesthetic in the winter.

Bin usage and demand for accommodation of any litter was flagged.

The huts were not in keeping with Victorian promenade.

Mr Skelton's view was contrary to the others and he would be supportive of the proposal – the huts would preferably be on the beach, but appreciated this was not practical because of the tides. DBC being supportive was an overriding factor

Mr Young agreed and stated that the grass area was rarely used and supported the proposal.

Preference would have been them to be removed in the winter.

The Chairman agreed. The dog walking area was acknowledged and the space was rarely used. The huts would potentially bring life to that area of the promenade.

Mr Warren questioned the potential for the development and if it could be given on a temporary basis?

The Principal Planner clarified that this could be discussed by agreement with the applicant. The powers of DBC in being responsible for dilapidated buildings was mentioned but whether this extended to sheds was not known. Restricting by the number of years for any approval was questioned.

The applicant stated was willing to accept a restriction by the number of years at the outset and mentioned a 3 year term to start off.

Requiring movement of the units for the winter was questioned.

The cost of removal and storage was confirmed as being an issued by the applicant but could be investigated.

Environmental impact for movement to and from the site was a consideration

A three year approval could be given with an obligation to reinstate at the end of that time frame. At which point a new application to refresh the permission would be required or the proposals removed from site. Such obligation would alter condition 1 as recommended.

DECISION

The Committee accepted the recommendation of the case officer to vary condition 1, and the application was **approved** with exception to Mr Cubbon, Mrs Hughes and Ms Betteridge subject to the following conditions.

C 1. The 6 timber beach huts with decking and removable access ramp hereby approved (as shown on drawing LL-01 F REV B) shall be removed from the site and the land restored to its former condition (grassed as shown on drawing LL-02 REV A) within 3 years of the date of this Decision Notice.

Reason: The development has only been found to be acceptable on a short term basis.

C 2. No development shall commence until details of the colour and texture of the external elevations render 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 and maintained thereafter.

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

C 3. The storm board is to be installed and secured on the front elevation of all the beach huts on site between 1st November to 31st March when the huts are not in use for more than three consecutive days.

Reason: to reduce the damage from coastal overtopping

C 4. The huts rental shall not be undertaken outside the following times:

10:00-21:00 between 1st April and 31st October

Reason: In the interests of clarity and the amenities of the area.

C 5. The 6 timber beach huts with decking and removable access ramp hereby approved shall be removed and the ground restored to its former condition (grass) in the event that they are no longer used or required for a period exceeding a 12 month period.

Reason: The structures have been approved solely to meet an identified need and their subsequent retention would result in an unwarranted intrusion along the promenade.

Reason for approval:

The proposal is considered to comply with General Policy 2, Environment Policy 35 and Recreation Policy 2 of the Strategic Plan and Urban Environment Proposal 2 of the Area Plan for the East.

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):

85 Spectrum Apartments, Central Promenade, Douglas

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 5.3 Fairways Main Road Santon Isle Of Man IM4 1EP PA21/01417/B	Alterations, erection of extension to dwelling, formation of a first floor and creation of driveway and vehicular access Applicant : Ms Elvie Garcia Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report referencing the site location and the development proposed.

Housing policy 16 was referred to and Para 8.12.2 of his report highlighting the impact on neighbours and that he felt this was insufficient to warrant a refusal.

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

A representative of the owner of Burnside had registered to speak in objection to the proposal.

The speaker stated she represented the owners of the three properties surrounding this site, Fern Lea, Pound Cottage and Burnside, who did not oppose the principle of the redevelopment

of the site, but would welcome a well designed and suitably proportioned new or altered building.

They felt that what was proposed would have a negative impact on the appearance of the area, will introduce overlooking of neighbours' and overshadowing effect and remain concerned as to access and parking.

The plans still do not show the correct boundary of the site.

Housing Policy 16 was referred to and the development proposed is inconsistent with existing properties in the vicinity or traditional, which is exacerbated by the proposal for parking which opens up the frontage with new walling and does not comply nor protect the countryside.

The officer's e-mail of 23rd September 2022 to the applicant was referred to, and the scheme has not been significantly changed since then.

They did not agree with the officer's statements in his report as to the supporting reasons, for form and accommodation and remain concerned about the correct definition of the boundary and implications to the existing trees, also with regard to the drainage.

The Case officer referred to his email and advised that it related to a previous plan, differing from this final scheme. An image of the original plan as proposed was handed out. The subject of his email, including dormers and he asked the members to compare that plan to the plan now proposed.

Aerial photography was referenced and a description of the buildings around having mixed features in the countryside was clarified.

The Members enquired as to privacy and overlooking remained concerned and proposed a site visit.

DECISION

The members voted in support of a site visit so deferred any further discussion.

Miss Morgan assumed the Principal Planner role.

For the sake of the parties present, who had registered to speak, the following item was presented out of order

Item 5.5 Land To Rear Off Burleigh & Ballabeg Grove Main Road Glen Vine IM4 4BA PA22/00606/B	Erection of 2 storey detached dwelling with integral garage, solar panels to rear elevation of roof and installation of air source heat pump Applicant : Hartford Homes Ltd Case Officer : Mrs Vanessa Porter Recommendation : Refused
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In the absence of the Case Officer Mr Balmer summarised the key issues as set out in the report and highlighting the site location and the proposal. The scale and size of the neighbouring properties within the newly developed estate was mentioned and how concerns of the proposal, being smaller in scale and siting in an isolated position within the street scene raised concerns.

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

A representative of the Applicant had registered to speak on the matter.

They highlighted land zoning, adjacent to a recently completed development and will help the acute shortage of housing across the island.

The design had been developed to blend in with adjacent properties.

There are no objection from Environmental authorities or neighbours.

The building is to be a 4 bed, and whilst smaller in design it is in keeping with 5 bed properties nearby.

They did not want to develop a larger house as this would impact the trees.

Elements of the design were to meet the neighbouring properties.

He felt it was hard to see how the design could fit in better and struggled to appreciate the officer's perspective.

It is disappointing that this application has taken 40 week, and made approx 15 calls had been made to enquire about progression

What harm would this proposal cause?

A representative of the Local Authority had registered to speak on the matter, the key points raised were by reference to the officers report – this is not a windfall site. Had been offered at the time the Ballabeg Grove site was being developed.

A search had been done in the conveyance of the land in September 2019, – before the area had been wider developed.

Reference to a neighbouring application was made.

POS was mentions and affordable housing (AH) – the Greeba Grove site could and been made smaller.

Should the applicant not to want to meet provision of AH or POS they can seek mitigation on the matter by way of a sum commuted – no approach has been made to the Local Authority.

The Commissioner's do not accept the lack of provision of AH.

The whole site (including next door) should have been assessed as one estate and the AH Policy being activated.

Crosby Meadows was referred to and the demand for AH agreed.

The design being appropriate in the street scape was mentioned – the site should not be available for development.

The Case Officer felt that the building looked 'isolated' and not in keeping with street scene.

So whilst the principle was acknowledged due to land designation, this is not an automatic reason to allow any development.

Mr Cubbon was considerate to the Officer's findings, and respected the LA objection. He queried why the site had not been included in the original development.

The original site visit was referred to by Mr Warren who expressed surprise that there had been no comment from the Arborists.

The application being for a single dwelling would not impact any obligation for AH provision.

Mrs Hughes asked for access clarification, which was confirmed as being part of a neighbouring garden. The smaller house type should make it available for first time buyers.

Mrs Betteridge felt the use of a garden for access does not take way from the existing dwellings. The purchase of the site history was confirmed by the applicant – they bought the land later and after the original development approval had been obtained. Neighbours had come forward in stages after the original approval. Thus this site was not in their ownership at the outset of the larger development.

Mr Skelton and Mr Young agreed that the site was not POS, land was zoned, and did not believe that the land purchase was in order to avoid AH. The design though, was not appreciated.

Mr Ashford reiterated the design concern.

DECISION

The Committee **declined** the recommendation of the case officer with exception to Mr Cubbon 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. Prior to the commencement of any development a detailed tree protection plan to accompany the outline tree protection plan that has already been provided shall be submitted to and approved by the Department. This approved tree protection plan shall be sully adhered to.

Reason: Ensure adequate tree protection for trees to be retained.

C 4. Prior to the commencement of any development full details of soft landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new tree planting showing, type, size and position of each to the southeast of the new dwelling as shown on drawing 37. All 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 kennel extension, whichever is the sooner. Any trees or plants which die 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. Prior to the commencement of any development details of bird, bat and bee bricks within the new dwelling shall be submitted to and approved in writing by the Department and these works shall be carried out as approved and retained thereafter.

Reason: To ensure ecology benefits are provided onsite.

The reason for the approval was given as

The proposed dwelling was in keeping with character and appearance of the street scene and in accordance with General Policy 2 and Environment Policy 42 of the Strategic Plan

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 to not 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):

Suncrest, as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Item 5.4 15 South Quay Douglas Isle Of Man IM1 5AR PA22/01106/B	Demolition of building and erection of structural support. Applicant : Mona Development Company Limited Case Officer : Mr Chris Balmer Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, highlighting the neighbouring properties.

The objector in this matter had sent notes to the Case Officer in that he was unable to attend the meeting to speak in person. The Case Officer summarised the objection as stated.

Reference was made to the Officer's report, paragraph 6.4, and it was suggested that the applicants may have breached statutory law in their partial demolition of building No 15 South Quay in November 2017. Douglas Borough Council at that time had been corresponding with the owners of No 13, 14 (the submitting party) and 15 South Quay. The owners of 13 and 14 had been negotiation the construction of a new west gable to 14 to conceal unsightly exposed chimney breasts and stone buttresses supporting the party wall between both properties.

Douglas Borough Council, it was felt, were, and likely still, empowered to order the reinstatement of these demolitions.

The opinion of the Registered Building Officer in paragraph 6.3 was highlighted.

If this application was approved, a second permanent unsightly gable would be created, which would be unfortunate as purchase of land from No 13 South Quay, and submission of a planning application made, in order to construct the new boundary wall.

Paragraph 7.6 was then referred to, and that a "Condition Report" dated 11th September 2019 had been provided to the Applicant, but no action had been taken to remedy the situation.

Refurbishment work to the rear portion of No 14 had been started in 2010.

The Case Officer made reference to photographs and the plans to clarify what was being proposed, the area of the existing building proposed to be demolished was not proposed to be used for parking or storage use. The building as a 'shell' was shown with no roof at present.

The site being visible from the North Quay Conservation Area, that the site and neighbouring property had once been part of a historic terrace which ran along the majority of South Quay was described, and reference was made to the aims of the Area Plan for the East for this area as a whole was mentioned.

It had been a struggle to best advise on the best development. Commercial investment on the site was explained. The neighbour's investment was also appreciated, and that they had been in discussion with the applicant in excess of 12 years.

The Case Officer support has been very finely balanced, and the benefits to the conservation area as outlined in the officers report, outweighed the matter.

The Highway Services representative confirmed he had nothing further to add.

Mr Young appreciated the Case Officer's struggle and had tried to imagine the Quay with no support to this proposal.

The neighbour intention was appreciated but that the property being 'reinstated' could not be pressed. In particular the removal of the roof.

Ms Betteridge agreed. The life span of steel buttresses was discussed.

Mr Balmer explained the neighbour intentions by land purchase, and the state of their discussion with the applicant. Concerns remained as to dependency of the steel buttresses.

The impact on the neighbour's property was interpreted. Discussion with regard to DBC and that authority enacting their powers, along with the duration for such were considered.

The protection of number 14 was important.

Mrs Hughes remained concerned as to No 14 being left 'on its own' and this remained her concern.

Mr Warren questioned if there were wider plans for the area? No. 14 did want to develop his property?

Mr Cubbon referred to these properties being deemed 'unhabitable' in the 70's and they had remained as such ever since. The work shop use of one of the buildings was described.

Whilst sympathies remained with the development of No 14 it was a shame that this had not been progressed over the years.

The Chair felt that the potential of the DBC stepping in with a repair notice was unlikely and if the building was left an emergency demolition would likely result.

Ms Betteridge enquired if the form of the buttresses could be conditioned, steel options would rust with sea air and the like and concern of the long term appearance/stability was raised. The Case Officer agreed an additional conditions/s and appreciated the suggestion.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer with the inclusion of an additional condition as to the form of the buttresses, 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. Within two months of the demolition of the building hereby approved the exposed gable elevation (east of Nr 15) is to be finished in a painted render finish and retained thereafter.

Reason: in the visual amenities of the area.

C 3. Within two months of the demolition of the building hereby approved the new blockwork wall with painted render finish to the front of the warehouse building (north elevation) and as shown on drawing M/8831/2 shall be completed and retained thereafter.

Reason: in the visual amenities of the area.

C 4. The two steel buttress as shown on drawing M/8831/2 shall be completed as shown and retained thereafter.

Reason: In the visual amenities of the area.

C 5. Prior to the commencement of any development a fencing/walling plan shall be submitted and approved in writing by the Department which demonstrates how the former area which accommodated by Nr 15 shall be fences/walled off. This approved fencing/walling scheme shall be completed within two months of the demolition of the building and retained thereafter. No approval is hereby given for the use of this area for any purpose.

Reason: In the visual amenities of the area.

C 6. No development shall commence until a full and comprehensive photographic survey of the main building 15 North Quay; has been submitted to and agreed in writing by the Department. The photographic survey should be undertaken as outline on the Department website which lists the relevant criteria of what and how a photographic survey should be undertaken. Please see "Is My Building Registered" section of the web site.

Reason: In order to retain a record of the site in the interests of local history.

C 7. Prior to the commencement of any development (including demolition) detailed scaled drawings demonstrating an alternative means of ensuring the stability of Nr 14 South Quay (instead of steel buttresses as shown on submitted plan) shall be submitted to and approved in writing by the Department, such details shall include a timing of implementation, any relevant structural calculations and details. This could include masonry gable supports/walling or similar.

The approved scheme shall be fully implemented and shall be retained thereafter.

Reason: in the interests of the visual impacts of the area/Conservation Area and to ensure the structural stability of Nr 14 South Quay in the long term.

C 8. Notwithstanding details shown on drawing M/8831/2 no permission is hereby given for the installation of the steel buttresses.

Reason: in the interests of the visual impacts of the area and from the wider conservation area.

Reason for approval:

Overall, it is considered the proposal would have no significant impacts upon public or private amenities and would therefore comply with the relevant policies of the IOM Strategic Plan 2016 and Area Plan for the East 2020.

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):

Owner/occupier of 14 South Quay, Douglas as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

Item 5.6 East Quay Peel Isle Of Man PA22/01183/B	The Installation of Electric Vehicle charge points Applicant : Manx Utilities Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to photographs within the visual presentation and the site highlighted. The presentation included an image of similar EV unit in Douglas but this proposal was for the units to be finished in a black colour.

Since the objection from the LA on the original scheme the proposal had been reduced to two units and the parking spaces reduced to four. But no further comments had been received from the LA since these revisions.

The DOI Flood Risk Management comments about the units being weather resistant was highlighted, and a note added to the decision.

Mr Cubbon expressed concern to the provision of designating EV charging spaces along with expectation for such use only by EV cars and that often these cars not using the charging facility but just for parking only. Reference was also made to application for cycle stands nearby, and the accumulation of street furniture impacting visually impaired or wheelchair/push chairs.

Mr Warren recognised the conservation area and that in other places in UK they often see such units integrated into street lights, and why this hadn't been considered in this case.

The Officer made reference to the visual presentation highlighting that the regeneration works increases the width of the pavement in this specific location which would provide more unobstructed circulation space nearest the buildings for wheelchair/pushchair users.

Mrs Betteridge acknowledged the Commissioners concern as to the loss of parking. Priority spaces for EV vehicles and them sitting vacant when not in use was raised. EV vehicle users are currently a minority.

The Officer explained that the forward planning in looking to provide the infrastructure ahead of demand increasing and a Principal Planner explained that infrastructure was best considered

at the very early stages in any development and integrated as part of those works rather than as an afterthought requiring more intervention later down the line.

Mr Skelton felt the consideration was finely balanced in view of parking demand being high in that locality but appreciated the conservation area concerns.

Mr Young objected in the fact that the whole Quay regeneration and parking provision should have been considered at the very outset. This location proposed, blocking availability of four spaces in this prime location was not well thought out in their proximity to local businesses.

The Highways officer explained that in some cases more obvious or remote sites cannot be considered due to the energy and voltage of certain networks and the needs of these charging units, or the voltage required for dual charging and street lighting units. The Highway Officer also made reference to the presentation indicating the existing lighting columns being on the opposite side of the quay and also that the streetlighting was a responsibility of the LA and not of MU the applicant.

DECISION

The Committee accepted the recommendation of the case officer with exception to Mr Young and Ms Betteridge 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 two charging points hereby approved must be finished in a black colour and retained as such thereafter.

Reason: for the avoidance of doubt and in the interest of visual amenity.

N 1. The applicant is to be reminded of the proximity to the harbour and the consideration of installing suitably weather proofed equipment for such a location.

Reason for approval:

The application is considered to have an acceptable visual, amenity and highway safety impact and to accord with Environment Policy 35 and Energy Policy 1 of the Isle of Man Strategic Plan 2016 and to meet with the principles of Strategic Policies 2, 4 and 10 and Planning Policy 1/01.

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 Flood Risk Management

Item 5.7 Field 124429 Ballalhen Farm, The Lhen Andreas IM1 3EH PA22/00991/A	Agreement in principle for the erection of a farm workers dwelling. Applicant : Mr & Ms Scott & Bayleigh Kneale & Mitchell Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and highlighted the site location by reference to aerial photography, and photos from the proximity.

The proposed dwelling will be primarily for the son.

The Officer noted that although the application only indicated that the principle be assessed, the site size marked within the redline boundary was excessive and thus the Officer had included a restrictive condition for such.

The Highway Services representative had nothing further to add.

Mr Young appreciated support was needed for agriculture.

Concern was expressed and that the original dwelling was not conditioned and could be sold off.

Mr Skelton was not comfortable to support these type of proposals but felt that the siting was appropriate. He would await the reserved matters to monitor size.

These concerns were all appreciated by the other members.

The farm size and stock required such support.

Mr Warren expressed concern as to coastal erosion

Chair supported the consideration

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 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, internal layout, drainage, 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. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To avoid the accumulation of unimplemented planning approvals.

C 4. The application for the reserved matters must include the following highway information:

- i. Site access surfaced for first 5m from carriageway edge with surface water drained into the site.
- ii. Plot Access.
- iii. Pedestrian and vehicle arrangements within the plot, including bicycle and car parking, garaging etc.
- iv. Car parking to adopted standard and bicycle parking to MfMR criteria.
- v. Waste bin storage.
- vi. Surface water drainage.

Reason: the submitted information does not demonstrate how these matters will satisfactorily be addressed.

C 5. The occupation of the dwelling hereby approved shall be limited to a person engaged or last engaged solely in agriculture on the Isle of Man, and any resident dependants or a widow or widower of such a person.

Reason: The site is in an area where new dwellings are not normally approved except where an agricultural need has been established and accepted by the Department.

C 6. Once constructed, if the dwelling is no longer required or occupied by persons engaged in agriculture, in accordance with condition 5 above for a period exceeding 12 months, it must be demolished and the ground returned to part of the surrounding fields.

Reason: an exception to the general presumption against development is being made on the basis of agricultural need and should that need no longer be present, there is no justification for the dwelling and it should be removed.

C 7. Notwithstanding the requirements of Condition 2 approval of the details of the new residential curtilage shall also 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.

Reason for approval:

The development is considered to accord with General Policy 3 (f), Housing Policies 7, 8 and 9, and Environment Policies 1 of the Strategic Plan, as it would not harm the wider environment in terms of its siting relative to the existing farm group, would have acceptable impacts on highway safety and as there is sufficient justification of need for the new dwelling.

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 5.3 in Santon, February 23rd at 10am was agreed, with exception to Mrs Hughes who extended apologies. Mr Ashford will confirm nearer the time.

Neighbours to the site and access to their gardens would be required. The neighbour representative for the neighbours would speak with them to confirm access

7. Section 13 Legal Agreements status

The Members noted that the Section 13 Legal Agreement had been concluded for application 22/00254/B since its last sitting, and the development of the former Nurses Home, and its conversion to 37 apartments.

The decision notice for that application had been issued January 31st.

8. Any other business

8.1 Planning Committee Meeting scheduled for 8th May 2023

It was noted that the 8th May 2023 had been declared a Bank Holiday to mark the occasion of the coronation of His Majesty, King Charles III. The Members discussed the potential for the meeting scheduled for that date to be cancelled.

8.2 Mr Young raised continuing concern as to the lack of formal policy for the loss of buildings and their protection against demolition.

Can this be taken back up to Department level.

8.3 The appeal for the on the golf links application and the expectation and the attendance was clarified.

Mr Warren would be attending on the 21st The other members would attend where able.

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 27th February 2023.

There was no further business and the meeting concluded at 12.15am.

Confirmed a true record



 **Secretary to the
Planning Committee**



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