



Isle of Man Government

Reilrys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 27th March 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
Miss A Betteridge, Member

In Attendance: Mr J Singleton, Principal Planner
*Miss A Morgan, Principal Planner
*Mr P Visigah, Planning Officer
*Mrs V Porter, Planning Officer
*Mr P Shen, Planning Officer
*Mr T Cowell, Planning Officer
*Mr R Brazier, Registered Buildings Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
V* Ms S Henley, Highway Development Control, Highway Services
*Part of the meeting only
V Attending virtually via Microsoft Teams

1. Introduction by the Chair

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

2. Apologies for absence

No apologies had been received.

3. Minutes

The minutes of the 13th March 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.

Item 5.1 Rheaby Beg Main Road Glen Maye Isle Of Man IM5 3AU PA22/00827/B	Demolish existing detached house and build a replacement detached dwelling Applicant : Mr Robert & Mrs Grizelda Taylor Case Officer : Mr Richard Boyt Recommendation : Refused
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In the absence of the Case Officer, Mr Singleton reported on the matter with reference to the visual presentation and summarised the key issues as set out in the report, updating the Members subsequent to the site visit carried out on the 20th March 2023. He advised that the existing dwelling is over 3 stories, the siting of the proposed dwelling partially overlapped the existing, and the finishes were proposed to be of high quality. He further reported that there had been some factual inaccuracies contained within the original case officer's report, advising that the correct details were the proposed dwelling was to be 1.5m higher than the existing, the accommodation was to be 5 and not 6 bedrooms, and the equipment for the ASHP was to be accommodated within the proposed development.

The Chair and Mr Skelton advised that as they were unable to attend the site visit they would not be taking part in the vote. In the event of a hung decision, the Chair advised that he would use his casting vote.

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

The Members expressed that they felt the site visit to be beneficial and were by majority in support of the proposal. They requested that should the application be approved, that conditions be included that a photographic record of the existing dwelling be made and submitted to the Department for its historic record.

The Members were by majority in support of the proposal with the addition of an additional condition requesting a photographic record of the existing dwelling be made and submitted to the Department for information purposes. They complimented the innovative design and noted the onsite electrical supply was intended to be from renewable sources, and that there were ecological mitigation measures proposed within the application. They felt that it would not be economically viable to retain the existing building and upgrade it to modern living standards. Miss Betteridge was not in support of the proposal expressing that she felt the proposed buildings would be visible within the landscape.

In response to a question from the Members, the agent confirmed that the finish of the proposed shed was to be of an olive green material. Following discussion, the agent agreed to discuss the finishing materials of the shed with his client with a view to it being finished in stone rather than as proposed. He confirmed that the proposed finish was intended to help the building to blend in with the surrounding landscape in distant views.

In response to a further question from the Members, the agent confirmed that the materials excavated on-site during the construction of the proposal were to be re-used in the retaining wall which was intended to provide a support platform for the solar panels.

Following discussion, the Members, with the exception of Miss Betteridge, indicated support for the proposal. Mr Young proposed that the proposal be approved, which was seconded by Mr Warren.

The reporting officer read proposed conditions of approval to the Members for their information and decision encompassing the siting, size, massing, glazing, materials, protection of any swallows nest within the existing building, photographic record of the existing planting and landscaping, together with linking the proposed use of the outbuilding to the main dwelling.

Following discussion, the Members deemed that the proposed application for a replacement dwelling in the countryside would meet the exception given in Housing Policy 14 for innovative and modern design that is of high quality. Given its setting and proposed land management, it would not result in adverse visual impact upon the countryside, and would comply with Environmental Policy 1 of the Strategic Plan (2016). The Members agreed to the conditions and reason for approval as proposed.

DECISION

The Committee, with the exception of Miss Betteridge, **rejected** the recommendation of the case officer and the application was **approved** with the following conditions.

C 1. The roof(s) must be finished in either dark natural slate or a material which has first been approved in writing by the Department and retained as such thereafter.

Reason: To ensure a suitable finish to the proposed dwelling.

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 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 - Decking

Reason: To control future development on the site.

C 3. The development hereby approved shall not be occupied or operated 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.

C 4. The fenestration details of the proposed building hereby approved must be a dark grey colour, or as otherwise agreed in writing by the department and being retained thereafter.

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

C 5. Prior to the erection of the replacement dwelling hereby approved, a definitive plan and proposed boundary fencing and or hedge planting treatment delineating the extent of the residential curtilage and scheme of implementations, shall be submitted to and approved in writing by the Department. The development shall be undertaken in accordance with the approved details and maintained as such thereafter. Reason: To reinforce the boundary of residential curtilage In the interest of visual amenity of the Countryside.

C 6. Prior to the erection of the new dwelling, a swallow mitigation plan shall be provided to and approved in writing by the Department. The plan should include details of swallow cups to be erected on the site / building(s). Details should include the numbers to be installed, their location, type and timescales for their installation.

REASON: To ensure suitable nesting habitats for migrating swallows.

C 7. The agricultural buildings must be used only for the storage of plant and machinery in conjunction with the management of the land.

Reason: the countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 8. The external walls, doors and roof on the new agricultural building must be a dark green colour and the roof a dark green colour all being retained thereafter.

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

C 9. The Agricultural Building shall be for private (not commercial) use only and associated with Rheaby Beg, Main Road Glen Maye and the land defined in red and blue on plan reference 280/001 (location plan) as submitted.

Reason: In view of the location of the site in this rural part of the countryside; the Department does not consider the site suitable for anything other than private use.

C 10. Prior to the erection of the proposed dwelling and agricultural building full details of soft and hard 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 grassed areas and new planting (including tree planting) showing, type, size and position of each. 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 dwelling, 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.

The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted. No excavation works or changes to site levels shall be carried out other than in accordance with the approved details.

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

C 11. Development shall not commence until a programme of historic building recording of the buildings affected by the development has been undertaken and submitted to and agreed in writing by the Department. The programme of building recording must be undertaken in accordance with Level Two as set out in Understanding Historic Buildings: A guide to good recording practice

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site that will be lost in the course of works.

C 12. Prior to the erection of the new dwelling, a schedule of materials and finishes including non-reflective glazing and samples or trade literature of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 13. 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 14. Prior to the commencement of any works an Energy Statement shall be submitted and approved in writing by the Department (planning) which demonstrates the new dwellings has a Standard Assessment Procedure (SAP) rating of at least 93 (or similar rating system) and

prior to the occupation of the dwelling a further Energy Statement post completion shall be submitted to and approved in writing by the Department (planning) to demonstrate that the SAP rating of at least 93 (or similar rating system) has been achieved.

Reason: A reason why the application is considered acceptable is due to the overall environmental impacts as outlined on Housing Policy 14 and namely the eco efficiency credentials of the new dwelling as noted by the agents.

N 1. Nesting birds are legally protected under the Wildlife Act 1990 and this includes protection from recklessness.

All birds, their nests, eggs and young are protected and it is an offence to:

Intentionally or recklessly kill, injure or take any wild bird

Intentionally or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built

Intentionally or recklessly take or destroy the egg of any wild bird

Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine up to £10,000.

The bird nesting season is usually between late February and late August or late September in the case of swallows or house martins. Additionally, pigeons have been known to nest year round should conditions be suitable.

Should the applicant not obtain the services of an ecologist, contrary to our advice, then they must undertake thorough checks for bats and birds prior to the demolition of the building. Demolition without thorough checks would be considered reckless.

The presence of bats and birds will not stop the demolition from taking place, but provision must be made for their ongoing protection. Mitigation should also be provided for the loss of any roosting or nesting space.

Reason for approval:

The planning committee deemed the proposed application for a replacement dwelling in the countryside would meet the exception given in Housing Policy 14 for innovative and modern design that is of high quality. Given its setting and the proposed land management would not result in adverse visual impact upon the countryside and would inadvertently comply with Environmental Policy 1 of the Strategic Plan (2016).

INTERESTED PERSON STATUS

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

The Society for the Preservation of the Manx Countryside and the Environment

To accommodate the members of public registered to speak the following 5 items were considered out of order

Item 5.4 40 South Quay Douglas Isle Of Man IM1 5AX PA22/01459/B	Continued use of the site as a temporary car park Applicant : Somerset Properties Ltd Case Officer : Mr Toby Cowell Recommendation : Refused
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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.

The Highway Services representative confirmed there was nothing further to add to their report, confirming that in operational terms the proposal itself was acceptable but that the use of the site did not conform with Highway Services policy.

The applicant on behalf of the applicant had registered to speak, the key points were -

- Personal circumstances had prevented the start of development on the site in line with their previous approval
- They had operated from site for the last 20 years
- Development as previously approved was to go ahead until legal notice to halt was served on behalf of an adjacent landowner, in order that a wall adjoining their property not be demolished. This resulted in the development being placed on hold from that point onwards
- Works were needed to be carried out to the surrounding boundaries
- A safe solution was sought in order to continue the approved works and retain the wall in question, but this was not possible to do so safely
- Had been in communication with the neighbouring property owner for a period of 10 year but no way forward had been agreed
- Personal circumstances had caused certain problems which had led to an Enforcement notice being served, which they were trying to address
- Had no contact with neighbouring property owns, and were seeking to address the boundary dispute
- Had applied for financial assistance from IOM Government in order to continue the development of the site

The Members expressed sympathy for the Applicant's situation but confirmed that land ownership matters were not a relevant planning consideration. They expressed a preference that the use be permitted for a limited period of 12 months only in order that the Applicant seek a solution to the current ongoing legal boundary dispute and that the site itself be maintained in good order, particularly given its setting adjacent to a Conservation Area. They expressed disappointment that no comment had been received from the local authority.

In response to a question from the Members, the case officer confirmed that the land was zoned as mixed use as laid down in the Area Plan for the East.

The Members noted that the site was likely to be developed as a use other than for vehicle parking, but were concerned that the current parking provision had no EV charging points nor clearly marked accessible parking spaces. The Applicant confirmed that there were accessible spaces provided, and the site was used for contract parking.

Following discussion, the Members indicated that they did not support the case officer's recommendation. Mr Young proposed that the application be approved for a limited period of 12 months only, which was seconded by Mr Cubbon. The Members considered that the applicant should be afforded the opportunity to resolve an ongoing legal boundary dispute in order to unlock the site's development potential.

DECISION

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

C 1. The use hereby approved shall be for a limited period of 12 months from the date of this approval and on (or before) the expiry of this approval the use shall be discontinued.

Reason: The development has only been found to be acceptable, contrary to policies of the development plan, on a short term basis.

INTERESTED PERSON STATUS

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

Items No's 5.5 and 5.6 relate to the same property and so were considered together.

Mr Young and Mr Skelton both declared that although they knew the Applicant, they had not discussed the matter with them.

Item 5.5 Former Isle Of Man Bank 3 Market Square The Parade Castletown IM9 1LG PA22/01494/GB	Reinstatement of entrance door, replacement windows, and change of use from Class 1.2 to Class 2.1 (in association with RB application 22/01543/CON) Applicant : Potentilla Limited Case Officer : Mr Ross Brazier Recommendation : Permitted
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And

Item 5.6 Former Isle Of Man Bank 3 Market Square The Parade Castletown IM9 1LG PA22/01543/CON	Registered Building Consent for reinstatement of blocked up front door, repair and replacement of windows, and alterations to the internal plan form RB 39 (in association with 22/01494/GB) Applicant : Potentilla Limited Case Officer : Mr Ross Brazier Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the reports and with reference to the visual presentation. The applicants had not been able to register to speak prior to the deadline so the case officer read out a statement prepared by them on their behalf. This statement comprised –

- The building had been vacant for 2.5 years
- It was previously used for banking but this use has now ceased
- Banks are closing branches and reducing their opening hours
- Difficult to find a tenant for such a use and there is a resulting danger that the ground floor will remain vacant
- Of the current 8 food and beverage outlets in Castletown, 4 were open and 3 closed at the time of the survey, with the remaining 1 being closed permanently
- Have approached existing food and beverage providers on-Island to ascertain if there was interest in relocation to these premises, but there was no interest, and the ground floor configuration would not allow for such use
- Office use would increase footfall in Castletown and so increase the local spend
- The interim plan is for our offices to be on the ground floor. We are currently based at the Nunnery, with a staff of 11. 10 of this staff reside in the South of the Island, with only 2 members of staff required to be at the Nunnery on a daily basis
- The use as an office for us will result in an overall economic and environmental benefit from the reduction in commuting for our staff
- There has been £180,00 spent to date in order to improve the building

The case officer advised that the external appearance had not changed and it was not proposed to be changed as part of this proposal. There had been previous internal alterations in order to facilitate use of the building. The proposed works would not alter remaining surviving historic fabric.

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

The Members noted that the local authority had registered to speak on these two applications, but had not attended the meeting.

The Members noted and understood the local authority's comments, but would prefer to see the building being kept in use. They appreciated the photograph of the original building being included in the visual presentation.

In response to a question from the Members, the Principal Planner confirmed that the application referred to a change of use, and that in order for it to be an additional use a new application would need to be submitted. The case officer confirmed that the building was not currently used for retail purposes. They further confirmed that it may be possible for the ground floor of the building to be changed to retail use under existing Permitted Development for Castletown.

DECISION for PA22/01494/GB

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. Details of Works to Registered Building

Prior to the commencement of each phase of work, No works shall take place on those elements listed below until details of the following items, to include plans, elevations and sections at a scale of (1:10) or (1:20) or other information as agreed following consultation with Design and Conservation Officer have been submitted to and approved in writing by, the Department:

- a) Window repair schedule
- b) Details of New windows
- c) Proposed New Door
- d) Proposed Signage

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building.

C 3. Sample materials

No development shall commence until a schedule of materials, finishes and samples of the materials to be used in the following have been submitted to and approved in writing by the Department:

- a) Railings
- b) Replacement Windows

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building

C 4. Registered Building Making Good

Any damage to the registered building during the course of the works hereby approved shall be made good upon completion of said works. All making good works shall be submitted to and approved in writing by the Department and thereafter implemented within time period to be agreed with the Department.

Reason: to ensure the satisfactory preservation of this registered building

Reason for approval:

The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1 and the Area Plan for the South. The application is therefore recommended for approval.

INTERESTED PERSON STATUS for PA22/01494/GB

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

DECISION for PA22/01543/CON

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

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. Details of Works to Registered Building

Prior to the commencement of each phase of work, No works shall take place on those elements listed below until details of the following items, to include plans, elevations and sections at a scale of (1:10) or (1:20) or other information as agreed following consultation with Design and Conservation Officer have been submitted to and approved in writing by, the Department:

- a) Window repair schedule
- b) Details of New windows
- c) Proposed New Door
- d) Proposed Signage

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building.

C 3. Sample materials

No development shall commence until a schedule of materials, finishes and samples of the materials to be used in the following have been submitted to and approved in writing by the Department:

- a) Railings
- b) Replacement Windows

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building

C 4. Registered Building Making Good

Any damage to the registered building during the course of the works hereby approved shall be made good upon completion of said works. All making good works shall be submitted to and approved in writing by the Department and thereafter implemented within time period to be agreed with the Department.

Reason: to ensure the satisfactory preservation of this registered building

Reason for approval:

The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1. The application is therefore recommended for approval.

INTERESTED PERSON STATUS for PA22/01543/CON

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

The Chair and Mr Skelton both declared that although they knew the Applicant, they had not discussed the matter with them.

Item 5.8 Ballafletcher Sports Centre Strang Douglas IM4 4RS PA23/00190/B	Variation of Condition 5 to PA 16/00912/B to increase the number of camping pitches from 60 to 120 Applicant : Isle Of Man Vagabonds RUFC Limited Case Officer : Mr Peiran Shen 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.

The Highway Services representative confirmed there was nothing further to add to their report. They further noted that there had been a previous approval to allow camping on this site.

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

- There were concerns regarding noise disturbance from the neighbouring properties but I would like to confirm that there will be no music at the clubhouse as the bikers generally prefer to watch the televised racing highlights. There is no music licence for the site
- There may be concerns regarding a permanent variation given the zoning of the site. There is existing permission for 60 tents on the site, but to address such concerns, the applicant would request approval for a period of up to 5 years.
- There were 150 tents on the site last year, and there was a lot of positive feedback from the users

The Members noted the neighbours' concerns, but were in support of the proposal.

The Applicant's representative stated that the staff and officers of the Planning department had been very helpful, and wished to make that known to the Members.

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 maximum number of pitches to be available for use shall be restricted to 120.

Reason: In the interest of public and private amenity and highway safety.

C 3. There shall be no pitching of tents outside of the rugby pitch as defined on the Provisional Layout of Tents, date-stamped as having been received on 7th February 2023.

Reason: In the interests of public and private amenity.

C 4. The camp site may be available for use no earlier than the day before the first practice associated with the TT races and up to the day after the last race and the camp site may be erected within five days before this and taken down within five days after this.

Reason: The application is for the use of the site for the TT period only and whilst provision should be made for setting up and dismantling the camp site, the site should not be used for camping outside those times reasonably associated with these race periods.

C 5. Car parking and manoeuvring areas shall be provided and remain free from obstruction.

Reason: In the interest of highway safety.

C 6. There shall be no vehicular access to the site other than via the hospital access road.

Reason: In the interest of highway safety.

Reason for approval:

The proposal is considered to comply with Strategic Policy 8, General Policy 2, and Transport Policy 7 of the Strategic Plan.

INTERESTED PERSON STATUS

It was determined 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):

19 Ballamillaghyn Estate, Mount Rule, Douglas

is 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 5.7 Football Club Billy Goat Park Stoney Mountain Road Eairy Isle Of Man IM4 3HJ PA22/01323/C	Camping facilities to be provided during TT fortnight and Classic TT on a permanent basis Applicant : Foxdale Heritage Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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The Members noted that the party who had registered to listen to the proceedings had not activated their link and so was not in virtual attendance at that point.

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.

In response to questions from the Members, the case officer confirmed that no objections had been received from DoI Flood Management with regard to potential flooding of part of the site which had been indicated as partially lying within an area of flooding, and that any concerns from persons renting the tents would be between such persons and the site operator.

The case officer confirmed that the land to the west of the site was not within the ownership or control of the Applicant, and did not form part of this application.

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 camp site may be erected no sooner than a week before the first practice of TT and may remain until one week after the last race in that event and no sooner than three days before the first practice of the Classic TT and may remain until one week after the last race of that event. No approval is granted to the use of the site as a campsite for the period in between the two events.

Reason: To clarify the extent of the planning approval and to ensure that there is not an oversupply of seasonal camp sites on the Island.

C 3. There shall be a maximum of 54 tents pitched within the site during the approved period of operation.

Reason: In the interests of public and private amenity.

C 4. The campsite shall be restricted to tents. There shall be no motorhomes, trailer tents or caravans.

Reason: in the interests of highway safety.

Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM 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 relating to planning considerations:

Item 5.2 Car Showroom 12 Elm Drive Elm Tree Road Onchan Isle Of Man IM3 4EF PA22/01567/C	Change of use of car sales garage to a martial arts and fitness studio (class 1.1) Applicant : Jones MMA And Fitness 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 with reference to the visual presentation. He advised that C2 was to be amended to reflect the type of use of the building being for both individual tutoring and for group classes, and that IPS was not to be granted to the owner/occupier of Ewood, 2 Elm Drive, Onchan as they were not considered to be within the stipulated 20m distance in accordance with paragraph 2B of the Operational Policy on Interested Person Status. He further advised the Members that this objector had submitted a request that consideration of the matter be deferred as they were unable to attend the meeting. Following discussion, the Members agreed to the proposed amendments to the case officer's recommendation, and to continue their consideration of the matter.

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

The Members expressed support for the proposal, but enquired if it would be possible to amend the hours of opening in order to not restrict the applicants business to operating only in the evening. The Applicant confirmed that while the main hours of opening would be in the evening, it may be beneficial to be able to operate during the day also, and would be in support of a condition stating there to be up to 10 people in the building at any time up until 8.15pm. In response to a question from the Members, the Applicant confirmed that no music was to be played during classes.

The case officer advised that should it be required, the Applicant could submit a further application in order to vary the condition with regards to opening hours. The Principal Planner advised that this was the best course of action in order not to disadvantage parties to the application.

The Members noted that there was no right to park in front of your property on a public road.

DECISION

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

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

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

C 2. No group classes shall be carried out in the building outside the following hours:

Weekdays (Monday to Friday): 5.30pm to 8.15pm,
Weekends (Saturday): 10am to 3pm

Reason: The application has been assessed on this basis as requested in the application form and in the interest of amenity.

C 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to the proposed leisure and recreational use as martial arts and fitness studio (class 1.1).

Reason: In the interest to protect the character and uses of the neighbouring properties.

C 4. The proposed martial arts and fitness studio (class 1.1) hereby approved shall only support a maximum of 18 for any given session.

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

Reason for approval:

The application complies with General Policy 2, Business policy 1, Spatial Policy 2, Transport Policy 1 and Paragraphs 10.2.1 and 10.5.3 of the Strategic Plan, and would not result in significant adverse impacts on private or public amenity, or highway safety.

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 4(2):

10A Beech House, Elm Tree Road, Onchan (Mullen Consulting Ltd);
24 Laurel Avenue, Onchan (Onchan Pensioners Social Club);
1 Church Avenue, Onchan;

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

It was further decided that the following should not be given Interested Person Status 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

Ewood, 2 Elm Drive, Onchan

Item 5.3 Balla De Yoxall Heights Laxey Road Baldrine Isle Of Man IM4 6HA PA22/01501/C	Temporary use of garden as a camp site for the duration of the TT and IOM Festival of Motorcycling (retrospective) Applicant : Lord James & Lady Glenda De Yoxall 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 with reference to the visual presentation.

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

The Members noted that the site had been ran successfully for a number of years, albeit without planning permission, but with support of Tourism.

In response to a question from the Members, the case officer confirmed that the applicant had applied for 6 pitches on advice received by them from DfE Tourism.

DECISION

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

C 1. This approval relates to the use of the area edged red and shown for camping pitches, and for a maximum of 6 tents within the site during the approved period of operation.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted. The dwelling is within an area not zoned for development and permission has been granted as an exception.

C 2. The pitching of the camp site may occur no sooner than one week before each first practice of TT 2023 and the IOM Festival of Motorcycling 2023, and must be removed no later than a week after the last race of the TT 2023 and the IOM Festival of Motorcycling 2023, with no use of the site for camping in between these race events.

Reason: The camp site is proposed for the TT 2023 and the IOM Festival of Motorcycling 2023 events only and the assessment has been made on this temporary basis. In addition, the site is not designated for development. While provision should be made for setting up and dismantling the camp site, the site should not be used for camping outside those times reasonably associated with these race periods.

C 3. The parking area shown on the Proposed Site Plan, shall not be used other than for the parking of vehicles in connection with the dwelling 'Balla De Yoxall Heights', Laxey Road, Baldrine and camping use hereby approved.

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

Reason for approval:

The proposal is considered to support the Governments tourism strategy whilst not having any undue environment impacts, and there would be no adverse impacts on the character of the site and surrounding countryside, with the scheme having acceptable impacts on highways safety and neighbouring amenity. As such, the proposal is considered to comply with Business Policies 11 and 13, Strategic Policy 8, Transport Policy 4, Environment Policy 1, and General Policy 2 of the IOM Strategic Plan 2016, as well as Paragraph 10.5 of the Area Plan for the East.

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:

Department of Enterprise (Tourism Division)

6. Site Visits

None.

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

None

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 11th April 2023.

There was no further business and the meeting concluded at 11.40am

Confirmed a true record



**Secretary to the
Planning Committee**



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