



Isle of Man
Government

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 11th April 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 J Chance, Director
*Mr P Visigah, Planning Officer
*Mrs V Porter, Planning Officer
*Mr D Spencer, Planning Officer (observing)
Mrs C Dudley, Deputy Secretary to the Planning Committee
*Miss E Quayle, Administrative Officer (observing)
*Ms S Henley, Highway Development Control, Highway Services

*Part of the meeting only
Attending virtually via Microsoft Teams *V

1. Introduction by the Chair

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

2. Apologies for absence

No apologies for absence had been received.

3. Minutes

The minutes of the 27th 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;

Out of consideration for members of the public present, the following two items were considered out of agenda order;

Item 5.1 Plot 1 South Part Of Field 435252 Scarlett Farm Scarlett Castletown Isle Of	Reserved Matters application to PA 20/00995/A for the erection of an agricultural farm workers dwelling
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Man IM9 1TB	Applicant : Mr Robert Henry John Watterson
PA22/00332/REM	Case Officer : Mr Toby Cowell
	Recommendation : Permitted

In the absence of the Case Officer, Miss Chance summarised the key issues as set out in the report and with reference to the visual presentation. She amended the case officer's recommendation in that a note be added reminding all parties that the conditions pertaining to the Approval in Principal (PA20/00995/A) remain in force with regard to this application also. Following discussion and a vote, the Members agreed to such recommendation.

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

In response to a question from the Members, the reporting officer referred to the visual presentation in order to confirm that the red line shown on the submitted application indicates and limits the residential curtilage. Following a request from the Members, the reporting officer agreed to further amend the case officer's recommendation by the inclusion of a further condition tying the use of the proposed garage to the proposed agricultural workers dwelling only, such amendment being proposed by Mr Young and seconded by Mr Cubbon.

The agent was present in order to answer any questions which the Members may have.

DECISION

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

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

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

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

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

C 3. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 4. 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 all hardsurfacing within the site, 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 5. Prior to the occupation of the dwelling the Swift brick bird nesting boxes as shown on drwg. no. 300 Rev D shall be installed and ready for use and retained thereafter.

Reason: In the interest of biodiversity on site.

C 6. All planting, seeding or turfing comprised in the approved details of landscaping drawing 001 Rev C must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the hereby approved 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. The hard landscaping works shall be completed in full accordance with the approved details as shown on drawing 001 Rev C prior to the first use of the dwelling.

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

C 7. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and cycle parking, and shall be retained available for such use.

Reason: To provide adequate off-street parking and cycle provision.

C8 – The garage hereby approved shall remain incidental to the dwelling, for the occupants use only and not for any other purpose.

Reason: To meet the needs of the development

N1 – NOTE: This decision notice relates to a Reserved Matters approval pursuant to Approval In Principal application 20/00995/A. For the avoidance of doubt all conditions that apply to 20/00995/A and those on this decision notice apply to the development and should be read in conjunction with one another, consequently the agricultural occupancy condition continues to apply.

"Condition 7. 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, or a widow or widower of such a person, or any resident dependants.

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."

Reason for approval:

The proposed development is considered to constitute a high standard of design which would be in keeping with the site's rural location in the countryside. The proposals would not result in a demonstrably harmful impact upon the wider landscape, whilst being read in the context of the existing group of farm buildings. The development would further provide future occupants with a spacious and functional dwelling, particularly in the context of the wider agricultural holding. The proposals are considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policies 9 and 10 of the Strategic Plan (2016).

INTERESTED PERSON STATUS

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

Item 5.6 Land At Woodland Heights Ashley Road Onchan Isle Of Man IM4 5BB	Erection of garden cabins for use as tourist accommodation (class 3.6) and therapy business and a covered structure (retrospective)
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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 applicant spoke in support of the proposal. The points raised were as follows:-

- Confirmed they were a Clinical Psychologist who had previously worked with Hospice
- Had set up the therapy business in response to requests for such a service
- The therapy was initially offered remotely in line with COVID-19 restrictions in place at that time, but had been moving towards a more face to face basis subsequent to the lifting of such restrictions
- Research has indicated that such support need not be in an office setting, and could indeed be more beneficial in a retreat-type, more mindful setting
- There could be the opportunity to run the therapy business alongside the existing family-run tourist lets in order to offer a more beneficial service
- The "outdoor" nature of the setting could be beneficial to the clients and aid their therapy

The applicant's agent confirmed that the proposed use would complement the existing approval for the other cabins for tourist use.

The Members indicated that they were in support of the proposal, but would prefer that the use be personal to the applicant, with C2 being amended to reflect that. The agent indicated that would be acceptable to their client.

In response to questions from the Members, the agent confirmed that the main use of the site was as the family home, with the existing tourist use and proposed therapy use being incidental to that. The applicant confirmed that any associated use of the cabins would be in connection with the therapy business and run alongside the existing tourist use, that the use and hours of operation were such to fit with family, and that application was retrospective as they initially believed it to fall within Permitted Development, but had applied for the additional use once they realised that it was not covered by PD.

The Members requested that C4 be amended to clarify that this approval would relate to the proposed therapy business and not to the approved tourist use.

The case officer agreed to amend their recommendation with regard to C2 and C4 as requested by the Members. Following discussion and a vote the Members accepted such amendments.

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 business use hereby approved for one of the cabins is only for the provision of Therapy Business services and shall only be carried out by Mrs. Hollie Quaye as flourishtherapies.im and only whilst at the property 'Woodland Heights', Ashley Road, Onchan,

and no other staff may be employed and/or work at the premises. Upon the cessation of occupation by flourishtherapies.im at the property, the use 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: 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.

C 3. The cabins hereby approved shall not be used or occupied other than for the purpose of short-let holiday accommodation and shall not be used as a separate dwelling. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year".

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

C 4. The use of one cabin for therapy business purposes hereby approved shall not operate outside the hours of 8.30am and 3pm on Mondays, Tuesdays and Wednesdays.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and in the interest of the amenities of the residents of neighbouring dwellings.

C 5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, the structures hereby approved shall be used only for the purpose hereby approved (Therapy Business) and shall not be used for any other purpose within Use Class 1.1 without the express grant of planning approval from the Department.

Reason: To enable the Department to consider the implications of any subsequent change of use on the amenities of the area.

Reason for approval:

Overall, it is considered that the proposals would not harm the use and enjoyment of the existing dwelling occupants and neighbouring properties. The proposal would also not result in adverse visual impacts on the character of the site or surrounding countryside, and as such is considered to comply with Environment Policy 16, Strategic Policy 8, Business Policies 11, 13 and 14, General Policy and strategic Policy 4 of the Strategic Plan 2016.

INTERESTED PERSON STATUS

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

Item 5.2 Land NorthEast Of Garage And Part Field 230387 Main Road Kirk Michael Isle Of Man IM6 2HD PA22/00596/B	Creation of bus layby with associated bus shelter and formation of field access Applicant : Highway Services Case Officer : Mrs Vanessa Porter 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.

In response to a question from the Members, the case officer indicated the positioning and layout of the proposed bus layby and bus shelter in relation to the existing surroundings and landscape, confirming that the proposed site was more suitable than the existing site.

The Highway Services representative confirmed that DOI Highway Services had worked with the landowner in order to accommodate the proposed lay by and shelter in what was felt to be a safer and more suitable site.

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. All planting, seeding or turfing comprised in the approved details of landscaping on drawing P003 Rev A must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the development, 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 (i.e. footpaths etc.) shall be completed in full accordance with the approved details prior to the first operation/occupation of the development thereby permitted.

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

Reason for approval:

The proposal complies with General Policy 2 of the Isle of Man Strategic Plan 2016 and in turn the Residential Design Guidance 2021.

INTERESTED PERSON STATUS

It was decided that the Department for Infrastructure's Flood Risk Management Team should be afforded interested person status as they are a Government Department which has raised material planning considerations.

Item 5.3 Former Prison Site Victoria Road Douglas Isle Of Man PA23/00287/B	Temporary TT Accommodation and associated facilities for 2023 and 2024 only Applicant : Department Of Enterprise Case Officer : Mr Chris Balmer Recommendation : Permitted
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In the absence of the Case Officer, Miss Chance summarised the key issues as set out in the report and with reference to the visual presentation.

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

DECISION

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

C 1. 2023 - The temporary building/s hereby approved on this site shall not be in situ before the 12th May 2023 and shall be removed from the site by the 17th June 2023. The use hereby approved shall not be in operation before the 26th May 2023 or after the 12th June 2023. The site shall be restored to its former condition within 5 days of the temporary building/s being removed.

2024 - Prior to the occupation/use of the land for the temporary TT Accommodation and associated facilities as for the 2024 TT, dates shall be submitted to and approved in writing by the Department for the 2024 TT periods which outline the setup, operation and take down periods/dates. These agreed dates shall be fully adhered to.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the TT event only and for a period of two years as proposed by the application. Exact dates for the 2024 TT are not yet known.

C 2. Visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit shall be provided prior to first use of the development, and maintained as such unobstructed whilst the site is in use, with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety.

C 3. The parking and motorcycle spaces as shown on drawing "P02 extra cabin" shall be provided and ready for use prior to the occupation of any unit and retained for such use during the temporary period/s (Outlined in C 1).

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway.

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

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

Item 5.4 Carmodil Beg Glen Road Ballaugh Isle Of Man IM75JD PA22/01306/B	Proposed extension to garage block to create Ancillary Disability Accessible Granny Flat / Self Catering Unit Applicant : Mr Gordon Clarke Case Officer : Mr Chris Balmer Recommendation : Permitted
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In the absence of the Case Officer, Miss Chance summarised the key issues as set out in the report and with reference to the visual presentation. She amended the case officer's recommendation with regard to revising C2 by combining it with C6 in order to clarify the use,

and the subsequent removal of C6. Following discussion, the Members agreed to such amendment.

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

The Members noted that there had been no views received from the local authority.

The applicant was present in order to answer questions.

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 accommodation within the single storey building hereby approved shall only be used in association with the main dwelling house "Carmodil Beg", for purposes incidental or ancillary to the use of main dwelling house "Carmodil Beg" as a single dwelling; or as a self-catering tourist unit. No separate curtilage shall be formed nor shall the building be used as an independent dwellinghouse. Should the ancillary accommodation or tourist accommodation be no longer be required the accommodation shall only be used for incidental purposes in association with the main dwelling house, "Carmodil Beg ", as a single dwelling. When used for tourist purposes, it shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: The dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units of accommodation within the site and has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the Strategic Plan 2016.

C 3. 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 roofs, and hardstanding/ paths have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 4. 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 additional fences, or extensions, enlargement or other alterations of the final development 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 and in the interests of the character and appearance of the development

C 5. The development hereby approved shall be carried out only in accordance with the internal layout shown on plan 753.05B received on the 10th November 2023 and retained thereafter.

Reason: The dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units of accommodation within the site and has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the Strategic Plan 2016.

Reason for approval:

Overall, whilst "ancillary accommodation/tourist unit" can cause concern that the accommodation now or in the future could be used independently and tantamount to the creation of new dwellings in the countryside. However, for the reasons indicated within this report and with appropriately worded conditions in place, it is considered the proposal would comply with the IOMSP; having no public or private impacts amenities nor having a significant adverse impact upon the character or quality of the countryside and therefore complying with Environment Policy 1 and 2 of the IOM Strategic Plan.

INTERESTED PERSON STATUS

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

<p>Item 5.5 Ballacosney House Baldhoon Road Laxey Isle Of Man IM4 7QH</p> <p>PA22/01415/B</p>	<p>Proposed garage with a private yoga studio above & renovation and conversion of an existing cottage and garage for solely tourist accommodation</p> <p>Applicant : Mr & Mrs Nigel & Tanya Davis Case Officer : Mr Paul Visigah Recommendation : Permitted</p>
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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.

In response to a question from the Members, the case officer confirmed that the application under consideration was for a 49% increase in floor area, following an earlier increase in the floor area of 47% in 2013, which had given rise to an overall increase of 100% on the original floor area. The Members expressed that while there had been an incremental increase in floor area regarding this property, and they were mindful that a precedent not be set by this case, although they noted that the design, siting and location of the development would not be intrusive.

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 Cottage shall not be used or occupied other than for the purpose of short-let holiday accommodation and shall not be used as a separate dwelling. The accommodation hereby

approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

C 3. The Yoga studio/gym within the first floor of the extension and the ground floor garage shall only be used in association with the main dwelling house " Ballacosney House" and for purposes incidental to the use of main dwelling house " Ballacosney House" as a single dwelling, for no commercial purposes and only in accordance with the internal layout as shown on the submitted Drawing No.0 JTM2215-P-04 rev A received 9th February 2023, and being retained as such thereafter.

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.

Reason for approval:

Overall, it is considered that the application would not harm the use and enjoyment of the existing dwelling occupants and neighbouring properties. The proposal would also not result in adverse visual impacts on the character of the site or surrounding countryside, and as such is considered to comply with Housing Policy 15, Environment Policy 16, Strategic Policy 8 and, Business Policies 11, 13 and 14 of the Strategic Plan 2016, as well as the provisions of Planning Circular 3/91.

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 Members noted that no site visits had been required,

7. Section 13 Legal Agreements (If any)

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

8. Any other business

8.1 Planning Committee Meeting for the 24th April 2023

Mr Skelton advised that he may not be available for the next meeting, but would update the Chair nearer to the date of the next meeting.

8.2 Planning Committee Meeting for the 8th May 2023

The Chair reminded those present that the meeting of the 8th May 2023 had been cancelled as the date on which it had been scheduled was the Bank Holiday declared for the coronation of His Majesty, King Charles III.

8.3 Green Initiatives with respect to the Planning Process

In response to a question from the Members, Principal Planner Mr Singleton updated the Members with regard to Departmental processes and procedures with regard to upcoming environmental legislation and initiatives.

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 24th April 2023.

There was no further business and the meeting concluded at 10.43am.

Confirmed a true record



**Secretary to the
Planning Committee**



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