



**Isle of Man  
Government**

*Resllys Ellan Vannin*

**Minutes of a meeting of the Planning Committee, held on 6th November 2023, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

Present: Mr P Young, Member and Acting Chair of the Planning Committee  
Mr S Skelton, Member  
Mrs H Hughes, Member  
Mr M Warren, Member  
Miss A Betteridge, Member  
Mr P Whiteway, Member

In Attendance: \*Mr S Butler, Head of Development Management  
Mr J Singleton, Principal Planner  
Mrs V Porter, Planning Officer  
\*V Mr T Cowell, Planning Officer  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
\*Mr R Webster, Highway Development Control, Highway Services  
\*Part of the meeting only  
Attending virtually via Microsoft Teams V/\*V

**1. Introduction by the Chair**

Apologies were received from the political Chair, Mr Rob Callister, MHK, who was not able to attend this meeting due to the short notice of his recent appointment. In his absence, Miss Betteridge proposed Mr Young as Acting Chair, which was seconded by Mr Warren. Mr Young was elected as Acting Chair for the purposes of the meeting. The Acting Chair welcomed members of the public in attendance to view the proceedings.

**2. Apologies for absence**

Apologies for absence were noted from the Chair, Mr Callister, MHK.

**3. Minutes**

The minutes of the 16<sup>th</sup> October 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.**

**Mr Skelton advised that as he was unable to attend the site visit he would take no part in the consideration and decision in this matter**

<p><b>Item 5.1</b> Land At Ballahane House Erin Rise Port Erin IM9 6FF</p>	<p>Erection of a single detached dwelling with associated car parking</p>
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The case officer updated the Members subsequent to the site visit on the 19<sup>th</sup> October 2023, and summarised the key issues as set out in the report with reference to the visual presentation.

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

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

- Members well acquainted with the site following the recent site visit
- The site is designated for residential use under the Area Plan, with previous approvals on neighbouring land recognising the need to not prejudice future development of designated land. There has been a presumption in favour of the site's development since the 1982 Development Plan
- The design accords with the requirements of the Development Plan
- The local authority and other relevant bodies in support
- Have submitted sight-line analysis between the proposed dwelling and the existing dwellings, and feel the proposal has no further detrimental impact with regards to privacy that the existing dwellings have on each other
- The proposed bedroom windows are narrower than those on the neighbouring dwellings.
- Window 14 complies with the Development Plan and the Department's design guidance and so we feel there would be no need for obscured glazing as previously discussed

In response to a question from the Members, the agent confirms the extension referred to as the nearest point with regards to sight lines is that on plot 45.

In response to a question from the Members, the case officer confirmed that no further views had been received from the local authority. The Members noted that while the local authority's website indicated that it objected to the proposal, it was not within the remit of the case officer to chase the local authority to submit its views to the Department.

Mr Skelton confirmed that while he would not be taking part in the determination of the application, he would have been minded to support the case officer's recommendation.

The Members found benefit in visiting the site and understanding the relationship with its neighbours and noted that the development site was low-lying, and that the proposal would appear more as a bungalow so would not be visually intrusive, the scale, size and form would fit well within the topography of the site and that the proposal complied with the Department's guidance.

They expressed sympathy with the neighbours, but felt that there would not be a detrimental element of overlooking from the proposed property, and that the gardens of the existing properties were already overlooked for the adjacent roadway.

The matter of obscured glazing to window 14 was discussed, and the Members determined not to require obscured glazing in this case.

The case officer further reported with regard to the Interested Person Status recommendation for the owner/occupiers of 3 Erin Rise, confirming that the property in question was situated 22m from the proposed development at its closest point. Following discussion, the Members agreed that as the property in question fell outside of the mandated 20m limit, Interested Person Status would not be accorded to the owner/occupiers of 3 Erin Rise.

## **DECISION**

The Committee, with the exception of Mr Skelton who abstained from the vote in this instance, 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. Prior to the occupation of the dwelling hereby approved, all new soft landscaping shall be undertaken in strict accordance with the proposed site plan (Drawing No. 101.02 Revision N) dated August 2023. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the provision of an appropriate landscape setting to the development and in the interests of promoting biodiversity.

C 3. Prior to the occupation of the dwelling hereby approved, the bat and bird bricks shall be installed in the new dwelling, in strict accordance with the details contained in the Plan, Elevations and Sections As Proposed (Drawing No. 102.01 Revision N) dated August 2023.

Reason: In the interests of biodiversity and ensuring the delivery of appropriate bird and bat roosting provision.

C 4. All tree removal shall be undertaken in strict accordance with the Tree Removal Plan (Drawing No. TR-281022revA) dated 14th July 2023. All remaining trees within the site shall be retained in perpetuity and protected during construction. The Tree protection measures detailed within the Tree Protection Plan (Drawing No TP-121022revA) dated 14th July 2023, shall be implemented in strict accordance with the approved details.

Reason: To ensure that the health and vitality of retained trees are appropriately safeguarded.

C 5. 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 6. 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.

## **N 1. FOR YOUR INFORMATION**

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposed development is considered to be of an appropriate design, scale and form, providing a degree of visual interest within the immediate streetscene and amounting to an efficient use of the site, without detriment to the amenities of surrounding residential properties. The development is further considered to be acceptable in the context of arboricultural constraints and the site's biodiversity credentials, without impacting the safety and convenience of the local highway network. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 2, General Policy 2, Environment Policies 3, 4, 5 and 42 and Transport Policies 4 and 7 of the 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:

Department of Infrastructure Highway Services  
Manx Utilities Authority

It was decided that the following 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:

39 Erin Way, Port Erin  
41 Erin Way, Port Erin  
43 Erin Way, Port Erin  
45 Erin Way, Port Erin  
47 Erin Way, Port Erin  
1 Erin Rise, Port Erin  
2 Erin Rise, Port Erin

as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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:

3 Erin Rise, Port Erin  
4 Erin Rise, Port Erin

Whilst the above have explained how the development would impact the lawful use of land owned or occupied by them, both properties are located in excess of 20m from the application site and therefore do not comply with paragraph 2B of the Policy.

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**The following two applications were considered out of order to accommodate speakers present.**

<b>Item 5.3</b>	To erect a new stable block which consist of two stables, a hay store and change of use to equestrian use
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Field 334666 Ballachrink Farm Dalby Isle Of Man IM5 3BN  <b>PA23/00584/B</b>	Applicant : Mr Lee McCarthy Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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In the absence of the Case Officer, Mrs Porter 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:-

- Bought the property in 2020 and wish to accommodate our horses there. One horse is currently in palliative care
- The stable block is for animal welfare in order to provide suitable accommodation for our horses together with associated feed and equipment
- The proposed location would have the least impact on neighbouring properties
- The siting of the stables is on the flattest part of the site
- Propose to plant native Manx species hedge for visual screening
- Not proposed as a commercial enterprise, but for the welfare of our own horses

In response to a question from the Members, the applicant confirmed that the proposed site was the most sheltered area of their land, and that it was a condition of the sale that there was to be no built structures immediately behind the house. It was the intention to grow hay for feed on this area.

In response to a question from the Members regarding C7 and the removal of the stable block if no longer in use, the reporting officer confirmed that C7 was to be read in conjunction with C2, with regard to removal of the stable block and the ground being restored to its former condition within 24 months of the date the use ceased.

The Members discussed the addition of a further condition with regard to external lighting. The reporting officer agreed to amend the case officer's recommendation by the inclusion of an additional condition regarding external lighting. The applicant confirmed that any external lighting was likely to be solar-powered.

The Members expressed that they understood the need for such accommodation, and were minded to approve the proposal, noting that a similar application near Garth crossroads which had been refused by the Planning Committee, whereupon that decision had been later overturned at Appeal.

## **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. In the event that the stable building approved is no longer used or required for the stabling of horses, the stable building and its associated hardstanding shall be removed and the ground restored to its former condition within 24 months of the date the use ceased.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided and its subsequent retention without that need would result in an unwarranted stable building in the countryside. The restoration time limitation takes into account the length of time it can take to find a new horse as per the applicants email dated 31/10/2023.

C 3. The building hereby approved must be used only for equestrian purposes in association with the residential dwelling Ballachrink Farm and shall not be used for any commercial use or commercial purposes.

Reason: The application has been assessed on this private use only as requested in the application for the stabling of horses and keeping of equipment and feed in association with the horses.

C 4. The building must be finished externally in accordance with the details listed under 'Formation of Stable Block' on approved elevation and roof plan drawings (dwg: 01, 02, 03, 04, 05 and 06) and retained thereafter.

Reason: The application has been assessed on this basis and in the interest of visual amenities of the area and impact of the building in the landscape.

C 5. The planting as shown in drawing 08 rev 004 (received 25/07/2023) shall be planted within the first available planting season following the first use of the building approved, and in the event any of those plants die within 5 years of planting they shall be replanted with native species and all shall be retained and maintained thereafter.

Reason: The application included additional planting and this would assist in further visual mitigation to the stable in the interest of visual amenities of the area and impact of the building in the landscape.

C 6. The change of use of land to private equestrian use relates only to the area outlined in red as shown on drawing number BCF-002-23-07 01 rev 004 Site Location Plan received 25/07/2023.

Reason: The application has been assessed on this area only for private equestrian use.

C 7. In the event that the stable building is removed in line with C2 above, the equestrian use of the land must also cease.

Reason: the equestrian use of the land is considered on an exceptional basis for the need for horse grazing and in the event that need ceases the land shall also revert to its original use and purpose.

C 8. For the avoidance of doubt there shall be no permanent siting or any external storage of any horse jumps, horse boxes or any other associated equestrian paraphernalia on the land edged red on drawing number BCF-002-23-07 01 rev 004 Site Location Plan received 25/07/2023

Reason: The application has been assessed on the change of use of the fields for general exercise and grazing only and not for any other use. In the interest of ensuring no overspill of equestrian equipment over the fields in the interest of visual amenity.

C 9. There shall be no external lighting at the site unless full lighting plan details have been first submitted to and approved in writing by the Department, such details shall include position of lights, level of illumination and cowl details. Any external lighting shall then only be installed in full accordance with the approved lighting plan.

Reason: For the avoidance of doubt and to ensure no harm to the dark skies and surrounding countryside.

N 1. The applicant is to be reminded to contact Manx Utilities in relation to undertaking the works given the proximity to electrical power infrastructure.

Reason for approval:

The need for a stable and use of the land for equestrian use has been demonstrated and the siting, size, design and finish of the proposed stable and equestrian use of the land is not considered to result in any material harm to the overall character or appearance of the locality or the rural landscape, and in the absence of any identified harm to the amenity and living conditions of the The Granary and Shilley Marrey the proposal is considered to meet the tests of Environment Policies 1, 19, 20 and 21 of the 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:

- o Manx Utilities - proximity of power line

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):

- o The Granary, Ballachrink Farm, Dalby
- o Shilley Marrey, Dalby

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

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<b>Item 5.5</b> Reayrt Aalin Ballavitchel Road Crosby Isle Of Man IM4 2DN  <b>PA23/00749/B</b>	Erection of timber cabin and replacement garden shed/store  Applicant : Mr William Cullen Case Officer : Mr Paul Visigah Recommendation : Refused
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In the absence of the Case Officer, Mr Singleton summarised the key issues as set out in the report and with reference to the visual presentation.

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

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

- Carefully considered design
- Specifically for the use as accommodation for applicant's parents
- Not a new dwelling in the countryside but a self-contained annex to an existing dwelling
- While the proposal does not technically comply with Policy, the strategic and legislative grounds are clear and we would ask the Members to look beyond Policy
- Regard should be given to the suitability of the scale and siting of the proposed development within the defined curtilage, and the lack of detrimental impact on the character of the area
- There are other similar developments on the Island. The proposal will be subservient to the existing dwelling and not detrimental to the surroundings. There have been no objections to the proposal. It would not be sited in open countryside, and would not

- comprise overdevelopment of a large private residential site which sits on the boundary of a village
- The Town and Country Planning Act (1999) clearly states what may be taken into account in any planning application, part of which is "all other material considerations", which should include the Island Plan, Economic Strategy and the Built Environment Reform Programme
  - The case officer's report has not taken this into account, and some of the Policies, for example GP3, are no longer fit for purpose
  - Government's overall strategy should be taken into consideration. Plans should override Policy
  - Approving this application would allow an existing property to be fed back into the market, increasing housing stock and economic activity, which would be fundamental to the economic shift and delivery of the Island Plan/Economic Strategy

The Members, with the exception of Mr Skelton, expressed that they did not agree with the case officer's recommendation to refuse the application. Whilst they agreed with the officer that the proposal did not meet the Policies, they expressed that the plot was of a suitable size to accommodate the proposal with no detrimental impact on the surroundings, there were no concerns from neighbours, the site was on the edge of a settlement, that ancillary buildings are often accepted within residential curtilages, that the site was well screened by existing landscaping, that the single access would make it difficult to let the proposed cabin separately to the main dwelling and noted the personal circumstances of the applicant.

The Head of Development Management summarised the points made by the Planning Committee in their discussion raised in favour of overturning the case officer's recommendation and approving the application. He advised the Members with regards to the grounds for suitable conditions of approval.

The agent confirmed that the long term use was as accommodation for the applicants' parents, in that the property would be a multi-generational dwelling in order to support assisted but independent living for as long as possible. When the proposed use does come to an end, the applicants would continue to use the proposed cabin as ancillary accommodation for the family. The applicant confirmed that they are removing 2 conservatories, and that the family would use the proposed cabin for storage and use of their gym equipment.

The motion to approve the proposal was made by Mr Warren and seconded by Mr Whiteway. The Members discussed the proposal and voted to approve it, with the exception of Mr Skelton who supported the case officer's recommendation for refusal. Following the vote the Members agreed that the conditions were to be drawn up and confirmed by circulation by email to the Members.

## **DECISION**

The Committee, with the exception of Mr Skelton, overturned the recommendation of the case officer and the application was **approved** for the following reason(s).

C1. 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.

C2. 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 18 - Domestic Fuel storage tanks  
Class 19 - Replacement of waste water treatment system  
Class 21 - Erection of decking  
Class 22 - Solar Panels  
Class 23 - Heat Pumps  
Class 23A - Air Source Heat Pumps

Reason: To control future development of the site within the countryside.

C3. The building hereby approved shall not be occupied at any time other than for purposes incidental to the enjoyment of the residential use of the dwellinghouse, also known as 'Reayrt Aalin', and shall not be separated, sold off or occupied as an independent dwelling unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

C4. In the event that the building hereby approved is not used or required for ancillary purposes for a period exceeding 6 months, the timber cabin building hereby approved shall be removed and the ground restored to its former condition within 12 months of its last use.

Reason: The building has been exceptionally approved solely to meet the personal need of the applicant and its subsequent retention could result in an unwarranted intrusion in the countryside.

C5. 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, 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.

C6. There shall be no external lighting at the site unless full lighting plan details have been first submitted to and approved in writing by the Department, such details shall include position of lights, level of illumination and cowl details. Any external lighting shall then only be installed in full accordance with the approved lighting plan.

Reason: For the avoidance of doubt and to ensure no harm to surrounding landscape.

#### N1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for Approval:

Although the proposals is not one of the exceptions allowed for within General Policy 3, given the nature and location of the site (well landscaped residential curtilage on the edge of a

settlement of limited public view), the proposal (nature/size of building and location within the site) and the potential for ancillary buildings within domestic curtilages, it was not considered that the development would have an unacceptable impact on the open countryside. The proposal was not considered to have any unacceptable impacts including in terms of neighbouring amenity/overlooking. The size/location/nature of the proposal together with the shared access with the main dwelling is appropriate in terms of being for an ancillary use. The potential for the proposal to contribute to the supply of housing, economic activity and support inter-generational living is also noted.

### **INTERESTED PERSON STATUS**

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

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### **The agenda order was reverted to**

<b>Item 5.2</b> Millmount Complex New Castletown Road Douglas Isle Of Man IM2 1HD  <b>PA22/00865/B</b>	Erection of 9 light industrial units with associated road infrastructure, parking and amendment to site levels and ground infill  Applicant : WDS Ltd Case Officer : Mr Toby Cowell 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 stated that although there was additional planting proposed on-site, he would like an updated landscaping plan to be submitted.

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

In response to a question from the members, the Highway Services representative confirmed that the proposed roadway and footways were internal to the private industrial estate and would not be adopted.

In response the drainage and potential flooding concerns raised by the Members, the Principal Planner advised that in similar cases elsewhere on the Island the drainage mitigation measures were monitored and dealt with by DoI Highway Services Drainage Division, and DoI Flood Management under the relevant drainage Legislation.

The Members expressed they were not fully satisfied with the submitted information with regard to flood management, and that they felt the information online was unclear given there were a number of iterations of the drawings. The Principal Planner advised the Members that the Directorate were in the process of upgrading the document management system, with the incoming system improving how submitted information would be displayed.

The case officer confirmed that his recommendation was informed by guidance from DoI Highway Services Drainage Division, and DoI Flood Management. He advised that a further flood risk plan could be requested should the members require.

Following a question from the Members, the Highway Services representative confirmed that the proposal complied with Manx Roads 2, that the number of units proposed had been reduced, and that those units were of a smaller size not designed for use by larger vehicles.

The Members discussed the ownership of the access and potential additional vehicle movements. Following discussion, the case officer amended his recommendation to include further conditions regarding the submission of further drainage details with an interceptor being installed prior to

the occupation of any units and subsequently maintained, and the access to the site from the New Castletown Road being widened prior to commencement of the development. The Members noted that such proposals were included in the submitted Traffic Plan. The case officer confirmed that it was his understanding that the land in question for the access was in the applicant's ownership.

## **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 development hereby approved shall be undertaken in full accordance with drwg. no. JTM2170-P-08 C, in relation to the access and site layout.

Reason: In the interests of highway safety.

C 3. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the Department for approval in writing. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety.

C 4. Prior to the commencement of the development hereby permitted, and notwithstanding information already received to date, a detailed landscaping scheme and updated ecological enhancement plan shall be submitted to the Department for approval in writing. The plan should contain the following information:

- Details, including type and location, of nesting bird boxes to be erected on the new buildings.
- Details, including type and location, of bat boxes to be erected on the new buildings.
- Details of the shade tolerant ground flora - including seed mix, species composition, and details of how this area is to be created and managed.
- Details of the new tree planting, including species and timing of planting.

All hard and soft landscaping works shall be completed in full accordance with the approved details prior to the occupation of the relevant building/s i.e. dwellings, nursery/retail unit and thereafter retained. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of the character and visual amenity of the site, and to enhance and safeguard biodiversity.

C 5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Department, with all works to be undertaken in accordance with the approved detail. The CEMP will need to incorporate the following measures and detail:

- A responsible eradication and/or avoidance plans for Wildlife Act 1990 Schedule 8 Japanese knotweed, montbretia and Griselinia.

- Measures to be taken to ensure that the proposals do not result in the degradation and pollution (including light pollution) of the River Dhoo and ultimately Douglas Bay Marine Nature Reserve, either through direct impact or as a result of run-off entering the watercourse;
- Construction exclusion areas and other measures to prevent damage to retained trees and surrounding vegetation.
- Measures to be taken to ensure that bats are not harmed by the works - pre-demolition checks and emergence surveys of the buildings and crumbling walls, and measures to be taken should bats be found during the works.
- Reasonable Avoidance Measures for nesting birds to ensure they are not harmed by the works
- vegetation removal outside of the nesting season, or thorough checks prior to removal.

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

C 6. No permanent lighting shall be installed within the site unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 on Bats and Artificial Lighting (12th September 2018), has been submitted to the Department and approved in writing.

Reason: In the interests of biodiversity.

C 7. Prior to the commencement of the development hereby permitted, and notwithstanding the information already received, detailed information of tree protection measures, including the technical specification of fencing and signage, shall be submitted to the Department for approval in writing. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure the protection of retained trees within the site.

C 8. Notwithstanding the meaning of development in Section 6 of the Town and Country Planning Act 1999 or any act revoking or re-enacting that Act, no mezzanine floor shall be constructed without a further application for planning approval being submitted and approved.

REASON: the parking provision is considered acceptable on the basis of the floor area of the proposed units as shown in the submitted plans and on only one floor of accommodation per unit.

C 9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the units hereby approved shall only be used for General industrial (Class 2.3) and/or Storage/distribution (Class 2.4) and for no other purpose at any time.

REASON: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

C 10. The development hereby approved shall not be occupied or operated until the vehicle parking and turning areas have been provided in accordance with approved plans and the parking and turning areas shall thereafter be kept available for the parking and turning of vehicles associated with the development.

REASON: In the interests of highway safety.

C 11. No items of machinery or any equipment or other goods shall be kept outside of any buildings and all activities shall be undertaken within the buildings unless otherwise agreed in writing by the Planning Authority.

REASON: To protect the neighbouring amenity and parking areas

C 12. The buildings shall be used only from Monday to Saturdays inclusive and no business shall be carried out therein on Sundays or Bank Holidays unless otherwise agreed in writing with the Planning Authority.

REASON; To safeguard the character of the area

C 13. The development shall be implemented strictly in accordance with the drainage plan/details referenced; JTM2170-P-10 C. No part of the development shall be occupied until the agreed drainage strategy has been implemented. The drainage system shall be permanently retained thereafter in accordance with the submitted details

REASON: In order to ensure that adequate drainage/flood control measures/facilities are provided, and retained, in the interests of the amenity of the area.

C14. Prior to the commencement of development hereby approved, and notwithstanding the information already received, a surface water drainage plan showing details and the location of the petrol and oil interceptors, complete with trade literature and a management plan for maintenance 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 ensure no site pollution entering the water course pre and post construction.

C15. Prior to the erection of the units hereby approved, the vehicle access alterations proposed in the transport plan referenced; JTM2170-P-08-C shall be implemented in full and retained, unless otherwise agreed in writing with the Planning Authority.

REASON: To ensure safe access and egress from the highway and for all users.

Reason for approval:

The application site forms part of land zoned for industrial purposes, with the development considered to amount to a highly efficient use of land whilst providing increased employment opportunities, without detriment to the character and appearance of the locality of the amenities of surrounding residential properties. The proposals would further ensure no net loss of on-site biodiversity, whilst being acceptable from a highways, drainage and flooding perspective following the submission of revised plans. The proposals are therefore considered to accord with Strategic Policies 1,2,5,7,10, Spatial Policy 1, General Policy 2, Environment Policies 4,10,22,42, Business Policies 1,2,5-6, and Transport Policies 4,7-8 of the Isle of Man Strategic Plan 2016 and relevant policies of the Area Plan for the East 2020.

#### **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 Infrastructure Highways Services  
Department of Infrastructure Highways Drainage  
Department of Infrastructure Flood Risk Management Division  
Department for Enterprise  
Manx National Heritage  
Manx Utilities Authority

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<b>Item 5.4</b> Ballaoates Farm Ballavagher Road St Johns IM4 3JE	Temporary Change of Use for siting of a static caravan Applicant : Mr John Kneen
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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.

### **DECISION**

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

C 1. The occupation of the temporary accommodation hereby approved is limited to those associated with the implementation of the conversion works approved under 22/01380/B and the accommodation may remain occupied only until 1st November 2025 or on completion of the conversion works, whichever is the sooner.

Reason: the site is not designated for development and what is being approved is a residential unit on the site which, if retained on completion and occupation of the converted barn, would amount to a second dwelling on the site, contrary to the Strategic Plan.

C 2. If the use of the static home hereby approved ceases for a period exceeding 6 months, the building and any supporting base shall be removed and the ground restored to its former condition within 3 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.

Reason: The building has been exceptionally approved solely to meet the applicants need and its subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

Whilst there is a presumption against development on this site due to the land designation, the accommodation is clearly temporary in nature and appearance and is directly associated both with a clear time frame and a development so that enforcement of a time frame would be possible via condition. As such the proposal would comply with the principles of Environment Policy 1 & 2 of the Isle of Man 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

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### **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**

The Acting Chair thanked the outgoing Chair, Mr Ashford MHK, on behalf of the Members, for his service to the Planning Committee and wished him well in his new position. He welcomed the incoming Chair, Mr Callister MHK and stated that the Members were looking forward to working with him.

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

The Committee noted that the next Planning Committee had been set for 20<sup>th</sup> November 2023.

There was no further business and the meeting concluded at 11.13am

**Confirmed a true record**



 **Secretary to the  
Planning Committee**



**Mr P Young** *Rob Callister, MKK*  
**Acting Chair of the  
Planning Committee**