



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 20th November 2023, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Present: Mr R Callister, MHK, Chair of the Planning Committee
Mr S Skelton, Member
Mrs H Hughes, Member
Mr M Warren, Member
V Miss A Betteridge, Member
*Mr P Whiteway, Member

In Attendance: Mr S Butler, Head of Development Management
*Mr J Singleton, Principal Planner
Miss L Kinrade, Planning Officer
*Mrs V Porter, Planning Officer
*V Mr H Laird, 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

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

2. Apologies for absence

Apologies for absence were noted from Mr Young.

3. Minutes

The minutes of the 6th November 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 those registered to speak, the following items were considered out of agenda order.

Item 5.2 19 - 20 Ballastrooan Colby Isle Of Man IM9 4NR PA23/00784/B	Construction of proposed detached garage Applicant : Mr & Mrs Glenn Richards Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation and the disputed area to the front of the garage. The case officer further reported that updated drainage details showing an existing soakaway had been submitted and in light of such detail MU Drainage no longer objected to the proposal. Highway Services did not object provided the garage was built to the approved plans and conformed to Manual for Manx Roads which requires that garages be sited a minimum of 6m from any adopted highway. The Highway Services representative confirmed there was nothing further to add to their report.

The resident of 18 Ballastroan spoke against the proposal. The points raised were as follows:-

- The lack of driveway to the front of the proposed garage
- Should be a minimum of 6m between the front of the garage and the highway in order to comply with Manx Road 2
- DOI support and the recommendation to approve was on the basis that the unadopted area could form part of the required 6m
- Tynwald Select Committee on footpaths, bridleways and green lanes (petition of redress of grievance) 2021-22 stated that all highways fall into one of two categories. Those maintainable at the public expense – adopted – or those which were not – unadopted. Therefore the unadopted area is classified as a highway
- This report further states that the DoI is responsible under Section 88(1) of the Highways Act for ensuring all highways that have been used by the public for 21 years or more remain open to the public
- The area to the front of the proposed garage has been used by the public since the estate was built in the early 1970's and was shown clearly as being part of the estate roadway in the November 1969 title deeds for the estate
- The unadopted area has previously been maintained by the DoI
- The boundary between the adopted and unadopted highway is unclear
- The visibility splay could not be achieved as part of the land required in both directions is not within the applicants ownership or control
- Have concerns for the safety of the residents with regard to traffic movements
- There are no guarantees that no vehicles will park in the turning area, nor that it would not be used by future occupiers of the property as an extension of their driveway

The Highway Services representative confirmed that the land in question is private, is an unadopted highway, and was maintained by the DoI as a gesture of goodwill. The applicant had been asked to step the siting back from the red line boundary, which they had done achieving at least 6m. In response to a question from the Members, it was unclear who owned the land in question, but there were 3 other on-street parking spaces available on the roadway.

In response to a question from the Members, the resident of 18 Ballastroan confirmed that 5 dwellings had access from this part of the road.

The representative for the applicant spoke in support of the proposal. The points raised were as follows:-

- No. 19 is situated in a smaller side road with minimal traffic
- No evidence that the area in question was a designated turning point included in the estate when it was built. It forms part of the entrance to No.19 and would have also formed part of the entrance to plot 20 had it not been refused by the Planning Committee
- The unadopted section was clearly marked within the Land Registry records, which our Advocate has confirmed was a legal document, and Highway Services have agreed with this definition
- There would be no detrimental impact on the area available for making a turn, and as the garage is situated 2m further back than the existing wall, there would be more room
- No detrimental impact on visibility, and the widening of the driveway would improve such visibility
- There is minimal traffic, and such traffic is slow moving

- The proposal would create more off-street parking, which should increase highway safety
- Highway Services and Arbory Commissioners are in support of the proposal
- There is an existing soakaway which we intend to use for the garage. Should this be deemed insufficient an new one could be created
- The impact on No.21 would not be overbearing and would not detrimentally harm their dwelling or garden

In response to questions from the Members regarding future changes to the garage, the case officer stated they saw no need to revoke Permitted Development Rights, but should the Committee be minded there was potential for adding a further condition to retain the garage for use as vehicular and pedal cycle parking and storage only, but the case officer stated that their recommendation was to remain unchanged. In response to a question from the Members regarding the disputed highway, the case officer stated that the unknown ownership of the area in question coupled with it being unadopted means it would be available for parking by anyone. The Head of Development Management confirmed that if the road was unadopted then it would be for the owner of the land to prevent parking on it. The Members discussed the adoption process for unadopted highways, the boundaries of the application site, the ownership of the area of unadopted highway as discussed, and would the area available for traffic to turn round be affected should the proposed development be approved and there also be vehicles parked in the relevant area.

In response to a question from the Members regarding the IPS allocated to the owner/occupier of the builder's yard, the case officer confirmed that the party in question had not identified the area of land in their ownership, nor how the development would detrimentally impact them, and so they had not been accorded IPS.

DECISION

The Committee, with the exception of the Chair and Miss Betteridge, accepted the original recommendation of the case officer and the application was **approved** subject to the following two 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 garage and driveway layout works must be constructed and carried out in full accordance with the details shown on drawing numbers 110 Rev B and 113 Rev B and retained as such thereafter.

Reason: The application has been assessed on this basis in the interests of highway safety.

Reason for approval:

Subject to a suitably worded conditions relating to the works being undertaken in full accordance with the details approved, the proposal is considered acceptable and to accord with General Policy 2(b, c, g, h and i) of the Strategic Plan 2016 and with the principles of the Residential Design Guide and Manual for Manx Roads.

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):

- o No. 21 Ballastroan, Colby
- o No. 18 Ballastroan Colby
- o No. 17 Ballastroan, Colby

as they are all within 20m of the application site and satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

- o Builders Yard, Main Road, Colby
- o No. 5 Ballastroan, Colby

as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Mrs Dudley declared and interest in this application and left the meeting for the duration of its consideration

Item 5.4 Unit 2 Spring Valley Industrial Estate Douglas Isle Of Man IM2 2QR PA23/01021/B	Installation of a mezzanine floor to be used as a veterinary practice, pet care, treatment, and grooming facility; installation of nine external air-conditioning units, a gas bottle storage unit, fire exit door with external staircase, and amendments to existing roller shutter door Applicant : Pets At Home Limited Case Officer : Mr Hamish Laird 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, updating the Members with regard to a late representation received subsequent to the conclusion of his report from the resident of 72 Hazel Crescent regarding the detrimental effect of the proposal on existing local businesses and how this went against the IOM Government's stated objective of providing freedom to flourish.

The case officer confirmed that the application site was out of town, was located within a predominantly industrial estate, and that a similar application had been refused under PA 15/01063/B in 2016. The application under consideration seeks to install a mezzanine floor for use as a veterinary practice and grooming facility, the physical changes proposed were appropriately limited in scale and would be hidden from view, and he felt the proposed development to be acceptable. No objections had been received from MUA, Highway Services or the DEFA Chief Veterinary Officer, and it was noted that there was a shared parking area with Unit 2. He stated that conditions had been included to control the sale of items from the mezzanine floor in that they should be ancillary to that of the main unit, and that a bund was to be included to provide screening to the nearby estate.

He noted that objections had been submitted on the grounds of detrimental commercial impact to existing dog grooming businesses, but that as such objections lay outside of the Planning system they were not material planning considerations.

The Members enquired regarding existing veterinary provision on-Island, noting that contrary to the officers report, most were in fact located within town centres, that it was intended for household animals, and that another veterinary practice approved recently was of a short term nature and was for equine purposes.

In response to questions from the Members regarding the difference between the application under consideration and that refused under PA15/01063/B and the viability of a town centre

location, the case officer reported that the unit was established, the proposed additional uses would provide diversification and additional services, and that there was a need for such as the applicant has submitted this, further, application.

The Highway Services representative confirmed there was nothing further to add to their report, confirming that they had visited the site on many Saturdays, that there was a high turnover, and the parking provision was acceptable.

The resident of 26 Ballachrink Drive spoke against the proposal. The points raised were as follows:-

- Large, corporate business which would detrimentally affect local businesses, for example established dog grooming businesses
- Detrimentially impact the job security of local dog grooming businesses
- Huge discounts for the applicant
- Concerns with regard to the space provided for dogs within the site
- Received support from the micro owners scheme
- Supporting local businesses put money back into the local economy
- Local businesses closed after Pets at Home first opened, and fear this will happen again

The representative for the applicant spoke in support of the proposal. The points raised were as follows:-

- Was a robust consultation process and worked in partnership with the consultees
- Intended to be used as veterinary services and dog groomers
- External works needed for the mezzanine floor
- Positive investment in an established area
- Application intended to address the reasons for refusal of PA15/01063/B with regard to town viability, parking and location
- Highway Services satisfied with the detail contained within the parking survey
- Case officer stated the mezzanine floor did not add to the retail space and felt the location was acceptable

In response to a question from the Members regarding the provision of veterinary services, the case officer reported that the Members could chose to approve the proposal, but could not condition how it would be operated.

The Head of Development Management highlighted to the committee that they may wish to consider whether they considered the proposal fell within (or was akin to) relevant Use Classes and how that might include the application of policies, in particular those that seek to direct certain uses to town centres and would the proposal have a detrimental impact on existing businesses within the town. He noted that Use Class 1.1 included grooming of pets where no kennelling is provided, Use Class 1.2 was for financial and services which would include dentist etc., and sui generis included boarding kennels and daycare, and that vets were not included in any Use Classes. He also highlighted to committee that, if they did consider it was a use that was directed by policy to town centres, whether the size, scale or intensity of the use was sufficient to have a potential detrimental impact on existing businesses within the town.

In response to further questions from the Members the case officer confirmed the area of the mezzanine floor was to be 304sqm, that C4 would remove retail from the upper floor, that this was an addition to an existing use which was related to the existing retail use of the site, that a further application relating to a dog grooming business was on this agenda, that the existing dog grooming businesses were located Island-wide, existing vets were mainly located within town settings, that any main impact would be felt in Douglas and that the proposal should not detrimentally impact the environment.

In response to a question from the Members regarding the size of the dog grooming area, the case officer confirmed audits were carried out regarding the welfare of the animals, and that there was no recommended size for such facilities.

In response to a question from the Chair, the resident of 26 Ballachrink Drive confirmed that existing dog grooming businesses had expressed grave concern regarding the viability of their businesses should this application be approved.

The Members expressed that the application was finely balanced and while the proposed location offered benefits, they also had sympathy with the objectors. Following discussion, the members voted with Mr Skelton and Mrs Hughes supporting the case officer's recommendation to approve the application, and the Chair, Miss Betteridge, Mr Whiteway and Mr Warren voting against the case officer's recommendation.

The Members discussed potential reasons for refusal, agreeing that two such reasons be proposed on the grounds of additional and out of town retail and insufficient information contained within the application under consideration to overturn previous application. The Members voted 5 to one to accept such reasons for refusal.

The matter of IPS was discussed, with the case officer confirming that none of objectors satisfied the parameters for IPS as set out within the Operational Policy. The Members unanimously agreed with the case officer's recommendation with regard to IPS.

DECISION

The Committee, with the exception of Mr Skelton and Mrs Hughes, rejected the case officer's recommendation and the application was **refused** for the following reasons.

R1. The application proposes the addition of a mezzanine floor covering approx. 306m² in floor area to the existing Pets at Home building. The site is zoned for industrial use, and the application has failed to demonstrate why the proposed use and floorspace could not be located in a town centre location. As such, the proposal would fail to maintain and enhance the viability and vitality of town centres by controlling the location and nature of new retail and commercial development as outlined at page 11) para 3.4 (d) of the Isle of Man Strategic Plan 2016; and, is therefore, contrary to the provisions of General Policy 2 k) and Business Policies 5, 9 and 10 of the Strategic Plan.

R2. The proposed development involving the addition of a mezzanine floor as a veterinary practice, pet care, treatment, and grooming facility, covering approx. 306m² in floor area, is unacceptable, because if granted it could not be conditioned how it would be operated. As such, the proposal would fail to maintain and enhance the viability and vitality of town centres by controlling the location and nature of new retail and commercial development as outlined at page 11) para 3.4 (d) of the Isle of Man Strategic Plan 2016; and, is therefore, contrary to the provisions of General Policy 2 k) and Business Policies 5, 9 and 10 of the Strategic Plan.

INTERESTED PERSON STATUS

It was decided that in this instance, the following persons do not have sufficient interest and should not be awarded the status of an Interested Person:

26 Ballachrink Drive, Onchan, Isle of Man
Flat 6, 3 Windsor Terrace, Douglas, Isle of Man
38 Ballakermeen Drive, Douglas, Isle of Man
72 Hazel Crescent, Douglas, Isle of Man

As they raise a number of issues, some of which are material planning considerations, but their material interest in the proposal is such that they could not be said to be significantly affected by the proposal.

<p>Item 5.6 Unit 48A,48B,48C,48D & 48E Spring Valley Industrial Estate Cooil Road Braddan IM2 2QS</p> <p>PA23/00868/B</p>	<p>Use of part of Unit 48a as sales/retail; use of part of Unit 48e as staff facilities; new first floor offices with Unit 48e. Installation of 12 new windows on north east elevation; installation of rain screen canopy over main customer entrance in Unit 48b; changing of colour of existing windows and pedestrian doors</p> <p>Applicant : Motaworld Ltd Case Officer : Miss Lucy Kinrade 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, confirming that Douglas City Council had raised an objection which she had addressed by way of condition, and that the applicant had submitted a retail impact assessment for the application which further outlined the nature of goods to be sold from the site including health and safety vehicle workshop equipment and diagnostics equipment for electric vehicles. The case officer sought to amend their recommendation since writing the report to include a further 3 conditions as follows -

C4. The use of all the units within the building (Units 48a, 48b, 48c, 48d and 48e) shall not be used other than for Use Class 2.4 Storage or distribution and for no other purpose or use listed in Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification) at any time.

Reason: The application has been assessed on this specific primary use only and the retail element being ancillary to that primary use and any alternative uses will require further consideration.

C5. The use of the units within the building (Units 48a, 48b, 48c, 48d and 48e) shall be used in accordance with the annotation and details shown on Drawings 1078/04 and 1078/05 (both date received 31/07/2023) only.

Reason: The retail space, staff office and staff facilities have been considered on an ancillary basis and that all the units in the building are occupied by the same user in accordance with the plans submitted, and any sub-division altering this basis and requiring a separate planning application.

C6. For the avoidance of doubt there shall be no mezzanine floors installed within any of the units unless in accordance with the plans hereby approved or which have been expressly approved in a subsequent planning application.

Reason: Condition 7 of the original approval of the 5 units 05/00642/B specifically revoked any mezzanine floors, and the current application has been assessed on the submitted floor plans only.

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

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

- The applicant was present in order to answer any questions the Members may have
- Questioned the need for C6 as mezzanines were not covered by planning legislation and so planning applications for such were not usually required
- PA 05/00642/B did include such condition with regard to mezzanine floors but this was not brought forward to PA 16/00290/B
- Sufficient existing parking provision to allow for any increase in staff

- Parking concerns not raised by the case officer or Highway Services
- The applicant has use of Unit 48E from the preceding week

In response to the points raised, the case officer confirmed that their evaluation and subsequent report was based on the submitted information only. Information regarding parking assessment or a mezzanine floor had not been included in the submission, and therefore no assessment on these matters was made.

In response to the Members enquiry as to whether C6 would need to be applied if such information was submitted, the case officer reported that the application could be deferred to allow this information to be submitted and assessed, although determining now with the condition included would not prevent such information being submitted at a later date as part of a separate planning application and assessed accordingly.

The Head of Development Management advised the Members with reference to the Strategic plan in regard to the assessment process and policy for mezzanine floors in general, and with specific regard to the case officers report in this case.

Following discussion, the Members voted unanimously to accept the case officers amended recommendation and that the three additional conditions be included as part of the approval.

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 only sales that may take place from the premises shall be within the areas annotated as 'Sales Area' or 'Retail Area' on Drawing 1078/05 and those sales shall be restricted to the sale of motor parts, motor accessories, motor maintenance equipment, motor health and safety equipment and motor diagnostic equipment.

Reason: In the interest of controlling the use of the building given its position on an industrial estate.

C 3. The office and staff facilities hereby approved shall be for the sole use of the primary occupier of the building and shall not be sub-let to any separate business operation.

Reason: The application has been assessed on this basis only and to avoid any subdivision of the units to any other user.

C4. The use of all the units within the building (Units 48a, 48b, 48c, 48d and 48e) shall not be used other than for Use Class 2.4 Storage or distribution and for no other purpose or use listed in Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification) at any time.

Reason: The application has been assessed on this specific primary use only and the retail element being ancillary to that primary use and any alternative uses will require further consideration.

C5. The use of the units within the building (Units 48a, 48b, 48c, 48d and 48e) shall be used in accordance with the annotation and details shown on Drawings 1078/04 and 1078/05 (both date received 31/07/2023) only.

Reason: The retail space, staff office and staff facilities have been considered on an ancillary basis and that all the units in the building are occupied by the same user in accordance with the plans submitted, and any sub-division altering this basis and requiring a separate planning application.

C6. For the avoidance of doubt there shall be no mezzanine floors installed within any of the units unless in accordance with the plans hereby approved or which have been expressly approved in a subsequent planning application.

Reason: Condition 7 of the original approval of the 5 units 05/00642/B specifically revoked any mezzanine floors, and the current application has been assessed on the submitted floor plans only.

Reason for approval:

The application is considered acceptable and not at odds with Business Policies 1, 5, 9 and 10 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

Item 5.7 Adjacent To 2 Rheast Lane Peel Isle Of Man IM5 1BE PA23/00574/B	Construction of a replacement building to form a one-bedroom apartment on the ground floor and a three-bedroom apartment on the first floor with a two-car garage on the ground floor . Applicant : Mr Roy Hall 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, confirming that following discussion with the applicant and agent, a small garden area had been added to the proposal

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

The agent/representative for the applicant spoke in support of the proposal. The points raised were as follows:-

- They concurred with the case officer's report and were present in order to answer any questions the Members may have
- The existing building has to be demolished as it is in a poor state of repair which was not safe or suitable for retention and re-use
- The intention was to replace the existing building with one designed to fit harmoniously within the existing street scene and Conservation Area, and be of use for the community
- The design was modified in line with advice received from the case officer
- The siting within the town centre was well connected to public transport and amenities, with public parking available nearby
- Consideration had been given to providing suitable accommodation for new residents of Peel
- There was a community benefit in replacing the current unsafe structure

In response to questions from the Members, the case officer confirmed that Rheast Lane was not a one-way street, that as it was narrow traffic movements were likely to be at low speed, and that the adjacent garages were in the same ownership.

The Members expressed concern that the siting of the proposed building could impinge on the existing lane, that the garage and cycle storage provision was insufficient, and that the outlook, particularly from the ground floor apartment, was not acceptable. They felt that a single dwelling would be more suitable on this site.

The case officer confirmed that the garage was to be retained as parking, that a EV charging point had been proposed, and that the town centre location could allow for an approval without parking provision. She further reported that no further comments had been received from the local authority.

The agent confirmed that the proposed building would occupy the same footprint in width as the existing building and so would not exacerbate any access problems.

The Head of Development Management advised the Members with regard HP17, policy with regard to outlook from flats, standards for conversion of property, and Appeals on similar applications being allowed.

The Members further discussed the merits of the application as measured against their concerns regarding the outlook from the ground floor apartment, the amenity space and cycle storage provision, and the potential overdevelopment of the site. Following such discussion, the Members voted on the case officer's recommendation as follows;

In support of the case officer's recommendation to approve the application –

Mrs Hughes
Mr Skelton

Against the case officer's recommendation –

Chair
Mr Warren
Mr Whiteway
Miss Betteridge

By a majority of 4 to 2, the Members voted to reject the case officer's recommendation and that the application be refused on the grounds of overdevelopment of the site, poor outlook particularly from the ground floor apartment, and insufficient parking provision.

DECISION

The Committee, with the exception of Mrs Hughes and Mr Skelton, rejected the recommendation of the case officer and the application was **refused** for the following reasons

R1. The proposal does not provide a suitable pleasant clear outlook from the ground floor apartment, from the main principle room or the secondary principle room, nor suitable amenity space and as such is the proposal does not comply with Housing Policy 17.

R2. The proposal does not supply practical car parking arrangements for either apartment and as such would be contrary to General Policy 2 (h).

R3. By reason of the substandard outlook and amenity space awarded to the ground floor apartment, the proposed building is an overdevelopment of the site and is contrary to General Policy 2, (b) of the Isle of Man Strategic Plan.

INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are 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):

No.4 Rheast Lane as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status by being more than 20m away from the application site.

Item 5.8 Land West Of Jurby Medical Centre (Former Jurby Camp) Jurby Industrial Estate Jurby Isle Of Man IM7 3BZ PA23/00988/B	Installation of service reservoir and connecting pump station with associated access, boundary fencing and landscaping Applicant : Manx Utilities Case Officer : Mr S Butler 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, updating the Members with regard to further comments received from the Planning Policy Division of the Cabinet Office. He confirmed that the age of the adopted plan would not be a matter for consideration, but changes which had occurred subsequent to such adoption would be. He outlined the unadopted but accepted uses for the overall area as understood, and that it would be at the Members discretion what weight to give this information in their deliberations. On balance, while the planning situation in the area was unclear, there was a need for such a proposed use in the area. The site was a brownfield site, no concerns had been raised, and the operation of the industrial and residential estates would benefit from the proposed use.

In response to a question from the Members the case officer confirmed that information regarding alternative sites had not been provided by the applicant and was not sure if other sites would meet policy. He acknowledged that the application was finely balanced, but there was a clear need and no obvious problems with the proposal site.

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

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

- They were present in order to answer any questions which the Members may have
- There was a need for the essential upgrade of water supply for Jurby
- The proposal would improve the reliability and resilience of such supply
- Secure use for residents
- The proposed building would have a green roof and be set into the landscape
- It was designed to minimise the visual impact and any detrimental impact of wildlife
- Whilst it was not in line with zoning, the benefits of the proposal outweigh this
- It would support future growth in Jurby

In response to a question from the Members, the agent confirmed that the DOI, the landowner, had requested the facility and fencing be sited as proposed so that it would be away from industrial activity whilst retaining the adjacent land for industrial use, more easily blend into the landscape, and for the safety and security of nearby residents.

The Members noted that the zoning in the area as a whole was unclear. The case officer advised with regard to the Draft Area Plan, which showed the area in question as Open Space, outlined the zoning of the adjacent areas and how that would relate to this application, emphasising that

as it was a Draft Plan any zoning could change. He reported that while the proposal would physically reduce the area of open space, he did not feel it would have a detrimental impact.

The Members expressed that the resultant hill may be a draw for play for resident children, and that the area within the fence should be more of a wildlife area. The case officer confirmed that C4 had been drawn up in line with advice received from DEFA Ecosystems Policy team.

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. Prior to the commencement of the development hereby approved details of the security fencing shall be submitted to and approved in writing by the Department. No fencing/walling/gates shall be erected at the site other than in accordance with the approved details.

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

C 3. Prior to the commencement of the development hereby approved 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 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: In the interests of visual amenity and ecology.

C 4. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Department and the development shall not take place unless in accordance with those details:

- o a species-rich grassland translocation/re-use plan, written by a suitably qualified ecological consultancy, containing a methodology for the removal and re-use of the species-rich grassland turfs on top of the new service reservoir;
- o a species-rich grassland management plan written by suitably qualified ecological consultancy, detailing how the reservoir area is to be managed going forward for the benefit of its floral interest; and
- o a Construction Environmental Management Plan (CEMP) setting out Reasonable Avoidance Measures (RAMs) for common lizards written by a suitably qualified ecological consultancy, which details the measures that are to be put in place to protect the surrounding habitats from damage during construction and to ensure that lizards and breeding birds are not harmed by construction activities.

Reasons: In the interests of biodiversity, protected species and tree preservation.

C 5. The development hereby approved shall not be brought into use unless the mitigation measures are provided as set out in Section 5.3 of the Flood Risk Assessment by Aecom dated 15 September 2022 and retained as such thereafter.

Reasons: To ensure the flood risk mitigation is implemented

Reason for approval:

On balance it is considered that the proposal does not comply with the existing zoning or the detail of the exceptions in the Strategic Plan, but given the unusual planning policy situation for the site and need for the proposal it is not considered that this is in itself sufficient grounds for refusal. There is strong policy basis (including the Strategic Plan), for supporting housing and employment growth at Jurby, and infrastructure constraints have been identified which this application seeks to address. The potential visual/amenity, flooding and tree impacts have been sufficiently mitigated and no other reasons for refusal have been identified.

INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the Motor Museum 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) as they have not 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 Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

- DOI (Flood risk); and
- CABO (Planning Policy).

The Items reverted to the published Agenda order

Mr Whiteway declared an interest in the following Item. In accordance with 19(3)(b) of the Constitution Order he left the meeting during its consideration.

Item 5.1 Land At Corner Of Premier Road And Mooragh Promenade Premier Road Ramsey Isle Of Man PA22/01340/B	The development of eight townhouses and associated car parking and landscaping Applicant : Seymar Developments Ltd Case Officer : Mr Hamish Laird Recommendation : Approve subject to Legal Agreement
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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, summarising late views received as follows;

- Ramsey Town Commissioners had no objection to the amended plans
- The owner/occupiers of No. 2 Lakeside Apartments expressed concerns regarding the proposed access road which would run through the private car park for Lakeside Apartments which together with the proposed EV charging point may impede their access to the car park area and to their garage
- The owner/occupiers of No. 4 Lakeside Apartments expressed concerns regarding the proposed EV charging point blocking access to their garage, highway safety issues resulting from the increased level of traffic, additional noise and disturbance from

increased vehicle movements, the potential for the vehicle access to be moved from the eastern boundary of the garages onto Premier Road or the Hotel car park

The case officer outlined ownership and location of the existing garages with reference to Park Road and Premier Road, to the existing flats, and to the proposed development site. He further reported regarding the outlook from the proposed dwellings, their layout and facilities, and their appearance and location existing within the street scene with reference to the visual presentation. He referred to comments received from MNH and the Ecosystems Policy Team with regard to the biodiverse and ecologically important species comprising in part the existing vegetation, which has been addressed by condition. He confirmed that Highway services had not objected to the proposal.

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

The Chair noted that in this case a commuted sum in lieu of the 25% affordable housing provision has been sought.

In response to questions from the Member regarding drainage and parking provision, the case officer confirmed that C7 was in place in order to deal with foul water drainage, that the development itself must comply with the relevant drainage legislation, that any conditions applied will be enforceable and that there was a generous level of parking provision included in the application which was intended for residents and their guests. He advised that the site was considered to be distant from the town centre and its facilities. The Members noted that the site was in an area of tidal flooding and so any flooding in this area would be more predictable, but asked if the applicant could be required to situate any electrics above the likely flood level.

The Members noted the quality of the design and that it was intended to reflect the existing nearby Victorian buildings.

In response to a question from the Members, the case officer reported that the proposed EV charging point could be moved if necessary.

The Chair had concerns with regard to HP5 but appreciated the need for suitable housing.

A resident of Lakeside Apartments present spoke and advised that impact on their view had been accepted, but in their opinion the access within the red line had not been included in the original application. The Head of Development Management advised that the Appeals Inspector would look at the application afresh, and advised the parties present to familiarise themselves with the Appeals information which was available online, and that the Department would be able to offer some measure of advice regarding the process.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the applicant entering into a legal agreement for provision of **a commuted sum in lieu of affordable housing** along with the following conditions.

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

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

C 2. The development hereby approved shall not be occupied or operated until the parking, garages, layout and proposed footway on the frontage of the site have been implemented before first occupation of the dwellings. The parking and turning areas shall be 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 prior to the first occupation of the dwellings in the interests of highway safety, with such provision, thereafter, being maintained for the lifetime of the development.

C 3. No development shall take place until full details of soft landscaping and hard landscaping works have been submitted to and approved in writing by the Department which have also been considered and assessed by an arboriculturist in terms of their suitability for this coastal location and these works shall be carried out as approved. Details of the soft landscaping works include planting to all the roadside boundaries and the car park/area to rear of apartments. 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 hereby approved extension, whichever is the sooner. Any trees or plants which 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. Details of the hard landscaping works include footpaths and hard surfacing materials. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of any apartment hereby permitted.

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

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 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 5. Prior to the commencement of any works a botanical survey is required to be submitted and approved by the Department which is required to identify areas of interest and a plan for their protection or translocation. The development shall not take place unless in accordance with the approved details.

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

C 6. At least 4 swift nest bricks shall be incorporated into the northern, side elevation of the northern building. The swift boxes shall thereafter be retained and maintained for the lifetime of the development.

Reason: Swifts are a species in need of conservation action that are entirely reliant on buildings for nesting in the Isle of Man, and which are known to nest locally. The height and location of this building is ideal for swifts, as would the northern elevation, because they are prone to overheating in nests which are located facing south. Swift nest bricks should be placed high up under the eaves, with at least a 40cm gap between entry holes.

C 7. Prior to the commencement of the development, hereby permitted, the foul drainage proposals for the development must be illustrated on a drawing showing the connection(s) into the 1050mm diameter sewer within Park Road. Any connection should be made into the MH sewer ref SC45950004 as shown on the plan attached to MU's comments on the application. Any adoptable drainage must be constructed in accordance with Manx Sewers for Adoption.

Reason: To ensure that the foul drainage connection to serve the proposed development is sufficient and to avoid any potential for groundwater and surface water pollution.

C 8. In order to minimise the potential from flood risk, the threshold of any door or opening shall be sited a minimum of 600mm above flood level as per the design Flood Risk Assessment accompanying the application. Flood resilient doors must be installed prior to the first occupation of any dwelling, hereby permitted, especially in the garage area, with all such measures and doors, thereafter, be maintained for the lifetime of the development.

Reason: To minimise the risk from flooding.

C 9. Prior to the commencement of the development, hereby permitted, a plan shall be submitted to and approved in writing by DEFA Planning showing areas marked out for Machine access. Areas designated for storage of materials, and waste or discharge of any compounds deleterious to plant or animal life shall not to be permitted in the marked off areas to avoid damage to vegetation and compaction of the topsoil.

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

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.

N 2. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 20th November, 2023. The issue of the decision notice has been triggered by the Section 13 Agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposed development accords with the provisions of Strategic Policies 1, 2 and 5; General Policy 2; Housing Policies 1, 4, and 5; Environment Policy 42; Transport policies 4 and 7; and Recreation Policy 3 in the Isle of Man Strategic Plan 2016. It further complies with Policy R/R/P2/C of the Ramsey Local Plan; and is recommended for approval.

ISSUING OF DECISION

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the statutory consultees and 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 mentioned in Article 6(4):

Manx Utilities
DOI Housing

- 1 Lakeside Apartments, Ramsey, IM8 3AR
- 2 Lakeside Apartments, Ramsey, IM8 3AR
- 3 Lakeside Apartments, Ramsey, IM8 3AR
- 4 Lakeside Apartments, Ramsey, IM8 3AR
- 5 Lakeside Apartments, Ramsey, IM8 3AR
- 6 Lakeside Apartments, Ramsey, IM8 3AR
- 7 Lakeside Apartments, Ramsey, IM8 3AR
- 8 Lakeside Apartments, Ramsey, IM8 3AR

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2021).

Mr Whiteway returned to the meeting

Item 5.3 Taxi Booking Office 31 Christian Road Douglas Isle Of Man IM1 2QJ PA23/01020/C	Change of use from taxi booking office to dog grooming salon Applicant : Miss Sharon Bell Case Officer : Mr Hamish Laird 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 that there was sufficient existing short stay parking available on street, and that it was a suitable business use for the area so had no objection.

In response to questions from the Members, the case officer reported that as far as he was aware the applicant was satisfied with the conditioned opening times, which were standard opening times, that it was a small proposal similar to others already existing within the town, that the yellow line area of roadway was for loading and unloading and there was a disk parking zone nearby, and that the area was predominantly but not exclusively residential.

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 permitted, shall be carried out during the following hours of operation, only:

08:30 - 18:00 Mondays to Fridays;
08:30 - 13:00 on Saturdays, and,
at no time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of occupants of adjoining and nearby residential properties.

Reason for approval:

The proposal is considered to accord with the requirements of General Policy 2 g) and h); and, Environment Policies 35 and 36; and, is acceptable.

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 5.5 Corlea Farm Corlea Road Ballasalla Isle Of Man IM9 3BA PA23/01022/B	Enlargement of horse riding arena and change of use of fields 435361 and 435344 from agricultural to equestrian. Applicant : Mrs Julie Walker Case Officer : Miss Lucy Kinrade Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, confirming the fields for grazing by horses would not be to dissimilar to grazing by agricultural animals and the soil classification referred to indicated that the soil was not of the highest quality to be protected by Environment Policy 14. In response to a question from the Members regarding a condition to restrict lighting, the case officer confirmed that C7 addressed the matter of external lighting.

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 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 extended arena hereby approved must be used only for equestrian purposes in association with Corlea 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.

C 3. In the event that the extended arena hereby approved is no longer used or required for the exercising of horses, the arena and any associated hardstanding shall be removed and the ground restored to its former condition within 24 months of the date the use ceased.

Reason: In the interest of ensuring no unwarranted arena's in the countryside.

C 4. The change of use of land to private equestrian use relates only to the area outlined in red as shown on drawing number 23/17/01 Site Location Plan received 19/09/2023.

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

C 5. In the event that the extended arena is removed in line with C3 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 6. 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 within field numbers 435361 and 435344 as shown on drawing number 23/17/01 Site Location Plan received 19/09/2023

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 7. There shall be no external lighting of the extended arena 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 and retained as such thereafter.

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

Reason for approval:

The proposed works to create an extended arena are not considered to make significantly worse the overall appearance of the site in the landscape or to harm the countryside character beyond the existing arrangement, and the grazing of horse on the adjacent fields is also considered to be acceptable and not so different to the grazing of any agricultural animals, and for these reasons the proposal is not considered to conflict Environment Policies 1, 14, 19 and 21 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

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 4th December 2023.

There was no further business and the meeting concluded at 12.38pm

Confirmed a true record



**Secretary to the
Planning Committee**



**Mr R Callister, MHK
Chair of the
Planning Committee**



**Mrs V Porter,
Planning Officer taking Minutes for Item 5.4**