



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 4th December 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 P Young, Member
Mr S Skelton, Member
Mrs H Hughes, Member
Mr M Warren, Member
V Miss A Betteridge, Member

In Attendance: Mr J Singleton, Principal Planner
*Mrs V Porter, Planning Officer
*V Mr T Cowell, Planning Officer
*Mr P Shen, 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 Whiteway.

3. Minutes

The minutes of the 20th 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 members of the public present, the following three items were considered out of agenda order.

<p>Item 5.3 Fields 335082, 335081, 335048, 335213 And 332048 Sound Road Glen Maye Isle Of Man IM5 3BJ</p> <p>PA23/00765/C</p>	<p>Proposed creation of Private Memorial Woodland</p> <p>Applicant : David Lancaster Funeral Directors Limited Case Officer : Mrs Vanessa Porter Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report, that the intention was for parties using the facility to park at the nearby farm, and access the site itself was to be on foot.

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

- Thanked the case officer for the positive recommendation
- The application contained all the relevant information but wished to emphasise the following;
- The facility is intended for those who on their passing wish to offset their life's carbon footprint by planting a tree together with a small amount their ashes in a fully biodegradable container.
- It is not to be a memorial garden. There will be no seats, tables, paths or facilities to encourage or accommodate visits to the site. The majority of the persons' remains would be laid elsewhere where there would be their memorial.
- The site is and will remain private and will be fenced and gated to prevent unauthorised access from the public footpath. Any visits to the site after the internment would be solely by arrangement with the owner. The access to the site is via a rough footpath which would itself deter regular, frequent, or indeed and visits after the internment.
- There would be no harm to human health or the ecology from the proposal. The introduction of native trees would significantly benefit the biodiversity of the area. It is an important factor that the site is not productive agricultural land.
- It is a new facility we hope would encourage people to address the impact they may have had during their lives, which would have no adverse impact on the area.

In response to a question from the Members regarding the future maintenance of the trees, the applicant confirmed such maintenance was intended to be carried out without recourse to machines by using horse and plough, and grazing sheep on the wooded area. This was to be done in partnership with the landowner. With regard to the death of any tree planted as part of the Memorial Woodland, it would be for the family concerned to decide if a further tree was to be replanted. He confirmed that all trees proposed to be planted were native.

In response to a question from the Members regarding the potential for any change of zoning of the land, the case officer reported that the land zoning was applied by the local plan, which was administered by the Planning Policy Office of the Cabinet Office. Mr Singleton further advised the Members with regard to the local plan process as administered by the Cabinet Office Planning Policy team, land zoning, the process regarding any future changes to land zoning, and confirmed that in these matters planning history was checked as part of the overall process.

The applicant and their agent confirmed that the site was distant, and they had received advice from DEFA Arboricultural Officers that the land was more suitable for trees than anything else.

The case officer proposed an amendment to her recommendation by the addition of a further condition, C4, regarding the maintenance of trees planted on the site. The applicant indicated that such a condition would be acceptable to them, and following discussion the Members agreed to the proposed additional condition.

The applicant confirmed that the site was intended for a memorial wood only, and was not intended for dog walking or other such leisure use.

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 fields may only be used as a memorial woodland, together with the existing agricultural use.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and any alternative uses for the field other than the approved use or agricultural use will require further consideration.

C 3. There shall be no creation of hard surfaced paths, erection of structures (including street furniture) or display of signage at the site of the development hereby approved.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C4. All planting works shall be carried out in accordance with drawing No. 01. Any trees planted, which, within a period of 5 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 of a native species.

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

Reason for approval:

Whilst the proposal is situated within a site not designated for development and the proposal would not meet the exceptions within General Policy 3, the proposal is considered to be of a scale and nature which would not have an unacceptable impact upon the environment and surrounding countryside. Which ultimately will correspond with the overall principles of Environment Policy 1 and therefore regarded as acceptable and recommended for approval.

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):

11 West View, Peel & 15 Creggan Ashen, Glen Maye Park as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Item 5.1 14 Sydney Street Douglas Isle Of Man IM1 3JG PA23/00845/B	Conversion of existing shop premises to community cafe and shop Applicant : Ms Katy Kaslik 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.

The Highway Services representative confirmed there was nothing further to add to their report, that the use is one to be expected in a town centre site, and that there were parking restrictions already in place in the surrounding area.

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

- The intention is to reopen a small shop selling healthy items like herbal teas, sleep aids, aromatherapy oils, select local produce, self-help books and journals. The community café would be ancillary to the shop with both expected to be peaceful and quiet. Basic inexpensive herbal tea, cafetiere coffee, biscuits and cake would be available. It would be a place where people can come to sit and chat, which would help the community care for and support its members
- The applicant intends to run the shop and community café and felt that such an enterprise would have been of help to them and their family with their personal circumstances. They feel that this facility will give value to other members of the community who may otherwise feel isolated
- The area is of mixed use with a hairdresser, dog groomer, beauty salon, sandwich distributor, a commercial clothing designer and the main Douglas Telephone Exchange nearby. A shop and community café would be in keeping with and add amenity to the local area
- The shop and café are intended for local people, and driving there is not expected. There are parking disk requirements in place, and walking or cycling to the facility would be encouraged through the provision of a cycle and pram store
- The shop and café will be quiet with no unpleasant smells or odours as there is no intention to cook food on the premises. The café will be a sit-in with china cups and plates to avoid litter outside
- The building has deteriorated over the years to the detriment of the local area. I want to bring the building back into use, giving it life and local appeal once more. The proposal would be a great improvement over the increasingly derelict premises outside of which people have dumped rubbish.
- Highway Services and Douglas Borough Council had no objections to the proposal
- The applicant would be very grateful for the chance to develop and run this small shop and community cafe

In response to a question from the Chair regarding the assigned IPS for the resident of Birdwood Gardens, the case officer confirmed that this party was the representative on behalf of the applicant, and therefore he had recommended that they be accorded IPS. The Members noted and agreed.

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 use of the food and drink establishment hereby approved shall be limited to be preparation and sale of cold food, and explicitly restricts the preparation, cooking and selling of hot food on the premises. This restriction does not extend to the reheating of food prepared off-site.

Reason: The preparation and cooking of hot food did not form part of the application and would require further assessment as to its wider impact.

C 3. The shop and community café hereby approved shall only operate between the hours of 08.00 and 20.00 hours Monday to Saturday inclusive, and 10.00 and 17.00 hours on Sundays inclusive.

Reason: To accord with the application details on which the application has been considered and in the interests of residential amenity.

C 4. Prior to occupation of the development hereby approved, full details of the cycle parking and outdoor seating area shall be submitted to the Department and implemented in accordance with the approved details.

Reason: In the interests of highway safety and the visual amenities of the locality.

C 5. The approved raised landscaped planters fronting the adopted highway shall not exceed 600mm in height when measured from ground level of the adjacent pavement.

Reason: In the interests of highway safety.

Reason for approval:

The proposed change of use and are considered to be acceptable in principle, whilst not resulting in a detrimental impact upon the character and appearance of the streetscene. The proposals are further considered to be acceptable in the context of highway safety, whilst not resulting in a demonstrably harmful impact upon the amenities of surrounding residential properties; particularly with respect to noise, disturbance and odour. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policy 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 Highways Services

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:

10 Sydney Street, Douglas
11 Sydney Street, Douglas
13 Sydney Street, Douglas
8 Spring Gardens, Douglas
6 Brisbane Street, Douglas
28 Brisbane Street, Douglas
29 Brisbane Street, Douglas

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 also decided that the following be granted Interested Person Status:

13 Birdwood Gardens, Mathern, UK

as they have confirmed that they are acting on behalf of the applicant as their representative and are therefore automatically granted Interested Person Status in accordance with Article 4(2) of the Town and Country Planning (Development Procedure) Order 2019.

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

11 Brisbane Street, Douglas
26 Brisbane Street, Douglas
14 Dalton Street, Douglas
3 Sydney Street, Douglas

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.

Item 5.2 Gloccamora Douglas Head Douglas Isle Of Man IM1 5BW PA22/01113/B	Demolition of existing dwelling and redevelopment of the site and adjacent land with an apartment block accommodation seven apartments with associated drainage, access, basement parking and landscaping Applicant : Mr John Barton Case Officer : Mr Toby Cowell Recommendation : Refused
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report. In response to a question from the Members, the Highway Services representative confirmed that the vehicle access was satisfactory.

The Members noted the poor state of the site, that the area had not been included in a Conservation Area during the local plan process, that the proposed large areas of glazing may be harmful to birdlife, and expressed concern regarding the site's proximity to the exclusion zone for the nearby gas storage area. While the Members had no objection in principle to the site being developed, they felt the proposal to be an overdevelopment of the site, being overly large and out of keeping with the character of the existing streetscene.

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

- The site had an extant approval under PA11/00407/B which had been commenced
- These works ceased due to the financial crisis and the site had been marketed for sale with the extant approval since that time. However, the application remains extant as a result of that commencement.
- PA11/00407/B delineated a portion of the adjacent open space as part of the residential curtilage of the approved dwelling and the site was cleared to this line and fenced accordingly
- The drafting of the land use map in the Area Plan for the East should have taken into account the residential curtilage boundaries approved under this previous application.
- The application proposals are contained fully within the residential curtilage approved under PA11/01113/B. The applicants therefore believe that Reason 1 for refusal is incorrect.

- The proposed apartments sit below the Manx Radio building on Douglas Head. From public viewpoints of the site from within the town and on seaward approaches, the development would not break the skyline, and would be seen against the backdrop of the development of the Manx Radio and Douglas Head apartment buildings behind and above them.
- This area of Douglas Head is and has historically been developed, with approval previously having been granted to a development of six apartments of a similar size and mass to the application proposals on the adjacent Stanley House site.
- The applicants contend that Reason 2 for refusal was also incorrect, in that the specific location of the application site was not an undeveloped area, and was in fact surrounded by both commercial and residential development to the immediate vicinity.
- The visualisation of the application proposal from the IoM Steam Packet terminal clearly showed the proposal within the context of the surrounding development, and that the proposals fit within their surroundings, with the Manx Radio building higher behind the proposal
- The Land Use Map in the Area Plan for the East does not identify this Consultation Zone for this Major Hazardous Installation. Given that this is effectively being used as a significant limiting control on development within its specific zones, this would seem to be a major omission in providing applicants and land owners with essential information.
- The application proposals comprise the same number of apartments and bed spaces as approved for the adjacent Stanley House site. The redevelopment of the former Foggies Restaurant building at Douglas Head, the redevelopment of the former Douglas Head Hotel into residential apartments and the erection of the town houses on the inner harbour quay have all been carried out within this same Major Hazardous installation inner zone classification. All are residential in common with the application proposals.
- The applicants would contend that Reason 3 for refusal is also flawed, and would respectfully ask the committee to consider this statement and see fit to recommend approval for the application

In response to a question from the Chair regarding the points raised by the applicant's agent, the case officer reported that he did not agree with the points raised, and confirmed that such were addressed within his report.

DECISION

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

R 1. The application site partially falls within land not zoned for any form of development in the Area Plan for the East. The principle of a high density residential development is therefore contrary to the Island's spatial strategy, and does not meet one of the defined exceptions to the presumption against new development in the countryside in accordance with General Policy 3 of the Strategic Plan (2016). The development is therefore further contrary to Spatial Policies 1 and 5.

R 2. The design, scale, form and massing of the proposed development is considered to be out of character with the largely open and undeveloped nature of Douglas Head, to the detriment of its character, appearance and visual amenity. By reason of its substantial scale, massing and architectural vernacular, the proposals are further considered to be unduly prominent in the context of key long distance public vistas within Douglas Bay and offshore, to the detriment of the wider landscape, townscape and seascape setting. The proposals are therefore considered further contrary to Strategic Policies 3 and 5, General Policy 2 (b) and (c), and Environment Policy 42 of the Strategic Plan (2016).

R 3. The application site falls within the inner consultation zone of a major hazardous installation, with the nature and high density of the proposed development deemed to be inappropriate in

this location due to the potential health and safety risk to members of the public, contrary to Environment Policy 29 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 Highways Services

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:

Manx Radio Ltd, Broadcasting House, Douglas Head, Douglas

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 and are not mentioned in Article 6(4):

Isle of Man Natural History and Antiquarian Society, 95 Malew Street, Castletown

Manx Wildlife Trust, 7-8 Market Place, Peel

11 Marine Gardens, Ramsey

9 Fort William, Head Road, Douglas

Ballaqueeney Lodge, Ballaquayle Road, Douglas

4 Park Avenue, Douglas

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.

Item 5.4 17 The Park Onchan Isle Of Man IM3 1HP PA23/01177/C	Additional use as tourist accommodation Applicant : Adorn Properties Limited Case Officer : Mr Peiran Shen Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. In response to a question from the Members, the case officer confirmed that there was existing parking provision for one small car on the driveway, which did not itself comply with current parking standards, but the property was located near to existing public transport routes. He further confirmed that the intention was for the dwelling to be let as a whole when the occupiers were not in residence for an extended period.

Mr Singleton advised the Members with regard to tourist uses and types of lets, confirming that there were other such properties in similar use elsewhere on the Island and that the length of the letting period could be controlled by condition if members felt strongly on the matter. He further advised that such proposed may also fall under Permitted Development.

The Chair expressed concern regarding what was being applied for and if the additional use as tourist accommodation would be while the property was being occupied by the existing

occupiers. The case officer reported that such use would be self-regulating as the property only contained three bedrooms.

The matters of the additional use and of what could be controlled under Permitted Development were discussed by the Members, with the case officer reporting regarding the reasons why the applicant submitted the application and confirming that in his opinion the proposal did comply with Permitted Development.

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

The Chair noted that Miss Betteridge had lost her Wi-Fi connection to the meeting during consideration of this application, and was therefore unable to vote on the matter.

DECISION

The Committee, with the exception of Miss Betteridge who was not able to vote on this matter, 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.

Reason for approval:

The house is located near existing bus route and the additional parking need is of a temporary and intermittent nature. Therefore, the lack of additional parking provision is considered to have an acceptable impact on parking provision.

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

7.1 Section 13 Legal Agreements Signed

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

7.2 Section 13 Variation Agreement

Field 434021 And 434031, Corner Of Douglas Road And Victoria Road, Castletown, Isle Of Man	Erection of 96 dwellings with associated roads, car parking and landscaping,
PA18/00524/B	Applicant: Haven Homes Limited

The Members noted that since the last sitting, a Section 13 Variation Agreement had been issued in connection with PA18/00524/B addressing the increase in the sale price of the affordable housing units and commuted sums in light of increased construction costs. They further noted that a further decision notice was not required to be issued.

8. Any other business

None

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 18th December 2023.

There was no further business and the meeting concluded at 10.45am

Confirmed a true record



**Secretary to the
Planning Committee**



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

18th Dec 2023