



**Isle of Man  
Government**

*Reillys Eilin Vannin*

**Minutes of a meeting of the Planning Committee, held on 15th January 2024, 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  
Mrs H Hughes, Member  
Mr M Warren, Member  
V Miss A Betteridge, Member  
Mr P Whiteway, Member

**In Attendance:** Miss A Morgan, Acting Head of Development Management  
\* Mr J Singleton, Principal Planner  
Mr P Visigah, Planning Officer  
\*Mrs V Porter, Planning Officer  
\*V Mr T Cowell, Planning Officer  
\*Mr H Laird, Planning Officer  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
Mr R Webster, Highway Development Control, Highway Services  
\*Mr M Cowin, Flood Risk Management, DoI  
\*Part of the meeting only  
Attending virtually via Microsoft Teams V

**1. Introduction by the Chair**

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

**2. Apologies for absence**

Apologies for absence were noted from Mr Skelton.

**3. Minutes**

The minutes of the 18<sup>th</sup> December 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 items were considered out of agenda order.**

<b>Item 5.2</b> White Oaks 54 King Edward Road Onchan IM3 2AT  <b>PA23/00124/B</b>	Erection of double storey side extension, enlarging existing rear raised patio area, alterations to existing conservatory finish and extension of driveway.  Applicant : Tim And Emma Cox 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.

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

- Present in order to answer any questions the Members may have
- Clarified the flat roofed extension was an existing conservatory where some of the existing glazing was proposed to be infilled with stonework
- Meets General Policy 2, Spatial Policy 2, Strategic Policy 5 and Environmental Policy 42.
- Sympathetic to the existing dwelling and surrounds, has no detrimental impact and met all guidance as outlined in the Residential Design Guidance 2021
- The immediate surrounds of King Edward Road and Majestic Drive contain an eclectic mix of architectural styles. The proposal seeks to blend into the site and surrounds
- Nearly identical to a previous approval for 50 King Edward Road, which had a similar base dwelling
- All relevant authorities have not objected to the proposal. Whilst an objection was initially made by the immediate neighbour at No.56, the applicant explained the proposal in full to that party in order to reassure them that the proposal would have no detrimental impact upon them. The resident of No 56 was satisfied.

In response to a question from the Members, the case officer confirmed that the agent's comment was correct and the application was for only the first floor element of the extension.

In response to questions from the Members, the agent confirmed that the patio was being extended to the boundary with No. 56 and that there would be minimal overlooking from the patio area owing to the existing topography of the site and layout of both properties concerned, and that the level of the patio was proposed to be 600mm below the existing internal floor level.

The case officer confirmed that this detail was contained within his report, that whilst there would be an increase in the size of the terrace, the presence of a terrace was a pre-existing situation and the patio would be offset, and that whilst there would be some degree of increased impact, the potential for increased overlooking would be minimal and they considered the proposal to be acceptable.

The Acting Head of Development Management advised that under Interested Party Status the Article referred to in the case officer's report should be Article 4 (2) and not Article 6 (4).

## **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.

Reason for approval:

The proposed development is acceptable in terms of its form, mass and design by providing suitable additions to an existing residential property and as such comply with Strategic Policy 5, Spatial Policy 2, General Policy 2 and Environment Policy 42 of the Isle of Man 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  
 Department of Infrastructure Highways Drainage  
 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:  
 56 King Edward Road, Onchan

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 further 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 4 (2) ~~and not Article 6 (4)~~.  
 93 King Edward Road, Onchan

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.

<p><b>Item 5.1</b>          Land At Poyldooey Fields          And Part Fields 134271,          134253, 134270, 134272,          131273, 131276, 132274 &amp;          134274 Ramsey Isle Of Man</p> <p><b>PA22/00679/B</b></p>	<p>Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access</p> <p>Applicant : Blythe Church Investments Holdings Ltd          Case Officer : Mr Hamish Laird          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 the areas within the applicant's ownership and control. He advised that the applicants would like to have a decision today, but were aware that consideration of the proposal may be deferred in order to resolve drainage matters. He further reported regarding the distribution of the various elements of the proposal within the overall site, confirmed that the public house element of the proposal could be a public/community use building rather than a public house should that be preferred, and that the application was a hybrid application, being part full and part in outline, and confirmed the elements of the proposed development as applied for. He updated the Members with regard to typographical errors contained within his published report, which had now been corrected, and with regard to written representations received subsequent to the conclusion of his report and the publication of the agenda.

In response to correspondence received from Manx Utilities Drainage on 11<sup>th</sup> January 2024 regarding surface water drainage, the Officer had amended his recommendation with regard to the inclusion of a replacement C12, and additional new conditions to be numbered C13 and C14. The existing C13 to be renumbered as C15 and the existing C14 being renumbered as C16. The

amended C12 and new C13 and C14 as shown below in order to control drainage matters by condition in line with advice received from MU Drainage and DoI Flood Management Division -

*C12. Prior to the commencement of any works on site, precise details of a finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. The surface water scheme shall be implemented in accordance with the submitted details before the development is used for the first time.*

*Reason: To prevent increased risk of flooding and to improve and protect water quality and ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.*

*C13. Prior to the commencement of any works on site, details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. Such details shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.*

*Reason: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.*

*C14. Prior to the commencement of any works on site, precise details of foul water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by DEFA Planning. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.*

*Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.*

DoI Flood Risk Management expressed concern with the development overall, highlighting that much of the site is in a high risk flood zone, building on greenfield site increases risk to people and property, flood defence measures may still be breached therefore the proposed properties would be still at risk of flooding, affordable housing provision and access roads in areas of higher flood risk, access routes for emergency services vehicles could be compromised by flood water, no surface water drainage details provided in order to assess the development overall

The advice received from Flood Risk Management (FMD) was as follows –

<b>Working Comments – From FMD</b>	<b>Applicants Response</b>
1. Current Strategic Plan States Chapter 6 General Development Considerations 6.2 General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development: Is not on contaminated land or subject to unreasonable risk of erosion or flooding.	This development land is in the opinion of the flood management division of the Department of Infrastructure subject to unreasonable risk of flooding.

<p>2. Current Strategic Plan States Chapter 7 The Environment</p>	<p>This development is fundamentally against this principle of preventing loss of natural flood plain.</p>
<p>3. The FRA is comprehensive and shows levels of protection for the UKCP 18 horizons for 1 in 200 plus climate change levels for tidal and have re-ran flood flows for the Sulby catchment and shown a 30% uplift for climate change which has a greater extent than the current maps. However we are updating our fluvial and tidal models which will produce new flood maps which we expect to show that most of this proposed site will be in the high risk flood zone. The high risk flood zone in the England and Wales is usually defined as for fluvial flooding as 1% or greater (1in 100) and tidal flood as 0.5% or greater (1 in 200). The draft new flood maps are expected end of January 2024.</p>	<p>JBA are producing the Sulby flood models for the IOM with the target date for formal release 2024. They produced the flood models for this site based on Gov data. The FRA anticipated the new levels.</p>
<p>4. FMD's objection is deeper than the FRA as anything can be defended against to a limit our objection is that building on greenfield land is increasing risk to property and life, long term and leaving an unsustainable legacy for future generations to deal with.</p>	<p>The proposal is to work with natural processes and maintain flood capacity. The proposals support the FMD's position that new development does not increase flood risk on site nor elsewhere and employs a championed planning strategy originally developed for Defra in consultation with the Environment agency called the Life project (Long-term initiatives for flood Risk environments) by Baca Architects. The flood modelling by JBA demonstrate that volume of flood storage is maintained in both a 1in 100 and 1 in 200-year event, providing sufficient capacity flood water on site; and does not exacerbate flooding outside of the site boundary. Additionally, the spine road not only provides flood protection to the proposed housing but also to existing stock south of the proposed development. Space is made for water and amenity whilst enabling responsible level of development.</p>
<p>5. It should be noted that flood defences levels are design to a standard however these can be over topped if a greater event occurs. Defence levels also depreciate over years the defence levels may at present be to 1 in 200 plus CC for tidal and 1 in 100 plus cc for Fluvial however in 5, 10 15 years they will not have this standard of protection.</p>	<p>There is a tolerance of 0.5m on top of the 1 in 200 year flood levels to account for any wear or tear to the spine road. Because the flood defence is also a highway it is very unlikely to suffer maintenance neglect typically associated to isolated coastal flood defences. This is why this long-term solution is sensible.</p>

<p>6. The proposed development goes against the policy position of the leading independent chartered professional body for water and environmental professionals. The Chartered Institute of Water and Environmental Management policy position statement states "stronger policies are need to avoid new development in places that are currently or will become at high risk of flooding or coastal erosion"</p>	<p>We wholeheartedly disagree with this statement. The proposals follow a nationally and internationally award winning and championed planning strategy. Baca practice Director was made an RIBA Lifetime Fellow based on this work, and is an RIBA and Governmental spokesperson on the subject. This work demonstrates how sustainable development can unlock strategic sites, provide much needed new homes whilst safely mitigating the effects of flooding. The planning proposals follow this philosophy at Sulby Riverside have been modelled by two independent leading hydrologists who have tested the proposals as set out in the EIA and FRA</p>
<p>7. The affordable housing along the link road back onto the flood plain which once the properties are built during a flood will have a depth of flowing water over a meter deep which is life threatening. There is no flood warning for fluvial flooding on the Island and the rivers rise very quickly therefore you will have little warning the river is about to flood.</p>	<p>Please do refer to the proposed building sections A-A, B-B and C-C There is no human access into the building at the levels that are being reported above. Safe access and egress are provided to and from the spine road, which itself is located above the 1 in 200-year flood event plus freeboard. All bedspaces are located at the first-floor level. We have built examples of such projects and are a recognised industry standard approach.</p>
<p>8. Either end of the spine road will be under water during a flood event so that access for emergency vehicles would be compromised or stopped completely.</p>	<p>Dandara site to the west is at 5m. A fire truck can drive through 11 foot of water, the assumption for that is if someone needs rescuing. However the development is designed to protect people up to an extreme of a 1/200 year flood event so no one will needed to be saved so it is a moot point. If there was a fire everyone can leave safely on foot and leave via the cycle way. One of the principles of the Life project is continuity of daily life and therefore go to and from work in a flood event. Cycle way is circa 7m to the west and 5m to the east there is a bund enclosure to the east to stop flooding entering the cycle way as part of the flood mitigation strategy on parameter plan number 06 street no 06 and off the crescent is direct access onto the public cycleway which provides safe access and means of escape in case of a flood event. the crescent street comes with LAP 'local area for play' this is open to the public use and street 6 is accessible to local shops/commercial uses</p>

9. There is no detailed information on the surface water drainage for the site which will be unable to discharge during flooding events we need to see that this addressed to consider the flood risk from the surface water drainage system.

HRW Walling submitted 3 proposals in Dec 22. Suggest we say these can now be conditioned

With regard to the provision of Affordable Housing, the applicant had demonstrated such by way of an Affordable Housing Viability Assessment, dated May 2022, supporting their assertion that due to the required provision of the Spine Road/Flood Barrier which would be put in place first at a substantial up-front cost without return on investment until such time as any new housing was built, (after the Spine Road is put in place), the provision of Affordable Housing in the first (full) phase of the development (78 dwellings = 19.5 AH Units @ 25%) would render the scheme unviable. The applicant requested that a trigger be added to any S13 Agreement for the provision of Affordable Housing in connection with the outline element of the proposal (127 dwellings = 31.75 AH Units @ 25%). 25% AH contribution for the outline phase would be the starting point. This followed on from discussions with DoI Public Estates and Housing who considered this approach acceptable in the context of this hybrid application.

With regard to the late representation received from the representative for the resident of River House. This representation raised concerns regarding inaccuracies in the Officer Report in that the site is not allocated in its entirety, that the application proposed residential development on an area designated for industry, that the Public House would be sited in an area of Public Open Space, there were no reports on the benefit of the development to Ramsey, the detrimental impact on Ecology and on flooding, and the lack of Affordable Housing provision, which was not incomparable to development for 282 dwellings at Ballasalla which contributed 20 AH Units and £1,186,750 towards provision of off-site AH and £50,000 towards the provision of POS.

The Case Officer amended his recommendation with regard to Interested Person Status, apologised advising that there had been a typographical error in his original report in that the word "not" had been omitted, and that the paragraph regarding IPS should have read as follows;

*"It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status. Whilst they have expressed interest in the subject matter of the application, they do not meet the distance requirement from the site of being within 20.0 metres to take part in any subsequent proceedings as mentioned in Article 4(2) paragraph 2 of the Operational Policy on Interested Person Status dated July 2021:*

*Watersmeet, Westfield Drive, Ramsey, IM8 3ER - not within 20 metres of the site  
2 Belmont Villas, Jurby Road, Ramsey, IM8 3PF - not within 20 metres of the site  
West View, Westfield Drive, Ramsey, IM8 3ER - not within 20 metres of the site  
Pine View, Westfield Drive, Ramsey, IM8 3ER - not within 20 metres of the site  
River House, Riverside, Ramsey, IM8 3DA – not within 20 metres of the site  
47 Lezayre Park, Ramsey, IM8 2PT - not within 20 metres of the site  
26 Greenlands Avenue, Ramsey, IM8 2PE - not within 20 metres of the site  
6 Dreeym Ollay, Ramsey, IM8 2QA - not within 20 metres of the site  
16 Fairway Drive, Ramsey, IM8 2BB - not within 20 metres of the site"*

He reported that while an Environmental Impact Assessment had been submitted as part of the application and that it had further been examined if IPS should be granted for development which relates to the requirement for an EIA as outlined in Appendix 5 of the IOM Strategic Plan 2016 where the proposals relate to:

- Residential development of more than 30 homes and commercial development of more than 500sq metres outside identified settlements.

He confirmed that in this instance the site is an allocated site on land which lies within the recognised settlement boundary for Ramsey, not outside and therefore, IPS status would not be accorded to any of the above addresses.

In response to a request from the representative from DoI Flood Risk Management Division, the Chair confirmed that it was within the Planning Committee's discretion to allow them to speak at the meeting although they had not registered to do, and that they would be called upon to speak after the representative for the resident of River House had made their statement.

The Highway Services representative confirmed that they had no concerns regarding traffic and transport provision within the application, and that flood concerns would be addressed. In response to a question from the Members regarding the provision of a transport route suitable for periods of heavier traffic, e.g. TT Week, as well as being a public highway serving the needs of the estate. The Highway Services representative further reported that the Manual for Manx Roads dictated the layout, design and standards which would have to be met before any public highway would be adopted, and confirmed that it was not considered of sufficient risk that getting such elements in place first would be considered necessary.

A representative for the resident of River House spoke against the proposal. The points raised were as follows:-

- The owners of River House submitted comments regarding the land use designations, the requirement for the public house on land not designated for development and the impact on the ecology of the area. None of these concerns have been withdrawn but in light of the officer's report, there are other concerns which they would like to raise. They would have liked to have been here today but unfortunately were not able to attend and only found out about the meeting by chance so were not able to submit the additional comments.
- It was accepted that some of the site is designated for residential development and some for light industrial development on the Ramsey Local Plan. Whilst the draft Area Plan is in its early stages, it cannot be ignored that the whole of this site has been recommended for re-designation as open space as the site was deemed "not developable" due to biodiversity and flood risk issues, which the site assessment said the current application did not completely address.
- Where land is designated for development, it was not always the case that the principle would be considered acceptable if there are other reasons why the site would not be considered suitable for the development proposed.
- The site is not designated for the proposed development, and there was no acknowledgement of this in the officer's report or presentation this morning, nor any explanation as to why this was acceptable. The introduction of retail uses was not justified nor any assessment made on the impact of that on the town centre.
- The most significant departure for the owners of River House was the introduction of a public house in an area not currently designated for any development, and was within an area known to be of ecological interest. This was completely unacceptable to my clients for reasons relating to the noise, privacy and general impact on the enjoyment of their property, and also because of the impact on ecology that this development would have. There was no justification in the officer's report for the need for such a facility which would override the land use designation.
- My clients live in the same area of flood risk as the site and are only too aware of the impact that the tide has on their property at present, never mind what it might have in the future due to rising sea levels, climate change and any development which would increase or change surface water run-off. We are aware of other applications which have been refused on the basis of flood risk and others where significant levels of additional information have been required. In this case, we are concerned that the same amount of scrutiny has not been given and that the position of the Flood Risk Team is not clear in



terms of their response to the information provided by the applicant nor have they been asked to clarify their position in more detail.

- Is a significant development which does not accord with the development plan and we are concerned that insufficient regard has been had to important matters, and that there is insufficient justification to approve it in its present form.
- Feel it to be wholly unacceptable to make so many changes as had been proposed this morning

The representative for the Flood Risk Management Division of DoI spoke against the proposal. The points raised were as follows:-

- Main objection is the development is proposed on partially flooded land, and the applicant's own figures show the flood risk could increase
- The Division is currently in the process of updating the flood risk plans, which will show the site would be wholly within a flood risk area
- Fundamental objection to building on land in a flood risk area

The Highway Services representative reported that the lower sections of the Spine Road were below the projected flood level, and though it was proposed to connect with the approved flood defence bund, that bund had not yet been completed.

In response to a question from the applicant's representative, the acting Head of Development Management confirmed that each speaker had a time limit of 3 minutes allocated, in line with the Departments Policy as contained within the published document Planning Committee Public Speaking Guidance January 2022.

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

- Proposed a further drawing with regard to C1 in order to properly delineate the limits of the site
- Requested that the trigger for the commencement of development as contained within C3 be amended
- Consulted internationally recognised flood experts who had themselves co-authored a paper on flood risk management for DEFRA in the UK
- The site is zoned partly for residential development, partly for industrial development, and in part as agricultural land
- Is a sustainable location for much needed houses with 78 of the overall 205 being proposed in phase 1 of the development
- The proposed spine road had been promised for the last 20-30 years and would allow for future development
- Will generate jobs and income locally
- Broad range of house types contained within the proposal
- Most of the development avoids 95% of the existing trees and landscaping has been proposed in line with advice received from their landscape consultant
- Would provide much needed houses, play space and Public Open Space in a safe location

The case officer confirmed that he had been in discussion with the applicants regarding the points raised by their representative, and expressed his disappointment in the late submissions received from DoI Flood Risk Management and MU Drainage.

The Members expressed concerns regarding the hybrid nature of the application; access to the site; potential for an unacceptable traffic link through a residential estate; flood risk to the proposed properties and increased flood risk to existing properties as a result of the proposed development; the agreed flood bund wall not having been completed to date; the proposed first time buyer houses had been deferred to the second phase of the development rather than included in the first phase, which would not be in compliance with HP5; that the site has reverted to a natural state so that due consideration of resident fauna and flora would have to be given

with regard to any proposed development; a similar development in the South of the Island led to environmental damage to the ASSI protected site of Derbyhaven Bay; the Sulby River saltmarsh is also worthy of ASSI protection and as such should be afforded protection in any development scheme.

In response to a question from the Members, the Case Officer confirmed that rescue vehicles should be able to access the area during periods of flooding.

In response to a question from the Members regarding the design of the spine road the DOI Highways representative confirmed that the design was in accordance with Manual for Manx Roads and at this current time they were satisfied with the proposed design but there would be a need for a road safety audit which could lead to amendments if necessary. Members commented that this design element would be better addressed at this stage rather than further design changes later, the Highways representative confirmed that it was not a high risk design likely to be changed significantly.

In response to a question from the Members, the representative for the applicant confirmed that the development as a whole was set above the projected flood level and so would remain accessible to residents. They confirmed that the developer had much experience and a proven track record for completing developments in high risk flood areas both in the UK and in Europe.

Following discussion with regard to the emerging new Flood Risk Area Maps, the representative for Flood Risk Management agreed to forward a copy of same to the Planning Directorate and to the applicant as soon as it became available. They reported that the flood risk area was likely to be broadly similar to that existing. The applicant's representative and the representative for Flood Risk Management agreed that part of the site lay within an area of flood risk, with the applicant's representative identifying such with reference to the visual presentation.

The Members noted that this proposal would complete development in the area, and that it was likely that the level of the adjoining land had been raised by another developer, and expressed a preference that houses with built-in flood protection measures be constructed in this area in order to future-proof the development.

Mr Young proposed a site visit in order to assist with the assessment of the proposal, which was seconded by the Chair. Following discussion and a vote, the Members unanimously determined to defer consideration of the matter and conduct a site visit at a time and date to be determined at the end of the meeting, and at such date to enable the matter to be brought back before the Members at the next Planning Committee meeting of the 29<sup>th</sup> January 2024. They requested that representatives from Flood Risk Management and MU Drainage also be present at the site meeting.

#### **DECISION**

Following discussion and a vote, the Members unanimously agreed to **defer consideration** of the matter in order to conduct a site visit at a time and date to be agreed at the end of the meeting.

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<b>Item 5.4</b> Land Off Main Drive & South Of Keyll Darree The Nobles Hospital Site Strang Douglas IM4 4RJ  <b>PA23/01125/B</b>	Creation of a mobile site consisting of a 15 meter tree mast with multiple mobile panel antennas/dishes/radio kit with associated ground equipment cabinets and boundary fence  Applicant : Sure (Isle Of Man) Ltd Case Officer : Mr Jason Singleton Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

In response to a question from the Members, the Case Officer reported regarding similar masts approved elsewhere on the Island, how they had fared in the climate and weather conditions, and that as the technology had improved since the existing masts had been approved, the proposed mast was expected to more suitable.

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

- The existing lattice tower is too small to support next generation mobile equipment and would require considerable redevelopment
- The significant investment in a Tree Mast would lead to an improvement of the visual amenity over the larger and more robust tower that would be required moving forward
- Would be more unobtrusive in the proposed site
- Proposed site is 100m closer to the hospital and 5m higher than the existing site at Vagabonds rugby club
- Substantial improvement to service for hospital staff, patients and visitors
- Substantial improvements to visual amenity compared to upgrading the existing lattice towers
- Capable of supporting network improvements for the foreseeable future
- Manx Telecom have three other masts in the area, but siting the proposed mast in similar locations would reduce efficiency and performance

In response to a question from the Members, the Case Officer confirmed that the intention of C9 was to control the appearance and maintenance of the proposed mast. The Acting Head of Development Management confirmed that C9 would be an enforceable condition.

In response to a question from the Members the applicant confirmed that the operational lifespan of the structure was 25 years and that of the foliage was 15 years, after which they will be replaced.

## **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. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or telecommunications structure must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

C 3. The development hereby approved shall not commence until further details of the antennas, dishes and remote radio heads to be installed 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 and shall be retained as such thereafter unless a variation or alteration is permitted under Schedule 2 of the Town and Country Planning (Telecommunications) Development Order 2019 (or any alteration/replacement of that order).

Reason: To ensure appropriate use of the mast for telecommunication equipment.

C 4. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any amendment or replacement of that order) no fencing, walling or gates shall be erected at the site other than: as shown on the approved plans; permitted by the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015; and/or as shown on the drawing entitled, "Temporary Mast and Temporary Work Area".

Reason: to ensure the development is carried out in accordance with the approved plans in the interests of the visual amenity of the area.

C 5. The temporary work area / fencing as shown on the drawing entitled, "Temporary Work Area" shall be removed from the site within 2 weeks of the new mast being brought into use.

Reason: to prevent the retention on site of temporary works which would be detrimental to the visual amenity of the area.

C 6. The proposed 1.8m high close boarded timber fence shall be painted green to match the colour of the 15m FLI Cypress tree Mast and maintained and retained in perpetuity.

Reason; To minimise any visual impact within the existing wooded area.

C 7. No development shall be commenced on site until a planting scheme has been first submitted to and approved in writing by the Department showing details of existing and proposed type of native trees and bushes to bolster the existing levels of planting to those areas of open parts of the site, and a programme of implementation. All planting shall be carried out in accordance with the approved details.

Reason: In the interests of the wooded appearance of the development and the surrounding area.

C 8. The 15m tree mast, climbing frame and their associated antennas/dishes/ radio kit hereby approved shall be painted in a dark green colour and maintained and retained in perpetuity.

REASON: In the interest of visual amenity

C 9. The 15m Cypress tree mast hereby approved, shall be maintained to a high standard of visual appearance, including the branches. If at any point the mast or branches becomes damaged, broken or missing, works must be undertaken to repair the structure within 1 month of such damage having occurred. Should the mast become damaged or structurally unsound beyond reasonable repair, it must be replaced with an identical structure within 3 months of such damage/structural deficiency having occurred. Should the need for the structure no longer remain in accordance with its approved purpose, it shall be dismantled and removed from the site immediately.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the wider locality.

Reason for approval:

The proposed application is not considered to harm the use and enjoyment of neighbouring properties and would comply with aforementioned planning policies of the Isle of Man Strategic

Plan 2016, specifically those sections of Environmental Policy 22; General Policy 2 (b,c,g); and Infrastructure Policy 3 is recommended for approval.

### INTERESTED PERSON STATUS

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

**The items then reverted to the published agenda order.**

**The Chair confirmed that although he lives in the area, he had not discussed the matter with the applicant**

<b>Item 5.3</b> Field 530509 Lower Ballacashin Abbeylands Isle Of Man IM4 5EG  <b>PA22/01307/C</b>	Creation of a private non-commercial fenced arena area for the exercising of the applicants horses and change of use of field from agricultural to equestrian use  Applicant : Mr & Mrs Damon & Donna Waddington Case Officer : Mr Paul Visigah Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. Error in c4 with reference to building and recommended alternative wording.

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

In response to a question from the Members the Case Officer confirmed that the top dressing material for the area had not been specified within the submitted application, but a further condition could be added requiring the submission and approval of details of said material should the Members deem it necessary. The Members expressed that while their concerns lay with the future environmental impact of such dressing material, it was felt that commercial suppliers no longer stocked materials containing micro-plastics and so it was felt that such a condition would not be necessary. The case officer further confirmed that the proposal was for a private rather than commercial facility, and that the matter of external lighting would be controlled by C5.

In response to a point raised by the Acting Head of Development Management, the case officer agreed to amend his recommendation by amending the wording of C4 in that "stable building and hard standing" be amended to "arena" in order to match the description of the development.

### 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 riding arena hereby approved shall be for private use only and not for any commercial or private livery use.

Reason: Due to the location of the site in the open countryside, the nature of the access to the site, and adjoining highway, the Department does not consider the site suitable for anything

other than private use in accordance with General Policy 3, Environment Policies 1, 19 and 21 of the Isle of Man Strategic Plan 2016.

C 3. The arena hereby approved must be used only for equestrian purposes in association with the existing barn and residential dwelling at Lower Ballacashin, Abbeylands, and shall not be used for any commercial use or commercial purposes.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided.

*C 4. In the event that the riding arena, hereby approved, is not used for equestrian purposes for a period exceeding 6 months, the ground **must be** restored to its former condition within 9 months of the arena last being used.*

*Reason: The structure has been approved to meet the equestrian need of the applicant and its subsequent retention would result in an unwarranted intrusion in the countryside in accordance with General Policy 3, Environment Policies 1, 19 and 21 of the Isle of Man Strategic Plan 2016.*

C 5. 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 that development of the site is carried out in the interest of the character and appearance of the site and surrounding countryside.

Reason for approval:

It is considered that the siting, size, design and finish of the proposed riding arena 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 neighbouring properties, the proposal is considered to meet the tests of Environment Policies 1, 19, 20 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

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

<b>Item 5.5</b> St Josephs Church Snaefell Road Douglas IM2 6PD  <b>PA23/01332/B</b>	Removal of wall mounted statue to front elevation  Applicant : Living Hope Church Case Officer : Mrs Vanessa Porter Recommendation : Permitted
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And

<b>Item 5.6</b> St Josephs Church Snaefell Road Douglas IM2 6PD  <b>PA23/01341/D</b>	Installation of non-illuminated signage to front elevation  Applicant : Living Hope Church 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 reports and with reference to the visual presentation. The Case Officer confirmed that the local authority referred to in her reports should be Douglas City Council rather than Onchan Commissioners.

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

In response to questions from the Members, the Case Officer confirmed that no external lighting had been proposed, and that the statue to be removed was to be given into the care of the Catholic Church. She felt that the statue itself did not stand out within the streetscene, and that the proposed signage was to be sited in the position occupied by the statue.

#### **DECISION for PA23/01332/B**

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.

Reason for approval:

Overall whilst the removal of the statue will be noticeable it will ultimately not impact the character and appearance of the structure, in itself or within the streetscene and as such the proposal complies with General Policy 2.

#### **INTERESTED PERSON STATUS for PA23/01332/B**

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):

6 Birchley Terrace, Onchan  
Thie Aash, 9 Douglas Road, Ballasalla  
13 Wesley Terrace, Douglas  
Kerroo Ain, " Castletown Road, Port St Mary

As they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

#### **DECISION for PA23/01341/D**

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

C 1. The advertisement(s) hereby granted consent shall be begun before the expiration of four years from the date of this notice.

Reason: To avoid the accumulation of unimplemented advertisement consents.

C 2. There shall be no internal or external illumination of the signage hereby approved.

Reason: for the avoidance of doubt and in the interest of the amenity of the neighbours.

C 3. In the event that the signage hereby approved is no longer required, the signage and any associated supports shall be removed within 6 months and the building restored to its former condition.

Reason: to avoid the accumulation of unwarranted structures in the interest of visual amenity.

Reason for approval:

The installation of the non-illuminated signage on the site complies with The Control of Advertisements Regulations 2013 and is also in accordance with General Policy 6 of the Isle of Man Strategic Plan 2016.

#### **INTERESTED PERSON STATUS for PA23/01341/D**

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):

Owner/Occupier of No.43 Oakhill Close, Douglas as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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#### **6. Site Visits**

The Committee agreed to make a site visit in relation to item 5.1 (PA22/00679/B - Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access, Land At Poyldooey Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274 Ramsey) at 10am on Thursday the 18<sup>th</sup> January 2024.

#### **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 29<sup>th</sup> January 2024.

There was no further business and the meeting concluded at 12.09pm

#### **Confirmed a true record**



 **Secretary to the  
Planning Committee**



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

29-01-2024