

**SOME KEY DOCUMENTS AND EXTRACTS FROM KEY DOCUMENTS
IN THE GRANT OF PLANNING PERMISSION FOR
HOUSING AT MOUNT MURRAY**

1. Application for Planning Approval in principle (PA 90/1842) dated 16th January 1991
Page 1, including "Address or description of the site to be developed"
Page 2, including description of the proposed developed, the proposed use of the site
Page 3, including "other information relevant to the application"
2. Notes of Presentation, page 5
3. Extract from the Buyer's Guide pages 15 and 16
4. Planning permission and conditions re PA 90/1842 dated 1st March 1991
5. Letter from Mr A Bell, Minister of Tourism and Transport to Mr G Spence, Heritage Realty Limited dated 9th May 1991
6. Transcript of telephone message left by Mr A Bell, Minister for Tourism for Mr G Spence, Heritage Realty Consultants dated 13th May 1991
7. Letter from Mr B Vannan, Architect/Planning Officer, Department of Local Government and the Environment to The Hon A R Bell, Minister for Tourism dated 13th May 1991
8. Letter from Mr M Savage, Chief Executive, Department of Local Government and the Environment to Mr G Spence, Heritage Realty Consultants, dated 16th May 1991
9. Fax Mr G Spence to Mr S Mitchell
10. Extract re PA 90/1842 from the Minutes of the Planning Committee held in Government Offices, Bucks Road, Douglas on Friday 24th May 1991
11. Extract re PA 90/1842 from the Notebook kept by the Secretary of the Planning Committee in respect of the meeting of the Planning Committee held in Government Offices, Bucks Rod, Douglas on Friday 24th May 1991
12. Extract from original Draft Agreement for Sale
13. Comparable draft Agreement for Sale as endorsed by Mr Savage, Chief Executive, Department of Local Government and the Environment and approved by the Planning Committee
14. Extract re PA 90/1842 and PA 91/0953 from the Minutes of the Planning Committee held in Murray House, Mount Havelock, Douglas on Friday 13th September 1991
15. Planning permission and conditions re PA 90/0953 dated 2nd October 1991
16. Letter from Mr G Spence, Heritage Realty Consultants to the Secretary, Planning Committee, Department of Local Government and the Environment dated 2nd October 1991

17. Extract re PA 91/0859 and PA 91/0953 from the Minutes of the Planning Committee held in Murray House, Mount Havelock, Douglas on Friday 4th October 1991
18. Planning permission and conditions re PA 90/0953 dated 4th October 1991
19. Extract re PA 91/0953 from the Minutes of the Planning Committee held in Committee Room 1, 3rd Floor, Murray House, Mount Havelock, Douglas on 20th June 1997
20. Editorial comment at 1003 JPL 243 on R v Oxford City Council JPL 232

212897 #20

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DOC 1

TOWN AND COUNTRY PLANNING ACTS 1934 TO 1981
ISLE OF MAN PLANNING SCHEME (DEVELOPMENT PLAN)
ORDER AND AMENDMENT ORDERS 1982 to 1987

APPLICATION FOR PLANNING APPROVAL

(All questions on this form must be answered)

PLANNING COMMITTEE
SECRETARY'S OFFICE
17 JAN 1991

1.	<p>is this an application for</p> <p>(a) Approval in principle; or (b) Full, detailed approval for development involving building or engineering operations; or (c) Change of use of land not involving building or engineering operations?</p>	<table border="1"> <tr> <td>a</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>b</td> <td><input type="checkbox"/></td> </tr> <tr> <td>c</td> <td><input type="checkbox"/></td> </tr> </table> <p>Please tick appropriate box</p>	a	<input checked="" type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>
a	<input checked="" type="checkbox"/>							
b	<input type="checkbox"/>							
c	<input type="checkbox"/>							
2.	<p>Address or description of the site to be developed:</p>	<p>Alex Inn, Mount Murray, Santon, Isle of Man.</p>						
3.	<p>(a) Full name of applicant: (b) Address of applicant: (c) Applicant's telephone number: (d) Applicant's interest in the site:</p>	<p>Radcon Village Resorts Limited.</p> <p>1 Mount Pleasant, Douglas, Isle of Man.</p> <p>Home USA 0101 704 331 0715 Work UK 0274 531 095 FAX 0274 531470 CORY SPENCE</p> <p>Option to purchase.</p>						

(i) the owner of the site if different from (3) above:	Grandeur Limited. <div style="text-align: right; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">12</div>
(ii) the occupier or tenant of the site if different from (i) above:	Vacant Site.
(b) Has the owner given consent to the making of this application?	Yes.
5. Description of the proposed development Please state clearly what it is that you want to do.	See List Attached.
6. (a) What is the existing use of the site? (b) What is the proposed use of the site? (c) Details, if known, of any previous planning applications in respect of the site:	Vacant. Resort Village. See Buyers Guide and related Villa Rental Agreement No. 52265 - 8/2/80 No. 56033 12/3/82 No. 54972 - 14/3/91 No. 56122 19/3/82
7. Would the proposed development involve the creation of, or alteration to, a vehicular or pedestrian access to any highway? If yes, please give details.	Yes <input checked="" type="checkbox"/> Closing present access to Main A5 Highway. New access shown from side d. New junction treatment shown on Engineers Drawing No. 0549-C-06 Rev. A. No <input type="checkbox"/>
8. Would the proposed development require the provision of a new or amended supply of— (a) water; (b) electricity; (c) gas? Please give details of the nature of the required supply if other than for a single domestic user:	a <input checked="" type="checkbox"/> b <input checked="" type="checkbox"/> c <input type="checkbox"/> Please tick appropriate box

	<p>roofs and paved surfaces be disposed of?</p> <p>(b) How would foul sewage from the proposed development be disposed of?</p> <p>(c) If a new septic tank is proposed, please arrange for the excavation of a trial hole, approximately 1.2m deep, on the site thereof, and give details of when and where this may be inspected:</p>	<p>To existing water course(s)</p> <p style="text-align: right;">13</p> <p style="text-align: center;">13</p> <p>To new dedicated treatment plant.</p> <p>N/A</p>
10.	<p>If the proposed development would create additional industrial, retail or office floor space, please give details of the respective areas in square metres:</p>	<p>N/A</p>
11.	<p>(a) Are there any trees on the site?</p> <p>(b) Would the proposed development involve the felling, or physical damage to the roots or branches of any tree?</p> <p>(c) Would any trees be planted as part of the proposed development?</p>	<p>Yes see Topographical Survey (to follow)</p> <p>No</p> <p>Yes landscaping treatment to be agreed.</p>
12.	<p>Please give details of any other information relevant to the application:</p>	<p>Previous discussions taken place with</p> <p>Mr. Miles Walker - Chief Minister Mr. S Mitchell - Department of Tourism Mr. M Watson - Chief Planning Officer Department of Environment.</p> <ol style="list-style-type: none"> 1. Resort Village Brochures as list attached. 2. A Government grant is not required if one adheres to this concept. 3. Conceptual layout (drawing No. 1). 4. Architectural Visuals (drawings 2 to 6 in) 5. Architectural Manx Village details (drawing No. 7). 6. Environmental details (drawing No. 8). 7. Road Junction improvements plan (drawing No. DS49-C-06 Rev A). 8. Buyers Guide and related villa rental agreement. 9. Site Evaluation. 10. Notes of presentation.

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- C -

Doc 2

Experience at other resorts shows that approximately 10% of houses sold fall into the residential category (see page 15 of the Buyers Guide). But this 10% is continually changing hands when Residents find out that this type of Development, which is tourist orientated is not conducive to resident living.

- D -

Profits generated from the sale of houses is ploughed back into the facilities and further investment totalling £4m plus.

- E -

We have an exercisable option on land at Mount Murray which is subject to Planning Approval. Incidentally this is one of two parcels suggested by your Chief Minister.

- F -

It can be seen therefore that profit comes in later years from the Holiday Rental Program and Club Membership, without which we could not survive.

N.B. - A film is available of a Resort Complex.

RESORT vs. RESIDENTIAL

What is Holiday's philosophy toward residential and resort growth, and how are the two linked?

Holiday is committed to the philosophy that on the Isle of Man, resort activity within residential areas is essential to maintaining community health and vitality. Resort activities provide residents with recreational facilities which might not otherwise be financially self supporting. These add to the attractiveness of the community by creating substantial open space in the form of golf courses, nature conservancies and green belts.

During the off-season, the resulting prospect of operating losses is minimised through the increased frequency of resort guest programs such as corporate seminars, conferences and special golf and fishing weekends.

Finally, resort and recreational facilities are key components in a marketing philosophy which serves the economic interests of Holiday in general and, at the same time, provides investor's with a source of income in a low tax area.

WHAT DO WE MEAN BY RESIDENT, INVESTOR, TOURIST:RESIDENT

Resident is a person who lives in the village for more than half the year. They could be an investor or a tenant.

INVESTOR

There are three categories of Investor:

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- 1. Institutional Investor:
Is a person or Corporation which will purchase an investment consisting of 5 or more units for rental. Potential Investors should recognise that any capital appreciation is not subject to Capital Gains Tax.
- 2. Individual Investor:
Is a person (or couple) who purchase a single unit, usually as a second home. They may be a Resident or a Tourist. It is usual that when the Investor is away from Holiday, their unit will join the Rental Program.
- 3. Fractional Investor:
Investors in half, or quarter ownership. (Not Time Share)

TOURIST

Is a person/s who occupies a unit short term e.g. a long weekend to enjoy the facilities any time of the year, or perhaps a longer stay during the school holidays.

Is a person/s staying in their second home, or simply a holiday maker on vacation.

TYPES OF PROPERTIES

What kinds of properties are currently available or planned within Holiday?

- Sites for custom-designed homes
- Villas (condominium dwellings: which may be apartments, town-houses, patio villas or pool villas)

Application No: 90/1842

Ref: JC/LH

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Town and Country Planning Acts, 1934-1981 Doc 4

ISLE OF MAN PLANNING SCHEME (DEVELOPMENT PLAN) ORDER 1982

To: Radcon Village Resorts Ltd.,
1 Mount Pleasant,
DOUGLAS

In pursuance of their powers under the above Acts and Order the PLANNING COMMITTEE of the Department of Local Government and the Environment does hereby APPROVE the application made by you

Approval in principle for construction of resort village, Alex Inn, Mount Murray, Braddan/Santon.

which was considered at a meeting held on the 22nd February 1991, subject to the compliance with the conditions or modifications specified on the attached schedule, numbered 1 to 16.

Date of Issue: 1 March 1991.

Government Offices,
Buck's Road,
Douglas, Isle of Man.

P. P. Secretary
P. P. Secretary.

Note 1: This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.

Note 2: NO WORKS MAY BE COMMENCED UNTIL SUCH TIME AS -

- a) the time for requesting a review of the initial decision has expired; or
- b) any review of the initial decision has been completed; or
- c) the time for requesting an appeal in relation to any decision at review has expired; or
- d) any appeal has been completed.

Note 3: Rights of review against the decision of the Planning Committee are attached.

- 1
This permission shall be deemed to be an approval in principle for a period of FOUR years only and shall not permit any development works prior to the approval of detailed information by the Committee.
- 2
Details of siting, design, external appearance, internal layout, means of access and landscaping (hereinafter called "the reserved matters"); must be included in a detailed planning application for consideration by the Planning Committee.
- 3
This approval relates to the amended layout plan numbered LA received on the 19/2, no approval is implied to any previously submitted layout plan; all new buildings must be sited within that part of the site designated for development on the Development Plan.
- 4
This permission is for the use of the southern part of the site (comprising the area designated for development on the Development Plan) for tourist accommodation and associated facilities as shown on Plan LA referred to in (3) above; the Northern part of the site may be used for recreational purposes in association therewith, but must remain predominantly green open space.
- 5
The proposed buildings must be occupied only by bona fide tourists, permanent occupation of the buildings is not permitted.
- 6
All buildings must be sited such as to avoid physical damage to the branches or root systems of trees.
- 7
No trees may be felled without the PRIOR permission of the Department of Agriculture, Fisheries and Forestry and the Committee.
- 8
No development shall take place until there has been submitted to and approved by the Planning Committee a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 9
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

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planting season with others of similar size and species, unless the Planning Committee gives written consent to any variation.

10

The proposed buildings must be provided with pitched roofs of slate or good quality imitation slate such as Redland Cambrian or Harley Monarch, and external walls finished in plain or roughcast render or Manx stone traditionally laid.

11

All services including electricity and telephone must be laid underground to the satisfaction of the Committee and arrangements for the supply of such services acceptable to the Committee must be made PRIOR to the commencement of any building works.

12

All foul sewage must be treated on site, such as to produce an effluent complying with a standard of 10/10/5, and details of the proposed method of achieving this standard must be submitted together with the other reserved matters referred to in (2) above.

13

The junction between the Mount Murray Back Road and the Main Castletown Road must be improved as part of this development, and full details thereof must be submitted together with the other reserved matters referred to in (2) above; the applicant/developer is recommended to consult the Surveyor General to the Department of Highways, Ports and Properties therein prior to the preparation of such details.

14

The access road must be fully made up and completed as and when required by the Committee and in a manner satisfactory to the said Committee and the Highway Authority.

15

The Manx Electricity Authority must be consulted and a site made available for an electricity sub-station which will be required to cater for the proposed development.

16

An adequate water supply for fire brigade use must be provided to the satisfaction of the Committee and the Isle of Man Fire Service.

LE of MAN
TOURISM

RHEYNN TURRYSID AS ARRAGHEY
DEPARTMENT OF TOURISM AND TRANSPORT

13 Victoria Street, Douglas, Isle of Man

Telephone: 0624 74323

Fax: 251218

Fax: 0624 72872

Telex: 627193/MANINF G

Chief Executive: Terry Toohy

DOC 5

9th May, 1991.

Mr. G. Spence,
Vice President of European Operations,
Marriott Quality Inns,
Cannock, Staffs,
S.W. England,
U.K.

Dear Mr. Spence,

Reference is made to your letter of 25th April 1991 to
the Department of Tourism and Transport, Isle of Man, Local
Council and the Department of Tourism and Transport, Isle of Man,
U.K. regarding the proposed development of a new hotel in
Douglas, Isle of Man.

I am sure you appreciate our interest and the importance of the
planning system. However, we will endeavour to identify a more appropriate way
of dealing with an aspect on which currently with associated legislation.

The meeting will take place later this month following which I will contact
you again.

Yours sincerely,

Allen Bell

Allen Bell
MINISTER

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TRANSCRIPT OF MESSAGE FROM SPENCE REALTY LIMITED ANSWERING MACHINE 18TH MAY, 1991.

THE CALLER IS HON. ALAN BELL MHK, THE MINISTER FOR TOURISM IN THE ISLE OF MAN GOVERNMENT.

"HELLO, MR SPENCE, IT'S ALAN BELL HERE FROM THE ISLE OF MAN. I'M JUST PHONING TO LET YOU KNOW THAT I'VE HAD A MEETING WITH THE PLANNING OFFICERS AND THE OTHER OFFICIALS RELATED TO THE PLANNING COMMITTEE ABOUT THE STIPULATION, THE CONDITION ON PERMANENT USE OF ACCOMMODATION FOR MOUNT MURRAY. NOW WE'VE GONE THROUGH ALL THE CONDITIONS WHICH WERE PLACED ON THE SCHEME AND WE BELIEVE AND THE COMMITTEE HAVE CONFIRMED IT THAT THE DEFINITION OF TOURIST WITHIN THOSE CONDITIONS IS SUFFICIENTLY FLEXIBLE TO ALLOW YOUR SCHEME TO GO AHEAD. THERE'S NO NEED FOR YOU TO APPLY FOR CHANGE OF USE FOR PERMANENT ACCOMMODATION, RESIDENTIAL ACCOMMODATION OUT THERE. THE PRESENT CONDITIONS WILL ALLOW YOU TO DO EXACTLY WHAT YOU WANT. NOW THERE'S A LETTER OF COMFORT COMING FROM THE PLANNING COMMITTEE TODAY WHICH I WILL FAX TO YOU LATER ON TODAY I HOPE AND YOU'LL BE ABLE TO SEE WHAT I MEAN THEN BUT THEY HAVE GONE THROUGH ALL THE ARGUMENTS THAT YOU'VE PUT FORWARD ABOUT THE REQUIREMENT TO BE ABLE TO SELL OFF THE INDIVIDUAL UNITS AND THEY'RE QUITE HAPPY THAT YOUR PROPOSALS COMPLY WITH THEIR REQUIREMENTS SO THAT THERE SHOULDN'T BE ANY PROBLEM AT ALL. YOU'LL BE ABLE TO GO AHEAD NOW ON EXACTLY THE BASIS THAT YOU WANT BUT THE LETTER OF COMFORT SHOULD GIVE YOU A CLEAR INDICATION AS TO - OR - CONFIRMATION - AS TO WHAT THE COMMITTEE'S ATTITUDE IS. AND IF THERE IS ANY - IF YOU HAVE ANY OTHER COMMENTS ON THAT AFTER YOU GET IT PERHAPS YOU COULD RING ME AT THE TOURIST BOARD AND I WILL HAVE A CHAT WITH YOU ABOUT IT. ON THE RAMSEY MARINA SCHEME....."

Department of Local Government and the Environment
Rheynn Reillys Ynnydagh as y Chymmyllaght

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Copy to the Architect and Planning Officer.

Office of Architecture and Planning
Government Offices,
Buck's Road, Douglas,
Isle of Man.

Telephone: (0624) 626262 Ext.

Architect and Planning Officer:
J. Malcolm Watson, B.A. (Hons. Arch.),
Dip. T.P. (Manc.) A.R.I.B.A., M.R.T.P.I.

Our Ref

Ref: NSV/MC

13th May, 1991.

The Hon. A. R. Bell,
Minister for Tourism, Leisure & Transport,
15 Victoria Street,
Douglas,
Isle of Man.

Dear Minister,

Radson Village Resorts Ltd.

Further to our discussion with Mr. M. Savage, Chief Executive of this Department, I would confirm that the planning conditions attached to PA90/1842, specifically Nos. 3 and 4, are in no way in conflict with the principle of the development as set out in the documentation attached to the application.

It is also made clear that within the Villa Owners Rental Agreement, sufficient safeguards have been included as to satisfy us that issues such as resale of the properties, have been properly considered.

Clearly, the project is a new concept in terms of tourism in the Isle of Man and does require flexibility in our approach to such a development. This I feel has already been illustrated in the granting of permission in principle to an area considerably larger than that originally designated in the 1982 Development Plan. It is also opportune to note that the sole issues which remain to be resolved are those of detail, discussions on which will be held with the appropriate officers of the Departments of Government.

In conclusion, although a detailed application will of course be required in due course, I would reconfirm that the concept as proposed is fully acceptable to this Department and is indeed one which we would support. I shall be pleased to give any advice and assistance to the developer in promoting the scheme.

Continued/

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Ref: WBV/MC

13th May, 1991.

I trust that this clarifies the status of this application and the conditions of approval with regard to our planning policy.

Yours sincerely,



W. S. Vannan, D.A. (Edin.), Dip. TACP (Edin.), ARIBA, ARIAS, MREPI,
Architect/Planner.

Copies to: Minister, DAE;
Chief Executive;
Architect & Planning Officer;

~~Mr. J. ...~~

(1991-05-13)

16th May, 1991.

G. Spence, Esq.,
 Heritage Realty Consultants,
 St. Nicholas House,
 Market Street,
 St. John's,
 N. Yorks.
 LS10 3PB.

Dear Mr. Spence,

Re: St. Nicholas House

With reference to this matter, and your letter of the 16th May, and a letter of the 14th May to the Minister of Tourism, I met and talked to Mr. Spence today with Mr. Cary Spence on your behalf, and Mr. Howard, Chief Executive on behalf of this Department.

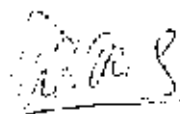
Mr. Spence, Mr. Howard and I discussed the documents submitted with that application, and in particular the Buyer's Guide and related Villa Owners Rental Agreement.

I have confirmed that occupancy of the particular villa units will be in accordance with the terms of those documents, and that the villa houses and villas may be marketed accordingly.

If the particular buildings, therefore, are occupied in accordance with the conditions laid out in the Buyer's Guide and Villa Owners' Rental Agreement which formed part of the planning application, then ~~in principle~~ this occupation will be in accordance with conditions 5 and 6 of the approval. *in principle*

I look forward to receiving a detailed planning application, together with a phasing scheme for consideration by the Department, at your earliest convenience. As we discussed, you may also wish to submit to us a draft agreement for sale for the units which could then be approved by the Planning Committee as being in accordance with the terms of the planning consent and thus give the purchasers' advocates the additional degree of comfort they may be seeking.

Yours sincerely,



SAVAGE

Copy to: The Hon. A. R. Ball, M.K.

16th May, 1991

G Spence, Esq.,
Heritage Realty Consultants,
Stanhope House,
Market Street,
Shipley,
W. Yorks.
BD18 3QD

Dear Mr. Spence,

Radcon Village Resorts

With further reference to this matter, and your letter of the 16th May, and to my letter of the 13th May to the Minister of Tourism, I set out below the outcome of our discussions today with Mr Gary Spence on your behalf, myself and Mr. Savage, Chief Executive on behalf of this Department.

When the application PA90/1842 was granted consent, that consent attached to and took account of the documents submitted with that application, and in particular the Buyer's Guide and related Villa Owners Rental Agreement.

I therefore confirm that occupancy of the patio homes and villas can occur in accordance with the terms of those documents, and that the patio homes and villas may be marketed accordingly.

If the proposed buildings, therefore, are occupied in accordance with the principles laid out in the Buyer's Guide and Villa Owners' Rental Agreement which formed part of the planning application, then this occupation will be in accordance with conditions 5 and 6 of the approval in principle.

I look forward to receiving a detailed planning application, together with a phasing scheme for consideration by the Department, at your earliest convenience. As we discussed, you may also wish to submit to us a draft Agreement for Sale for the units which could then be approved by the Planning Committee as being in accordance with the terms of the planning consent and thus give the purchasers' Advocates the additional degree of comfort they may be seeking

Yours sincerely,

Copy to: The Hon. A. R. Bell, M.H.K.

**HERITAGE
R.E.A.L.T.Y
CONSULTANTS**

1620 SOUTH BLVD.
SUITE 2-A
CHARLOTTE, NC 28203
U.S.A

PHONE: 704-331-0715
704-331-9879

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TO: S Mitchell
Tourist Board

DATE: 23rd May 1991

FROM: Gary Spence

Re: RANCON VILLAGE RESORTS

Referring to our meeting yesterday:-

1. The video of New Seabury, Cape Cod was delivered to your office yesterday.
2. Mark Moroney will contact Mr. Savage to see if any alternative wording can be formulated.
3. I spoke to the States last night and they are having the latest resident occupancy figures faxed to me today, due to the time change it will be mid-afternoon before I get these and I will fax them on to you.

Finally I wish to impress on you that my position has been consistent throughout. In my presentations I have made it clear that the basis for the Resort Village concept is sales to investors who provide the "bedrooms". With the high cost of infrastructure and central facilities and no grant aid no normal owner-occupier could afford one of these villas. Nevertheless, research shows that some (a changing few) will want to live there, as one of the inducements for making the investment. All this is, and has been clear from the Buyers Guide and Notes on Presentation which you have had since last year and which form part of the approved plan.

This is not the case elsewhere but appears to be being built up into a hurdle on the Isle of Man because it is a new concept. My clients are wary of playing the serpent's game. If you want this and other related investment my clients have under consideration, totalling close to £50 million, then we have to have approval of the Sales Agreement. If not I am afraid they will go elsewhere where the concept is understood, accepted and will receive a "hundred thousand welcomes"

Spence

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PA 90/1815 L R T Cox - Erection of a dwelling, plot of land adjacent to Rosslyn, Main Road, Part Erin DOC 10

Initial Decision: Approved

Decision on Review: Approved

OTHER BUSINESS

PA 91/0048 South Ramsey Bowling - car park, land at South Ramsey Bowling Club, Walpole Drive, Ramsey

Initial Decision: Approved, subject to the provision of protective measures to the trees.

PA 90/4274 M.E.A. - Reconstruction of 11kv Overhead Line, Agneash to Snaefell Valley, Lonan

Following consideration of a letter dated 21 May 1991 from the M.E.A. the Committee determined to confirm its initial decision, which the M.E.A. could argue at review.

Thaloo Queen, Maughold - Unauthorised building operations

Following a report from the Secretary concerning the unauthorised building operations undertaken by Mr Storey, the Committee directed that a Stop Notice should be issued, to take effect within seven days of service.

PA 89/1811 D Seymour - Amended drawings for the development at Ballig Cottage, German

Following discussion the Committee confirmed that at the meeting on 10 May 1991 it had been resolved to approve the amended drawing submitted. It was further resolved that such conditions as appropriate should be attached to the approval to the amended scheme.

PA 90/1842 Radcon Village Resorts Limited - Approval in principle for construction of resort village, Alex Inn, Mount Murray, Braddan/Santon

Mr W B Vannan reported on an exchange of correspondence between the developer and the Department's Chief Executive concerning the draft Agreement for Sale for the "tourist accommodation", which reflected the

evidence contained in the planning application, as submitted. Upon being assured that the building operations would be phased so that the hotel and ancillary tourist accommodation would be substantially completed prior to the erection of the tourist houses the Committee accepted the wording contained in the draft Agreement for Sale.

66

signed *D. C. Coetney*
Chairman

Date

FRI 24 May 1991.

Doc 11

4
North
St Road

1. PA91/0048 South Farnsey
Bowling Club.

To make initial decision

Recommendation: approve WBY

A.

Divided
1/2 for
Hew

2. PA 89/1811 D. Seymour - am
drawings for Ballig Cottage

10.5.91 decision A.
minute - D.

Confirm decision.

C.A.

3. Rebuilding operations at Thalloo
Queen Maughold.

No planning approval

Recommend STEP NOTICE.

7 day STEP NOTICE

A.

* PA90/4274 MEA - reconstruction
11 kv O.H. line, Agreash to
Snodfell Valley.

Not additional line - new parallel to
existing, old removed once new
operational.

Line essential to communications to
Snodfell.

CR.

Letter 24/5.

Radcon - Mount Murray.

PHASING - HOTEL 1ST - SUBSTANTIALLY COMPLETE.

Draft Agreement for sale -

ok! with Chief Exec same

schedule re use: buyers guide

PROPERTY PURCHASING HOUSE.

ACCEPT SUSPICIOUSLY.

suggest alternative name
Vain committee.

Scheduled Property contained or referred to in any Conveyance or other instrument of title thereof prior in date hereto and duly recorded so far as the same are now validly subsisting and capable of being enforced AND IN PARTICULAR those set forth in the Second Schedule hereto

12. The Scheduled Property is believed and shall be taken to be correctly described as to quantity and otherwise and any error or misstatement or omission in the Schedule hereto shall not annul the sale or be a ground for any loss or compensation on either side.

IN WITNESS WHEREOF the parties hereto have executed these presents this the day month and year first before written

FIRST SCHEDULE WITHIN REFERRED TO

[Description of property]

SECOND SCHEDULE WITHIN REFERRED TO

The Scheduled Property is sold subject to and with the benefit of the following:-

- (1) The covenants terms and conditions set forth and contained in the Abstract of Title.
- (2) The covenants terms and conditions set forth and contained in the draft Deed of Conveyance attached hereto.

H33

Scheduled Property contained or referred to in any Conveyance or other instrument of title thereof prior in date hereto and duly recorded so far as the same are now validly subsisting and capable of being enforced AND IN PARTICULAR those set forth in the Second Schedule hereto

- 12. The Scheduled Property is believed and shall be taken to be correctly described as to quantity and otherwise and any error or misstatement or omission in the Schedule hereto shall not annul the sale or be a ground for any loss or compensation on either side.

IN WITNESS WHEREOF the parties hereto have executed these presents this the day month and year first before written

FIRST SCHEDULE WITHIN REFERRED TO

[Description of property]

SECOND SCHEDULE WITHIN REFERRED TO

The Scheduled Property is sold subject to and with the benefit of the following:-

- (1) The covenants terms and conditions set forth and contained in the Abstract of Title.
- (2) The covenants terms and conditions set forth and contained in the draft Deed of Conveyance attached hereto.

HB 2
HUB

- (3) The use of the Scheduled Property in accordance with the principles laid out in the Buyer's Guide.
- (4) The terms and conditions set forth and contained in the draft Villa Owner's Rental Agreement attached hereto.

EXECUTED by the Vendor
in the presence of:-

EXECUTED by the Purchaser
in the presence of:-

This Draft Agreement is hereby approved by the Department of Local Government and the Environment Planning Committee under the terms of Planning Approval No. 801842 and the documents submitted with the Planning Application, being the Buyer's Guide and Villa Owner's Rental Agreement. Specifically, the use at paragraph (3) of the Second Schedule above is confirmed as being permitted notwithstanding Conditions 5 and 6 of the said Approval.

Dated this 24th day of May 1991.


Chief Executive

91

The Committee considered a request from Mr Priest, to remove a condition of approval from PA 87/0475. The Committee determined that the request should properly be made by way of an application for a change of use. The Deputy Secretary was directed to advise Mr Priest that he should undertake discussions with the Architect and Planning Officer prior to submitting an application.

91/0668 - Holborn Enterprises Limited - Erection of 27 dwellings with roads and sewers, Plots 2-28, Fields 5662 and 5956, Ramsey Road, Peel

Following a report from Mr Clark the Committee determined to approve drawings showing an amended layout and amended elevations.

91/0753 - Radcon Village Resorts Limited

The Committee noted an exchange of correspondence between Drainage Division, DHPF and the Planning Committee Secretary.

91/0859 - Radcon Village Resorts Limited *Hotel*

Following a report from Mr Vannan the committee determined to approve amended drawings.

91/0953 - Radcon Village Resorts Limited *full app for 150 units*

Initial Decision: Approved.

Reviews Requests

The Committee noted review requests received in respect of the following applications:

- 91/0294 - J D Martin;
- 91/0668 - Holborn Enterprises Ltd;
- 91/0330 - Bellhouse;
- 91/0498 - B Wade;
- 91/0489 - W T Campbell;
- 91/0370 - Ian Coulson;
- 91/0367 - Watsons Nurseries Ltd;
- 91/0608 - Robert Oyston;
- 91/0418 - D.R.P.P.;
- 91/0665 - D.T.L.T.;
- 91/0792 - J Howard;
- 91/0792 - M. Heritage;
- 91/0792 - W B Quane;

Application No: 91/0953

Ref: SEC/LE

93

Town and Country Planning Acts, 1934-1981 ^{Doc 15}

ISLE OF MAN PLANNING SCHEME (DEVELOPMENT PLAN) ORDER 1982

To: MUIR ASSOCIATES INTERNATIONAL
17 Fitzwilliam Place,
Dublin 2,
IRELAND.

In pursuance of their powers under the above Acts and Order the PLANNING COMMITTEE of the Department of Local Government and the Environment does hereby APPROVE the application made by you on behalf of

Radcon Village Resorts Ltd

Development of 150 dwelling sites with associated roads, drainage and landscaping, land at Alex Inn site, Mount Murray, Santon/Braddan.

which was considered at a meeting held on the 13th September 1991, subject to the compliance with the conditions or modifications specified on the attached schedule, numbered 1 to 15.

Date of Issue: 2 October 1991.

Murray House,
Mount Havelock,
Douglas, Isle of Man.

[Handwritten Signature]
P.P. Secretary.

Note 1: This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

- Note 2: NO WORKS MAY BE COMMENCED UNTIL SUCH TIME AS -
- a) the time for requesting a review of the initial decision has expired; or
 - b) any review of the initial decision has been completed; or
 - c) the time for requesting an appeal in relation to any decision at review has expired; or
 - d) any appeal has been completed.

Note 3: Rights of review against decision of the Planning Committee are attached.

94

- 1
The building(s) shall not be used for any other purpose than that indicated on the plan or in the application without the consent of the Committee.
- 2
The development shall be completed within the period of FORTY EIGHT (48) months from the date of this approval WHICH SHALL CEASE TO HAVE EFFECT IN DEFAULT OF COMPLIANCE WITH THIS CONDITION except in respect of any development completed within that period.
- 3
Subject to the last foregoing condition the development having been commenced shall be carried on to completion in a workmanlike and expeditious manner to the satisfaction of the Planning Committee and if not so completed within the said period of FORTY-EIGHT (48) months it shall be a further condition of this approval that the applicant shall submit a new application for consideration by the Committee in respect of the uncompleted development.
- 4
This approval relates to the development of 150 houses, sites, roads and drainage and associated landscaping. No approval is hereby implied in this application to any other part of the scheme. This approval is based on the submitted house types - A, B, C, D, E, F, G, H, I, J, K, L, & M. The specific location of each type must be agreed with the Architect and Planning Officer.
- 5
The proposed buildings must be occupied only by bonafide tourists, permanent occupation of the buildings is not permitted.
- 6
The details of sewage treatment and disposal required by condition 13 of PA 90/1842, condition 6 of PA 91/0753 and condition 5 of PA 91/0959 must form the subject of further discussion with the D.E.P.P. (Drainage). Final details, prepared after this consultation must be submitted to and approved by the Committee prior to the commencement of any development.
- 7
No advertisement matter of any description shall be exhibited at this site without the PRIOR written permission of the committee.
- 8
All services including electricity and telephone must be laid underground to the satisfaction of the committee and arrangements for the supply of such services acceptable to the Committee must be made with the statutory authority PRIOR to the commencement of any building works.

95

9

No trees may be felled without the PRIOR permission of the Department of Agriculture, Fisheries and Forestry and the Planning Committee.

10

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Committee gives written consent to any variation.

11

Tree planting as proposed should be predominantly of local, indigenous species such as Ash, Alder, Hazel, Oak and Willow. The applicant is advised to consult the Forestry Division on the viability of tree plantings in terms of the difficult periphery of new woodland.

12

Improvements required by the D.H.F.P. in respect of the main A5 junction and the B40 widening to be carried out prior to the commencement of any work on the site.

13

The proposed units must be roofed in natural slate or good quality imitation slate a sample of which must be submitted to and approved by the Architect and Planning Officer prior to the commencement of works.

14

All external walls must be finished in roughcast render, coloured white, except where otherwise agreed by the Department's Architect and Planning Officer.

15

All external doors and windows must be of wood; clear glass must be used in all exterior windows. Details at a scale of 1:20 of window sections (horizontal and vertical) must be submitted to and approved by the Department's Architect and Planning Officer prior to the commencement of building works.

**HERITAGE
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CHARLOTTE, NC 28203
U.S.A

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FAX: 704.331.9879

SPECIALIZING IN THE
ACQUISITION AND
DEVELOPMENT OF
RESORT VILLAGES,
VILLAS, HOTELS, CLUBS
LEISURE COMPLEXES,
AND CONVENTION CENTERS

PLEASE REPLY TO:

Spence Realty Ltd
Unit 3C
Stanhope House
175 York Street
West Yorks BD18 3QD

**ADVISOR
OF THE
WORLD'S LEADING
HOTEL GROUPS**

ASSOCIATES IN
CALIFORNIA, COLORADO
FLORIDA, MAINE, VERMONT
THE BAHAMAS, HAWAII
PUERTO RICO, SINGAPORE
THE VIRGIN ISLANDS

2nd October 1991

Our Ref: GS/SMS

The Secretary
Planning Committee
Department of Local Government &
The Environment
Murray House
Mount Havelock
Douglas
Isle of Man

Dear Sir

Re: Radcon Village Resorts Ltd -
PA 91/0853 and PA 91/0859

We refer to the approval of the above two referenced applications dated 2nd October 1991 and hereby request a written review of both in order that the intent of certain conditions can be clarified.

Although we are dealing with similar conditions in the two applications we will deal with them separately in order to avoid doubt:-

PA 91/0859

Condition 5 We feel that for the sake of clarity and to facilitate progress this condition should be amended by the deletion of the last word "development" and adding the words "works under this condition". The condition would thus read as follows:-

"The details of sewage treatment and disposal required by condition 13 of PA 90/1842 and condition 6 of PA 91/0793 must form the subject of further consultation with the D.H.P.P (Drainage): final details, prepared after this consultation must be submitted to and approved by the Committee prior to the commencement of any works under this condition".

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Doc. 16

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THE VIRGIN ISLANDS

97

Condition 3 It is the intent that to give the Tudor effect to the elevations (B. Scott) that the black and white combination be approved, i.e. the Condition should read:-

"All external walls must be finished in render, rough-cast, coloured white and black in the case of the B. Scott style elevations and otherwise rough-cast render coloured white, except where otherwise agreed by the Department's Architect and Planning Officer". *Revised drawings should be submitted to the Department as and when any agreement*

Condition 15 It is our proposal, which we thought had been accepted, that the improvements referred to should be carried out prior to the permanent occupation of any building, rather than prior to the commencement of any works. The Condition should thus read:-

"The improvements required by the D.H.P.P in respect of the main A5- junction and the B 40 widening to be carried out prior to the permanent occupation of any buildings within the site".

PA 91/0953

Condition 4 In our application we submitted three families of house types (categories) and four mixes of these house types on specified sites. These were colour coded on the drawings submitted for clarity. In our letter of 23rd August 1991 we stated:-

"As explained at the meeting of the 16th August between Mr Vannan and Mr McAvoy we seek approval of this variety of units (i.e. facility of changing within the family of house types) to allow our sales team to offer flexibility of choice". We believe it was the Committee's intention to give approval on this basis and accordingly request that Condition 4 be amended by the addition of the words "if it is proposed to build on any site a house from a category not approved for that site". The Condition should thus read:-

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PUERTO RICO • SINGAPORE
THE VIRGIN ISLANDS

98
"This approval relates to the development of 150 houses, sites, roads and drainage and associated landscaping. No approval is hereby implied in this application to any other part of the scheme. This approval is based on the submitted house types - A, A1, A2, B, C, C1, D, D1, D2, E, E1, F, F1, G, H, H1, H2, I, J, J1, K, K1, K2, L, & M. The specific location of each type must be agreed with the Architect and Planning Officer if it is proposed to build on any site a house from a category not approved for that site".

Record drawings show to be submitted to the Department on and when any Condition 5 As previously agreed. agreement This condition should read as follows:-

"The proposed buildings may be used in accordance with the principles laid out in the Buyer's Guide".

Condition 6 We feel that for the sake of clarity and to facilitate progress this condition should be amended by the deletion of the last word "development" and adding the words "works under this condition". The condition would thus read as follows:-

"The details of sewage treatment and disposal required by condition 13 of PA 90/1842, condition 6 of PA 91/0755 and condition 5 of PA 91/0859 must form the subject of further discussion with the D.R.P.P (Drainage). Final details, prepared after this consultation must be submitted to and approved by the Committee prior to the commencement of any works under this condition".

Condition 12 It is our proposal, which we thought had been accepted, that the improvements referred to should be carried out prior to the permanent occupation of any building rather than prior to the commencement of any works. Thus condition 12 should read:-

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"The improvements required by the D.H.F.P in respect of the main A5 Junction and the B40 widening to be carried out prior to the permanent occupation of any buildings within the site".

Condition 14 We believe this condition should be clarified and read as follows:-

"All external walls must be finished in render, rough-cast, coloured white and black in the case of the B. Scott houses, and smooth but with varying planes and coloured white in the case of Manx Vernacular houses, except where otherwise agreed by the Department's Architect and Planning Officer".

We trust that your Committee will agree that these points clarify their intent and will issue amended approvals accordingly.

Yours faithfully



Gary Spence
Vice President
European Operations

PA 91/0919 Kennac Controls - application for factory site
Ballaflletcher, Braddan

DOC 17

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Mr W B Vannan discussed in detail this planning application, which appeared elsewhere on the committee's agenda for initial consideration. After having heard Mr Vannan's views, and considered the application, the committee resolved that it be approved.

PA 91/0989 Douglas Corporation - Approval in principle for alterations to existing complex, Villa Marina, Douglas

Mr W B Vannan provided the committee with a detailed summation of the application. The Committee examined the proposals in detail and, after consideration, resolved to approve the application subject to a redefinition of certain proposed car parking, to reduce the effect of such car parking on the Villa Marina Garden area.

PA 91/0990 Isle of Man Newspapers Limited - Erection of offices and press hall with associated basement and surface parking, former Bakery Site, Peel Road, Douglas

After having considered the application, and heard Mr Vannan's verbal report, the Committee resolved that this application be approved.

PA 91/1031 D.A.F.F. - Construction of new Meat Processing Plant, land adjacent to existing meat plant, Tromode, Braddan

Having considered the application at length, and heard the verbal report of Mr W B Vannan, the committee resolved that this application be approved.

PA 91/1064 Radcon Village Resorts Limited - 20 bedroom hotel extension, Alex Inn Site, Mount Murray, Santon/Braddan

The Committee considered this application, together with the ~~application~~ ~~of~~ Mr W B Vannan, and resolved that it be approved.

PA 91/0859 and PA 91/0953 - Radcon Village Resorts Limited

Mr W B Vannan ~~reported~~ reported to the committee the review request that had been submitted by the applicant in respect of the terminology employed within certain of the conditions of approval granted to these planning applications. Having heard Mr W B Vannan's report the Committee approved his proposed altered wording in respect of certain of the

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PA 91/0919 Kenmac Controls - application for factory site
Ballafletcher, Braddan

Mr W B Vannan discussed in detail this planning application, which appeared elsewhere on the Committee's agenda for initial consideration. After having heard Mr Vannan's views, and considered the application, the Committee resolved that it be approved.

PA 91/0989 Douglas Corporation - Approval in principle for alterations to existing complex, Villa Marina, Douglas

Mr W B Vannan provided the Committee with a detailed summation of the application. The Committee examined the proposals in detail and, after consideration, resolved to approve the application subject to a redefinition of certain proposed car parking, to reduce the effect of such car parking on the Villa Marina Garden area.

PA 91/0990 Isle of Man Newspapers Limited - Erection of offices and press hall with associated basement and surface parking, former Bakery Site, Peel Road, Douglas

After having considered the application, and heard Mr Vannan's verbal report, the Committee resolved that this application be approved.

PA 91/1031 D.A.F.F. - Construction of new Meat Processing Plant, land adjacent to existing Meat Plant, Tromode, Braddan

Having considered the application at length, and heard the verbal report of Mr W B Vannan, the Committee resolved that this application be approved.

PA 91/1064 Radcon Village Resorts Limited - 20 Bedroom Motel extension, Alex Inn Site, Mount Murray, Santon/Braddan

The Committee considered this application, together with the verbal report of Mr W B Vannan, and resolved that it be approved.

PA 91/0859 and PA 91/0953 - Radcon Village Resorts Limited

Mr W B Vannan reported to the Committee the review request that had been submitted by the applicant in respect of the terms employed within certain of the conditions of approval granted to these planning applications. Having heard Mr W B Vannan's report the Committee approved his proposed altered wording in respect of certain of the

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conditions pertaining to: drainage, exterior render coloration, improvement of roadways, and occupancy conditions. It was resolved that in respect of drainage the scheme should be approved by D.R.P.P. prior to any development works pertaining to drainage and that there should be no occupancy of any structure until D.R.P.P. had indicated their concurrence with the drainage proposals. With regard to exterior render it was agreed that the condition should contain a reference to the predomination of black and white in keeping with Bailey Scott style design. With regard to roads it was agreed that no occupancy could be undertaken until such time as the specified highways had been improved to the agreed standard, and finally with regard to occupancy conditions it was agreed that the terminology expressed within the buyers guide, submitted as a part of the planning application, should be the criteria pertaining to interpretation of "tourist use".

PA 89/1037 - Field 1636, adjacent to Claghvane, Ballasalla

Mr B J Sinden reported to the Committee that a large linear spoil heap of earth had recently been erected on the periphery of Field 1636 in Ballasalla. This activity, indicated Mr Sinden, constituted unapproved engineering works. Furthermore, the initiation of development on the site was in contravention of the condition of approval (Nos 8 and 10) pertaining to planning application 89/1037. The Planning Committee noted Mr Sinden's observations and expressed their concern at this activity. Accordingly, the Committee approved the issue of a Stop Notice until such time as the conditions of approval outlined by Mr Sinden had been adhered to, and an application had been submitted to regularize the deposition of the soil at the field edge.

PA 91/0101 - "Woodlands", (Formerly known as "Borseen") Fordale

Mr Clark reported that Mr Coakley, resident at "Woodlands", had commenced development works on his site in contravention of conditions of approval established for planning application 91/0101. Mr Clark went on to explain that measures to safeguard the health and security of certain registered trees had not been undertaken by Mr Coakley prior to the development works. The Committee noted Mr Clark's comments and approved the issue of a Stop Notice requiring the termination of work on the site until the necessary protective measures had been undertaken.

Review Requests

The Committee noted review requests received in respect of the following applications:

91/0466 - BSG (Aggregates) Ltd;
 91/0507 - W E Storey;
 91/0622 - K Killip;
 91/0582 - Dr G R Wadsworth;
 91/0639 - L J Miller;
 91/0317 - K Br ...;
 91/0/12 - Port Erin Bowling Club;
 91/0572 - P C Sadd;
 91/0739 - C R Arturi;

Application No: 91/0953Ref: WBV/KMR

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DOC 18

Town and Country Planning Acts, 1934-1981

ISLE OF MAN PLANNING SCHEME (DEVELOPMENT PLAN) ORDER 1982

TO: MUIR ASSOCIATES INTERNATIONAL
 17 Fitzwilliam Place,
 Dublin 2,
 IRELAND.

In pursuance of their powers under the above Acts and Order the PLANNING COMMITTEE of the Department of Local Government and the Environment does hereby APPROVE the application made by you on behalf of

Radcon Village Resorts Ltd

Development of 150 dwelling sites with associated roads, drainage and landscaping, land at Alex Inn site, Mount Murray, Santon/Braddan.

which was considered at a meeting held on the 13th September 1991, subject to the compliance with the conditions or modifications specified on the attached schedule, numbered 1 to 15.

Date of Issue: 4 October 1991.

Murray House,
 Mount Havelock,
 Douglas, Isle of Man.


 Secretary.

Note 1: This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Note 2: NO WORKS MAY BE COMMENCED UNTIL SUCH TIME AS -

- a) the time for requesting a review of the initial decision has expired; or
- b) any review of the initial decision has been completed; or
- c) the time for requesting an appeal in relation to any decision at review has expired; or
- d) any appeal has been completed.

Note 3: Rights of review against the decision of the Planning Committee are attached.

SCHEDULE OF CONDITIONS

Application No. 91/0953

107

- 1 The building(s) shall not be used for any other purpose than that indicated on the plan or in the application without the consent of the Committee.
- 2 The development shall be completed within the period of FORTY EIGHT (48) months from the date of this approval WHICH SHALL CEASE TO HAVE EFFECT IN DEFAULT OF COMPLIANCE WITH THIS CONDITION except in respect of any development completed within that period.
- 3 Subject to the last foregoing condition the development having been commenced shall be carried on to completion in a workmanlike and expeditious manner to the satisfaction of the Planning Committee and if not so completed within the said period of FORTY-EIGHT (48) months it shall be a further condition of this approval that the applicant shall submit a new application for consideration by the Committee in respect of the uncompleted development.
- 4 This approval relates to the development of 150 houses, sites, roads and drainage and associated landscaping. No approval is hereby implied in this application to any other part of the scheme. This approval is based on the submitted house types - A, A1, A2, B, C, C1, D, D1, D2, E, E1, F, F1, G, B, H1, H2, I, J, J1, K, K1, K2, L, & M. The specific location of each type must be agreed with the Architect and Planning Officer if it is proposed to build on any site a house from a category not approved for that site. Record drawings must be submitted to the Department as and when any agreement is reached.
- 5 The proposed buildings must be used in accordance with the principles set down in the Buyer's Guide.
- 6 The details of sewage treatment and disposal required by condition 13 of PA 90/1842, condition 5 of PA 91/0753 and condition 5 of PA 91/0259 must form the subject of further discussion with the D.S.P.F. (Drainage). Final details, prepared after this consultation must be submitted to and approved by the committee prior to the commencement of any works under this condition.
- 7 No advertisement matter of any description shall be exhibited at this site without the PRIOR written permission of the Committee.
- 8 All services including electricity and telephone must be laid underground to the satisfaction of the Committee and arrangements for the supply of such services acceptable to the Committee must be made with the statutory authority PRIOR to the commencement of any building works.

SCHEDULE OF CONDITIONS

Application No. 91/0953

108

9
No trees may be felled without the PRIOR permission of the Department of Agriculture, Fisheries and Forestry and the Planning Committee.

10
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Committee gives written consent to any variation.

11
Tree planting as proposed should be predominantly of local indigenous species such as Ash, Alder, Hazel, Oak and Willow. The applicant is advised to consult the Forestry Division on the viability of tree plantings in terms of the difficult periphery of new woodland.

12
The improvements required by the D.S.P.P. in respect of the main A5 junction and the B40 widening to be carried out prior to the occupation of any buildings within the site.

13
The proposed units must be roofed in natural slate or good quality imitation slate a sample of which must be submitted to and approved by the Architect and Planning Officer prior to the commencement of works.

14
All external walls must be finished in render or roughcast. Black and white colours should be used in the case of the houses which are based on the B Scott style houses, and smooth but with varying textures and coloured white in the case of the Manx vernacular houses, except where otherwise agreed by the Department's Architect and Planning Officer.

15
All external doors and windows must be of wood; clear glass must be used in all exterior windows. Details at a scale of 1:20 of window sections (horizontal and vertical) must be submitted to and approved by the Department's Architect and Planning Officer prior to the commencement of building works.

8. MEA Overhead Power Line

Mr Sinden reported that a letter of complaint had been received from Mr A Jordan, Upper Llergyvreck, Kirk Michael, regarding the positioning of the electricity poles in connection with the new overhead power line. Mr Sinden advised the Planning Committee that the poles had been sited in accordance with the conditions of approval at appeal, namely along the line shown in drawing reference 961/3Q/7a between the A3 and the Baltic Road and within the 50m corridor allowed by condition 3, beyond that point. The Planning Committee determined that there had been no breach of planning control and that no enforcement action was therefore necessary. The Deputy Secretary was instructed to advise Mr Jordan accordingly.

9. 91/0953 - Radcon Village Resorts Ltd

Mr Vannan reported that Gough and Co advocates acting on behalf of the site owner had sought confirmation that the planning consent covering the erection of the dwellings allowed for the properties to be sold as both tourist accommodation and permanent accommodation. Mr Vannan advised the Planning Committee that by notice dated 2nd October 1991 occupation was restricted to bona fide tourists, by notice dated 4th October 1991 the approval was altered to allow the sale of the properties in accordance with the specifications laid down in the buyers' guide. This effectively allowed the sale of the dwellings for permanent occupation.

The Planning Committee noted with concern the situation as outlined by Mr Vannan and reluctantly advised him to confirm that the sale of properties to permanent residents complied with planning consents.

10. To note the following Review Requests

- 96/1737 - Miss L Howe
- 96/1864 - Mr P Dawson
- 96/1893 - Mrs D Taylor
- 96/1747 - Mr J Mellon
- 96/1932 - Mr R M Parkinson
- 96/1961 - Jermann Properties Ltd
- 96/1782 - Mr K D Broadhurst
- 96/1780 - Groudie Glen Railways
- 96/1905 - Mr R O Corlett
- 96/1726 - Mr and Mrs M Suidal
- 96/1927 - Troutbeck Properties
- 96/1817 - Mr and Mrs Millichap
- 96/1862 - Mr and Mrs I Cochrane
- 96/1876 - Mrs D Faragher
- 96/1831 - Mr J H Corrish
- 96/1955 - Mr and Mrs S Jepson
- 96/1801 - Erin Arts Centre
- 96/1875 - Mr and Mrs Leonard
- 96/1912 - Ramsey (IOM) Rugby Union Football Club
- 96/1919 - Miss J E Burns
- 96/1894 - Mr and Mrs D Stott
- 96/1703 - Mr and Mrs P Mason
- 97/0054 - Mr and Mrs J Vickers
- 96/1933 - G E Lacey
- 96/1868 - R and D Dellberg
- 96/1869 - IOM Department of Transport
- 96/1895 - Mrs C M Cowley
- 97/0001 - Dan - Placas Ltd

48. The starting-point surely is the minute which purports to reflect the council's decision and the reasons for it, together with any relevant letter or letters of explanation from the council. Both these documents (or, if there is more than one letter, all these documents) should be—and it is reasonable to expect will be—both honest and accurate and complete at the time when they are made.

49. Here, since and in view of the reasons given by the judge for his decision, the relevant councillors have been approached and have come forward and explained that their attention was not directed to all the planning policies relevant to a properly-informed decision. This was fresh evidence, and in my judgment there is ample explanation for the absence of this evidence as part of Mr Young's case before the judge below.

50. In relation to the issue of promptness, I agree with the judgments of my Lords that, as a matter of fact, this applicant acted promptly in all the circumstances. It is therefore not necessary to set about a re-examination of the principles relating to promptness in the light of the observations expressed in the House of Lords in *Burket*, and I expressly decline to do so.

51. Subject to these comments, which are largely repetitive, I agree with both judgments and with the order proposed by Pill L.J.

Comment. This is a fascinating case which highlights some extremely important points. As a general observation, in recent years the Court of Appeal (and particularly Pill L.J.) has stressed the need for full and proper recording of decisions taken by local planning authorities on planning applications, whether in committee (as happened in this case) or by officers using delegated powers (see *R v LB Harrow ex parte Carlton-Conway*). As Pill L.J. observed in paragraph 20 "It is therefore important that the decision-making process is made clear in the recorded decisions of the committee, together with the officer's report to committee and any record of the committee's decisions. Decisions recorded in the minutes should speak for themselves." The need for clarity and transparency in the recording of decisions is vitally important too, as Judge L.J. considered in paragraph 48, it is reasonable to expect that both the minute and any relevant letter of explanation from the council should be honest and accurate and complete at the time when they are made. This case, therefore, sets a benchmark for assessing the adequacy of a planning authority's minute. In my personal experience there are some planning authorities who still fall far short of an acceptable standard for recording decisions. In extreme cases it may still be necessary to go down the route employed by the appellant, Mr Young, of interviewing the councillors involved in the decision making process, especially as Ouseley J., in the court below, had stated that he would have found such material useful. Nonetheless in the future a court may not look too kindly on a respondent planning authority that cannot produce an honest, accurate and complete record of its decision and which has to rely, as an alternative, on witness statements from councillors. As Pill L.J. commented in paragraph 23 "The approaches would not have been necessary had the council's decision making process been suitably recorded"

The other interesting aspect of this case is the approach of the court to the related questions of delay and promptitude. Ouseley J. could not be criticised for plumping for the date of the resolution rather than the later date of the grant as being the starting point for calculating the relevant time limit as he was only following the then established line of cases on this point. However, after *Burket* that approach was clearly wrong. But *Burket* left open the question of whether or not the obligation in the rules to act "promptly" complied with European Community law and Convention Rights. As befits a case editor of this journal, counsel for the Appellant did not miss the opportunity to keep open this issue should his appeal have gone to the House of Lords. As the appeal was allowed this opportunity has passed but the Court of Appeal did give some helpful guidance. In paragraph 38 Pill L.J. stressed that "Unless and until the issue is resolved adversely to the rule, the obligation to file the claim form promptly remains a feature of English law in my view, and the presence of the word 'promptly' in the rule should not be ignored. Those who seek to challenge the lawfulness of planning permissions should not assume, whether as a delaying tactic or for other reason, that they can defer filing their claim form until near the end of the three-month period in the expectation that the word 'promptly' in the rule is a dead letter." You have all been warned!

However when it comes to assessing promptitude, the observations of Potter L.J. in paragraph 43 are extremely helpful and suggest how the courts may balance the competing interests of developer and third party. In my view when Potter L.J. appears to be hinting that, in any dispute over promptitude, the balance might be tipped in favour of the claimant where it has been necessary to obtain further information before an informed decision whether to challenge can be taken.