



# Isle of Man Government

*Reillys Ellan Vannin*

## **Minutes of a meeting of the Planning Committee, held on 7th May 2024, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

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

**In Attendance:** Miss A Morgan, Acting Head of Development Management  
\*Mr C Balmer, Principal Planner  
\*Mr P Visigah, Planning Officer  
\*\*Mrs V Porter, Planning Officer  
Mr P Shen, Planning Officer  
\*V Mr T Cowell, Planning Officer  
\*Mr H Laird, Planning Officer  
\*Mrs B Fettis, Planning Officer  
V Mr G Northern, Planning Officer (observing)  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
Mr R Webster, Highway Development Control, Highway Services  
\*Part of the meeting only  
Attending virtually via Microsoft Teams V/\*V

### **1. Introduction by the Chair**

In the absence of Mr Callister, MHK, following nomination by Mr Skelton and seconding by Mr Whiteway, the Members elected Mr Young as Acting Chair for the purposes of this meeting. The Chair welcomed members of the public in attendance to view the proceedings.

### **2. Apologies for absence**

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

### **3. Minutes**

The minutes of the 22<sup>nd</sup> April 2024 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.**

<b>Item 5.1</b> Land Adjacent To Ginger Hall Hotel Ballamanagh Road Sulby Isle Of Man  <b>PA22/01112/B</b>	Construction of 7 bungalows and 5 garages, including vehicular access  Applicant : Mr Frank Sweeney Case Officer : 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, confirming that the proposal was a resubmission of a previous application which had been approved at Appeal in 2013, which had itself expired subsequent to the submission of the application under consideration. The application under consideration contained minor amendments from that originally approved, in the removal of a detached garage and the erection of a shed on Plot 7.

The Highway Services representative confirmed there was nothing further to add to their report. In response to a question from the Members with regard to the creation of an access onto the TT Course, the Highway Services representative reported that the proposal was considered acceptable as the access did not serve many houses, and that there was a previous approval at Appeal for the same site.

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

- The application concerns a previous approval which had been held up due to the pandemic. The Applicant intends to retain one of the plots for their own retirement.
- While initially seeking an extension of duration of consent, it was identified during consultation that several changes to the proposal were required in order that more recent policy changes be reflected
- The application sought to re-establish the suitability of vehicular accesses first approved prior to the introduction of the Manual for Manx Roads, with provision also made for a new, accessible bus shelter with a raised kerb. A Road Safety Audit had been commissioned which identified and minimised highway risks, particularly interactions between pedestrians and private and public vehicles.
- The Department's Residential Design Guide had been introduced since the previous approval. However the Appeal Inspector's report made consideration under the same design parameters that would go on to be codified in the guide, such as the 20m rule
- Building Control approval has been obtained for each of the 7 plots, with each roof featuring photovoltaic panels and no part of the site being reliant on fossil fuel energy
- A full soft landscaping scheme had been developed in consultation with the DEFA Ecosystem Policy Officer, with a full schedule of trees and hedges to be planted and wildflowers to be sown. It also included the provision of bird and bat boxes, with each plot making its own contribution towards the site's biodiversity. A previously approved garage had been omitted following consultation with the Applicant's arboricultural consultant in order to preserve an existing mature tree.
- This application brought the site's previous approval into line with current policy and will provide a desirable form of housing development

The Members noted the delay occasioned by the COVID-19 pandemic, but asked if C1 could require that the development be begun before the expiration of 2 years rather than 4 years in order to progress development of the site. The Acting Head of Development Management advised that as a new application the Procedure Order stated that the planning approval was taken to be granted subject to the condition that the development must be begun –

a) no later than the end of the period as may be specified in the decision notice relating to such grant; or

(b) if no such period is specified, the period of 4 years beginning with the date of the decision notice

And that as it was a new application the above would apply.

The Agent confirmed that the Building Control approval already obtained was time-limited.

The Members discussed the possibility of removing Permitted Development Rights with regard to Plot 7, in order that the proposed shed not be turned into a garage. The Acting Head of Development Control advised that while there were some Permitted Development rights which could allow such development, if such proposal did not comply with those an application would be required. In this case, the presence of mature trees on the site meant that an application would be required. The Case Officer reported that such decision with regards to suspending Permitted Development rights was within the Members remit, but he understood their concerns.

In response to a question from the Members regarding site levels, drainage and flooding, the Case Officer reported that DOI Flood Risk Management had confirmed that they were satisfied with the submitted proposal, and that the Applicant had consulted with them in order to provide a satisfactory scheme. He further reported that conditions relating to flood risk management and the adoption of drainage would not be enforceable as the legislation lay outside of the Department's remit. The Acting Head of Development Management confirmed that any breach of legislation with regard to flooding and highways was within the remit of the respective Departments.

## **DECISION**

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

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

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

C 2. Prior to the occupation of any dwelling the garage, car parking and manoeuvring areas shall be provided and remain free from obstruction thereafter.

Reason: To ensure that the strategic plan car parking standards are provided.

C 3. Prior to the occupation of the hereby approved dwellings on Plot 1 to 6 the access as shown on drwg. no. 000.01 RevB must be completed in accordance with this approved plan. Furthermore, visibility splays of 2.4 metres by 90 metres in both directions are required to be provided by this access serving Plots 1 to 6 and thereafter kept permanently clear of any obstruction exceeding 1050 mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. Prior to the occupation of the hereby approved dwelling on Plot 7 the access as shown on drwg. no. 000.01 RevB must be completed in accordance with this approved plan. Furthermore, visibility splays as shown on drwg. no. 000.01 RevB are required to be provided and thereafter kept permanently clear of any obstruction exceeding 1050 mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 5. Prior to the commencement of development, including construction and enabling works, details of protective fencing and construction exclusion zones with respect to all retained trees and boundary vegetation during construction works shall be submitted to the Department for approval in writing. All works must then be undertaken in strict accordance with the approved details.

Reason: To safeguard retained trees and in the interests of biodiversity.

C 6. All hard and soft landscaping, including all bat and bird bricks/boxes to be installed on site, shall be undertaken in full accordance with the approved landscaping scheme, namely dwrg. no. 000.02 RevB. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of biodiversity and to ensure the delivery of an appropriate landscaping scheme.

C 7. No permanent outdoor lighting shall be installed until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/12 on Bats and Artificial Lighting (2023), has been submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

Reason for approval:

The proposed development is considered to amount to an efficient redevelopment of a vacant site which is designated for development, whilst constituting a high quality of design and layout without detriment to the visual amenities of the locality. The proposals are further deemed to be acceptable with respect to highway safety, flood risk and ecological matters. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 4, General Policy 2, Environment Policies 10 and 42 and Transport Policies 4 and 7 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:

Manx Utilities Authority  
Department of Infrastructure Flood Risk Management Division

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:

41 Carrick Park, Sulby  
The Shop, Sulby Bridge, Sulby

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):

Isle of Man Friends of the Earth, The Green Centre, Chester Street Centre, Douglas

as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

<p><b>Item 5.2</b> 15 Mountain View Ballaugh Isle Of Man IM7 5EP</p> <p><b>PA23/01476/C</b></p>	<p>Additional use of existing annex into tourist accommodation</p> <p>Applicant : Mr &amp; Mrs John Ball Case Officer : Toby Cowell Recommendation : Permitted</p>
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

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

- The initial intention was to provide accommodation for her Mother, who had since passed
- They wanted to provide good use for someone
- It was a beautiful property

The Case Officer confirmed that they had no further comments or questions for the Applicant.

The Members agreed that C3 was important.

### **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 proposed use hereby approved shall be used only for family and friends of those occupying the main dwelling as ancillary accommodation or as additional self contained tourist accommodation. The tourist accommodation shall not be occupied as an independent dwelling unit.

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

C 3. The additional tourist accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation as the creation of a separate unit of independent accommodation would require further assessment as to its acceptability.

Reason for approval:

The proposed development is considered to be acceptable in principle in an area zoned for 'predominantly residential' purposes, without detriment to the character or visual amenity of the immediate locality or the amenities of surrounding residential properties. The proposals are also not considered to result in a material impact upon the safety and capacity of the local highway network. The application is therefore considered to comply with Strategy Policy 1, Spatial Policy 4, General Policy 2, Environment Policy 42, Business Policy 13 and Transport Policies 4 and 7 of the Strategy 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

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

<b>Item 5.3</b> 8 The Crofts Castletown Isle Of Man IM9 1LW <b>PA24/00160/B</b>	Install frameless balustrade system to existing balcony Applicant : Mr Matthew Warren Case Officer : Vanessa Porter Recommendation : Refused
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. They stated that were happy to answer any questions the Members may have subsequent to the site visit carried out on 25<sup>th</sup> April 2024.

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

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

- Had lived at 8 The Crofts for 17 years. When we moved in there was a balcony with concrete balustrades which reached to knee level, were painted white and it was clear they formed a balcony to an upper room. The extension had been constructed in the early 1970's, and upon our purchase had been in place for almost 40 years. Unfortunately there was a leak in the balcony roof and the balustrades had to be removed. It was always the intention to replace them with something less intrusive for our neighbours and less dangerous for us. We had selected a frameless glass system as being the least obtrusive method of making the balcony safe without detrimental impact to light with regard to neighbouring properties
- The balcony was attached to their bedroom and was South East facing. There was no intention to use the balcony to look into neighbouring gardens or properties. We would be able to do so now, our neighbours would testify that we have never done this. The view from the balcony would be towards the tennis courts and the castle.
- We would like to be able to open our French Doors without fear that our dog or any visiting children could fall from the balcony, and would like to utilise the balcony as a place for us to relax and watch the tennis being played on the courts behind the house
- The Case Officer had recommended refusal as they felt the application was contrary to General Policy 2g and the Residential Design Guide 2021. The application sought to reinstate balustrades and not introduce a balcony, as the balcony has been in existence for over 50 years, and will remain in place regardless of the replacement of the balustrades
- General policy 2g states that a development:
  - does not affect adversely the amenity of local residents or character of the localityAnd the section of the residential guidance relates to the:
  - Potential impacts upon neighbouring properties i.e. o Reduction of day light and increase of overshadowing
  - Overbearing impact upon outlook, and/or
  - Overlooking resulting in a loss of privacy

In response to these points, the balustrades are at the rear of the property and so do not impact the character of the locality, and the balcony has been in place for more than 50 years with balustrades in place for 40 of those years. The introduction of glass balustrades would not impact on light and as the balcony would remain in place regardless, the reinstatement of the balustrades would make no difference to the level of privacy.

- We are good neighbours and just want to make the existing balcony safer by installing a visually appealing, less imposing glass balustrade solution

The Case Officer confirmed that she had stated her full case within her report, and that she felt the proposal was detrimental to the neighbouring properties with regards to overlooking and overbearing impact.

In response to a question from the Members, the Acting Head of Development Management advised that there was no automatic right to reinstatement once a structure had been removed. It was a finely balanced application as the use of the flat roof as a balcony had been established, with the Applicants currently able to use the balcony as it stood. The Members could only consider the application with regard to current planning legislation.

Mr Skelton confirmed that he would take no part in the discussion and consideration as he had not been present on the site visit.

In response to questions from the Members regarding the reinstatement of the balustrade as previously and the installation of bifold windows, the Case Officer reaffirmed that the proposal would have a detrimental impact on the neighbouring properties, and that the installation of such bifold windows would require planning permission as the property lay within a Conservation Area. The Acting Head of Development Management advised that the Members could not consider elements which had not formed part of the application. The Case Officer further reported that while she could not comment regarding how long the balcony had been there, the balustrades were no longer there, advising that planning legislation did not cover people standing on a flat roof, and that the roof in question could be used as a fire escape.

The Applicant confirmed that the sliding doors and balustrades were in place when they purchased the property 17 years ago, but were removed in 2012. In response to a question from the Members, the Applicant confirmed that any glazing would be such to deter bird strike. The Case Officer reported that the balustrades were shown on planning application received in 2007, but was not shown on a planning application received in 2014.

The Members expressed that the proposed glass balustrading system would be less visually intrusive than the concrete balustrading previously in place.

Following discussion, the Members who were taking part in the consideration voted unanimously to overturn the Case Officer's recommendation and that the application therefore be approved. The Acting Head of Development Management advised that the reason for approval and proposed conditions must address GP2 and the Case Officer's reasons for refusal in that the balcony was already in existence the installation of the proposed balustrade itself would not increase overlooking, and acknowledge that the increase in height of the proposed balustrade system was for reasons of safety. The Members agreed that the reason for the approval would be that as the balcony already exists on balance there would be no increase in overlooking, the proposed balustrades would make the balcony safe.

Mr Young proposed that and the conditions of approval would be that the proposal was approved for a period of 4 years, that the glazing be comprised of anti-bird strike glass, and would address the matter of overlooking by way of obscured glazing to the elevation adjacent to the adjoining property. Such conditions were seconded by Miss Betteridge. Following discussion, Mr Young, Mrs Hughes, Miss Betteridge and Mr Whiteway voted to adopt the conditions of approval as proposed, with Mr Skelton abstaining from the vote on the grounds that he had not attended the site visit.

## **DECISION**

The Committee, with the exception of Mr Skelton who abstained, rejected the recommendation of the Case Officer and the application was **approved** for the following reason and with the following conditions.

## Reason for approval

On balance as the use of the existing flat roof has existed for some time and it is acknowledged that there is a degree of overlooking due to the terraced nature of the properties it was considered that the potential increased use of the flat roof by the installation of the proposed balustrade did not create an increased overbearing or overlooking impact, to the detriment of the enjoyment of No.6 The Crofts rear garden above and beyond what is already in existence. As such it was considered that subject to the conditions proposed that the proposal addressed General Policy 2g and in turn the Residential Design Guidance 2021.

C1 The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

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

C2 Notwithstanding the details shown on the approved plans all glass balustrades/balconies shall be installed with measures to prevent bird strikes to be either etchings on the glass or use of ultraviolet decals.

Reason: To prevent/reduce the risk of bird strikes.

C3 Prior to the occupation/use of the balcony hereby approved, the glazing to the Eastern side of the balcony, must be glazed with obscure glass to a Pilkington Level 5 or equivalent and permanently retained as such thereafter.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

### **INTERESTED PERSON STATUS**

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

No 6. The Crofts as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

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### **Mr Warren returned to the meeting**

<b>Item 5.4</b> Tregellis House Westmoreland Road Douglas Isle Of Man IM1 4AD  <b>PA24/00210/C</b>	Change of use from a dance studio to a doggy dare care  Applicant : VOSH Case Officer : Belinda Fettis 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 reported that the matter had been dealt with by a colleague, and that Highway Services did not object to the proposal as the previous use for the premises was as a dance studio. He confirmed that as no complaints had been received by Highway Services regarding such use and any detrimental impact on traffic and parking, the use as a doggy care facility was not considered to be harmful. In response to a question from the Members, the Highway Services representative confirmed that given the location clients



could walk to the site, that there was available on-street parking provision nearby and that parking spaces could be rented for staff members.

The Members noted that there were 3 off-street parking spaces available at the previous site, but that none were available at this site, and enquired that as any activities regarding traffic movements were likely to be at the start and end of the working day had any evidence been submitted to demonstrate parking availability at those times. They further noted that although Demesne Road was a one-way street and not currently busy, Westmoreland was a busy two-way street. The Highway Services representative confirmed that such evidence had been presented, and that the likelihood was that clients would only be dropping off for a period of approximately 3 seconds.

In response to a question from the Members, the Case Officer reported that parking standards had not been applied in this case as the city centre location could lead to clients dropping off their dogs on foot. She advised that Highway Services had indicated that should parking or traffic problems arise, Traffic Wardens would be instructed to patrol the area on a more regular basis. She confirmed that she had visited the site at various times of day and had observed vehicles parked legally on Westmorland Road and Allan Street. She felt that on balance, with regard to the matter of parking, there were many businesses in the area and while there may be a conflict with regard to parking provision between residents and businesses operating in the area, it was in the interests of the businesses to ensure that there was parking for their clients that was not to the detriment of local residents.

The owner/occupier of 74 Allan Street spoke against the proposal. The points raised were as follows:-

- The dance studio previously occupying the building operated in the evening whereas this proposal would operate during the office hours.
- The planning process had the opportunity to reduce the detrimental impact on parking in the area and not add to it. Traffic currently moves away from Westmoreland Road whereas this proposal would make traffic move towards it.
- The Applicant had breached their current approval so what would be the deterrent to this occurring at this facility. The dance school also breached their planning approval with regard to parking and the installation of air-conditioning. Windows may be left open on hot days giving rise to detrimental impact from noise and smell.
- Is not a retail business, so would Policy 9 apply? Has a risk assessment been carried out with regard to road safety?
- Highway Services had not considered the matter appropriately – how can moving from a location with 3-4 off street parking spaces to a site with none not have an impact on the highway?
- The Planning Department acknowledged parking issues in the area, so why continue to increase pressure and add to the problems
- The planning process would appear to advocate illegal parking as being acceptable should this application be approved by virtue of comments from the Applicant and the Case Officer
- There is no available parking. As shown by my submitted survey there were 0 available spaces for 69.9% of the time of the survey, 1 space available for 17.4% of the time of the survey, 2 spaces available for 13% of the time of the survey and 3 or more spaces available for 0% of the time of the survey
- Has due diligence been carried out with regard to the detrimental impact of barking dogs as opposed to that of general noise
- There was a night and day difference between operating a dance school in the evening and a doggy day care during normal, accepted working hours
- There a lack of available parking in the area
- The building was not suitable for the proposed use by way of size and could lead to detrimental impact on the area by way of the noise occasioned by the dogs barking

- Traffic generated will be via Allan Street
- No precedent for this type of business occupying this type of building
- Detrimentially affect the value of my property

In response to a question from the Members, the owner/occupier of 74 Allan Street confirmed that the previous approval had been from 10am, but children would be at school at that time and no adults were present for classes. The acting Head of Development Management confirmed that the dance school previously occupying the building had offered adult lessons. The owner/occupier of 74 Allan Street confirmed that adult classes had been offered in the evenings but was unsure if they had been successful.

The Members noted that the historic use of the building had been commercial.

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

- Local business operator and co-owner of Paw Patrol, with over 17 years' experience
- In the 6 years since opening the business at its current location, the business has become a success with some of the previous objectors now being clients
- Need to relocate due to an increase in clients
- The proposed site would provide better facilities for staff and customers
- Provide sessions at various times of the day
- Passionate business woman and fundraiser
- The current premises were deep cleaned at the end of each day, which will also occur at the new premises
- Highway Services support the proposal
- Clients do not all arrive at the same time as there are different timed sessions available
- Acknowledge that dogs do bark, but the practise is to occupy and engage the dogs with suitable activities
- The current premises are situated close to the proposed premises, which back onto Allan Street
- No noise complaints have been received with regards to the current premises
- Relocating the business from a site around the corner from the proposed site

In response to questions from the Members, the Applicant confirmed that she had received no complaints regarding her current premises, that she was a dog behaviourist whose practice was to keep the dogs entertained and occupied, that she was open to talking with the neighbours, and that drop-off times would not be chaotic.

In response to a further question regarding the number of dogs permitted to be on the premises, the Applicant confirmed that they were happy with the restriction in numbers. They further stated that while they had exceeded the permitted number at the previous premises, this was for clients for a lunchtime walk service, numbers for which had now been capped.

In response to a question regarding the installation of air-conditioning, the Applicant confirmed that it was her intention to install same for the benefit and comfort of staff members and the dogs in the building.

In response to a question from the Members regarding the method of daily cleaning of the current and proposed locations, the Applicant confirmed that with regard to the current site, it was power washed with no dog urine or faeces being washed to the drain in the parking area outside. With regard to the proposed premises, the Applicant confirmed that a closed system was to be used with the waste water to be disposed of to the sewer.

In response to concerns expressed regarding drop-off and collection times, the Applicant confirmed that she offered a number of differently timed sessions which would minimise the number of clients arriving at any one time.

## DECISION

The Committee, with the exception of Mr Skelton, accepted the recommendation of the Case Officer and the application was **approved** subject to the following conditions.

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

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

C 2. The use of the building for canine day care hereby approved shall accommodate no more than 45 dogs at any one time.

Reason: In the interest of protecting the amenity of the neighbouring properties in accordance with General Policy 2 of the Isle of Man Strategic Plan 2016.

C 3. The use of the building for canine day care hereby approved shall;

- Operate between the hours of 08:00 and 18:00 Monday to Friday.
- No customers or canines shall be allowed in the building outside of these hours.
- No dogs shall be kept onsite overnight.

Reason: In the interests of the amenity of neighbouring residents in accordance with General Policy 2 and Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

Reason for approval:

Notwithstanding that the building is presently not in use, it's recent use is relevant, the proposed use, doggy day care, represents a reduction in operational hours and days of activity to the previous use and although in a predominantly residential area the building has been in commercial use for many years and is within a group of commercial business units. The proposal adequately meets the relevant criterion of General Policy 2 of the Isle of Man Strategic Plan 2016. Overall as a result of the reduced hours of operation, the proposal is likely to be less disruptive to residential amenity and have a neutral impact on associated businesses and unlikely to result in an adverse impact.

## INTERESTED PERSON STATUS

It was decided that the following persons should be given Interested Person Status on the basis that they have made written submissions and they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 6(4):

Objects

- Owner/occupier of 74 Allan Street Douglas Isle Of Man IM1 3DR
- Owner/occupier of Happy Days Motors Westmoreland Road Douglas Isle Of Man IM1 4AQ

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<b>Item 5.5</b> The Old House - Reef House College Green / Douglas Street Castletown Isle Of Man IM9 1BE  <b>PA24/00029/B</b>	Erection of a detached triple garage with garden wall / gate  Applicant : Mr Gary Lamb Case Officer : 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. The Officer also reiterated that flooding was a key contention with the proposal and whilst the concerns were noted, given the coastal overtopping

that exists on this part of Castletown, the site was not zoned as being prone to flood risks on the Islands indicative flood map.

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

The owner/occupier of 20 Douglas Street spoke against the proposal. The points raised were as follows:-

- Welcomed the renovation of Reef House
- The orientation, scale, mass and footprint of the proposed garage was unacceptable and unreasonable
- Existing garages on site which could be adapted to suit
- Wish the Planning Committee to consider all the submitted objections
- Felt the Applicant has not taken the objection into consideration, with no discussions having taken place between them and the neighbours
- Concerns regarding climate change with particular regard to flooding, coastal overtopping and coastal property damage
- Dispute that the area does not flood. The site is adjacent to the Flood Control Map which principally addresses river and tidal inundation rather than coastal overtopping
- Have submitted photographic evidence with my representation in illustration of same
- The developer admitted that the principal source of water on Douglas Street was further down, which confirmed that it was not the only source
- Floodwater due to coastal overtopping from the development was a risk to neighbouring properties
- The developer referred to the percolation test and to slot drainage at the gate, but these only addressed rainwater and not coastal overtopping
- Consultations with Flood Management Services might not have taken the detrimental effect on the neighbouring properties into account
- The acceptable risk referred to by the Case Officer does not include the potential risk to neighbouring properties from potential flooding
- The level of the garage as proposed would be intended to mitigate flood risk
- In combination with the proposed garage, the paved terrace and conservatory to the rear may offer flood protection to Reef House but cause flood displacement off-site
- Neighbours have confirmed that flood water does flow off the site
- The development falls foul of General Policy 2(i), Environmental Policy 13, the Residential Design Guide and the Flood Risk Management Act 2013
- Request Interested Person Status in the case

In response to question from the Members, the Case Officer confirmed that DOI Flood Risk Management comment only on applications where there was felt to be a risk of flooding, and that the Local Authority had not submitted comments with regard to this proposal. He further confirmed that the proposed garage was to be sited on the existing area of hardstanding.

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

- The property was purchased in 2022 as a forever home, and it was his client's intention to bring back to life one of the most beautiful properties in Castletown whilst also bringing it up to modern living standards
- The garage had been redesigned in response to previous feedback from neighbours and the Case Officer and designed to integrate with the existing house. These changes were -
  - The garden store was removed from the garage building reducing its size and footprint
  - The roof is now a duo-hipped roof to reduce the visual impact
  - Moved towards the road and house but with sufficient space to include a personnel door between the house and garage, resulting in the garage rear wall being further from the sea wall
  - The garage front façade was to align with the end of the Sun Room South Elevation resulting in shortening of the flanking castellated wall in that location

- The castellated flanking wall was returned along part of the face of the front façade of the garage so that no part of castellated wall would be obscured by the garage, which now had a more harmonious relationship with the front façade of the main house
- To reinforce the close relationship with the house the castellated flanking was returned part way along the façade of the garage. Giving a strong visual connection with the main house
- Objections referred to an increased risk of flooding due to the erection of a garage. As previously communicated in PA22/01463/B, percolation tests performed by a qualified party demonstrated that there was sufficient soak away to deal with the occasional overtopping at Reef House, with the topography of the site being that it was lower than the adjacent street.
- The suggestion that building the proposed garage would increase flood risk and damage to the properties along Douglas Street was incorrect. Recent consultation with DOI Flood Risk Management highlighted the highest overtopping risk along Queens Street which existed beyond Reef House where the beach shingle rests against the sea wall. At no point has there been such deposits outside of Reef House Drive. DOI Flood Risk Management have not objected to this proposal.
- There have been claims that the public view would be impacted by the erection of a garage. Pedestrians on Douglas Street would not have a view of the sea, Langness or the beach as such view was already interrupted by Reef House's surrounding wall, vegetation and the sea wall. When the renovation and building work is complete, the gardens will be renovated with the introduction of new seaside vegetation, the overall area is to be soft landscaped and porous to aid drainage, the boundary wall will be renovated and the existing hedging replaced with formal hedging. There would be no material impact to the public as a result of this renovation
- We have worked together with the Registered Buildings Officer and the Case Officer to ensure the tasteful renovation of Reef House and intend to use local contracting firms to carry out the work

In response to a question from the Members, the Agent confirmed that this element of the development was submitted as a separate application on advice received from the Case Officer, who felt it was more appropriate to submit this element separately as it was likely to be more contentious.

In response to a question from the Members, the Case Officer confirmed that the area of the garage was 73sqm with the ridge height being 5.4m, and the height to the eaves being 3.2m. The height of the boundary wall was about 1.8m with hedging along sections of the boundary rising to between 2.3 to 2.7m, and the undeveloped area of the site was 2188sqm although this would be reduced to 2115sqm when the garage building is erected.

In response to a question from the Members regarding the height of the building, the Agent confirmed that the height was affected by the castellations, and that the corbels which had further resulted in raising the height of the building had been included in response to advice received from the Registered Buildings Officer.

The Members expressed that they felt the proposal would not detrimentally impact neighbouring properties with regard to flooding, with such flood water more likely to be contained and dispersed by Reef House. They confirmed that their only concerns with regard to the proposal was the potential for gravel to be washed onto the roadway.

In response to this concern from the Members, the Agent confirmed that the drive was (which was the subject of a previous approval) is proposed to be of permeable gravel with the 5m of the drive way to the highway being of tarmac to prevent the gravel from being brought onto the roadway.

## **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:

Overall, it is considered that the proposal would not have a detrimental impact upon the character of the existing dwelling or locality within which it is located, and no adverse impacts have been identified as likely with respect of the impacts on neighbouring or public amenity, and highway safety. The proposal is, therefore, considered to comply with General Policy 2, Strategic Policy 3 (b), and Environment Policy 42, and Transport Policy 7 of the Strategic Plan, and the principles promoted by the Residential Design Guide 2021.

### **INTERESTED PERSON STATUS**

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

20 Douglas Street, Castletown;

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

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

Seascape, 14 Douglas Street, Castletown;

15 Douglas Street, Castletown;

16 and 17 Douglas Street, Castletown;

18 Douglas Street, Castletown;

19 Douglas Street, Castletown;

21 Douglas Street, Castletown;

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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.

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**Items No's 5.9 and 5.10 relate to the same property and so were considered together**

<b>Item 5.9</b> 11 Athol Street Douglas Isle Of Man IM1 1LD  <b>PA23/01329/B</b>	Refurbish interior of building to provide independent office suites on each floor up to Second Floor, create duplex apartment at Third Floor level and utilising defunct water and lift room, and flat roof adjacent, and change street facade using render and cornice detailing  Applicant : Northville Estates Limited Case Officer : Peiran Shen
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	Recommendation : Permitted
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And

<p><b>Item 5.10</b> 11 Athol Street Douglas Isle Of Man IM1 1LD</p> <p><b>PA23/01337/CON</b></p>	<p>Registered Building consent for demolition elements to PA 23/01329/B</p> <p>Applicant : Northville Estates Limited Case Officer : Peiran Shen Recommendation : Permitted</p>
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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 Highway Services representative confirmed there was nothing further to add to their report.

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

- The overarching intention of the design for 11 Athol Street was to enhance the existing Conservation Area, whilst fulfilling the requirements of the Brief. The existing building has good form and structure in terms of proportion and fenestration, but the materials used in its construction left a lot to be desired and have not aged well. The regular concrete brick does not compare favourably with the hand-thrown clay brick of Dolberg House to its left, nor do the dark brown window frames nor fibreglass mouldings and features.
- The desire to complement the adjacent buildings and better contribute to the surrounding area led to the conclusion that it would not be feasible to enhance the brickwork and cornice features etc. to the standard of Dolberg House; rather, to apply render and use more appropriate detailing along with white-framed sash windows to reflect the finishes in The Old Courthouse, would be much more successful. A much heavier cornice, to match the depth of that at Dolberg House, was to be used at roof level, along with a different material (traditional lead with rolled joints) used for the roof itself, creating a visual 'cap' to the building that aligns with those on the buildings to the left and right, creating much greater uniformity. Similarly, the ground floor level was treated differently, as on the adjacent buildings, through the use of render bands, that better tied the building into the streetscape by reflecting the design of the buildings to the left and right.
- The demise of city-centre office use has been well-documented, and to counter this, the Applicant's Brief required two elements; firstly, that the office accommodation could be a series of smaller, self-contained, offices with one on each floor, and, secondly, that an apartment could be included to create a level of diversity in the type of rental offering.
- It was considered that the best position for the apartment within the building was at the top level – frequent office visitors would not need to travel as far through the building. The occupants of the apartment would benefit from much greater levels of amenity in relation to daylight and views. Upon visiting the property and seeing that the roof-level plant room would not be required and that the roof adjacent to that is flat, it was considered that this level of amenity could be much further enhanced by making the apartment a duplex, with the day-to-day living accommodation on the upper of the two levels. The roof of the apartment would be at the same height as the existing plant room roof so the existing roofline hierarchy between The Old Courthouse and Dolberg House in maintained, and the vertical façade facing Athol Street would continue at the same pitch as the existing Mansard roof which, when combined with the new heavier cornice, substantially reduces any potential visual impact when viewed from street level.
- It was considered that the proposals would have significant benefits for the area, bringing a currently disused building back into use, and substantially improving the visual amenity of this important Conservation Areas

In response to a question from the Members, the Agent confirmed that the site was bounded by the footprint of the building with no integral rear yard. The use of the yard in the adjacent building was confirmed. He further confirmed that there would be a lift in the building for use by the offices and the apartment.

The Members expressed appreciation for the level of detail and design of the submitted proposal, and appreciated that it would result in a building being brought back into use.

With regard to Item 5.10 (PA 23/01337/CON), the Case Officer confirmed that this application referred to the demolition element of the proposal as the site lay within a Conservation Area. The amended his recommendation with regard to IPS in that the phrase [provided the address] as it appeared in his report had been included in error and was to be removed. This amendment had no impact on the IPS recommended overall. The Members agreed to this amendment

#### **DECISION for PA23/01329/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.

C 2. Before occupation, design details and a sample of the windows on ground floor, first floor and second floor of the front elevation as shown in drawing no. 308/021a, which has been received on 27th February 2024, must be approved by the department in writing and installed and maintained thereafter.

Reason: in the interest of preserving the character of the Conservation Area.

Reason for approval:

The proposal preserves the character of the Conservation Area. The additional flat does not have an adverse impact on the office use along the street. The proposal also does not have an unacceptable impact on traffic and parking within the area.

#### **INTERESTED PERSON STATUS for PA23/01329/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):

Waterside, Ramsey Road, Laxey  
The Mill, Tromode Road, Tromode, Douglas

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

45 Victoria Street Douglas

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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.



### **DECISION for PA23/01337/CON**

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

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

Reason for approval:

The application complies with Sections 16 and 18 of the Town and Country Planning Act 1999, as the historic character of the building and setting of the Conservation Area are being preserved. It is also judged that the application meets the tests of Strategic Policy 4 and Environment Policy 35 of the IOM Strategic Plan 2016 and the requirements within PPS 1/01 as the fabric and setting of the Conservation Area is being protected and preserved. The application is therefore judged to be acceptable.

### **INTERESTED PERSON STATUS for PA23/01337/CON**

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):

The Mill, Tromode Road, Tromode, Douglas

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

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### **Mr Young declared that the Applicant had contacted his company but that he had not had personal contact with the Applicant**

<b>Item 5.11</b> St Ninians Church Grounds Ballaquayle Road Douglas Isle Of Man IM2 4BY  <b>PA24/00358/C</b>	Additional use of site as a Food festival with associated facilities and craft market for the period 27th May 2024 set up to the 8th June 2024  Applicant : Manx FMTA Case Officer : Hamish Laird Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. Updating the Members with regard to further information submitted by the Applicant subsequent to the conclusion of his report as follows:-

- DfE Business - although they supported local events and businesses it was on a "city centre first" basis, and as this was outside of the city centre with a number of food outlets available nearby at the Grandstand, was likely to have a detrimental impact on residents and had traffic management issues, they did not support the proposal
- Further submissions received from objectors detailing the consultations held with the residents of St Ninian's Court and the difficulties experienced in seeking a resolution to allay the residents' concerns, and consultation being undertaken in order to establish a

- "park and ride" scheme near to the development site in order to reduce the detrimental impact of parking and vehicle movements on the locale.
- Further submissions from residents of St Ninian's Court regarding their concerns over land use definition, detrimental impact of the proposed lighting, increased in traffic movements, loss of parking provision for residents, road safety, nuisance occasioned from the resulting noise and cooking smells from the food village both to residents and to students of St Ninian's High School who would be sitting exams, potential damage to the existing trees, overlooking and loss of privacy, incompatible and unacceptable use of the land, and that they felt the site topography to be unsuitable for the proposed use.

The Case Officer further reported with regard to the location of and access to the adjoining St Andrew's Church, together with how the proposal site could impact the access to the Paddock area during racing, and how parking in the area had previously been achieved. DEFA Arboricultural officer had no objection to the application as received as the details with regard to tree protection matters were to be controlled by condition and would be as per the submitted landscaping plan. The application was for temporary use, it was noted that there had been substantial objection to the proposal, that the Applicant had consulted with Highway Services who had no objection to the proposal, that the Applicant had consulted with Environmental Health who had not objected to the proposal but noted the neighbours' close proximity to the proposal site, and noted that there was to be no amplified music on site.

The Applicant confirmed that the intention was for there to be acoustic performances with no amplification; that Culture Vannin had been approached with regard to obtaining such performers; and, also that Douglas Town Band had been approached with regard to performing at the site. He stated that he had tried to approach the residents of St Ninian's Court with regard to their concerns, but that the Management Committee had not made the residents aware of this approach, although they had since denied that this approach had taken place. Councillor Mrs Claire Barber, together with representatives of St Ninian's Church, had also offered to meet with the residents, which had also been declined. He appreciated the concerns with regard to parking provision and traffic management, and had started talks to secure external parking provision in a "park and ride" facility which could be utilised to raise funds for local charities. Fees were also to be charged for the pitches for the food outlets.

The Case Officer further reported that further points raised by objectors were that there was no official St Ninian's Court committee, no official discussions had taken place between the Applicant and the residents of St Ninian's Court, and that they only became aware of the application in March 2024 on receipt of letters from DEFA Planning notifying them of the submission of the application. The objectors felt that should the matter progress to Appeal, no decision would be made in time for the use of the site this year and that the matter would be back before the Planning Committee next year. The objections encompassed that the proposed use was contrary to the land use designation; that parking for the residents and for church users would be reduced; that there was insufficient protection proposed for the existing trees; and, no proposal to make good the land after the event. The proposal would neither enhance nor protect the Registered Building (St Ninians Church) nor its grounds; and, that there would be detrimental impacts on nearby residents with regard to noise, odour, increased traffic movements and parking need, security and safety of local residents.

In response to a question from the Members, the Case Officer confirmed that he had not changed his initial recommendation to approve the proposal.

The Highway Services representative confirmed there was nothing further to add to their report. In response to a question from the Members, the Highway Services representative reported that Traffic proposals would have to comply with the traffic management plan drawn up by the DfE Motorsport Team for the purposes of TT Week. A temporary Transport Route Assessment would have to be submitted to Highway Services for approval, but he had not seen such a plan so could not comment.

In response to comments from the members, the Applicant confirmed that they were prepared to work with all parties, and that access routed to both St Ninians and St Andrews would remain open and available for use.

The Members expressed that the application did not contain sufficient information.

The Applicant stated that theirs was a very small team, and that the proposal was supported by DEFA and DfE, but they were looking into relocating with regard to traffic issues. He confirmed that he was personally resident near to the site. The Acting Head of Development Management advised the Members were permitted to ask questions for purposes of clarification, but as the Applicant had not registered to speak he was present only to answer questions.

The owner/occupier of Apartment 31, St Ninian's Court spoke against the proposal. The points raised were as follows:-

- The Case Officer had confirmed their submission
- They were angered by the accusations made by the Applicant
- The proposed site would detrimentally affect the residents of the nearby retirement complex, St Ninians Court. It would be better located where the Applicant operated a similar enterprise on North Quay in Douglas
- Detrimental impact from odours, smoke and litter
- Stallholders at the TT Grandstand have paid up to £10,000 for their pitches, and their customers could be attracted to potentially cheaper options at St Ninians Church grounds. The proposal would keep footfall out of Douglas City Centre in opposition to stated Government Policy to help the Island's hospitality sector
- There are no committee members for St Ninians Court, only 3 directors who had not discussed the matter with the Applicant
- The Case Officer's report contains inaccuracies, assumptions and bland assurances from the Applicant, with a lack of detail contained therein.
- There were no details regarding traffic management or parking contained within the application and the residents were very concerned regarding these matters
- No risk management plan submitted for the uneven and sloping application site
- The detrimental impact would affect the residents regardless of it being of a temporary nature, and it could create a precedent.
- The proposed Food Village would be in the wrong setting and the residents of St Ninian's would be detrimentally impacted by the proposal

The Members expressed that while they felt the idea to be a good one, the proposed location was inappropriate. They felt that the late submission of the application would make any Appeal decision too late for the proposal to occur this year. The Acting Head of Development Management advised that this would be a procedural matter, and confirmed that an Appeal could occur as parties had been awarded the right to appeal. The Members noted the sloping nature and topography of the site, the concerns raised regarding parking and traffic management, the concerns raised regarding proximity to residential units, and the absence of documented support from DEFA. They felt that the application contained insufficient information to support an approval. Following discussion and a vote, the Members unanimously rejected the Case Officer's recommendation and refused the application.

Mr Whiteway proposed that the reasons for refusal encompass lack of information with regard to traffic management, parking and access, detrimental impact on residential amenities of neighbouring residents, unknown impact on existing facilities, located outside of the city centre, location within the grounds of the Registered Building, St Ninian's Church contrary to EP 33. Mr Skelton seconded the proposed reasons.

The Acting Head of Development Management advised that DfE did not support the proposal as it was located outside of the city centre, and noted that while DEFA would have support for a foodie market as part of supporting Manx businesses, it would in all likelihood be to the principle rather in relation to this specific location.

The Case Officer requested an amendment to recommendation in that he felt IPS should be extended to the Department for Enterprise. Following discussion, the Members agreed to the recommendation.

### **DECISION**

The Committee **unanimously** refused the recommendation of the Case Officer and the application was **refused** for the following reasons:-

R1. The proposed development is unacceptable because the application contains insufficient details and a lack of clarity in respect of the following:

- o Traffic management details, and a lack of information regarding both on and off-site parking provision;
- o Lack of adequate access details including access to St Ninian's Court, and St Andrew's Church;
- o An over-reliance on details provided by Manx Motorsport and an unclear relationship of the proposed site operations to them;

The proposed development would have an unacceptably adverse impact on occupants of the adjoining St Ninian's Court Residential Home for the over 50's, where many residents who are either elderly/inform or both, rely on easy access to their allocated car parking spaces and unfettered access to the public road network. The proposal is, therefore, contrary to the provisions of Policies SP1; ST4; ST8; GEN2 h) and i); T4 and T7 of the Isle of Man Strategic Plan 2016.

R2. The proposed development is unacceptable because the Food Festival with associated facilities, including siting of Food and Craft Stalls, Portaloos, and Busker Music Stage would result in an adverse impact on the residential amenities of occupants of St Ninian's Court through noise and disturbance, food smells and odours; and, general litter when levels of disturbance are generally heightened during the TT Fortnight given the close proximity of the site to the TT Grandstand and associated facilities and activities carried out at Noble's Park which adjoins the site. This would be contrary to the provisions of Policies GEN2 g); ENV22 iii); and, ENV23 of the Isle of Man Strategic Plan 2016.

R3. The proposed development is unacceptable because it would have an unknown impact on the existing offerings from the authorised TT Facilities on and around Nobles Park and that associated with the Permanent TT Grandstand complex, where there are significant food offerings available to serve visitors to this area. The site of the proposed development is located outside Douglas City Centre and the proposal fails to accord with the Department for Enterprise's City/Town Centre First Policy; and, Policies Business 9 and Business 11 contained in the Isle of Man Strategic Plan 2016.

R4. The proposed development is unacceptable because it involves running a Food Festival, Craft Fair and associated development for the TT Fortnight period (27th May - 8th June, 2024) within the grounds of the Registered St Ninian's Church. This would be unduly harmful to the character and setting of this Registered Building contrary to the provisions of Environment Policy 33 in the Isle of Man Strategic Plan 2016 which advises: "The change of use of Registered Buildings will only be permitted if the proposed use is appropriate and any alterations associated with the change are not detrimental to its character as a building of special architectural or historic interest."

## INTERESTED PERSON STATUS

It was decided that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 4.2:

29 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

15 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

19 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

St Ninians Court Ltd, Top Floor, Elm Tree House, Main Road, Douglas, Isle of Man, IM2 4BY

3 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

30 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

34 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

25 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

31 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

1 St Ninian's Court, Douglas, Isle of Man, IM2 4BY

The Managers of St Andrew's Church, 15 Ballabridson Park, Douglas, Isle of Man, IM2 4BY

The Directors of St Ninians Court Ltd, Elm Tree House, Elm Tree Road, Onchan, Isle of Man, IM3 1AH

Department for Enterprise

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

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**Following discussion, the Members suspended Standing Orders in order that the Agent, who was present at the meeting but had not registered, was able to speak**

**Out of consideration for members of the public present, the following item was considered out of agenda order.**

<b>Item 5.8</b> Field 434509 Swallows Rest Bayrauyr Road St Marks Isle Of Man IM9 3AT  <b>PA23/00718/B</b>	Erection of agricultural barn building  Applicant : Mrs Anne Thomson Case Officer : Peiran Shen Recommendation : Refused
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. He requested that his recommendation be amended in that it should refer to General Policy 3 rather than Environment Policy 3(f) as stated. Following discussion, the Members agreed to the correction.

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:-

- Was present on behalf of the Applicants who were unable to attend
- The application was submitted in 2023
- The appearance and location of the proposed agricultural building had been carefully considered
- The acreage referred to in the Case Officer's report was incorrect
- The intention of the proposal was for covered storage for equipment and stores connected with the maintenance of the land
- A list of such equipment and stores was provided to the Case Officer
- Should the application be refused, it would lead to expensive equipment being stored outside on rented property

The Case Officer apologised for the error regarding the acreage but confirmed that the area of the proposed building was correct. He felt that there was no justification for the proposal and that insufficient evidence had been submitted in order to support it. They reported that the proposed building could be located closer to both the existing residence cluster and the existing access.

In response to a question from the Members, the Agent confirmed that the equipment to maintain the land had been purchased recently, was expensive, and was the reason for the application being submitted. He further confirmed that the Applicants had initially considered siting the proposed building closer to the dwelling, but the topography was such that the land in question sloped sharply away from the dwelling and so was not a suitable location.

In response to a question from the Members, the Case Officer confirmed that the size of the vehicles was justification for the size of the proposed building, but the agricultural need for such building had not been demonstrated.

In response to a question from the Members, the Agent confirmed that as the land had been purchased recently there were currently no farming activities on the site. The maintenance of the land was not for aesthetic reasons, but was in order to maintain the ecology and drainage of the site. The Applicants felt it was crucial to maintain the existing drainage channels.

In response to a question from the Members, the Case Officer confirmed that while it was not a planning concern, there was no record of agricultural activities on the site, and such had not been proposed as part of the application under consideration.

The Agent confirmed that permission had been sought to extend an existing agricultural building for equestrian use.

The Members expressed concern regarding the proposed siting of the building being too close to the road, and while they appreciated the proposal to site the building into the landscape they felt it would still be clearly visible. They expressed that sufficient agricultural need had not been demonstrated and that the location was inappropriate.

## **DECISION**

The Committee **unanimously** accepted the recommendation of the Case Officer and the application was **refused** for the following reason(s).

R 1. The application fails to provide information demonstrating sufficient agriculture activity has been taking place or is going to take place on the site to justify the need for a new agricultural building, failing to comply with Spatial Policy 5 and Environment Policy 3(f) of the Strategic Plan.

R 2. The proposed building is away from the existing building group, namely Swallows Rest. It is also close to the highway but the reasons provided for the proposed location are not sufficient to outweigh the visual impact of a new building to the open countryside, failing Environment Policy 15 of the Strategic Plan.

## **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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<b>Item 5.6</b> Cronk Moar Cottage & Part Field 330698 Dalby Isle Of Man IM5 3BW	Alterations and extensions to dwelling and creation of a track with improved visibility  Applicant : Miss Sophie Clark Case Officer : Vanessa Porter
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report. In response to a question from the members, the Highway Services representative confirmed that the benefits of the development outweighed potential detrimental impacts as the adjacent highway was a low flow route which was little used.

The Case Officer confirmed that the proposed access was to be a single property access, and that currently access to Raad Ny Foillan went across the Applicant's land. In response to a question from the Members, she confirmed that C2 had been included as approval would increase the residential curtilage adjacent to agricultural land, and the intention of the condition was to reduce domestication of the land. She further confirmed that both accesses would remain, but this would be the primary access.

The Members expressed concern with regard to the creation of the new access, but noted that it would be separate from the farm access, and also separate from that to the Raad Ny Foillan.

### **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. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

- Class 13 - Greenhouses and polytunnels
- Class 14 - Extension of dwellinghouse
- Class 15 - Garden sheds and summer-houses
- Class 16 - Fences, walls and gates
- Class 17 - Private garages and car ports
- Class 18 - Domestic Fuel storage tanks
- Class 21 - Erection of decking
- Class 22 - Solar Panels
- Class 23 - Heat Pumps
- Class 23A - Air Source Heat Pumps

Reason: To control future development on the site.

C 3. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new planting (including tree planting/hedgerow) showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works include footpaths, hard surfacing materials and fencing along the southern garden of the new dwelling. The hard landscaping works shall be completed in full

accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

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

N 1. Should any bats or evidence of bats (protected under the Wildlife Act 1993) be found within the building or roof space during construction, the Applicant is required to contact the Senior Biodiversity Officer (DEFA) to discuss protection measures.

Reason for approval:

The proposed works to the main dwelling are deemed acceptable in terms of their design, form and appearance and as such will comply with General Policy 2, Housing Policy 15 and 15 of the Isle of Man Strategic Plan.

### 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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<b>Item 5.7</b> Unit 15 The Old Airfield Braust Andreas Isle Of Man IM7 4JB  <b>PA24/00377/B</b>	Commercial vehicle storage shed and associated parking spaces  Applicant : M Jones Haulage And Plant Hire Ltd Case Officer : Chris Balmer 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 application was before the Planning Committee by reason of the land use designation, that there were vehicles parked on the site already and that the purpose of the application was to provide storage and parking for vehicles associated with the building. The comments from the Local Authority regarding maintenance of the access road leading to the site were noted. He further reported that the proposal would not increase the use of the site but was to provide covered storage for existing vehicles.

The Members noted that the access road to the industrial estate was in poor condition, and while the unadopted roads within the site were also in generally poor condition that would be a matter for the land owner to address. They recognised that while the Local Authority's comments were valid, they did not form part of the considerations with reference to this application.

The Highway Services representative confirmed there was nothing further to add to their report. The Members requested that the Highway Services representative pass on their comments regarding the access road into the industrial estate.

### 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:

On balance; given the proposal would not have any significant adverse impacts to public or private amenities; no adverse highway matters nor have no adverse visual impact upon the



countryside and as the use is appropriate with uses within the overall site; it is considered the proposal would comply with General Policy 3 and Environment Policy 1 of the IOMSP. It 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

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### **6. Site Visits**

No site visits were required.

### **7. Section 13 Legal Agreements**

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

### **8. Any other business**

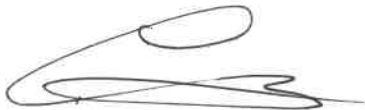
None

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

The Committee noted that the next Planning Committee had been set for 20<sup>th</sup> May 2024.

There was no further business and the meeting concluded at 12.53pm

### **Confirmed a true record**



**Secretary to the  
Planning Committee**



**Mr P Young  
Acting Chair of the  
Planning Committee**