



**Isle of Man**  
Government

*Rainys Eilaa Vannin*

**Minutes of a meeting of the Planning Committee, held on 10th June 2024, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

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

In Attendance: Miss A Morgan, Acting Head of Development Management  
\*Mr J Singleton, Principal Planner  
\*Miss L Kinrade, Planning Officer  
\*Mr P Visigah, Planning Officer  
Mr H Laird, Planning Officer  
V Mr Russell Williams  
Mr F Williams, Deputy Head of Technical Service and Customer Support  
\*Mr R Webster, Highway Development Control, Highway Services  
\*Part of the meeting only  
Attending virtually via Microsoft Teams V

**1. Introduction by the Chair**

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

**2. Apologies for absence**

No apologies for absence had been received.

**3. Minutes**

The minutes of the 20<sup>th</sup> May 2024 were agreed and signed as a true record.

**4. Any matters arising**

It was noted that a site visit initially arranged and minuted at the last sitting for the 3 applications for property address "Edd Beg" had been reviewed, and rearranged to be conducted 13<sup>th</sup> June.

**5. The Members considered and determined the schedule of planning applications as follows.**

**Mr Callister wished to make it clear that he knows the representative from the local authority personally but as they were representing the authority in this matter there is no shared interest in the applicaiton.**

<b>Item 5.1</b> Field No. 414697 Ballaman Ballahowe Road Port Erin IM9 6JF	Erection of two wind turbines  Applicant : Mr Adam Cooke Case Officer : Hamish Laird
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The Case Officer reported on the matter and summarised the key issues as set out in their report, referring also to the email sent to the members 5<sup>th</sup> June in order to correct paragraph 4.2 of his report as published. The Case Officer also updates on the late reps received.

*The Case Officer had forwarded an addendum on 5<sup>th</sup> June corrected para 4.2 of report. Landscape character assessment. Describes overall landscape character. Is online now.*

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

The owner/occupier of Baycliffe Tower Road had registered to speak in objection to the application and the key points raised were as follows:-

- Concern about the lack of environmental evidence provided in the application and notes that the turbines would impact the headlands and put the local wildlife at risk.
- The risk to aircraft operation especially when there are heavy mists covering the headlands which could impact the visibility of the turbines.
- Concern raised that if this application should be approved it will set a precedent for other applications of a similar nature across other parts of the Island.

A representative from the Local Authority had registered to speak and the key points raised were as follows:-

- The Commissioners feel the proposal constitutes overdevelopment of an already highly developed site.
- The visual impact is harmful to the surrounding environment and is not outweighed by the proposals environmental benefits.
- The Officers assertion of General Policy 2 should not apply here as the site is not within an area specified for development based on the Area Plan for the South.

The agent has been given permission to speak by the Chair as they were late to register due to the local bank holiday they were not aware of. The key points they raised were as follows:-

- This is the second application on the site for wind turbines and points out that following the refusal of the previous application they have worked with the ecosystems team to address environmental factors.
- Addressing comments raised by the objector they note that the determination of overdevelopment is at the discretion of the Planning Department and that no precedent would be set as all applications should be measured on their own merits.

In response to questions from the members the Agent clarified the difference between the proposed smaller turbines and full sized ones with a key difference in their heights, the current proposed turbines being 3m shorter than those in the previous application. They also clarified details around noise in respect of the decibel levels produced by the equipment, giving comparisons to assist in this understanding.

The members raised questions about the self-sufficiency of the site and whether its connection to the local grid had been explored to supply the local community. It was detailed by the Agent that while excess power generated can in theory be directed to the grid, they confirmed that it is only the MUA who can generate electricity on Island for public consumption and there is no provision for third parties to contribute to this from other means through wind or solar. This is mainly a legislative battle that is ongoing and confirmed that it is not possible to link to the grid at this time. With this in mind the proposal was designed to be tailored to the site and to produce minimum excess.

## **DECISION**

The Committee, with the exception of Mr Warren and Miss Hughes, voted against the recommendation of the Case Officer and the application was **refuse** for the following reasons:

Reasons for refusal:

1. The proposed development is unacceptable because it would give rise to views of the wind turbines from Port Erin and the surrounding area, particularly Bradda Head from the Meayll Circle Ancient Monument to the north and from the Meayll Circle Ancient Monument to the south resulting in an unacceptable degree of visual intrusion and harm to the character and appearance of the countryside and surrounding area in which the turbines are proposed to be sited. This would be emphasised by the sites location within an area zoned as High Landscape or Coastal Value and Scenic Significance. In the Adopted Area Plan for the South (2012), which is informed by the Isle of Man Landscape Character Assessment, July, 2008; Landscape Proposal 10 states: "Any additional new built development on the Meayll Peninsula, other than very limited development near its northern edge at the former Marine Biological Station, should be avoided as such development would adversely affect the largely unspoilt character and appearance of the Peninsula and/or would diminish its role in providing a vegetated, undeveloped backdrop to Port Erin, Port St Mary and Cregneash." Furthermore, Landscape Proposal 11 states: "Should the opportunity arise, the radio beacon on Cronk ny Arrey and other communications apparatus on the Meayll Peninsula should be removed or, if necessary, replaced by more modest and less intrusive structures." The erection of the 2 No. proposed wind turbines would run counter to this long-standing advice and as such is contrary to it, and the provisions of Strategic Objective 3.3b); Strategic Policy 4b); General Policy 2 c); and, Environment Policies 1 and 2 contained in the Isle of Man Strategic plan 2016.
2. It has not been demonstrated that the installation will not adversely affect the operation of the Isle of Man Airport with a resultant potential significant harm to aircraft safety, contrary to Transport Policy 10 of the Strategic Plan.

#### **INTERESTED PERSON STATUS**

It was decided that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Camelot 8 Tromode Close, Douglas  
The Hon. Juan Watterson Speaker of the House of Keys.  
28 Erin Way, Port Erin  
Sea View, Bradda Glen, Port Erin  
5 Bradda Glen Close, Port Erin  
20 Royal Shore Apartments, Promenade, Port Erin  
Appt 1, Bradda Court, Port Erin  
Appt 5, Bradda Court, Port Erin  
Baycliffe, Tower Road, Bradda west, Port Erin  
17 Royal Shore Apartments, Promenade ,Port Erin  
1A Princess Towers, Promenade, Port Erin  
Manchester House, Bradda West Road, Port Erin  
7 Cronk Y Thatcher, Colby, IM9 4LN  
167 Clapham Road, London SW9 0PU  
Lhie ny Greiney, The Darragh, Port Erin  
Ballaqueeny Cottage, Four Roads, Port St Mary  
Bay Estates Ltd, owner of Car-Y-Touree, Balnhowe  
Whindyke, Bradda West Road, Port Erin  
Shilley Ny Marrey, Castletown Road, Port St Mary  
The Coote, Ballnhowe Road, Port Erin

Car-Y-Touree Cottage, Balnhowe  
Shilley ny Marrey, Castletown Road, Port St Mary  
Brook Cottage, Bradda Road, Port Erin  
9 Aigh Vie, Main Road, Colby

and do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

It was decided that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions that relate to planning considerations:

Manx Natural Heritage

Department of Infrastructure, Airfield Operations, Isle of Man Airport, Ballasalla, IM9 2AS

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<b>Item 5.2</b> Capital House 16 - 18 Circular Road Douglas Isle Of Man IM1 1AG  <b>PA24/00142/C</b>	Change of use of ground floor restaurant and café spaces from Class 1.3 (Food and Drink) and 1.4 (Hot Food Takeaway) to Class 2.1 (Office)  Applicant : Mill Yard Services Limited Case Officer : Lucy Kinrade Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in their report and with reference to the visual presentation.

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

A representative of the applicant had registered to speak on the matter and the key points raised were as follows:-

- The proposal for the ground floor is part of a larger re-working of the rest of the building which houses their extended office space. The additional space provided will provide assistance to their current ongoing operations and help to keep the business and staff within all one building.
- The applicant also notes the ongoing legal issues with the current tenants and questioned their lawful occupation of the building and their IPS status in the report.

The members expressed that the additional clarity provided by the applicant as to the broader redevelopment of the building as a whole was helpful in understanding the need for this application.

The members unanimously agreed with the overall approval recommendation of the application for the change of use to office space.

The members however reconsidered and re-voted on the IPS specifically the occupiers of Thai Thai Restaurant (restaurant owners) who were granted IPS in the officer report.

The members reviewed the comments raised by those occupiers and considered that whilst the comments met the requirements of Parts A and B of the Operational Policy on Interested Person Status, the comments related more so to the commercial aspects and loss of the business and not relevant planning matters nor explained how it would impact the lawful use of the land and so should not be granted IPS.

## **DECISION**



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

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

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

C 2. The use hereby approved is for Class 2.1 Office as set out in the Town and Country Planning (Use Classes) Order 2019.

Reason: the application has been assessed on this basis as requested in the application content.

Reason for approval:

The proposed change of use from restaurant and café (use class 1.3 and 1.4) to office (Use Class 2.1) is considered acceptable. The site is designated as mixed use and is capable of accommodating the proposed office use and therefore accords with Mixed Use Area 4 and paragraph 9.10.6 of The Area Plan for the East 2020, and with Strategic Policies 1, 2 and 9 and Spatial Policy 1 of the IOM Strategic Plan 2016. The existing use is not a community facility as listed in the IOMSP and so minded of the 'mixed use' town centre location does not undermine those community policies protecting community facilities. There are to be no visual or amenity impacts as a result of the proposal meeting with the tests of Strategic Policies 4 and 5, General Policy 2 (b, c, g) and Environment Policy 23, and given the highly sustainable location in the centre of Douglas the proposal poses no highway issues meeting with the tests of General Policy 2 (h and i), Strategic Policy 10 and Transport Policy 1 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

## **INTERESTED PERSON STATUS**

Following a vote by the Members in which only Mr Callister voted for the occupiers of Thai Thai Restaurant having Interested Person Status, the majority vote was against the occupiers having IPS.

It was decided that the 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 mentioned in Article 4(2):

- o The occupiers of Thai Thai Restaurant (restaurant owners), 16-18 Circular Road, Douglas (letter address 'Carrera', St Georges Bridge, Abbeylands, Onchan)

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

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

- o Representative of Blue Café, Capital House, 16-18 Circular Road, Douglas
- o Representative of the Thai-Thai Restaurant Staff, Capital House, 16-18 Circular Road, Douglas

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

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

- o 4 Park Road, Douglas
- o The Old Parsonage Barn, St Judes
- o Hillside, Ballacraigne, St Johns
- o 31 Arbory Street, Castletown
- o 28 Bennett Park, London
- o 5 Smithy Fold, Preston
- o Robinsons, Ballapaddag, Cooil Road, Douglas

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

To accommodate the persons registered to speak and in attendance at the meeting, the following item was considered out of agenda order.

<p><b>Item 5.5</b> Field 434112 Douglas Road Ballasalla Isle Of Man</p> <p><b>PA23/01364/B</b></p>	<p>Proposed erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)</p> <p>Applicant : Dr John Taylor OBE Case Officer : Hamish Laird Recommendation : Permitted</p>
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The Case Officer reported on the matter and summarised the key issues as set out in their report and with reference to the visual presentation.

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

The owner/occupier of Arborfield had registered to speak in objection to the application and the key points raised were as follows:-

- The application is contrary to Island Development Plan.
- The due to the size of the application site the Arborfield property is adjacent to the development despite the property being 151 meters from the solar panels.
- Has concerns about the long term use of the site and questioned that these future plans be expanded on.
- Notes that power should be closest to your own dwelling not others.
- Concerned about the light reflection from the solar panels to nearby road users.
- Concerned about hydrogen generation in the future.

A representative of the applicant had registered to speak in support of the application and the key points raised were as follows:-

- The solar panels are to be used to power the buildings on the site, as well as the nearby residence.
- Collecting data for research and demonstration purposes with the aim at looking at broader benefits to the Island.
- Notes wind turbine has been originally proposed as part of the application has been removed from consideration.

In clarification of the key issues the Members enquired as to why this style was chosen and clarity about the size and placement of the units. The Applicant notes it is for the efficiency of the panels over smaller or fixed alternatives. The location was also chosen to serve the data centre and existing pump that is in operation with the existing borehole. The Applicant also states that in this position the panels would be well screened from the neighbouring property at Arborfield.

The Members also asked about nearest Manx Utilities connection point which was answered by the Objector that the nearest on to the site is closer to their dwelling as it was installed at their request at an earlier date. The Members also discussed the panels proximity to the airport, noting that the site is in a direct line with a runway. The Applicant stated that glint and glare reports were undertaken with the airport but this information was not provided as part of the application.

## DECISION

The Committee voted **unanimously** in favour of a site visit to be carried out at a date and time to be agreed at the end of the meeting.

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### The members reverted to the agenda order

<b>Item 5.3</b> Site Of Former Ben My Chree Queen's Promenade Ramsey IM8 1BH  <b>PA23/01433/B</b>	Use of the site for the installation and operation of a mobile sauna  Applicant : Mr Michael Howland Case Officer : Lucy Kinrade Recommendation : Permitted
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Prior to the sitting of the Planning Committee this application was withdrawn and was not heard at the meeting.

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<b>Item 5.4</b> Land Off Stanley Mount Stanley Road Peel Isle Of Man IM5 1NY  <b>PA23/01452/B</b>	Creation of two light industrial units, creation of car parking, widening of entrance and landscaping  Applicant : Mr Neil And Mrs Maureen Crompton 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 their report and with reference to the visual presentation.

He also referred to his assessment of party status, and to correct his reference to 8 Stanley Mount, which should have been number 7, a missing recommendation for the comment from 31 Bridge Road who should have party status as owners of 22 Bridge Street.

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

In clarification of the key issues the Members enquired as to Notes that previous approval was in 2008 which has not been taken up. MW and Chair note that no hours of operation have been provided.

## DECISION

The Committee, with the exception of Mr Warren and Miss Betteridge, 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 units, hereby approved, shall be used for light industrial purposes or research and development only, as outlined in Part 2, 6, Class 2.2 - Light industry and Research & Development in the Schedule attached to the Town and Country Planning (Use Classes) Order 2019; and, for no other purposes.

Reason: In the interest of maintaining the residential amenities enjoyed by occupants of adjoining dwellings.

C 3. 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 extension, enlargement or other alteration of the workshop buildings, hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 4. Prior to the first occupation of the development, hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by DEFA Planning. The Landscaping Scheme shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, and measures to encourage and enhance the biodiversity of the site. All planting, seeding or turfing comprised in the approved details of landscaping as shown by drawing 49.3.07, must be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development provides an attractive environment in accordance with Policy GP2 b) c) and d); and, Environment Policy 35 in the Adopted Isle of Man Strategic Plan (2016).

Note: The applicant is advised to consult with the Fire Safety Department to discuss fire safety measures.

Reason for approval:

On balance, and bearing in mind the changes since the originally refused PA Ref: 06/01658/B scheme was considered; the approval of PA Ref: 07/02225/B for the same scheme as that currently proposed; the adoption of the Manual for Manx Roads in June, 2021; and, the coming into force of the Isle of Man Strategic Plan in 2016; it is considered that the proposal would not result in any adverse impacts to the surrounding area so as to warrant refusal. The visual improvements to the site would enhance the Conservation Area. Overall, it is concluded that the planning application is in accordance with Policies SP3, SP4, SP7, GEN2, ENV7, ENV10, ENV22 iii), ENV35, T4 and T7 of the Isle of Man Strategic Plan 2016 and is recommended for approval.

#### **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:

7 Stanley Mount, Peel  
25 Bridge Street, Peel  
20 Bridge Street, Peel  
9 Beach Street as owners of 22 Bridge Street  
24 Bridge Street, Peel  
12 Stanley Road, Peel - on behalf of occupants (parents) of dwelling next to site in Bridge Street  
31 Shore Road

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

It was decided that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions that relate to planning considerations:  
Manx Utilities Drainage

<b>Item 5.6</b> Sea Court Victoria Road Douglas Isle Of Man  <b>PA23/01424/B</b>	Replacement of existing, derelict three apartment building with a block of six apartments, together with associated parking and facilities and public highway improvements.  Applicant : ASAP Ltd 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 Highway Services representative confirmed there was nothing further to add to their report.

In response to a question raised by The Members about the use of the solar panels the Agent present at the meeting noted are purely for generation of hot water.

#### **DECISION**

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

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

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

C 2. The development hereby approved shall not be occupied/brought into use unless the bat and bird boxes, have been installed/constructed in accordance with details submitted.

The mitigation bat and bird boxes are to be erected on site as detailed in the Proposed Bird & Bat Box Location & type Plan (Drawing No. 10-29) and Proposed Site Plan (Drawing No. 10-22 Rev E).

The bird and bat boxes shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 3. Prior to commencement of works on the building, Nesting bird and roosting bat surveys carried out by a suitably qualified ecologist shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Nesting bird and roosting bat survey report.

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

C 4. Prior to any works (including site clearance) commencing on the site, a Precautionary Working Method Statement for nesting birds, roosting bats and Wildlife Act Schedule 8 plants; shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Method Statement.

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

C 5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. 10-22 Rev E) must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the apartments, 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.

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

C 6. Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a detailed hard landscaping plan has first been submitted to the Department in writing to be agreed.

The detailed hard landscape plan shall include a details of hard surfacing materials, external lighting, a space-sharing strategy, public seating and details of all ramps and steps within publicly accessible areas of the development.

The hard surfacing plan shall also include details of planters and samples showing the texture and colour of the materials to be used and information about their sourcing/manufacturer.

The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and daily duration and any measures for mitigating the effects of light pollution.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm, and that the lighting regimes avoids impacts on terrestrial ecology.

C 7. Prior to the commencement of the development hereby approved, an Updated Tree Protection Plan shall be submitted to and approved in writing by the Department. This plans shall clearly mark out the tree protection zones on the site. Within the Construction Exclusion Zones identified on this Plan, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of

cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without prior written consent of the Department.

Reason: to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period, to protect and enhance the appearance and character of the site and locality.

C 8. The development hereby approved shall not be brought into use unless the vehicular and pedestrian access, visibility, and all parking and turning areas, have been provided and surfaced in accordance with the details shown on the approved plans (Drawing Nos. 10-31 and 10-22 Rev E). Once provided, all access, parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access, parking and turning space to an adequate standard in the interests of road safety.

C 9. Prior to the occupation of the development hereby approved, the secure bin/bicycle storage areas shall be provided in accordance with the approved plans (Drawing No. 10-22 Rev E and 10-23 Rev B) and shall be permanently retained thereafter and solely for the purpose of refuse/cycle storage.

Reason: In the interests of the appearance of the development and of the amenities of the area, and to promote sustainable travel in the interests of reducing pollution and congestion.

C 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 or any order amending, revoking or re-enacting that Order, no means of enclosure, structures or other free standing buildings, other than that shown on the approved plans and other documents listed on this decision notice, and any drawings approved subsequently in writing by the Department pursuant to any conditions on this decision notice, shall be erected on the site without an express grant of planning approval from the Department.

Reason: In the interests of the character and appearance of the development.

#### Note FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

#### Reason for approval:

Overall, and for the for the reasons indicated within this report it is concluded the proposals align with the requirements of General Policy 2; Strategic Policies 1, 2, 3, 4, 5, and 10; Environment Policies 3, 4, 5 and 42; Housing Policies 1, 4, and 6; and Transport Policies 1, 4, 6 and 7; the Area Plan for the East 2020, and the Residential Design Guide 2021, as the principle of the development is in accordance with the land use designation and the wider policy framework, and the proposed building is of a good design and layout. Furthermore the proposal would not have significant adverse impacts upon public or private amenities, or parking and highway safety, and therefore would comply with the relevant planning policies listed.

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

<b>Item 5.7</b> Braddan Parish Commissioners Close Corran Union Mills IM4 4LZ <b>PA24/00121/B</b>	Removal of condition one of PA 92/1210 which restricts the use of the property to being only a Commissioners Office  Applicant : Braddan Commissioners Case Officer : Vanessa Porter Recommendation : Permitted
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In the absence of the original Case Officer Lucy Kinrade summarised the key issues as set out in the report and with reference to the visual presentation.

The presenting officer made an updated recommendation to the Members with 2 additional suitably worded planning conditions added; one to clarify the proposed use of the building being Use Class 2.1 Office only as requested within the application and as verbally confirmed with the applicants before the item was heard, and one to ensure the 7 associated parking spaces shown on the submitted plans remain available for use by the office at all times.

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

## DECISION

The Committee **unanimously** accepted the updated recommendation of the presenting 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.

Additional Conditions as proposed by the Presenting Officer and accepted by The Members:

C 2. The use hereby approved is for Class 2.1 Office as set out in the Town and Country Planning (Use Classes) Order 2019 only.

Reason: For the avoidance of doubt as the application has been assessed on this basis as requested in the application content.

C 3. The parking area showing seven numbered parking spaces marked in red as detailed on a location plan drawing received by email dated 17th May 2024 shall not be used for any purpose other than the parking and turning of vehicles associated with the office development hereby approved and shall remain free of obstruction for such use at all times.

Reason: To ensure that the associated off-street parking is provided in accordance with the details specified in the application and on which basis the application has been assessed in the interests of highway safety.

Reason for approval:



Overall the change of use from a Commissioners office to a generic office is deemed acceptable due to the principle of an office already existing upon the site, the fact that the site can be returned to a residential property if required and that there would be a limited impact upon neighbouring properties and parking. The application is deemed to comply with Strategic Policy 1, General Policy 2, Business Policy 1, Business Policy 8 and Transport Policies 1, 4 and 7 in accordance with Appendix 7 of the Isle of Man Strategic Plan 2016.

### INTERESTED PERSON STATUS

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

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### Mr Whiteway rejoined the meeting

<b>Item 5.8</b> 22 - 28 Riverbank Road Ramsey IM8 3PR  <b>PA24/00258/B</b>	Installation of three 9-metre wooden telegraph poles with associated overhead wires  Applicant : Manx Telecom Ltd Case Officer : Jason Singleton Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

The Members discussed their concerns about the installation of poles being a backwards step and that they feel a broader solution needs to be sought. In response to questions from the Members the applicant noted that cost is a factor that has been considered as to the need for the poles at this time. The case officer reiterated the material issues within his report and this application is merely an extension of existing infrastructure in the streetscene.

### DECISION

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

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

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

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

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

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development.

Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

#### **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 5.9</b> Thornhill Park Ramsey Isle Of Man  <b>PA24/00259/B</b>	Installation of four 9-metre wooden telegraph poles with associated overhead wires  Applicant : Manx Telecom Ltd Case Officer : Jason Singleton Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

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

In clarification of the key issues the Members enquired as to other telegraph poles in the area and PW noted that the nearest other poles are further from the site. The case officer indicated on the visual presentation the broad location of these and confirmed there was no telegraph poles in the street or in the immediate area. The chair noted this and the proposals here were retrograde approach to the problem and this level of infrastructure should ideally be below ground so as not to spoil the character of the area as the poles would tower above the existing properties in the street.

#### **DECISION**

The Committee, with the exception of Mr Skelton, Mr Young, and Mrs Hughes, voted against the recommendation of the Case Officer and the application was **refused** for the following reasons.

Reason for refusal:

The proposed installation of four wooden telegraph poles and their associated cabling amongst the streetscene of bungalows due to the height, size and scale of the proposals would have a negative visual impact that adversely affects the character of the streetscene and would be contrary to General Policy 2 (b & c) of the Strategic Plan.

#### **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);

Flossmoor - 13 Thornhill Park

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

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<p><b>Item 5.10</b> The Grange Clypse Moar Road Onchan IM4 5BG</p> <p><b>PA24/00459/B</b></p>	<p>Proposed detached double garage, new driveway and extension to existing residential curtilage</p> <p>Applicant : Mr Matt Newing Case Officer : Russell Williams 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.

In clarification of the key issues the Members enquired as to an additional condition proposed to replace the proposed fence with a sod bank, this was seconded and agreed on by all Members.

The Members raised a query about the other buildings within the blue line boundary and questions why one of these cannot be used for the purpose proposed in the application. The Case Officer noted that these are more typical agricultural buildings that would not be suitable for this purpose and had been advised by the Agent that the owner has aspiration for alternative uses for the building in the future, subject to planning.

### **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. No development shall be commenced until soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of new trees (to mitigate the loss of trees) and hedgerow and shall include a landscaping plan, planting specification and a programme of implementation.

The approved landscaping scheme shall be carried out in accordance with the approved details. The works shall be carried out during the first available planting season following the commencement of the development or in accordance with the programme agreed in writing with the Department.

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: To ensure appropriate mitigation for the loss of trees is secured, in the interest of landscape character and biodiversity.

C 3. No development hereby permitted shall commence until an Arboricultural Monitoring Schedule has been submitted to and approved in writing and the associated the Tree Protection measures identified on Dr No TP-100424 have been fully implemented on the site. The Tree Protection Measures shall remain in place until such time as the development is substantially complete. During the course of construction, the developer shall comply with the

Recommended Protection Measures for Retained Trees set out at Section 4.5 of the approved Manx Roots Arboricultural Impact Assessment dated April 2024.

Reason: To provide protection for retained trees within the site, in the interest of tree health.

C 4. No works above damp proof course shall take place until a bird box plan has been submitted to the Department of the Environment Food and Agriculture and approved in writing. The approved box(es) shall be installed prior to the development hereby permitted first coming into use. The plan shall include details about the type, number and locations of the boxes. Bricks/boxes should be placed high up on a northerly elevation, not above windows or doors.

Reason: To ensure that suitable biodiversity enhancement measures are provided on the development site.

C 5. 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 fences, gates, walls or other means of enclosure, no shed, greenhouse or any other building shall be erected or placed within the new curtilage hereby approved, without the prior written approval of the Department.

Reason: In the interest of landscape character to ensure the proposals comply with General Policy 3 and Environment Policy EN1

An additional condition was proposed by the Members to replace the proposed fence with a sod bank

C 6. No development hereby permitted shall commence until details and drawings of a new sod bank, to be constructed along the southern boundary of the application site, have first been submitted to and approved in writing by the Department. The sod bank shall be fully completed in accordance with the approved details and drawings prior to the development hereby permitted first being brought into use.

Reason: To ensure the development makes a satisfactory impact upon landscape character.

Reason for approval:

While the application does not strictly comply with General Policy 3, it is accepted that there is limited scope within the existing curtilage due to the presence of more important trees, the position of the adjacent rural building and the location of the curtilage being to the eastern side of the dwelling where it is both difficult to access and more exposed in the landscape. Having regard to the aforementioned, it is considered that the proposed development will not give rise to any material harm to the character and appearance of the landscape. Impacts upon trees and ecology can be suitably mitigated and it is considered that the proposal will not undermine the strategic objectives of Policies GP3, EP1 and EP3.

#### **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**

The Committee were reminded as to the agreed site visit (rearranged since their previous sitting) for Edd Beg, Kerrowkeil Road, Grenaby. 13<sup>th</sup> June at 10.30am

23/01383/B

23/00407/B



23/01384/B

Further, members agreed to make a site visit in relation to item 5.5 (PA 23/01364/B) at 10AM on the 27<sup>th</sup> June.

Potential apologies from Mr Callister regarding this site visit to 23/01364/B

**7. Section 13 Legal Agreements (If any)**

The Members noted a section 13 agreement had been concluded since the last sitting, relative to application ref 22/00171/B, and the conversion of tourist apartments to residential at the Falcons Nest in Port Erin. The Notice for approval has been issued.

**8. Any other business**

No additional business noted.

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

The Committee noted that the next Planning Committee had been set for June 24<sup>th</sup> 2024.

There was no further business and the meeting concluded at 12.50.

**Confirmed a true record**

Redacted

Redacted

PP Deputy Secretary to the  
Planning Committee

Mr R Callister, MHK  
Chair of the  
Planning Committee

25/06/2024