



Isle of Man Government

Reiltys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 24th 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
Miss A Betteridge, Member
Mr P Whiteway, Member

In Attendance: Miss A Morgan, Acting Head of Development Management
*Mr J Singleton, Principal Planner
*Mr C Balmer, Principal Planner
*Mrs V Porter, Planning Officer
*V Mr T Cowell, Planning Officer
*V Mr H Laird, Planning Officer
Miss E J Callow, Secretary to the Planning Committee
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 10th June 2024 were agreed and signed as a true record.

4. Any matters arising

None

5. The Chair explained that the meeting was to be split into a morning and afternoon session, as explained in the agenda.

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

The first three items were being represented after the applications had been adjourned at a previous sitting, May 20th, in order that the members could make a site visit. The site visit was carried out June 13th.

Whilst all three items related to the same site they were being presented separately.

The Chair stated that whilst he would chair the meeting, only members who had attended the site visit would vote. Specifically Mrs Hughes, Mr Warren and Mr Whiteway were eligible.

Mr Young declared a perceived interest and left the room

Item 5.1 Field 430886 Edd Beg Kerrowkeil Road Grenaby Malew IM9 3BB PA23/01384/B	Erection of detached greenhouse, shed and raised beds (retrospective) Applicant : Mrs Carole Berry Case Officer : Hamish Laird Recommendation : Refused
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The Case Officer further reported on the applications and summarised the key issues arrived at subsequent to his report and the site visit.

The site was explained to the member's in relation to the raised beds and the relationship to the land around it.

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

Whilst the agent, had registered to speak on all applications, the applicant spoke.

The site comprised of her Cottage and 5 acres, which was not formally farmed, and not producing a single crop. She is solely responsible for managing the site and actively supports sustainability, keeping work as light as possible. Hence solar panels and electric car.

The applicant does occasionally have help from neighbours and the Manx Wildlife Trust, with intention being to conduct more tree/willow planting.

Along with Castletown Primary School it is intended to plant Manx meadows. As these areas become established there will be less management required, however she also has intention to create a wild life area.

Currently the applicant has 19 Willow whips in the greenhouse, to support the planting proposed, but due to the wet and cold had not been able to transfer these to the raised beds. The whips need to be 2ft tall before planting outside.

Only 8 of the 50 willow whips planted last year had survived

The applicant was unaware that planning permission was required for the works undertaken.

The Members thanked the applicant for accommodating their site visit. They did not feel any issue had been caused as a result of the development, and having been on site they felt the development was acceptable

The members voted to approve the application, contrary to the Officer recommendation and stated their reasoning as:

The extent of the development was minor;

The impact was limited;

It was appropriate to owner;

The limited visual impact and nature of ongoing projects was considered acceptable;

It involved no extension to residential curtilage of Edd Beg.

DECISION Item 5.1

The Members eligible to vote **were against** the recommendation of the Case Officer and the application was **approved** subject to the following condition(s).

1. The development, hereby permitted for the retention of the greenhouse, shed and raised beds, shall not involve any extension to the residential curtilage of Edd Beg.

Reason: The site comprises agricultural land and any extension of the curtilage in this location would represent an unwarranted enlargement of the residential curtilage of Edd Beg contrary to the provisions of Policies Env 1, and Gen 2 b) and c) of the Isle of Man Strategic Plan 2016.

APPROVAL REASON

The application for the retention of the detached greenhouse, shed and raised beds is considered to be acceptable in terms of their siting, design, scale and relationship to the existing dwelling at Edd Beg. They would also have a limited visual impact on the rural character and nature of the site and its surroundings. This accords with policies Gen 2 b) and c), Gen 3, Env 1, and Env 22 iii) in 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

Item 5.2 Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB PA23/01383/B	Erection of a detached garage and car port and extension to curtilage (retrospective) Applicant : Mrs Carole Berry Case Officer : Hamish Laird Recommendation : Refused
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The site was explained. The location of the garage, whilst it had been erected as was approved its location was on a different foot print, with addition of a car port and wooden shed.

Photographs were presented which corroborated what had been seen on site. The relationship of the structure to the house was highlighted.

A comparison drawing was asked for by the applicant/agent to support their statement.

The applicant spoke to reiterate appreciation for the member's site visit – the footprint of the garage had been highlighted at the site, vehicle clearance was investigated prior to build and it had been established it could not be constructed in accordance with the approved drawings without impact on the hedge

The build had been moved back by 9 feet (2.72m) to allow for safe access and egress out of the garage. Other than this the structure in place was exactly as approved – her home is exposed in every direction.

A number of storms had been experienced in the last year, demanding that everything on site that could be, must be kept under cover. The elevations required covered storage. Moving the garage had maximised shelter to the site, along with improved access/ egress.

She has no near neighbours and no one had been impacted by the move.

The Officer apologised at failing to include the comparison drawing in the presentation and reaffirmed the structure was in accordance with the approval – just in a different location.

Members recognised the build dimensions as being in accordance with the approval but frustration at failure to comply with the siting in the first instance was stated. The explanation and reasoning for doing so was accepted.

The applicants breach of residential curtilage and acknowledgment that permission was appreciated, having applied for it in the first instance was stated. Members expressed concern as to creation of a separate dwelling. The use was recognised and respected, with a confliction as to the creep into land outside the garden area.

The placement may well have reached approval had she applied for such in the first instance

DECISION Item 5.2

The members able to vote declined the recommendation of the Case Officer and the application was **approved**.

In approving the application contrary to the Officer recommendation the Members:

Accepted the limited visual impact arising from the change of the siting of the garage from that previously approved and from the addition of the car port and shed which was considered not to be harmful to the character of the site and its isolated rural surroundings, subject to conditions relating to:

Details of any outdoor lighting;

Restrict the use for the purposes of Edd Beg only;

Members requested that the conditions attached to the permission should also mirror the conditions of the original garage approval PA20/01938/B. On checking this permission, there were no additional conditions attached to it other than the standard 4 year time limit condition. As the application is retrospective, this condition does not apply, and is, therefore, not required.

The approval was subject to following conditions;

1. For the avoidance of doubt the land hereby approved for residential use and the garage, car port and shed installed thereon, shall be for ancillary residential use only, and shall only be occupied/used by the occupants of Edd Beg, Kerrowkiel Road, only and by no other persons.

Reason: Permission has been granted for use of the land for the purposes of Edd Beg, Kerrowkiel Road only, and the application has been considered on this basis only.

2. All details of any external lighting to be applied to the buildings surfaces or at ground level around the site shall be submitted to and approved in writing by DEFA Planning. Any such lighting shall be installed in accordance with the approved details and shall be operated in accordance with the manufacturer's instructions and shall thereafter be retained and maintained at all times.

Reason: To minimise the impact of the development on the occupants of neighbouring and nearby dwellings; and, on Bats, Birds and any other Protected Species; and, to safeguard the rural character and amenities of the area including minimising the impact of the development on the rural night sky.

APPROVAL REASON

The application for the retention of the detached garage, car port and wooden shed and the extension to the curtilage of Edd Beg to accommodate these structures is considered to be

acceptable in terms of their siting, design, scale and relationship to the existing dwelling at Edd Beg. They would also have a limited visual impact on the rural character and nature of the site and its surroundings. This accords with policies Gen 2 b) and c) Gen 3, Env 1, and Env 22 iii) in 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

Item 5.3 Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB PA23/00407/B	Proposed alterations and extension to side North-West elevation to create additional living accommodation. Applicant : Mrs Carole Berry Case Officer : Hamish Laird Recommendation : Refused
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The member's asked the Officer if his recommendation would be altered in view of the previous two applications/decision. Mr Laird felt he could support an approval at this point, in view of the statutory consultees and the reasons for refusal having been negated in Item 5.1 and 5.2 in that the curtilage extents were now revised

Recommendation was now to approve the development, as an acceptable extension to the dwelling with limited impact on site and surroundings

The Highways Officer confirmed there was no highways impact so had nothing to add.

DECISION Item 5.3

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

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.

APPROVAL REASON

The application is considered to be acceptable in terms of its siting, design, scale and relationship to the existing dwelling at Edd Beg, and would have a limited visual impact on the rural character and nature of the site and its surroundings. This accords with policies Gen 2 b) and c), Gen 3, Env 1, and Env 22 iii) in 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

Mr Young returned to the meeting

Item 5.4 Radar Bunker Creg Lea Farm Niarbyl Road Dalby IM5 3BS PA24/00493/B	Conversion, alteration and extension of Chain Home Radar Bunker to create a dwelling. Applicant : Mr & Mrs Stuart Fayle 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 his report, explaining the site by way of the visual presentation. The site access was pointed out and the properties around it.

The history was then explained and its relevance to the Home Radar Network in 1942 and photo's from that time were presented to demonstrate what had been in place.

The proposal and intentions were described, including materials, utility provision, parking arrangement, visual impact and it being modest in size.

Assessment of similar applications in the locality were referenced.

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

Mr Penketh as the applicant representative had registered to speak on the matter and expressed appreciation of the officer's report and recommendation

Similar considerations in recent times had been made, such as the Sulby Mill development. Also a similar application, for a conversion of a radar bunker in Dalby, some 500m NE of the application site was referenced

Policy HP 11 had been met in that the proposal was thoughtful and considered in the approach, respecting and enhancing the building to save it.

The nature and spirit of HP 11 was being appreciated, and there had been no objection from any parties. Indeed One neighbour has supported the proposal.

Happy with conditions as recommendation.

Any questions can be addressed.

The Members enquired as to the utility connections, which was by way of the existing dwelling and the use would not be separated or used for tourism.

Historic value was noted and the structures current use was as a store, no features remained to recognise/ demonstrate its former use.

The Local Authority had indicated they had no objection, albeit it was noted that the report had not included this updated comment, as it was submitted after the report was completed.

Members appreciated the proposal and HP 11.

The importance and background of the bunker was questioned. Two former sites had been established in the past. This one is one of 40 across the UK. A lot of which have been lost. It was appreciated that the opportunity to be able to retain the structure should be respected.

The glazing treatment proposed to the front was questioned, and whether it should be non-reflective. The glazing and its set back nature was discussed along with suggestions for its finish.

Visibility from Niarbyl Café was referenced. Retention of finish was to be conditioned.

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 extension, enlargement or other alteration of the dwelling(s) 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 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 the grass roof and re profiling details to the roof and elevations of the bunker building as shown on drawing 04, the rear boundary (southwest) low level sod hedge and any further new planting showing, type, size and position of each. All planting, seeding, landscaping, re profiling 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 and retained thereafter. 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

The hard landscaping should include details of the surface finish of the driveway and footpaths as well as any fencing/walls to the boundaries of the dwelling. The hard landscaping works shall be completed in full accordance with the approved details prior to the first use of the dwelling.

Reason: To ensure the provision of an appropriate landscape setting to the development and for biodiversity net gain.

C 4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 5. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and hereby retained thereafter.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 6. Prior to the commencement of the installation of PV solar panels to the south east roof slope of the adjacent agricultural barn as shown on drawing 07 REV A, details shall be submitted which indicated the amount, design and position of the PV solar panels and the panels shall be installed as per the approved plans and retained thereafter for the use of the owners of the dwelling hereby approved.

Reason: In the interest of climate change and visual amenity.

C 7. For the avoidance of doubt the residential curtilage of the property shall not extend beyond the red line (excluding the area of red line which extends over the adjacent barn) shown on the Site and Location Plan (drawing 01 REV A), and be retained thereafter.

Reason: In the interest of the character and appearance of the landscape.

C 8. There shall be no clearance of the vegetation on top of the bunker within the breeding bird season (March to August inc).

Reason: In the interests of the protection of birds

C 9. No works shall commence until 2 open fronted bird boxes have been erected on site. Boxes should be positioned 1-4m above ground on a northerly elevation, amongst/immediately adjacent to thick vegetation in accordance with details to be first submitted to and approved by the Planning Authority. These boxes must be maintained in-situ throughout the construction works and for at least 3 years following construction.

Reason: In the interests of protection of birds

Reason for approval:

Overall, the proposal is considered not to have any significant adverse impacts upon public or private amenities and therefore would accord with Environment Policies 1 and 2, General Policy 3 and Housing Policy 11 of the Isle of Man Strategic Plan 2016 and will enable the continued existence and renovation of a feature of historical interest to the Island.

INTERESTED PERSON STATUS

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

Owner/occupier of Westwood House, Dalby as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; 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; 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.

Item 5.5 The Factory Union Mills Industrial Estate Main Road Union Mills IM4 4AB PA24/00283/B	Conversion of unit into Sim Centre Applicant : Mr Peter Edge Case Officer : Vanessa Porter Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in her report referring to the site lay out and traffic management intended.

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

Mr Millar as representative for the applicant had registered to speak to be present if the members had any questions.

The Members enquired as to potential for flooding which was confirmed as having been addressed by condition.

The location of the development, as to where it is currently, was appreciated and luck to the applicant with his business was extended.

DECISION

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

C 1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to an simulation centre.

REASON: In the interest to protect the character and uses of the neighbouring Industrial Units.

C 2. The flood risk mitigation as stated within section 4 of the Flood Risk Statement dated received on the 20th March 2024, must be carried out prior to occupation. Any alterations to the proposed flood risk mitigations must be submitted to and approved in writing by the Department.

The development shall not be carried out unless in accordance with the approved details and retained thereafter.

REASON: to ensure that there is adequate flood protection of the site and the application has been considered on the basis of the flood risk management proposed.

Reason for approval:

On first review the proposal would be contrary to those established planning policies which seek to direct development to town centre locations or land zoned for such purposes. However in the specific circumstances of this application, in taking account that the site has been functioning already within a unit and is moving to bigger premises, coupled with the current proposal and the nature of the single business operation of the specific end user, that on balance, the change of use would make best use of the site, with no increased impacts on the surrounding landscape or environment in line with the principles of Strategic Policy 1 and General Policy 2. It is also noted that whilst the site would not have enough parking as per the parking standards of Transport Policy 7, there would be enough for the proposed use of the site and that a relaxation on parking standards should be applicable, noting the times it is likely to be open and the users of the site themselves.

INTERESTED PERSON STATUS

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

Item 5.6 Land Adjacent To Quay West Apartments, River Douglas And Lake Road Douglas Isle Of Man PA24/00310/B	Residential Development Comprised of 109 Apartments and Associated Infrastructure Applicant : Dandara Homes Limited 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.

Mr Cowell explained the site and the intentions by use of aerial photography. The site lay out was referenced alongside elevation drawings to demonstrate the height. No ground floor accommodation was being proposed, due to the potential for flooding. The different floor levels were presented, followed by the landscaping intended.

CGI was used to demonstrate how the development would sit against the existing proximity, in particular to the site as would be viewed from the railway station.

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

Mr Humphrey as representative for the applicant had registered to speak and he expressed surprise at the low attendance for the application consideration.

This was a previously developed site and well located to the town centre and transport links. It had been progressed via the major application process with extensive pre consultation with DOI highways and flood management, and the MUA.

The Affordable Housing (AH) provision had already been agreed between the DOI and Douglas City Council (DCC)

The Members enquired as to the nearest Public Open Space (POS), which was confirmed as the Promenade. The Bin Storage had been clarified with the Local Authority.

The sum for POS had been agreed with DCC as £65K, the figure had been suggested by the DCC. The recreation space was to be committed within the S13.

Provision of electric charge points had been raised, and whilst this was still to be formally resolved to conclusion, ducting was being provided within the build which could be future utilised.

The 6 AH units were explained and the 'need' for apartments. The applicant detailed the discussion held with DOI Housing, and their being more agreeable to some apartments being provided for on this site. Comparative to the usual demand for housing.

The Chair raised the apartment size, and the applicant explained the balance from a commercial perspective.

The apartments proposed were compared to those on the former EB Christians site.

The applicant referenced the demand for the units in Royal Court in Port Erin, which had sold well.

The members appreciated the design, exclusion of ground floor for accommodation and the conditions as recommended.

The regeneration of the area was commended, proximity to amenities was recognised.

The case officer flagged there were 19 conditions but wished to tweak a handful of the conditions as recommended, specifically conditions 4, 5, 7 and 14.

Policing impact on the nearby river was discussed, which would be monitored by the wider environmental protection authority. A note to that effect had been included.

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans (drwg. nos. A_PLN_102 Rev P4; A_PLN_103 Rev P3; and A_PLN_106 Rev P5), and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The provision of visibility splays for the Lake Road and 'Old Lake Road' accesses as per approved plan A_PLN_106 Rev P5 shall be implemented before the first occupation of the development and retained clear from obstructions greater than 0.60m in height for the lifetime of the development.

Reason: In the interests of highway safety.

C 4. Full details of cycle parking facilities as noted on the approved plans shall be submitted to the Department for approval in writing and thereafter implemented in accordance with the approved drawings. The cycle parking facilities for each residential block shall be provided prior to the first occupation of any apartment within that block, and thereafter retained in perpetuity in accordance with the approved drawings.

Reason: To ensure the delivery of appropriate cycle parking facilities.

C 5. No above ground works shall commence until sample details of all external wall finishes and roof finishes have been submitted to and approved in writing by the Department. The finishes are to be installed in accordance with the approved details, and be retained thereafter.

Reason: To preserve the setting of the nearby registered building, preserve the character and appearance of the surrounding area and to not affect adversely views into or out of the Douglas (North Quay) Conservation Area.

C 6. No installation of stonework on any part of the development hereby approved, including the riverside wall, shall commence until a sample panel of stonework has been erected on site (or an alternative location) and approved in writing by the Department. The stonework shall not be installed unless in accordance with the approved details and must be retained thereafter.

Reason: To preserve the setting of the nearby registered building, preserve the character and appearance of the surrounding area and to not affect adversely views into or out of the Douglas (North Quay) Conservation Area.

C 7. The first apartment within each residential block hereby approved shall not be occupied or operated until the internal arrangements for that block relating to car parking, including that for the mobility impaired; electric vehicle charging; bin storage; and internal vehicle routes as shown on the approved plans have been implemented. Such areas shall not be used for any purpose other than those which have been consented, and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 8. The off-site highway works detailed on the approved plans, including the controlled crossings on Lake Road and Bridge Road, and the lay-by on Lake Road, shall be completed before prior to the first occupation of the approved development.

Reason: In the interests of highway safety.

C 9. The pedestrian and cycle walkway from 'Old Lake Road' bounding the site to the south adjacent to the River Douglas shall remain open to the public for the lifetime of the development.

Reason: To ensure free movement of public access and connectivity around the site.

C 10. All landscaping must be undertaken in full compliance with the details contained in the Landscaping Plans (Drawing Nos. A_PL_130 Rev P2, A_PL_131 Rev P2 & A_PL_132 Rev P2) and Planting Schedule (Drawing No. A_PL_133). The works shall be carried out prior to the occupation of any part of the development. 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. Thereafter, all soft landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to assist the creation and management of biodiversity.

C 11. Bat and bird boxes must be installed as per the details contained in the Bat and Bird Box Locations document (Drawing No. A_PL_135 Rev P2) and shall thereafter be retained in perpetuity in accordance with the approved details.

Reason: In the interests of biodiversity.

C 12. Permanent external lighting must be installed as per the details contained in the Horizontal Illuminance Drawings document (Drawing Nos. A_PL_141, A_PL_142 & A_PL_143) and shall thereafter be retained in perpetuity in accordance with the approved details.

Reason: In the interests of biodiversity and to safeguard protected species.

C 13. The development shall be undertaken in full accordance with the mitigation and flood risk prevention measures outlined in the approved Flood Risk Assessment (Waterco) received 21.03.24.

Reason: To ensure that the development would be appropriate from a flood risk perspective.

C 14. For the avoidance of doubt, no discharge of surface water into the combined public sewers from any part of the development is permitted.

Reason: To ensure an appropriate drainage strategy for the site.

C 15. Notwithstanding the provisions of the Town and Country Planning (Telecommunications) Development Order 2019 or any order amending, revoking or re-enacting that Order no telecommunications apparatus shall be erected or installed under Schedules 2 or 3 to that order without an express grant of planning approval from the Department.

Reason: In the interests of the wider strategic views of the area, the character and appearance of the development and the visual amenity of the conservation area

C 16. Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials and in the interests of the character and appearance of the development.

C 17. Any telecommunications apparatus (not for the purposes as set out under Town and Country Planning (Telecommunications) Development Order 2019), extraction plant, air conditioning units and any other plant or equipment that is required on the exterior of the buildings shall be installed in accordance with details to be submitted to the Department in writing to be agreed. The details shall include: proposals for communal provision of television receiving equipment, wherever possible; siting; appearance; any arrangements for minimising the visual impact; and any arrangements for mitigating potential noise and vibration.

Reason: To ensure that any telecommunications apparatus and other plant or equipment that is required on the exterior of the buildings preserves the highest standards of architecture and materials as a key feature building

C 18. 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, 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 under the terms of Class 39 of Schedule 1 to that Order without an express grant of planning approval from the Department.

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

C 19. 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 bird strikes, due to proximity of nearby nesting birds.

N 1. For the avoidance of doubt, the applicant is advised that the approved development is required to be undertaken in full compliance with the Wildlife Act 1990 and the Water Pollution Act 1993. The applicant is therefore strongly advised to carry out the development in full accordance with the submitted Site and Construction Environmental Management Plan (February 2024).

N 2. The applicant is strongly advised to ensure that all measures contained within the submitted Travel Plan (Bryan G Hall, May 2024) are adhered to in full.

Reason for approval:

The application site is identified for development and the proposal is judged to comply with the site allocation, as further detailed within Comprehensive Treatment Area Proposal 3. The proposals are considered to constitute a high standard of design, without resulting in a detrimental impact upon the amenities of occupants of the adjacent residential development. The proposals are deemed to give rise to a positive impact upon the character and appearance of the wider locality and setting of the adjacent Conservation Area by redeveloping a prominent brownfield site, whilst further delivering a significant number of new apartments which is afforded significant weight.

The proposals would further not result in a detrimental impact upon the safety and convenience of the local highway network, whilst further being deemed acceptable from a flood risk perspective. The development is therefore deemed to comply with Strategic Policies 1,2,4,5,10,11, Spatial Policy 1, General Policies 2,4, Environment Policies 4,5,10,22,42,43, Housing Policies 1-5, Recreational Policies 3,4, Transport Policies 1,2,4-8, Infrastructure Policies 1,5, Energy Policy 5 and Community Policies 7,10,11 of the Isle of Man Strategic Plan 2016, relevant policies of the Area Plan for the East 2020 and the Residential Design Guide 2021.

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:

Isle of Man Fire Service
Isle of Man Constabulary
Manx Utilities Authority
Business Isle of Man, Department for Enterprise
Department of Infrastructure Flood Risk Management Division
Department of Infrastructure Public Estates Division

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

Barraughar, Lazy Hill, Peel Road, 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.

The meeting was suspended at 11:30am with intention to reconvene for an afternoon sitting in order to accommodate the multiple telecom application.

The meeting resumed at 1pm

The Chair noted that a representative for the applicant was present and available to speak on all the applications.

The members agreed to consider the applications out of sequence to accommodate the applications where third parties had registered to speak.

The Case Officer gave a general introduction and provided an overview of all the applications being presented and the common similarities for these sites across the island. He highlighted the policy narrative from the National Broad Band Plan, National Telecoms Strategy and those intervention zones and clarified all applications were in defined residential areas as noted in the Strategic Plan and zoned for development.

The telegraph pole use across the IoM was clarified and the amount used was circa 13k, only being used where necessary and where there is no other feasible alternative. The poles dimensions and how they are sited was explained highlighting that they would sit at the back of the public footpaths, on the boundary and on the joining boundary of the properties was also clarified and confirmed to be done in accordance with regulation and best practice.

Previous planning applications that were similar in their approach to infrastructure delivery and has been before the planning committee this year were referred to and showed where two had been approved and one refused with the reasons for refusal being noted by members.

An extract of the Island plan was referenced and read out and the intentions of Tynwald support was noted and explained how this drops down into the Telecoms strategy and National Broad Band Plan that applies to the island as a whole and for all residents. This is what has driven the improvement for broadband fibre across the island and funding has been released from DfE to help those commercially unviable areas.

Elements of permitted development referred to in his report were highlighted and an explanation of these given to highlight how these applications would not conform to the criteria in the PDO and this is why there are now planning applications before the committee.

Item 5.7 Marlborough Crescent Ramsey Isle Of Man PA24/00257/B	Installation of five 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene.

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

The owner/occupier of 10 Marlborough Crescent had registered to speak on the application. The key points raised were on behalf of the residents and whilst they object to the principle of fibre access they rejected the reversal of a long established policy.

The residents appreciated that the matter being referred for committee consideration

The submission is flawed as the content of the application form contained inaccuracies, referring to the street address, highway consultation and tree and hedges claims. Reference had been made to strategic plan and was selective against reference to the island plan. Streets should be safe and healthy, and reflective of resident wishes.

Paragraphs of the officer reports were questioned, listing 2.4, referring to 13 properties – 8 written objections from the 16 properties, there were 13. No comment should not construe approval/support and the committee’s previous decision on Thornhill Park was referenced.

Not pertinent to this instance in the assessment. All utility cables should be underground and there is provision for this within the existing ducting.

PD provides for generic approval, not site specific, referred to 4.6 schedule 1, which offered inconsistency when compared to the proposals.

Excavation diameter reduced the footpath sides. Design and siting was referred to. Also that the residents had met with Telecom who had confirmed that ducting was uneconomical – but no evidence had been given that alternatives had been investigated.

The applicant (Manx Telecom) was asked if he wished to exercise his 3 minutes, to which he gave a general overview to the building/composition of all the applications in general. Each

starting with a ground survey and later raising a site survey. Ducting and conditions were assessed but this then came down to cost. Pole heights were set at a minimum to accommodate High vehicles and cable drops. Recently had been looking at DOI footpath reinstatement policy, which does impact cost for full pavement restoration but DOI will allow an easement on this for a partial width. Poles are the most reliable way of delivering fibre where there is no available infrastructure in the ground.

In clarification of the key issues the Members asked Mr Singleton to respond to the issues raised by the objector relating to inaccuracies in his report. He responded to each and concluding with the clarifying pavement width with the assistance of Highways. The plan reflects at 1300 footpath width in the plan as presented, comparing it to PD and proving that a planning application was required.

Telecom were asked if they would not progress Fibre installation if this application was refused – which was confirmed that they would not if there was no market demand in the area.

H&S concerns were raised by the members as to the pavement width.

The Chair asked if they were poles currently within the site. The case officer referred to his report and para6.20 which confirmed at his site visit there was no poles in the streetscene.

Telecom advised as to pole size and the hole this would accommodate and installed via an auger drill. The depth and size of the hole in supporting the pole would impact the path width initially but reinstated so only the pole width would be the restriction in the pavement. Wheel chair use width was raised and confirmed by Highways in relation to the pavement widths and Manual for Manx Roads.

Question was raised as to Telecom tendering for the fibre provision, and was this known at the outset. To which the applicant was not aware of any other tenders only that MT has been successful in winning the tender process.

Product life span on overhead cables was raised by members. The danger to impact pole provision was confirmed as being from trees. The cable provision via poles would be 40 years.

Height and distance over private/third party land was confirmed and applied in according with telecom policy and best practice documentation.

The ducting was non-existent or missing for a large area of this estate.

This work was tendered for all of the island. The infrastructure provided would be generic.

The applicant was asked to explain the obligations for reinstatement of the footpath.

DECISION

The Committee **unanimously** declined the recommendation of the Case Officer and the application was **refused** subject for the following reason, which was suggested by Mr Young and seconded by Mr Whiteway.

The proposed installation of FIVE 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):

No's;1, 2, 4, 7 Marlborough Crescent
No's 5, 7, 10 Marlborough Way
No. 4 Clifton Drive

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

Item 5.10 Ballaterson Fields Ballaugh IM7 5AW PA24/00260/B	Installation of five 9 metre and one 10 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene.

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

The owner occupier of Cair Vie had registered to speak on the matter and this main issue raised on behalf of the residents were they first becoming aware by this application. He then stated the history of his calls and correspondence with Manx Telecom and his MHK. Most with no reply.

Reference to the duct covers in Ballaterson, obtained via the MHK, was that they "had been concreted in".

The dimensions of the poles would suggest that each pole would need to be installed in the gardens of residents and would be a scar on the visual outlook of the estate.

The only formal required dimension for pavement he could find was in the Manx Roads policy document.

The plan as presented did not show a primary feed to serve the poles as suggested only the distribution of cables to properties.

The applicant confirmed that the first section of the estate had adequate ducting to support fibre but this did not extend into the further properties. There are chambers / junction boxes but not sufficient ducting from them to the properties.

The primary feed was confirmed as being be closest to the first pole.

1GB could be expected at the moment.

18 of the 36 houses have objected, with no residents in support.

DECISION

The Committee **unanimously** rejected the recommendation of the Case Officer and the application was **refused** for the following reason. Suggested by Mr Young and seconded by Mr Whiteway.

The proposed installation of SIX 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): referenced;

No's 12,37,20,35,36,19,38,29,27,18,15,22,32,23,16,24,26,14,28,31 Ballaterson Fields

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

Item 5.11 Larivane Close Andreas Isle Of Man PA24/00328/B	Installation of 4 x 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 and indicating where the existing poles were in the village along the Highways entering the estate and that Larivane Close was currently 'pole free'.

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

The owner occupier of 17 Larivane Close had registered to speak and the key points raised were he represented the 18 residents, all bungalows currently presenting signs 'against' the poles. And the air free vista. All properties are privately owned and no poles in the street.

Consultation has been very poor.

They do not want 19th century street furniture and concerns were expressed as to longevity and need for maintenance. All are linked via fibre, there is copper connecting to the properties at the moment and the copper offered solutions.

There were electronic options moving forward. This proposal is unpopular, undated not future proofing island wide advancement.

The applicant had nothing further to add.

Member discussed, where the poles are all to be situated in front of the properties one of them in particular was not in a satisfactory position in front of a dwelling window.

Google street view was referred to which did show Manx telecom works in the ground.

The merging of copper and fibre was discussed and the applicant referred to its potential in street cabinets but not to consumers as would require power.

The members referred to the aesthetics of the village being spacious and that the estate is currently pole free and the impact of these poles on very rural estate that is open and not a lot of street furniture.

The number of objections was referred to.

The Case Officer highlighted that a third of the islands provision was by poles

DECISION

The Committee **unanimously** declined the recommendation of the Case Officer and the application was **refused** for the following reason. Suggested by Mrs Bettridge and seconded by Mr Warren.

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):

4, 5, 15, 17, 18, Larivane Close, Andreas

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

Item 5.13 Ballalough Estate Andreas Isle Of Man PA24/00330/B	Installation of 11 x 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene.

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

The Highway Services representative reported.

The owner occupier of 14 Ballalough Estate had registered to speak and she advised that she was representing 90% of the residents.

The residents had not asked for this development and had no consultation from telecom

The images do not show the wires. Neighbours do not want their currently clear space polluted with cob webs of sky lines littering the skies

A soft dig could support the provision of fibre. North shore road in Ramsey was referred to as an example.

Impact on bats was mentioned and referred to as an issue.

Ridiculous to install poles at this point when investment had been made toward underground installation

There are many children and number of families in the area and visibility of children on the highway when on their bikes will be restricted.

The status of pavements was questioned, which was confirmed by the applicant as being a DOI responsibility which they can share at times and noted as not being tarmac and broken in some places.

The chair enquired as to mention of the strip in a pavement, that may have already been dug up, as raised by the objector. The applicant confirmed that most pavements in that area were made up of concrete and those works would have been localised.

The members asked if they had investigated soft dig options – the applicant confirmed that this had been looked into in all scenarios but was ruled out given the existing buried services competing underground.

DECISION

The Committee **unanimously** declined the recommendation of the Case Officer and the application was **refused** for the following reason. Suggested by Mr Whiteway and seconded by Mr Warren

The proposed installation of ELEVEN 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):

No's;15, 13, 1, 44, 14, 2, 50, 55, 56, 21, 29, 37, 22, 43, 28, 41, 51, 53, 49 Ballalough Estate

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

Item 5.14 Howe Road Onchan PA24/00331/B	Installation of 9 x 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene. The case officer noted the additional comments from Onchan Commissioner's that were received on 21st June and they were registered to speak today.

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

The Chair wished it minuted that whilst the Clerk of the Local Authority Mr Phillips was known to him this was not such that he need declare any perceived interest.

Mr Phillips overview questioned 7 of the 9 poles and their proximity to boundaries and footpath and issues they would present.

8 of the 9 poles may impact interfere with foundations of boundary walls, and 6 of the 9 poles did not comply with the Telecom Permitted Development Order.

6 of the properties may be impacted by the visual impact from their windows blighting their outlook. Further a count of properties had been done that showed those that had fibre, and those that had not fibre, where the private ducting was and where the fibre at the curtilage were listed in their supporting information.

The authority had issues remaining regarding costs and speed, and a material consideration should be attributed to the number of objections, there all should remain as a precedent.

The owner occupier of 35 Howe Road had registered to speak and the key points he highlighted related to Telecom policy which was to provide underground connection where possible.

The presence of poles and lack of ducting on private persons property does not negate for fibre provision

Telecom got as far as number 43, as his neighbour had confirmed this. The ducting to his own had been installed at his own expense in readiness and at the same time as he was having work done at his own property.

There remains a conflict between what he has been advised from the applicants in the past and that now being presented. He referenced Ballamillyghan and the precedent being set and how this part of Onchan was so different.

The impact and street scene with poles was mentioned, and these will strongly impact visual attraction to and within the area.

The applicant was asked and he explained that the location as to the extent of the ducting in that locality – the poles by this submission were highlighted where the ducting was lacking.

DECISION

The Committee **unanimously** rejected the recommendation of the Case Officer and the application was **refused** for the following reason. Suggested by Mrs Hughes and seconded by Mr Whiteway.

The proposed installation of NINE 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):

No's

33,45,26,36,54,47,48,57,61,39,35,59,40,31,20,51,6,58,43,44,25,60,30,34,41,37,51,56,42,38,32,46 Howe Road, Onchan

No. 111 King Edward Road, Onchan

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

The original agenda order was reverted to.

Item 5.8 Claughbane Estate Ramsey IM8 2BH PA24/00227/B	Installation of 12 x 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene. The case officer noted the additional comments from Onchan Commissioner's that were received on 21st June and they were registered to speak today.

One slide was specifically referred to by the members which they felt demonstrated and highlighted the narrowness of the footpath as presented in the photomontage and the further narrowing by placing a pole in this location.

The members questioned why there were no poles included in the estate in the first place, in the example of 60's and 70's developments. The case officer advised that at the time of construction, it is likely as all services were merely buried in the ground this might have shared the same trench. For reference he advised that across the Island a third of the cables are ducted, a third are simply buried in the ground and the remaining third are supplied via telegraph poles.

It was noted that Government had taken steps to accommodate fibre provision by way of the PD rights in place.

DECISION

The Committee **unanimously** rejected the recommendation of the Case Officer and the application was **refused** for the following reason suggested by Mr Whiteway and seconded by Mrs Bettridge

The proposed installation of TWELVE 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):

No's 57, 52, 48, 58, 33, 40, 27, 47, 41, 50, 27, 51, 38, 53, 56, 46, 54, 30, 37, 39, 45, 60, 49, 31, 38, 44, 43, 49 Cloughbane Drive

No's 17, 21 Cloughbane Avenue

No's 12, 14 Barrule Park

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

Item 5.9 Fairways Drive, Ramsey Ramsey IM8 2BA PA24/00234/B	Installation of 6 x 9-metre wooden telegraph poles with associated overhead wires. Applicant : Manx Telecom Limited 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 site was clarified, the location of the poles as intended, and how the cables would be located to serve the properties in the streetscene.

The Case Officer confirmed when questioned that the dimension of the 9m poles as presented on the photomontage were to scale and showing approx. 7 to 7.5 meters of the pole would be seen above ground with the remained in the ground as a foundation.

A discussion was had on the heights of the properties in the street and how they present and the differences in the level to the lower part of the estate where they sit lower than the road, which may exacerbate the issue with the poles towering above the properties.

DECISION

The Committee **rejected** the recommendation of the Case Officer with the exception of Mr Young and the application was **refused** for the following reason. Suggested by Mr Warren and seconded by Mrs Hughes

The proposed installation of SIX 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):

No's; 35,28,23,21,15,31,11,7,9,13,6,27,39,4 Fairway Drive

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

<p>Item 5.12 2-8 Ballasteen Drive Andreas Isle Of Man</p> <p>PA24/00445/B</p>	<p>Installation of 1 x 9-metre wooden telegraph pole with associated overhead wires.</p> <p>Applicant : Manx Telecom Ltd Case Officer : Jason Singleton 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 site was clarified, the location of the pole as intended, and how the cables would be located to serve the properties in the streetscene.

The pole was noted as being placed adjacent to the green verge at the side of the footpath.

The Members felt that the pole placement in this location were not causing as much impact on Ballasteen as in the other considerations.

The applicant confirmed when questioned about the houses to the north, that the ability to accommodate poles in the adjacent part of the estate to the north was an issue as the other utility services are sat the back from edge of the footway and there is a gas main where they (applicants) would normally locate their poles.

The placement of ducting in certain scenarios was discussed as was the option for open dig trenches and depending on the poles diameter how this would restrict the pavement width and the wider issue this can create for pedestrians was discussed in general.

The potential for MUA and their installation of telegraph poles under PDO was explained and when a planning application would be required.

Members questioned what if the pole was not built where it was shown, can they deviate from their shown location? The HDM explained when questioned, where planning permission is given it would be for the applicants to build in accordance with those approved plans, if they do not there could be a breach of planning control and an enforcement investigation. The photo referred to on the applicant's submission appeared to show the placement of a poles in a private garden. It was clarified by the applicant that it was shown in the pavement and this was the intention here.

DECISION

The Committee accepted the recommendation of the Case Officer, with exception of Mr Whiteway and Mrs Betteridge, 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 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

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's 2, 3, 6, 7 Ballasteen Drive, Andreas

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

6. Site Visits

The Committee reaffirmed their arrangement to conduct a site visit in relation to item 5.5 from the previous meeting, (23/01364/B) 10am 27th June.

7. Section 13 Legal Agreements (If any)

None

8. Any other business

None

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 8th July 2024

There was no further business and the meeting concluded at 2:40pm

Confirmed a true record

**Secretary to the
Planning Committee**

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

8th July 2024