

GARFF PARISH DISTRICT COMMISSIONERS

Minutes of the Monthly Meeting

Wednesday 4th July 2018 7.00 pm

Present: Mr S.Clague (SC), Mr N. Dobson (ND) (Chairman), Mrs M. Fargher MF) (Vice Chairman), Mr T Kenyon (TK), Mr P. Kinnish (PK), Mr L. Miller (LM), Mrs J. Pinson (JPn), Mr. J. Quayle (JQ), Mr J Smith (JS).

In Attendance: Mr P. Burgess (PB), Clerk, Mr M.Royle (MR), Deputy Clerk/RFO, Mrs Julie Peel (JP), Housing Manager.

Apologies:

39/18

Attendance of Abigail Morgan, Senior Planning Officer to discuss planning enforcement policy and issues.

*At 7.00 pm, **ND** welcomed Ms. Morgan who explained her new role overseeing the planning enforcement process across the Island. She advised that the whole process was being reviewed. Detail changes would be made to make the process more relevant to those submitting enforcement requests. Ms Morgan circulated a draft document setting out how the process worked. She advised that if a breach of planning legislation or conditions had taken place that the Department's response was 'discretionary' and initially an assessment would be made by the Department on the 'harm done'; following this a judgement would be made. Ms Morgan advised that the first action would be to assess whether negotiation could affect an acceptable solution. Any further enforcement powers the Department had could not be enacted immediately, pointing out that any action would normally have to progress through the courts and the High Bailiff. One criteria that was applied was in regard to the level of 'harm that had been done to the landscape and amenity by the development. A further criteria that was assessed was termed the 'expediency' of the case: this was an assessment of whether pursuing an action would result in an achievable and successful outcome. If this were not determined to be the case, then the investigation would not be progressed particularly if the breach were marginal.*

***ND** referred to the 'inconsistencies' which the Board perceived in the past and current approach of the Department to Planning Enforcement. **MF** referred to the increasing use of land for 'lifestyle' purposes rather than agricultural activities. Ms Morgan advised that if zoned as 'agricultural', fields could only be used for that purpose; any other uses were not permissible and required a change of use application. **MF** asked about the sporadic erection of sheds, barns, etc that often occurred when individual fields were acquired. Ms Morgan advised that an assessment needed to be made as to whether the structure was appropriate for the designation of the land, and for the needs of managing that land. She advised that the Department had written to the Island's estate agents advising that land designated as 'agricultural' could not be used for 'lifestyle' purposes. This would deter the vending of land for unauthorised uses. **JQ** asked about the actions that were necessary when enforcement was initiated in such cases. Ms Morgan referred to a case in Lonan where the Department had required the landowner to return land to its former agricultural use. This had resulted in a lengthy and ongoing court procedure for the Department which was draining on the departments resources.*

Ms Morgan acknowledged the perceived and real inconsistencies in the planning enforcement process and advised she would be working to address them in her new role.

***TK** referred to retrospective applications. Ms Morgan advised that they were absolutely necessary when unauthorised development had taken place so that the result could be formally tested against planning and other legislation, but they had to be judged in the same manner, against the same legislation, as an application submitted prior to development. **JQ** asked why there were no consequences when it was found that planning regulations had been breached. Ms Morgan advised that, as part of her new role, these were matters that she would be assessing.*

	<p><i>JS asked about cases in which a breach was pointed out to a property owner, but it was not expedient to pursue the matter further. Ms Morgan advised that it was pointed out to the property owner that they may experience difficulties if they came to sell their property as advocates were increasingly demanding that completion certificates were issued, etc. JPn wondered about the messages being sent out if enforcement cases were not pursued because such action would be costly and unlikely to be successful. Ms Morgan advised that these were normally cases in which the assessment of the case had determined that the harm done was 'minor' or 'marginal'.</i></p> <p><i>JPn asked about planning enforcement in a conservation area. Ms Morgan advised that it would be one of the factors in assessing an enforcement investigation.</i></p> <p><i>In responding to a point made by ND on material planning matters, Ms Morgan advised that there was no 'right to light' as such, but where development caused 'loss of light' this was a material planning matter that could be considered and assessed as part of a planning application.</i></p> <p><i>There followed discussion of potential changes to Permitted Development Orders.</i></p> <p><i>ND thanked Ms. Morgan for briefing the Commissioners and closed this part of the meeting at 7.58 pm.</i></p>	
40/18		Action
41/18	Planning Matters	
	Planning Applications	
a)	17/01043/B Copper Top, Booilushag, Re-alignment of driveway access, erection of gateway pillars/piers – amended plans dated 18.06.18. Correspondent from neighbour dated 27.06.18 previously circulated. No objection.	
b)	18/00618/B Henry Bloom Noble Public Shelter, Shop & Public Conveniences, Installation of four replacement windows to front elevation. No comment.	-
c)	18/00653/B Ballabundu, Chapel Lane, Baldrine, Alterations and erection of rear extension. No objection.	-
d)	Planning Approval: 18/00563/B Rosebank, Baldrine Hill, Alterations to pedestrian access (retrospective) to create a vehicular access including alterations to boundary wall and porch to provide visibility – approved 03.07.18. (copy of Highways comment previously circulated). It was noted that the approval had already been granted by the Planning Committee.	-
	<i>SC asked if the MER could be asked to tidy the land beside the mural wall at the station exit. This was agreed.</i>	-
	Approval Notices (DoI Planning Committee)	
e)	18/00182/B White Cottage, Pinfold Hill, Erection of a dwelling (amendments to 12/01690/B – Approved 14.06.18. <i>This approval was noted. No further instruction.</i>	
f)	18/00483/B Boundary Wall Adjacent to Goods Shed, MER, Laxey, Reduction in height of existing boundary wall – Approved 14.06.18. <i>This approval was noted. No further instruction.</i>	
g)	18/00567/B Highcrest, Highfield Drive, Baldrine, Replacement of existing conservatory glazed roof with tiles – approved 03.07.18. <i>This approval was noted. No further instruction.</i>	
	Refusal Notices (DoI Planning Committee)	

h)	18/00267/B Honey Hey, Highfield Drive, Baldrine, Erection of a conservatory above existing garage, and creation of opening and Juliette balcony from new first floor living accommodation – Refused 15.06.18. <i>This refusal was noted. No further instruction.</i>	
Appeal Notices (DoI Planning Committee)		
Planning Enforcement (DoI Planning and Building Control)		
i)	Removal of section of Manx hedge and replacement with fencing on 'Groudle Old Road' behind Baldrine Park. Report submitted to Planning Authority. <i>This matter was noted. The Commissioners will monitor the situation.</i>	
42/18	Approval of Minutes	
a)	Approval of minutes of the meeting of the 13 th June 2018 & the EGM of the 20 th June 2018. <i>13.06.18: these were agreed to be a correct record of the decisions made at the meeting. Proposed MF. Seconded JQ. Resolved.</i> <i>20.06.18: these were agreed to be a correct record of the decisions made at the meeting. Proposed TK. Seconded JS. Resolved.</i>	
43/18	Matters Arising & Other Business	
<i>MF asked if work had been commenced on the All Saints Park Play Area. The Board were advised that it had commenced.</i>		
a)	To discuss the proposals and concept design for a sewage treatment works on the Cairns Site beside Laxey Harbour (Concept design and brief from Manx Utilities previously circulated. Correspondence (20.06.18) from residents of Breeze Hill also circulated). <i>SC advised that he had signed the declaration of interest book.</i> <i>PK asked if a letter from a resident could be read to the meeting. This concerned the effect on tourism and the likelihood of odours. The correspondent referred to the Ramsey plant which the MUA had advised had no odour control as there were no immediate residents. It was noted that the proposals for Laxey would include odour control as recently installed at Kirk Michael – which had apparently eradicated the odour problems in that location.</i> <i>MF asked if alternative sites had been considered. PB advised that there had been extensive studies in recent years which had looked at various possible sites across the village. SC stated that the plant should be sited further east on the concrete area rather in the location currently proposed.</i> <i>A letter from Mr Tomlinson had been circulated and was considered. This concerned bathing water standards and whether the proposed system was adequate to meet the latest bathing water standards. Mr Tomlinson was also concerned about potential leakage from the vehicles servicing the plant, and the consequences of storm water inundating the plant.</i> <i>There followed discussion of several questions which were beyond the scope of this meeting to answer. These regarded bathing water standards, vehicle movements, and volume of sewage.</i> <i>It was agreed that an 'open day' was arranged for Laxey residents to view and experience a similar size facility.</i>	
b)	Manx Utilities – correspondence (12.06.18) seeking approval of the Mines Road Public Lighting Scheme (document to be signed if approved). <i>This document was noted and signed.</i>	
c)	Resident – Correspondence (20.06.18) requesting a memorial bench on Laxey promenade. <i>This request was approved. Clerks to notify correspondent.</i>	
d)	Notice of Motion – That the Commissioners work with the Isle of Man Government to protect the Laxey to Ramsey MER line. Proposed MF, Seconded JQ.	

	<i>Members discussed this matter. It was agreed to contact Ramsey Commissioners with a view to presenting a joint stand against this proposal. Clerks to contact Ramsey and at JP's suggestion, contact the Department for further clarification.</i>	
e)	Proposed new approach to hedge cutting practice in Garff following consultation with residents, DEFA and Wildlife organisations. <i>This matter was discussed. It was agreed to continue cutting the hedges as in previous years.</i>	
44/18	General correspondence	
a)	Baldrine Resident – Proposal for a new dwelling on land in Baldrine, dated 22.06.18. <i>The clerks were instructed to write to the correspondent advising that detailed information or plans should be submitted before they would be able to comment.</i>	
b)	Glen Road Resident – Thanking the Commissioners for resolving some issues relating to their property, dated 19.06.18. This was noted.	
c)	New Road Resident – Letter to the Chairman in regard to the condition of a neighbouring property, dated 20.06.18. <i>It was agreed that the clerks should seek advice from an Environmental Health Officer from DEFA and respond to the resident.</i>	
d)	Valerie Kinrade – Correspondence in regard to Dr Hubbard and his interest and encouragement of Laxey's Industrial Heritage. <i>The Clerk were instructed to advise that the Board would be happy to meet with Dr Hubbard in regard to this matter when he visits the Island.</i>	
f)	Resident of Croit-e-Quill Road – Copy correspondence to Dandara (14.06.18) in regard to the further development at Reayrt ny Glionney. <i>This correspondence was noted.</i>	
g)		
45/18	Committee Reports	
a)	Municipal Association – JS advised that Beach Buddies would be attending a meeting later in the year.	
b)	Laxey & Lonan Heritage Trust – SC proposed that TK remain as director of the Trust, and that SC attend as an observer.	
c)	Laxey & Lonan Sports and Community Facilities – NTR.	
d)	Northern Traffic Management Liaison Committee – NTR.	
e)	Northern Neighbourhood Policing Team Community Partnership meeting – NTR.	
f)	Garff Regeneration Committee – JPN had circulated an email with proposals for the scope and intention of the Committee. This would be forwarded to all Members. JS expressed concerns about the proposed covenant on the Liverpool Arms. JPN asked if the Regeneration Committee could discuss signage at St Adamnan's at their next meeting.	
g)	Eastern Civic Amenity Site Joint Committee – ND briefed Members on the arrangements being discussed by the Committee for the lease of the current site. These discussions were ongoing.	
h)	Northern Civic Amenity Site – NTR.	
i)	Northern Swimming Pool Board - NTR.	
j)	Northern Area Housing steering group - NTR.	
k)	Northern Sheltered Housing Committee - NTR.	
l)	Eastern Area Housing steering group - NTR.	
m)	Waste Management Steering Group - NTR.	
n)	Waste Management Working Group - NTR.	
o)	Cooil Roi Sheltered Housing Committee - NTR.	

