

GARFF PARISH DISTRICT COMMISSIONERS

Minutes of the Monthly Meeting

Wednesday 5th September 2018 7.00 pm

Present: Mr N. Dobson (ND) (Chairman), Mrs M. Fargher MF) (Vice Chairman), Mr S.Clague (SC), Mr T Kenyon (TK), Mr P. Kinnish (PK), 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 Mattin (JM), Housing Manager.

Apologies: Mr L. Miller (LM). PK had advised that he would be late to the meeting.

Chairman: To open the meeting and request that Members consider this agenda and declare any interest that they may, or may be perceived to have, in its business at the appropriate item.

7.03 pm **ND** began the meeting by noting the thank you card from Mrs Mattin for the Commissioners gift of flowers on the occasion of her recent wedding. On behalf of the Board, **ND** communicated their Best Wishes of the Board to her and her new husband.

71/18 Planning Matters

Planning Applications

- a)** 18/00837/C Apartment former Pipe Factory, Tent Road, Laxey, Change of use of second floor apartment to office accommodation.
There were no objections to this application.
- b)** 18/00850/A Fields 621477 & 621479 Adj to Magher Drine, Ballajora, Approval in Principle for the erection of a new dwelling with integral garaging, addressing means of access.
The visual impact of these proposals on the area, particularly from the A15 just below the Ballajora Tram Crossing, was considered. It was noted that this application was on land that was zoned for agricultural use and that the land had not been identified for development potential in any Area Plan (as required at 8.8.3 of the Isle of Man Strategic Plan 2016). It was also noted that there was a presumption against new dwellings in the countryside and that even new agricultural dwellings were presumed against if the agricultural need could not be proven and other conditions not met (Ref. Section 8.9.2 & Housing Policies 7-9 [inclusive] of the of the Isle of Man Strategic Plan 2016). Housing Policy 10 also decrees that any new dwelling should be 'designed in accordance with Policies 1-7 of present Planning Circular 3/91' which limits development of new dwellings to a traditional Manx vernacular design. Having taken note of these Policies, the Board unanimously resolved to Object to this application.
- c)** 18/00866/B Minorca Chapel, Minorca Hill, Laxey, Installation of timber raised balcony deck.
The clerks were instructed to request that the planning officer consider any impact on the privacy of neighbours caused by this development.
- d)** 18/00873/B 35A Ard Reayrt, Laxey, Removal of false chimney stack on west elevation of property.
There were no objections to this application.
- e)** 18/00875/B Cliff View, Pinfold Hill, Laxey, Alterations to property including replacement windows, removal of pebble-dash finish, replacement of flat roofs with pitched roofs to dormer and sun lounge.
There were no objections to this application.
- f)** 18/00870/C Liverpool Arms, Main Road, Baldrine, Change of use from public house to residential property.
ND declared that although he retained no pecuniary interest in this property, he may be perceived to have a 'prejudicial or personal interest'. He withdrew from the room for the duration of the discussion and its resolution.
The Commissioners were very concerned with this application as its consequence was the loss of an important amenity that until very recently has played an important role in the community of

	<i>Lonan. The Commissioners believe that all efforts should be made by the applicant to explore the retention of its current use. It was also noted that the applicant intends to apply a covenant on any sale that prevents any future owner from operating the building as a public house. In respect of these matters, it is clear that the applicant may not be aware of Section 10.8 of the the Isle of Man Strategic Plan which insists that change of use will only be permitted if the developer can show 'evidence of attempts to market the property as a business in these areas'; this dictate results in Community Policy 4. In this respect it was noted that this change of use application was premature and should at this juncture be rejected by the Planning Officer and the Planning Committee. The Board unanimously objected to this application.</i>	
g)	16/01070/B The Willows, Hibernia, Creation of a new agricultural shed Amended Plans). <i>The Commissioners noted that the proposal necessitates the replacement of more than two acres of agricultural land with a systematic programme of tree planting to create a large orchard. Members feel that this will have a clear effect on the character of the landscape in the Hibernia/Ballaglass area.</i> <i>The Commissioners were concerned that the supporting information included with the application was generalised and did not satisfy the requirements of Environmental Policy 15 in regard to providing sufficient proof of horticultural need: particularly to justify the loss of agricultural land with the consequent effect on the landscape character of the area.</i>	
h)	18/00901/B Cronkbane, 5 Baldrine Park, Lonan IM4 6DE, Removal of a sod wall and erection of fencing (retrospective). Members <i>The Commissioners considered this retrospective application in a countryside location. They were unanimous that the development undertaken has significantly affected the landscape character of this ancient highway. They note the contents of Planning Circular 1/92 (Manx Hedges) which presumes that Manx hedges will be retained. The clerks were instructed to object to this application and request that the Manx sod hedge is re-instated to maintain the landscape character of this area of Lonan Parish.</i>	
	Planning Approvals	
i)	18/00723/B Baljean Farm, Baldhoon Road, Laxey, Erection of an agricultural building – Approved 16.08.18. <i>This approval was noted. No further instruction.</i>	
j)	18/00427/B 10 Dumbells Terrace, Replacement of existing front door with GRP woodgrain finish in white – Approved 31.08.18. <i>This approval was noted. No further instruction.</i>	
to note:	<i>PK joined the meeting at 7.24 pm.</i>	
k)	18/00279/B Thornfield, Clay Head Road, Erection of a replacement dwelling – Approved 03/09/18. <i>This approval was noted. No further instruction.</i>	
l)	18/00760/B Fieldhead, Glen Mona Loop Road, Maughold, Alterations, erection of rear balcony and installation of a flue – Approved 04/09/18. <i>This approval was noted. No further instruction.</i>	
m)	<i>Members noted that in the case of applications subject to amended plans some decisions made by the planning authority were made before meetings of the Commissioners took place. The clerks were instructed to write to the Planners requesting that more time was allowed to ensure that the Commissioners could submit their views.</i>	clerks
	Planning Enforcement (DoI Planning and Building Control)	
	<i>Nothing to report.</i>	
	Planning Appeals	

n)	Appeal Rebuttal Statements 18/00267/B Honey Hey, Highfield Drive, Baldrine, Appeal against the refusal of the erection of a conservatory above existing garage, and creation of opening and juliette balcony from new first floor living accommodation. <i>This matter was noted. No further instruction.</i>	
o)	18/00200/A Field 624255, Glen Mona Loop Road, Appeal against the refusal of the approval in principle for the erection of a dwelling.	
72/18	Approval of Minutes	
a)	Approval of minutes of the meeting of the 15 th August 2018. <i>These were agreed to be a correct record. Proposed TK, seconded MF. Resolved.</i>	
73/18	Matters Arising & Other Business	
a)	JPn asked whether a decision had been made for the Commissioners to take over the operation and administration of the Lonan Burial Authority. ND stated that it had at the meeting on the 18 th of July 2018. He advised that this was subject to the usual process of due diligence. The clerks were instructed to circulate the minute of that decision.	
b)	<i>Member Interests</i> ND referred to a request he had made to the Solicitor General in an email dated 16.08.18 requesting a legal definition of the word 'withdraw'. He read a response received on the 17.09.18 indicating that the term meant a Member or Officer removing themselves from a position in which they were capable of dealing with, or influencing, a decision: this meant that the Member should leave the room and not just retire to the public gallery. In these circumstances, there could be no perception or accusation that they had influenced the discussion and debate. ND added that this was consistent with advice received from senior officers at the Local Government Unit, and the Commissioner's advocate, etc. JPn , SC and PK made statements indicating that they did not agree with the position taken by the chair on these matters. There followed discussion of different types of interest. There was some disagreement over what constituted a pecuniary interest, a prejudicial and personal interest. JQ stated it was not just pecuniary interests that would cause a Member to have to 'withdraw' as prejudicial or personal interests could also amount to significant matters. He felt that the law was clear and we must abide by it. JS was concerned that Members may be discouraged from declaring an interest if they could not take part in discussions. ND stated that this was down to the integrity of each Member. JPn felt that, if she had an interest, having to leave the room meant that she was being denied her own rights as a ratepayer and asked if interpretations could be sought in addition to those already received. SC advised that he would be bringing definitive legal advice forward on these matters at the next meeting. ND advised that he was very open to the submission of new opinion in these matters, but until he had contradictory material, he would be applying the rules in accordance with the legal advice received and current Standing Orders. JM reminded Members that if they did have an interest in a matter they were still able to make a written submission to the Board as any ratepayer had the power to do. SC stated that other authorities had a clause in their standing orders which permitted the Board to resolve that a Member with interests could remain. MF noted that this had been discussed by the Garff Board as a possible addition to standing orders at the previous meeting. She felt, however, that it was better to be clear and unequivocal, particularly in terms of public perception, and have the Member with an interest leave the room. ND closed the discussion by reiterating his request that Members bring any new legal interpretations on these matters to his attention as soon as possible.	
c)	Laxey Sea Wall and Harbour Flood scheme – PB to report to Board. TK asked if any further proposals were being considered for the sea wall defences. ND confirmed that the Department had advised that they had listened to the comments submitted to them which would be taken into account in their considerations.	

	<p>PB advised that the DoI's, Andy Spiers, was now on long term leave and had been replaced as lead officer on the project by Graham Smith. It was noted that consideration of any sea defence scheme in Laxey had been set aside until plans had been progressed and presented for a sea defence scheme in Douglas. Mr Spiers had commented in his email as follows:</p> <p><i>"I hope that a solution that is acceptable to the majority of Laxey residents is found because...the issue of flooding in Laxey is a serious one and as time goes on it is only going to get worse. In my opinion, the option of doing nothing really is not acceptable."</i></p>	
d)	<p>Waste Management Strategy – Request from MF to discuss the strategy document. MF felt that the public needed better information and better education about what and how to recycle. She felt that mixed messages were being given out. There was also a conception amongst the public that some items were not recycled anyway. As a consequence MF felt that many recyclables were ending up in the domestic waste stream. JQ advised that more recycling was being done at the Civic Amenity Sites. MF was concerned that no messages about the amount of recycling being undertaken on the Island were being brought forward. This did not lead to a situation which encouraged recycling. No further instructions were given to the clerks.</p>	
e)	<p>Pegasus – Regarding the retainer agreement for YE 2020. It was noted that the fee to maintain the retainer agreement with Pegasus H&S was £1,200.00. It was resolved that this arrangement should be continued.</p>	
f)	<p>Chris Faragher, BB Consulting – Regarding design of a new footbridge for the Valley Gardens in Laxey. The clerks were instructed to contact BB Consulting requesting that they provide design services for the replacement of the timber bridge.</p>	clerks
74/18	General correspondence	
a)	<p>Request to Place Memorial Bench on Laxey Promenade – Email dated 9th August 2018. There were no objections to this request. Clerks to arrange.</p>	clerks
b)	<p>Maughold Parish Social Club – Thanks to the Commissioners for their support on Parish Day 2018. This correspondence was noted.</p>	
c)	<p>Bob Stimpson MUA – seeking confirmation from the Commissioners that they would undertake to maintain the garden beds/children's play area on the Cairn's Site. It was agreed that the Commissioners should write to Mr Stimpson indicating that in principle they would be willing to undertake maintenance of any facilities created in this area. This would depend on the final proposals that came forward.</p>	
d)	<p>Resident – regarding the proposal from DoI for a new sea defence wall. The letter was read and the comments noted.</p>	
e)	<p>Isle of Man Post Office – Public Consultation on modernising the Post Office. Documents from the Post Office in relation to the consultation were circulated. It was noted that representatives from the Post Office would be attending a Commissioners meeting in October to discuss the consultation.</p>	
f)	<p>Cabinet Office – Regarding changes to the Town and Country Planning Act. These changes related to the recent planning consultation were noted. MF expressed concern about the policy directives which could be implemented with Tynwald Approval only.</p>	
75/18	Officers Reports	
a)	<p>Health and Safety – MR reported that the quarterly meeting with Pegasus would be taking place on 06.09.18. at which PB and JM would attend: Steve Partington would also attend. A meeting had also taken place with Allan Kinrade regarding the operation of the refuse collection service. This had established some minor changes which had been incorporated. Mr Kinrade advised that there were no incidents to report in the last quarter. There were no general H&S issues to report.</p>	

b)	Works and Amenities – <ul style="list-style-type: none"> <i>Maintenance work record sheet to be circulated.</i> <i>The Regeneration sub-committee meeting would take place following the Cooil Roi Housing sub-committee meeting on Friday 7th of September.</i> 	
c)	Cooil Roi Sheltered Housing Complex – <ul style="list-style-type: none"> <i>JM referred to the document from the Department she had circulated last month in regard to rent setting for YE 2020. Response needed by the 28th of September. It was agreed that the Cooil Roi Sub-Committee should discuss this matter at their meeting on the 7th of September and brief the Board at the Commissioners meeting on the 19th of September, prior to the agreement of a submission.</i> <i>JM briefed the Commissioners on the new clauses in the revised tenancy agreement documents where, by prior arrangement, a pet could be brought to Cooil Roi with a new tenant. An appropriate flat had been identified for this purpose.</i> <i>JM advised that the replaced lamp post had been hit by a vehicle again. The matter was being dealt with by the Commissioners’ insurers. It was agreed that a second lamp post be erected to give enhanced lighting for residents. This would be funded from the Cooil Roi budget. Resolved.</i> <i>PB reminded members of the Civica meeting at Onchan Commissioners the following evening (06.09.18) at which the proposed IT system for housing administration would be demonstrated.</i> 	
76/18	Staffing Matters – ntr	
77/18	Chairman’s Report – <i>The chairman gave a presentation on various options for refurbishment of the Glen Road recreation area. These included enhancing the current facilities, as well as various options for introducing new facilities; including a skatepark, an all weather pitch, and a sports hall, etc. There followed a brief discussion of these outline options. ND asked that the matter be placed onto the agenda of the September 19th meeting req and requested that the clerks circulate the presentation to Members in advance of that meeting.</i>	clerks
78/18	Any Other Business	
a)	Cardboard Recycling, Glen Road Recycling Facility – <i>The current arrangements are proving problematic. PB advised that two collections per week were required. The contractor has advised that due to a drop in the price for recycled cardboard they could only justify maintaining the single weekly collection. The clerks were instructed to request that an additional receptacle be requested, and to monitor usage to ensure that no commercial cardboard was being deposited at the domestic facility. There followed a discussion of the former ‘skip’ service which had operated in Laxey, Lonan and Maughold and the recycling available at the Island’s civic amenity sites. No further instruction given.</i>	
b)	Jan Keig, Douglas Borough Council – <i>Request that the Mayor of Douglas wear the chain of office at a function with the Laxey Mine Research Group in Laxey. This matter was noted. There were no objections.</i>	
c)	To discuss a date for the next meeting of the Employment Sub-committee. <i>It was agreed that the sub-committee (ND, JP, JS) would convene at 11.00 am on Tuesday 11th September at 35 New Road Offices.</i>	
d)	<i>TK asked when the hedge rows on Church Road, Lonan would be cut. This would be done in the next 7/10 days.</i>	
e)	<i>JS asked if the RBL benches would arrive in time for the period of Remembrance in November. JM advised that they had been ordered and were expected to arrive in good time. Locations to be determined.</i>	

f)	<i>Public Right of Way, Ballagawne Road - A resident had written in to advise that they were putting a gate across a public right of way off Ballagawne Road in Lonan. The Commissioners had no objections as long as the right of way was maintained. The Board advised that the resident should contact the DoI to obtain the Department's permission.</i>	
79/18	Private Session	
a)	Chain of Office – Discussion of Quotation for a new chain and other options. <i>The Commissioners resolved that the former Laxey, Lonan and Maughold chains of office would be used for ceremonial occasions such as Tynwald Day. It was agreed that each chain would be used by rotation on an annual basis.</i>	
b)	Treasury – Regarding a rating objection. <i>This matter was noted and the clerks given instruction.</i>	clerks
	Meeting Closed at 10.24 pm	
	Date of next meeting: 19 th September 2018	