

**GARFF PARISH DISTRICT COMMISSIONERS**  
**Mid-Monthly Meeting of the Commissioners**

35 New Road, Laxey

**Meeting Minutes**

Wednesday 18<sup>th</sup> November 2020, 7.00 pm

<b>Present:</b>	Mrs M. Fargher (MF) (Chair), Mr N. Dobson (ND), Mr T. Kenyon (TK), Mr P. Kinnish (PK), Mr L. Miller (LM), Mr A. J. Moore (AJM), Mrs J. Pinson (JP), Mr J. Smith (JS).
<b>In Attendance:</b>	Mr P. Burgess (PB), Clerk, Mr M. Royle (MR), Deputy Clerk.
<b>Apologies:</b>	All Members Present. <i>Six Members of the public were present for the Meeting's public session.</i>
	<i>The meeting was opened by MF at 7.02 pm.</i>
<b>7.00 pm</b>	<b>Public Session - Preliminary Matters for consideration</b>
<b>a)</b>	Resignation of Vice-Chair: Mr Nigel Dobson from position of Vice-Chair of the Board. Election to fill the vacant office. This matter was discussed following on from the presentation by Mr Begley. <i>Mr Dobson advised that he had felt it appropriate to stand down as vice-chair following the election of Mrs Fargher as Chair of the Authority. His name had subsequently been put forward for the role of Vice-Chair by JS. No other Member had received a nomination. The nomination of Mr Dobson was seconded by JP. A vote was undertaken. 5 Members voted for Mr Dobson. 3 Members abstained. Mr Dobson was duly elected as the Vice-Chair to the Authority.</i>
<b>b)</b>	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. <i>MF read this declaration. No Member reported any perceived or actual interest.</i>
<b>c)</b>	Meeting with Ian Begley to present and discuss draft financial statement, year-end 31 <sup>st</sup> March 2020. 7.15pm. <i>Mr Begley reported on the Financial position of the Commissioners. He advised that the Authority was in a positive fiscal position with an adequate level of reserves that was in line with the recommendations of Treasury; he characterised the Commissioners current financial position as "healthy". It was noted that £250,000 of the reserves were 'ring-fenced' for identified projects and that the binding five-year-term that restricted the use of these monies elapsed in May 2021. There followed discussion of the use of the ring-fenced monies. Mr Begley explained the reasons for any variation in actual and budgeted expenditure. A discussion of properties on which there were rate arrears. A Member advised that the fact was it was not cost-effective to pursue payment of what were predominantly small amounts of money through the court process as the costs incurred was likely to outweigh the monies to be re-couped. It was noted that the monies would be recovered in time when a property was transacted by the advocates involved. These matters were noted by Members.</i>
<b>207/20</b>	<b>Planning Matters</b>
	<b>Planning Applications</b>
<b>a)</b>	20/01200/B Erection of first floor extension to rear elevation. Strawberry Cottage Glen Mona, Maughold. <i>The form of the existing extension was noted. It was considered that these proposals would not add excessively to the visual impact of the property. No objections.</i>
<b>b)</b>	20/01209/B Alterations and erection of first floor extension Cooyrt Bane Ballafayle Maughold <i>The increased visual impact of that the proposals involved were noted and considered. No objections.</i>
<b>c)</b>	20/01242/B Alterations and extension to existing sunroom Aysgarth Fairy Cottage Laxey. <i>It was noted that these proposals were relatively minor. No objections.</i>
<b>d)</b>	20/01256/B Erection of booking office and souvenir shop Lhen Coan Station Groudle Glen Railway Via King Edward Road Onchan <i>No objection. Members expressed support was expressed for the operation of the railway.</i>
<b>e)</b>	PA20/01049/B - The Old Chapel, Minorca Hill, Removal of part render and application of a lime mortar and repointing works to exposed areas. <i>The additional material that had been forwarded following a request from the Board was discussed in detail. The comments of the Victorian Society were noted. A Member expressed concern that</i>

	<i>the proposals would be detrimental to the historical value of the building. Notwithstanding this, the consensus amongst Members was that no objections to the proposals should be submitted.</i>
	<b>Approval Notices (DEFA Planning Committee)</b>
f)	20/00860/B - Creation of two residential dwellings with associated garages from existing four terraced dwellings. 1 - 4 Cronk Gennal, Minorca Hill, Laxey.
g)	20/01018/B - Alterations and extension to sunroom. Kapsigeri, Croit E Quill Road, Laxey. <i>This approval was noted. No further action.</i>
h)	<p>20/00859/B - Infilling of land and extension of residential curtilage. 4 Cronk Gennal, Minorca Hill, Laxey.</p> <p><b>MF</b> referred to a letter that had been received from a resident. It was noted that the Board had previously expressed strong concerns in regard to the visual impact of the proposals on the character of the properties and the subsequent effect on the character of the immediate area. Notwithstanding these concerns, the Board had agreed at the time not to follow the recommendations of the Office and the consensus had been to flag up the concerns but to add that the Board would defer to the expertise of the planning authority and committee. Some Members felt sympathy with the applicant's clear desire to have a building designed that reflected modern lifestyle. It was noted that the planning officer had recommended approval of the application and had set aside a range of planning policy. The report from planning concluded that the proposals would not have a detrimental effect on the area and street-scene and therefore comply with. This was noted. A 'Residential Design Guidance' document had been issued in 2019 and been referenced by the planning officer in his report. MR advised that this document contained significant ambiguities in terms of the guidance it provided adding that it was a document which he felt would become increasingly relied by planning officers in the future to justify the setting aside of planning policy by planning officers to permit less traditional dwellings and extensions. MR re-iterated concerns with the impact of the proposed roofline on the appearance and character of the building and immediate area adding that these were significant changes; pointing out that the 2019 guidelines referred to above stated that the current roofline should not be exceeded or compromised.</p> <p>MR advised that a case for Appeal could be made using current policies and in particular the guideline document from 2019; for balance he added that there were also contradictory aspects in the latter document and in planning policy from which an alternative view could be constructed. These matters were noted and Members discussed the application and its relation to planning policy. An initial consensus was that the Board would have more sympathy with modifications to the buildings if they were of a style that retained the traditional character of the structure.</p> <p><b>MF</b> stated that she was picking up a clear consensus that the Board had significant concerns with the proposals. She asked if the Board would be prepared to Appeal the decision. <b>JP</b> felt that an Appeal should be submitted on procedural grounds as important planning policy had been set aside. <b>ND</b> stated that in his view there were no clear breaches in the planning policy and that the planning officer had justified the setting aside of some policies in the recommendations he had made in his report. A discussion took pace as to whether the Board should request an appeal after having indicated in their initial submission that they would accept the decision to the Planning Authority. Some Members argued that the Board had every right to change its decision whilst other Members stated that this would demonstrate inconsistency. In these circumstances, there was insufficient support from the Board to undertake an Appeal to the Cabinet Office. <b>MF</b> closed the discussion.</p>
i)	<p>20/00770/C - Use of summer house within garden as gym for one to one exercise classes (retrospective). Stoneycroft, Clay Head Close, Baldrine.</p> <p><i>The impact on the general amenity of neighbouring properties was discussed. Some sympathy was expressed that the applicant was endeavouring to create a successful business which if the application site were more remote from other properties might provide adequate justification for approval. It was noted that the Planning Officer had recommended Refusal to the Planning Committee. The reasons for the Planning Committee overturning this recommendation were noted and deemed to be inadequate. The conditions issued as part of the approval were noted and considered to be inadequate and too excessive to maintain the amenity expected in a residential area. The potential for noise and other disturbance were discussed. It was agreed that the Authority should submit an application to Appeal this decision.</i></p>

j)	20/01072/A - Approval in principle for the erection of a detached dwelling with garaging. Land To Rear Of Olinda, South Cape, Laxey. <i>This approval was noted. No further action.</i>
	<b>Refusal Notices (DEFA Planning Committee) - ntr</b>
	<b>Appeal Notices (DEFA Planning Committee)</b>
k)	20/00967/B – Appeal against refusal for change of use from Public House (class 1.3) to residential property (class 3.3). Liverpool Arms, Main Road Baldrine. <i>The progress of these proposals through the planning process were noted. The deterioration of the building was noted. Members expressed the view that action needed to be taken in this regard. Notwithstanding this, it was noted that the current owners had not acted to fulfil the clauses in the relevant Community Policy that would satisfy the requirements to allow the building to achieve Change of Use as proposed had not been complied with. The consensus was that the latter was an important procedural principle that must be adhered to in order to maintain the integrity of the planning regulations. A consensus was reached, and it was agreed that a submission be made in support of the Planning Committees decision. A vote was taken, and this decision was confirmed.</i>
l)	19/01039/B Erection of dwelling (forming amendments to approved application 09/01334/B to include swimming pool, roof terrace and associated works. Proposed dwelling at Barroose Farm, Barroose House Barroose Road Baldrine. Application APPROVED on appeal. <i>This decision was noted. No further instruction.</i>
m)	19/01034/ Erection of detached garage, The Studio 1 Church Close, Lonan. Application APPROVED on appeal. <i>This decision was noted.</i>
<b>208/20</b>	<b>Approval of Minutes</b>
a)	Approval of minutes of the meeting of the 4th November 2020. <i>These were agreed to be a correct record of the discussions and the decisions made. Proposed, <b>AJM</b>. Seconded, <b>ND</b>. Resolved.</i>
<b>209/20</b>	<b>Matters Arising &amp; Other Business</b>
a)	<b>TK</b> reported that he had asked a question at the recent police meeting in regard to response times. He had been advised that this data was not collected and was unavailable.
b)	<b>MF</b> thanked all those Members who had attended the various Remembrance events that had taken place. She also thanked the staff and Members who had planned and attended the bulb planting activities undertaken with students at Dhoon and Laxey schools.
c)	To report on informal meeting with Lezayre Commissioners. <b>MF</b> reported that a meeting had taken place with the Chairman and clerk of Lezayre Commissioners. It was noted that Lezayre Commissioners were also opposed to the proposed annexation of lands in Maughold and Lezayre as proposed by Ramsey Commissioners.
d)	Date for Diary – Meeting with Ramsey Town Commissioners to discuss proposed boundary extension. Wednesday 25 <sup>th</sup> Nov, 7pm, at Ramsey Town Hall. <i>This meeting was noted by Members. <b>MF, JS, JP, TK, MR</b> to attend. It was agreed that those attending would seek clarification of how the annexation of lands that were unsuitable for development could be justified. It was noted that those residents who would be affected had been written to by Garff Commissioners and responses had indicated that the residents were opposed to being annexed by Ramsey.</i>
<b>210/20</b>	<b>General correspondence</b>
a)	Letter relating to the condition of property in Mines Road. Circulated via email 13.11.20. <i>The letter regarding the poor condition and situation of the fire station property and grounds and a run-down property on Mines Road. This was noted. The clerks advised that there had been a change of ownership of the house and directed that the letter be forwarded to Home Affairs Department who administer the property and grounds around the fire station.</i>
b)	Email - regarding recent decision by the Planning Authority and frustration in failures recognising the importance of Historical Industrial Street scenes in Laxey and Lonan – Correspondence circulated via email 12.11.20. <i>PB referred to the emergency powers that had been enacted as they had been under great pressure to undertake the flood alleviation works. MR advised that generally the DoI/MU did consult the planners and that the need to apply for planning permission was set aside in order that aspects of the flood alleviation could be progressed without delay. MF referred to the letters</i>

	<p>and initiated a discussion of the concerns that had been raised. <b>JP</b> stated that there had been a lack of consideration for the historic nature, integrity, and character of some of the properties and structures that had been the subject of works. She felt that much more emphasis should be placed upon this aspect of the flood alleviation works that had and were taking place. MR advised that generally the DoI/MU did consult the planners and that the need to apply for planning permission was set aside by them in order that aspects of the flood alleviation could be progressed without delay. <b>MF</b> &amp; <b>ND</b> questioned whether the situation on Glen Road now warranted the execution of emergency powers as the flooding had occurred over twelve months previously.</p> <p>It was also noted that the correspondent had also questioned the current general attitude of the planning authority to the integrity and character of buildings and structures and perceived 'failures' to respect the importance of historic buildings that defined the long-standing character of areas in Laxey and Lonan. Further sympathy was expressed with the views of the correspondent and a consensus was reached that the Commissioners should communicate with government departments and question the current approach to these matters. <b>MF</b> proposed that the correspondence should be forwarded to the relevant departments/organisations and that with the correspondence should be included a letter questioning current practise and expressing the Commissioners' view of the importance of the historical street scenes in Laxey and Lonan. This was agreed.</p>
<b>c)</b>	<p>Correspondence from Laxey Football Club seeking views of proposed store to replace 3 wooden sheds. – Circulated via email 11.11.20</p> <p><b>PK</b> made a declaration of interest and withdrew from the room for the duration of this discussion. These pre-planning application plans were noted. There were no objections.</p>
<b>211/20</b>	<b>Committees &amp; Boards –</b>
<b>a)</b>	By Exception
<b>212/20</b>	<b>Operational Reports</b>
<b>a)</b>	Health & Safety - ntr
<b>b)</b>	Finance- consideration of budget setting process 21/22 - ntr
<b>213/20</b>	<b>Any Other Business</b>
<b>a)</b>	<p>Election of a Vice-Chairman – correspondence nominating Mr Nigel Dobson received from Mrs Pinson (email generated 16th November 2020, at 10.40 am).</p> <p><i>This matter had been resolved at the beginning of the meeting.</i></p>
<b>b)</b>	To nominate representatives to the following:
<b>c)</b>	<p>Northern Local Authorities Swimming Pool Board</p> <p><i>It was Resolved that <b>MF</b> would represent the Commissioners on this Board.</i></p>
<b>d)</b>	<p>Northern Civic Amenity Site</p> <p><i>It was Resolved that <b>AJM</b> would represent the Commissioners on this Committee.</i></p>
<b>e)</b>	<b>ND</b> proposed that as Chair of the Authority, <b>MF</b> be nominated to chair the Employment sub-committee. This was Resolved.
<b>f)</b>	<p>To discuss a proposal from Mrs Pinson for a 'Christmas Tree Parade' at Christ Church, Laxey (email generated 14th November 2020 and circulated to Members).</p> <p><b>JP</b> advised Members that the proposal was for a Christmas Tree Parade hosted in Christ Church. Local businesses and organisations would be approached with a view to decorating a tree in the Church. The consensus was that this was a very good proposal that was worthy of the support of the Commissioners. <b>JP</b> had circulated correspondence setting out further details and also requesting funding from the Commissioners for the event of £300. There was unanimous support for providing this funding. MR advised that the Office would supply logistical, stationary &amp; any other support as requested.</p>
<b>g)</b>	<p>Correspondence from a resident regarding the recent actions of DoI to redistribute stones on the beach had been circulated and was noted. The correspondent requested that the Commissioners submit a range of questions to DoI in relation to the cost of the exercise, the expected outcome, the number of properties that had reported increased vibration when the stones were moved away from the sea-wall, and if the Department were planning to repeat this exercise at intervals. The correspondent also questioned why an appropriate quantity of stones were not being removed completely from the beach. There followed a general discussion of the works that had been undertaken on the beach and in the river. Several Members stated the view that stones be completely removed from the beach. Members expressed the view that no more stones be</p>

	<i>removed from the river and deposited on the beach. A letter from a DoI officer was read which advised that the works were being carried out at the request of the Local Authority and a number of members of the public concerned about the over-topping. The letter also referred to comments from a resident which indicated that vibration at their property reduced when the stones were higher up the beach against the wall. There followed a discussion amongst Members of whether or not the stones absorbed energy from the waves; the result of this was inconclusive. MR reported that the Office had submitted a question on this subject to DoI in recent weeks the response being that this question would be answered when the Department submitted revised plans for sea defences on Laxey Promenade/Harbour. These revised plans would be issued in due course. It was agreed that the questions from the correspondent be put to DoI with the addition of a further question requesting information on the permissions that were required for the Department to remove stones from the beach.</i>
<b>g)</b>	<i><b>JS</b> referred to a site visit made with <b>PK</b> and Senior Officers from MU to discuss the two bore holes that MU had drilled recently. <b>PK</b> expressed concern that these were protruding from the ground in the vicinity of the footpath. These had been drilled to test the stability of the site. <b>MF</b> advised <b>PK</b> to raise this concern at the forthcoming forum meeting hosted by MU. <b>PK</b> reiterated that a representative from the 'Best for Laxey' Group be invited to this meeting. MR reported that as requested by MU and the Local Authority the Commissioners had advertised for interested parties to contact MU with a view to attending these meetings. To date one organisation (Best for Laxey) had contacted the Office. Their contact details had been passed to MU. <b>PK</b> advised that he had shown MU the grassed/woodland area behind the Shore Hotel as a possible site for a Sewage Treatment Plant. This was noted.</i>
<b>9.01 pm</b>	<i>It was Resolved that standing orders be suspended and the meeting progress beyond 9.00 pm.</i>
<b>214/20</b>	<b>Matters in Private</b>
<b>a)</b>	<i>A matter in regard to negotiations with the owners of the Princes Motors Site was Resolved.</i>
<b>b)</b>	<i>Penketh-Millar-Proposed conversion of existing shelter building into public toilets at Rose Gardens, costings. (Letter circulated). It was agreed to engage Penketh Millar to prepare proposals for conversion of the Rose Gardens shelter.</i>
<b>c)</b>	<i>A staffing matter relating to remuneration was discussed and Resolved.</i>
<b>d)</b>	<i>A discussion took place in regard to the decision that had been made to progress a skate park at the Laxey Glen Road Recreation Area. MR advised that the Tender would be announced via an advert in the Courier in the early December. Provision for funding this installation would be included in the budgeting for YE 22.</i>
<b>e)</b>	<i>A report on the investigations to the procurement of a new maintenance vehicle had been circulated by the clerks.</i>
<b>f)</b>	<i><b>ND</b> reported on contractual matters relating to the operation of the NCAS facility.</i>
	<i>The meeting closed at 9.55 pm. <b>MF</b> thanked Members for debating matters so effectively.</i>
	Date of next meeting: 2 <sup>nd</sup> December 2020