

GARFF PARISH DISTRICT COMMISSIONERS

Wednesday 6th April 2022, 7.00 pm

Laxey Football Club Function Room

Minutes of the Meeting

Present: Mrs M. Fargher (MF) (Chair), Mr J. Smith (JS) Vice-Chair, Ms A. Creer (AC), Mr T. Kenyon (TK), Mr P. Kinnish (PK), Mrs J. Pinson (JP), Mr S. Ryzak (SR), Mr S. Clague (SC)

Officers: Mr P. Burgess (PB), Clerk, Mr M. Royle (MR), Deputy Clerk/RFO. Mrs J. Mattin (JM) Housing Manager.

Apologies: Ms M. Christian (MC)

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| 7.00pm 52/22 | <p>In Private – Cooil Roi Matters <i>JM explained the current 'ten-year' residency requirement for entry to public housing. She referred to a proposal to allow key workers such as nurses, carers, teachers, etc to be exempt from this rule. JM explained the checks and balances that would be incorporated into a new process. The consensus was that the Board supported this initiative. JM to report this decision to the Department.</i></p> <p>Tynwald Commissioners Report. Circulated by email 31.03.22. <i>It was noted that in general the report vindicated the actions taken by the Board and in particular the Housing Manager.</i></p> <p>Business Plan – Princes Motors Site. <i>JM advised that she was drafting a Business Case' to submit to Government for new sheltered housing units at the former 'Princes Motors' Site.</i></p> <p>Letter from Resident. <i>JM read a response she had drafted to a letter she had received from a Cooil Roi resident. Correspondence from another resident supporting the Housing Manager for her good management of the complex was also noted.</i></p> |
| 7.30pm | <p>Public Meeting 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>This request was noted by Members.</i></p> |
| 46/22 | <p>Planning Matters</p> |
| | <p>Planning Applications</p> |
| a) | <p>22/00249/B - Erection of a replacement dwelling. The Wonder House Dhoon Loop Road Dhoon Maughold. <i>It was noted that all Members had a professional working relationship with the applicants, one of whom was a serving MHK. The clerks advised that the nature and level of any interest generated by this situation was not sufficient to warrant any Member to withdraw from the discussion of the application. All Members remained in the room.</i> <i>It was noted that the current dwelling had a 'unique' character. The consensus was that the proposed new dwelling was innovative and attractive and was also of a character that could be termed 'unique'. In this sense, it met the requirements of HP14: it was also felt that the proposals were in some sense 'in keeping' with the current dwelling.</i> <i>There were no objections to this application.</i></p> |
| b) | <p>22/00274/B - Revision to front parking area and location of access steps (retrospective). Spindrift (formerly White Cottage) Pinfold Hill Laxey. <i>This development had already taken place, but was felt to be of minimal impact. There were no objections to the proposals.</i></p> |
| c) | <p>22/00343/B - Replace existing french doors with single door and side panel window. My Den Ballashalom Glen Road Laxey. <i>The consensus was that these proposals would have minimal impact. There were no objections to the application.</i></p> |
| d) | <p>22/00358/B - First floor extension to right side of house to replace the existing first floor conservatory and repositioning of conservatory to ground floor level at the right side of the house. Fingals Cave 3 Sunnyside Terrace Minorca Hill Laxey.</p> |

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| | <i>The consensus was that these proposals would have minimal impact. There were no objections to the application.</i> |
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| | Approval Notices (DEFA Planning Committee) <i>The following approvals were noted. No further instruction.</i> |
| e) | 21/00764/B - Alterations and erection of extension to main dwelling, including the conversion of existing garage/store for tourist accommodation (B&B) and demolition of existing stable building and replaced with a garage. Barony View, Glen Mona Loop Road, Glen Mona. |
| f) | 22/00129/B - Restoration works including reinstatement of a door and window to North elevation and louvred vent to South elevation. Goods Shed Captains Hill Laxey |
| g) | 21/01102/B - Strengthening of the existing river wall and construction of a glass flood wall along the edge of the river to provide flood protection. Shore Hotel River Wall Glen Road Laxey. |
| h) | 21/01287/B - Erection of shed and carport. Laurel Bank Rencell Hill Laxey. |
| i) | 22/00006/B - Erection of a single storey extension to rear of property. 63 Ard Reayrt Laxey. |
| j) | 21/00737/B - Erection of a detached dwelling. Vacant Plot (Plot 3) Plot Adjacent To Hazelwood House Ballaragh Road, Laxey. |
| k) | 22/00141/B - Enclosing of existing covered terrace with new patio doors/windows. Folieu Lewaigue Maughold. |
| l) | 21/01184/B - Alterations and erection of extension to existing dwelling and erection of a detached garage. Cruachan Highfield Drive Baldrine. |
| m) | 21/01335/B - Conversion of structure to provide retail and takeaway area with associated sheltered seating. 6 Cubicles And Huts The Promenade Laxey Isle Of Man IM4 7DD <i>There followed discussion of this approval and third party correspondence that had been submitted to the Commissioners. JP declared an interest and left the room for the duration of the debate. Consideration of the first piece of correspondence is recorded at item 49/22.a below in public session. The second piece of correspondence contained requests for commercially sensitive and personal information and was consequently dealt with in private at item 53/22.d.</i> |
| | Refusal Notices (DEFA Planning Committee) ntr |
| | Appeal Notices (DEFA Planning Committee) - ntr |
| 47/22 | Approval of Minutes |
| a) | Approval of minutes of meetings of 16 th March 2022. <i>These were agreed to be a correct record of the decisions made at the meeting. Proposed, SR. Seconded, JS.</i> |
| 48/22 | Matters Arising & Other Business |
| a) | JP email dated – 09.03.22. Requesting the Commissioners discuss the following items. Email circulated to the Commissioners on 17.03.22. 1. That we write to DEFA to express our concern over the 50 meter territorial bathing water boundary, documented in the Water Pollution (Bathing Water Standards and Objectives) Scheme 2021. Water Pollution Act 1993. That we lobby our MHK and MLC to promote a change of legislation to increase the 50 metre territorial bathing water boundary. <i>This proposal was noted and discussed. JP expressed concern that in the UK this distance was 100m. MR advised that the clerks were in the process of gathering information from DEFA Environmental Health as to why the 50m distance had been legislated on the Isle of Man. It was agreed that the matter should be debated at a future meeting once this and any relevant supplementary information had been received.</i> 2. That we write and ask MUA to provide assurance with timescale and plans, that the remaining area of Garwick Glen together with Garwick Bay, after any type of sewage system built, be left in an appropriate landscaped condition to provide a usable public amenity with improved access, and the beach to a level of blue flag status, with safe bathing water. We have nothing in writing to confirm how the Glen will be left, or the level of public access. <i>It was noted that at a previous meeting with MU the Commissioners had been advised that parts of Garwick Glen that were not required would be put up for sale by the Authority. JP proposed that the Commissioners write to Manx Utilities requesting that they consider as many options as possible to allow</i> |

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| | <p><i>public access to the Glen and also that they advise the public of their intentions in regard to its future use. This was agreed. There followed discussion of the sewage treatment options that were being considered for Laxey Bay. Some Members expressed concern with the quality and quantity of information that was being issued by Manx Utilities.</i></p> <p>3. We set a budget of upto £20,000 to engage the services of an independent consultant with no bias to Laxey, Peel or Isle of Man Govt., to review the information given by DEFA, MUA and Best for Laxey. Draw up comparative information a novice can understand, highlighting any area of concern or clarification, and any questions we need to be asking. This to then be make available to the Commissioners and the public.</p> <p><i>JP explained her reasons for making this proposal which included the fact that Members were not personally qualified to make a judgement themselves. She felt that the Commissioners should engage an independent professional company with relevant experience to examine the validity of the options that Manx Utilities would be bringing forwards. JP stated that the consultant could comment on the technical details, the costings, and Environmental Impact of the various options brought forward: this would provide un-biased independent analysis for Members to consider. It was agreed that an option to engage a consultant as proposed by JP be investigated. The clerks were instructed to draft a 'specification and terms of reference' document to be used to obtain fee proposals from suitably experienced consultants once Manx Utilities had published the options for sewage treatment in Laxey Bay. It was noted that the current policy was for regional sewage treatment, and that this policy would have to be changed by Tynwald if a 'pump-to-Meary-Veg' option were to be made possible. There followed discussion of how the Commissioners could lobby Tynwald Members to make such a change. It was agreed that such lobbying should take place once Manx Utilities had published the various options.</i></p> |
| b) | <p>SC – Telephones 22.03.22, to request the Board consider purchasing the End Café site. The site is currently on the market with Chrystals Estate Agents for £395K plus fees.</p> <p><i>SC stated that Laxey had the best promenade on the Island and added that the purchase of the former End Café Site for the benefit of the community should be considered. He acknowledged that the Commissioners would need to take out a loan for this but felt that such a purchase would be in the public interest. The option was further discussed. There followed discussion of development of other facilities and land owned by the Commissioners on Laxey Promenade. There was no agreed outcome at this stage. JP proposed that further investigations be undertaken. This was seconded by MF and agreed.</i></p> |
| 49/22 | General correspondence - |
| a) | <p><i>MF asked JP if she had a conflict of interest in this item JP withdrew from the room for the duration of the discussion.</i></p> <p>Resident - Correspondence in regard to the recent approval decision on PA 21/01335/B - Conversion of structure to provide retail and takeaway area with associated sheltered seating, 6 Cubicles And Huts The Promenade Laxey.</p> <p><i>The correspondence contained a request that the Commissioners submit an appeal against the decision made by the Planning Committee. The correspondent also noted the clause in the original conveyance of the land to the Commissioners which stated that the land should be used for, "pleasure ground or place of public resort".</i></p> <p><i>The request was debated. The legislation set by DEFA on 'Interested Person Status' was noted and discussed. The 20m rule was referenced: which the Commissioners had previously opposed when consulted as it was felt to be too restrictive.</i></p> <p><i>It was noted that the Commissioners had not objected when the plans had been considered at the initial stage and had indicated to the Planning Authority that as owners of the building they had a conflict of interest. The outcome of the discussion was that the Commissioners were not minded to submit an appeal against the approval as the overwhelming consensus was that the proposals would be of great benefit to the Promenade area. It was noted that the Recreation and Leisure Act 1998 provided powers for the Commissioners to permit third parties to operate facilities that provided services to those visiting the area and using it as a place of public resort. There followed discussion of past use of the changing cubicles and their delapidated state. MR outlined the reason the Commissioners made the decision to lease the delapidated building to The Shed Company Limited also advising that detailed information on this was available publically on the Commissioners website and at the Office. Two of the key reasons for the decision made by the Commissioners in 2019 were the burden on the ratepayer if the</i></p> |

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| | <p><i>Commissioners' refurbished the building (estimated to be £30/35k then) and that its use as a retail outlet would benefit the many visitors rather than being leased long term for the benefit of a small number of residents. The whole process had been discussed with senior officers at the LGU who had raised no objections.</i></p> <p><i>The correspondent also expressed a view that the refurbishments to the building would have the effect of "ruining the amenity of the area", and would have a "further considerable adverse impact" on the "use of the Highway" in the turning circle area. In addition, questions were raised in regard to furniture used by the Shed which it was felt caused "blocking (of the) Highway. There were further comments on advertising flags on masts that had been erected.</i></p> <p><i>These matters were noted as was the fact that Highways Division did not oppose the development. There was no further instruction to the clerks.</i></p> <p><i>A statement was also made in the correspondence to the effect that breaches of planning rules had taken place. The conservation area status of the location was also referenced. Members noted that a copy of separate correspondence to Planning Enforcement had been forwarded to the Commissioners by the resident. The Planning Officer had written to advise that they had investigated the allegation and noted that the works being undertaken were 'remedial'. They had indicated, however, that a reminder would be sent to the applicant advising that no development works were permitted to take place until the end of the 21-day period.</i></p> <p><i>The discussion closed and the clerks were instructed to respond to the resident.</i></p> |
| b) | <p>Email from Ms Kerry Taylor – dated 17.03.22.</p> <p>My Name is Kerry and I am a IOM college VTCT qualified massage Therapist.</p> <p>I would love the opportunity to bring massage Therapy to Laxey beach over the Summer months. My idea is to set up a small gazebo on the grassed area next to the Shed. It obviously wouldn't be a permanent structure and I plan to move around different Beaches... weather depending of course! So it would only be up a few days a week.</p> <p>Are you open to the idea? If so, what would I need apply for going forward?</p> <p>Commissioners to consider issuing a traders licence.</p> <p><i>This request was noted and discussed. The recent discussions in which the Commissioners had concluded that the 'open nature' of the public space be protected was referenced. It was also noted that the Commissioners were currently discussing the future development of the whole promenade, and it was agreed that in this circumstance the request for a licence should be declined. The clerks were instructed to notify the correspondent.</i></p> |
| c) | <p>Email from Parish Pantry. Requesting a Trader Licence for a catering trailer selling Neapolitan Pizza, Beef rib sandwiches Nacho's and Sweet treats, on Laxey Promenade up to 3 times a month.</p> <p><i>This application was carefully noted. MR reported that additional information had been requested and circulated. was thinking Laxey Prom. This information indicated that Neapolitan Pizza, Beef rib sandwiches Nacho's and Sweet treats would be sold from a 3m former horse box. The consensus was that there was already adequate catering provision for visitors in the vicinity of the Promenade. It was agreed that this application should be declined. The clerks were instructed to notify The Parish Pantry of the decision.</i></p> |
| c) | <p>Consultation - Northern Swimming Pool Board (Amendment) Order 2022. Circulated by email 31.03.22</p> <p><i>JS advised Members of the implications of this Order and the additional monies that were required to fund the northern pool which was only funded by Maughold ratepayers and the other northern local authorities.</i></p> |
| 50/22 | Committees & Boards – By Exception |
| a) | <p>Garff Regional Sewage Treatment Strategy Consultative Group Meeting, no.8.</p> <p><i>A summary of the meeting drafted by PB had been circulated. It was agreed that this should be published on the Commissioners' social media to update the public on current progress. It was confirmed that the Commissioners' representatives at the forum were PK and JS.</i></p> |
| 51/22 | Operational Reports |
| a) | <p>35 New Road –</p> <p>Update Local Government Amendment Bill/Dog Bylaws.</p> <p><i>It was noted that passage of the Local Government Amendment Bill through Tynwald had been delayed until later in the year. The process for approving by-laws would be streamlined once this draft legislation</i></p> |

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| | <p><i>had been enacted. It was noted that the draft by-laws that had been submitted several years ago to the Department were still with the AGs office. It was felt that this situation needed to be resolved as soon as possible. The Clerks were asked to review the current situation and advise on implementation of updated by-laws in due course. There followed discussion of approaches to dealing with dog-fouling including the use of social media. The clerks requested that all incidents be reported to the office as focused actions could be taken to address the problem.</i></p> <p>Cycle to work scheme. <i>Commissioners to discuss allowing employees to take advantage of the scheme. This matter was discussed. It was agreed that any Member of the Commissioners' staff who wished to take part in the scheme should be so permitted. Proposed SR, Seconded TK. Applications to be submitted to the Clerk/Deputy Clerk.</i></p> | |
| b) | <p>Cooil Roi – Proposed amendments to the 10 year residency part of the application form for housing. <i>This item was moved to the Private Session at the beginning of the meeting.</i></p> | |
| 52/22 | <p>Any Other Urgent Business - ntr</p> | |
| 53/22 | <p>Matters in Private</p> | |
| a) | <p>Cooil Roi – <i>Several matters were dealt with in private at the beginning of the meeting due to the sensitive nature of the business.</i></p> | |
| b) | <p>Planning Enforcement (DEFA Planning and Building Control) <i>PB advised that any action to operate a campsite at the former Hotel site would be monitored following expressions of concern into the adequacy of parking space now that that facility had been separately sold. This was noted.</i></p> | |
| c) | <p><i>JP left the meeting whilst the following item was discussed:</i> Public Shelter – An update was given and the matters were discussed. <i>JM gave apologies and withdrew from the meeting following discussion of this item.</i></p> | |
| d) | <p>Any Other Private Business <i>PB referred Members to correspondence to all Members, the Office, and the Housing Manager and the use of private email addresses.</i></p> | |
| | <p>Date of next meeting: 20th April 2022, 7.00pm Laxey Football Club</p> | |