

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

12th October 2023

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

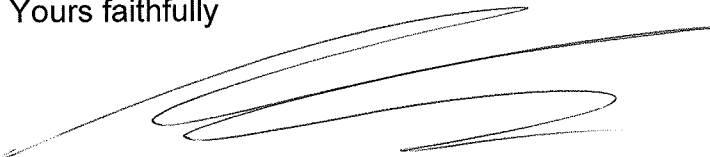
Monday 16th October 2023

7:00 pm - Board Meeting

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.

Yours faithfully



**R PHILLIPS
CHIEF EXECUTIVE/CLERK**

AGENDA

The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No. 24 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 3 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

1. To choose a person to preside if the Chair and Vice-Chair be absent.

None.

2. To deal with any business required by statute to be done before any other business.

None.

3. To approve as a correct record and sign the Minutes of the:-

3.1 Minutes of the Ordinary Meeting held on Monday 2nd October 2023 (Appendix 3.1)

3.2 (P) Staff Minutes of the Ordinary Meeting held on Monday 2nd October 2023 (Appendix 3.2)

4. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:-

None.

5. To dispose of any relevant business adjourned from a previous meeting:-

None.

6. To deal with any business expressly required by statute to be done:-

None.

7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:-

7.1 Plans for Consideration

(Appendix 7.1)

	PA Reference	Applicant/Address	Return Date
(a)	PA 23/01135/D	St Peters Church	20 th October 2023
(b)	PA 23/01098/B	Mr & Mrs A Townell - 'Thie My Chree', 10 Manor Park	27 th October 2023
(c)	PA 23/01101/B	Mr T Dziardziel - 'Cornerstones' 5 Howe Road	27 th October 2023
(d)	PA 23/01113/B	Mr P Buckleigh -Garey Ween, Hague Drive	27 th October 2023

(e)	PA 23/01123/B	Mr & Mrs M Beaumont - 55 Bemahague Avenue	27 th October 2023
(f)	PA 23/01141/B	Mr & Mrs N Morris - 24 Turnberry Avenue	27 th October 2023

8. Finance and General Purposes:-

8.1 (P) Commercial Rent Arrears

(Appendix 8.1)

9. Consideration of any Reports from the Clerk or other Officer:-

9.1 Built Environment Reform Programme – Public Consultation

(Appendix 9.1)

9.2 (P) Ocean Views Proposal

(Appendix 9.2)

10. Consideration of any relevant correspondence (already circulated unless indicated):-

10.1 Proposed Diversion of Public Right of Way – Ashley Park

(Appendix 10.1)

10.2 Onchan (Various Roads) (Consolidation of Waiting Restrictions) (Amendment) No 2) Order 2023

(Appendix 10.2)

11. To answer any questions asked under Standing Order 34:-

11.1 Questions submitted by Commissioner D Crellin

(Appendix 11.1)

12. To answer any Motions in the order in which notice has been received:-

None.

13. Environmental and Technical Services:-

None.

14. Housing Matters:-

14.1 Government Conference - Housing A Model for the Future

(Appendix 14.1)

15. Chair's Announcements:-

Dates for Diary

Date	Organisation	Event	Time
16 th October 2023	Onchan District Commissioners	Board Meeting	7:00 pm
22 nd October 2023	ManxAid	Market – Onchan Scout Hall, School Road	11:00 am to 3:00 pm
25 th October 2023	Friends of Onchan's Heritage	Onchan Silver Band – Music to your Ears – Village Hall, Royal Ave	7:30 pm
30 th October 2023	Onchan District Commissioners	Board Meeting	7:00 pm

16. Any other URGENT business as authorised by the Chair for consideration:

PLANS LIST

Board Meeting to be held on 16th October 2023

The Lead Member of Environmental and Technical Services and the District Surveyor have viewed the applications and recommend the following:-

Planning Application	Applicant/Address	Description
PA 23/01135/D Return Date 20/10/23	St Peters Church	Erection of notice board.
	<i>For Members' consideration</i>	
PA 23/01098/B Return Date 27/10/23	Mr & Mrs A. Townell 'Thie My Chree', 10 Manor Park	Alterations including erection of first floor extension with associated balcony and access to ground floor to south elevation, and alterations to windows and door openings.
	<i>For Members' consideration</i>	
PA 23/01101/B Return Date 27/10/23	Mr T. Dziardziel 'Cornerstones' 5 Howe Road	Alterations to dwelling, cladding to roof dormers, first floor window alterations and replacement/expansion of existing garden terrace.
	<i>Recommendation – Approve</i>	
PA 23/01113/B Return Date 27/10/23	Mr P. Buckleigh Garey Ween, Hague Drive	Erection of a garden office with a timber clad 20 feet shipping container for personal use and working from home (retrospective).
	<i>Recommendation – Approve</i>	
PA 23/01123/B Return Date 27/10/23	Mr & Mrs M. Beaumont 55 Bemahague Avenue	Demolition of existing rear porch and erection of a single storey rear extension.
	<i>Recommendation – Refuse</i>	
PA 23/01141/B Return Date 27/10/23	Mr & Mrs N. Morris 24 Turnberry Avenue	Erection of a single storey extension to rear of dwelling with associated flue.
	<i>Recommendation – Approve</i>	

MEMORANDUM

To:	Onchan District Commissioners		
From:	District Surveyor		
Ref:	Built Environment Reform Programme – Public Consultation in relation to Town & County Planning Act Amendments, Definition of Development Order & Registered Building Regulations		
Date:	12/10/23	File Ref:	RF/AW

Introduction

This briefing paper prepared for Members and dated 12th October 2023 is in response to the consultation paper issued by the Department of Environment, Food and Agriculture and titled *'Public Consultation in relation to Town & County Planning Act Amendments, Definition of Development Order & Registered Building Regulations'*. The closing date for responses is Friday 27th October 2023.

Below are the proposed responses to the questions asked on behalf of the Authority:

Question 1 – Do you think the policy intentions described are appropriate? (Please give reasons for your answer)

Yes.

It is believed that amendment CJ will reduce/prevent the possibility of misinterpretation of the Permitted Development Order, and therefore potentially reduce future disputes and administrative work required regarding retrospective applications.

Amendment CK will provide a higher level of scrutiny for applicable applications, however, this amendment could potentially be seen as an additional level of bureaucracy of an already (at times) excessively complicated administrative procedure.

Amendment CL will allow Government more time to bring forward proposals, which usually include infrastructure improvements which can be protracted to implement. This change should also allow for potential changes in Tynwald Membership and the associated changes in priorities for these Members during their terms.

Question 2 – Do you think the proposed amendments set out in the draft Bill will achieve the policy intentions set out above? (If not please give reasons)

Yes.

Question 3 – Do you think the transitional provisions are adequate? (Please give reasons for your answer)

Yes.

Prior to the implementation of the Bill the provisions will assist with the following:

- No period where historical buildings could be demolished;
- Properties from being demolished and sites left undeveloped for extended periods of time;
- Reduce the need for unnecessary planning applications;
- Bringing the Area Plan for the East in line with the other area plans.

Question 4 – do you think the proposed approach and scope of the Definitions of Development Order is appropriate? Please give reasons for your answer

Yes.

This approach to definitions should create less confusion when applicants or their agents are proposing to undertake works. This should also reduce the number of unnecessary planning applications being submitted, therefore freeing up planning resources.

Question 5 – do you have any detailed suggestions for matters to be included/addressed?

No.

Question 6 – do you think the proposed approach and scope of the updated Registered Buildings Regulations is appropriate? Please give reasons for your answer.

Yes.

This approach will provide more clarity for applicants or their agents when applying to undertake works. Additionally, those looking to access information about properties will be able to obtain the information more easily.

Question 7 – do you have any detailed suggestions for matters to be included/addressed?

No.

For Members consideration.



Ryan Forgie
District Surveyor

Mr R Phillips
Acting CEO & Clerk
Onchan District Commissioners
Hawthorn Villa
79 Main Road
ONCHAN
IM3 1RD

R.P.
Date: 05/10/23

ONCHAN DISTRICT COMMISSIONERS RECEIVED	
- 5 OCT 2023	
FAO	
ACKNOWLEDGED	
APPLIED	

infrastructure
highway services

bun-troggalys ~ shirveishyn raaidey

Highway Services
Sea Terminal Building
Douglas
IM1 2RF
Telephone: (01624) 850014 / 686922
Email: PROW@gov.im

04 October 2023

Dear Mr Phillips

Proposed Diversion of Public Right of Way No.148, Onchan

I am writing to give notice that the Department of Infrastructure is proposing to make an Order, **Highway Diversion (Public Right of Way No.148, Onchan) Order 2023**, the effect of which will be to divert a section of Public Right of Way No.148 near Ashley Park, Onchan.

Public Right of Way (PROW) No.148, Onchan, runs from Ashley Road to Ashley Park. The Department is satisfied that a part of the existing PROW should be diverted for the purpose of providing a more commodious route for users of the highway.

The Order is necessary due to the building of the Ashley Park Estate. The development has made it impossible to walk the final 83 metres at the southern end of the PROW. The Order creates a diversion of the PROW, creating two new routes which exit onto Ashley Park.

In order for the Department of Infrastructure to divert a public highway the legislation as set out in the Highways Act 1986 must be adhered to. Notice must be published in a local newspaper, and copies of the notice put on the highway to be diverted under the order.

The legislation states that notice must be served on the local authority, the owner, lessee and occupier of the land affected by the diverted highway and any statutory undertakers having apparatus under, in, upon, over, along or across the highway.

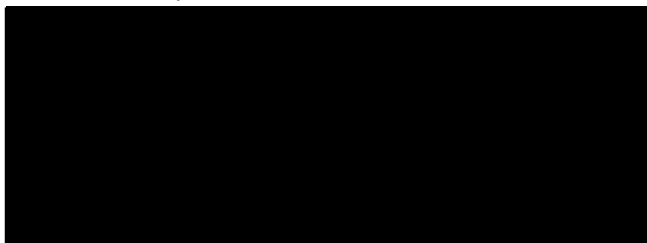
Please accept this letter and the attached documents as the notice required to be served by the Highways Act 1986 Schedule 3. The commencement date of this notice is **Friday 06 October 2023**. Allowing for the required 28 day notice period the expiry date for the notice will be **Friday 03 November 2023**.

If you wish to make representations on or object to the proposed order you should do so in writing, by post to Highway Services Division, Department of Infrastructure, Sea Terminal Building, Douglas, IM1 2RF or by email to PROW@gov.im, by Friday 03 November 2023.

Enclosed is a copy of the proposed Order. Please could you make this copy available to members of the public who may wish to view it.

If you wish to discuss the matter further, please email me at PROW@gov.im, call me on 850014 / 686922 or write to me at Highway Services Division, Department of Infrastructure, Sea Terminal Building, Douglas, IM1 2RF.

Yours sincerely



Highways & Public Rights of Way Officer

Enclosures: Draft copy of Highway Diversion (Public Right of Way No.148, Onchan) Order 2023.
Copy of the Notice sent to The Courier – 06 October 2023

Statutory Document No. 20XX/XXXX



Highways Act 1986

HIGHWAY DIVERSION (PUBLIC RIGHT OF WAY NO.148, ONCHAN) ORDER 2023

Approved by Tynwald:

Coming into Operation: in accordance with article 2

The Department of Infrastructure, having complied with the requirements of paragraphs 1 to 7 of Schedule 3 to the Highways Act 1986, makes the following Order under section 33(2) of that Act.

1 Title

This Order is the Highway Diversion (Public Right of Way No.148, Onchan) Order 2023.

2 Commencement

If approved by Tynwald, this Order comes into operation on the date on which the notice required by paragraph 8 of Schedule 3 to the Highways Act 1986 is first published¹.

3 Interpretation

In this Order, “**the Order map**” means the map in the Schedule.

4 Diversion of highway

(1) On the date on which this Order takes effect, the highway known as “Public Right of Way No.148, Onchan” shall be —

- (a) extinguished from point MR 239794E 478733N, running in a south-south-westerly direction for approximately 16 metres, turning to run in a west-north-westerly direction for

¹ Section 33(3) of the Highways Act 1986 requires a highway diversion order to be approved by Tynwald before it can have effect; and paragraph 8 of Part 1 of Schedule 3 to that Act requires the Department to publish a notice stating that the order has been made and naming the place at which the order may be inspected. Paragraph 10(1) of Schedule 3 to the Act provides that a highway diversion order takes effect on the date on which such notice is published or first published, or on such later date, if any, specified in the order.

approximately 41 metres, turning to run south-south-westerly for approximately 26 metres to MR 239726E 478724N, shown as a broken black line on the Order map;

(b) created —

- (i) from point MR 239794E 478733N, running in a southerly direction for approximately 51 metres, continuing in a westerly direction for approximately 33 metres to point MR 239760E 478677N;
- (ii) from point MR 239760E 478677N running in a generally south-south-westerly direction for approximately 8 metres, continuing in a generally westerly direction for approximately 43 metres to point MR 239722E 478684N, between 55 and 56 Ashley Park; and
- (iii) from point MR 239760E 478677N running in a generally southerly direction for approximately 52 metres to Ashley Park at point MR 239747E 478626N,

shown by a solid blue line on the Order map.

- (2) The width of that part of the highway created under paragraph (1)(b) shall be up to 1 metres.

MADE

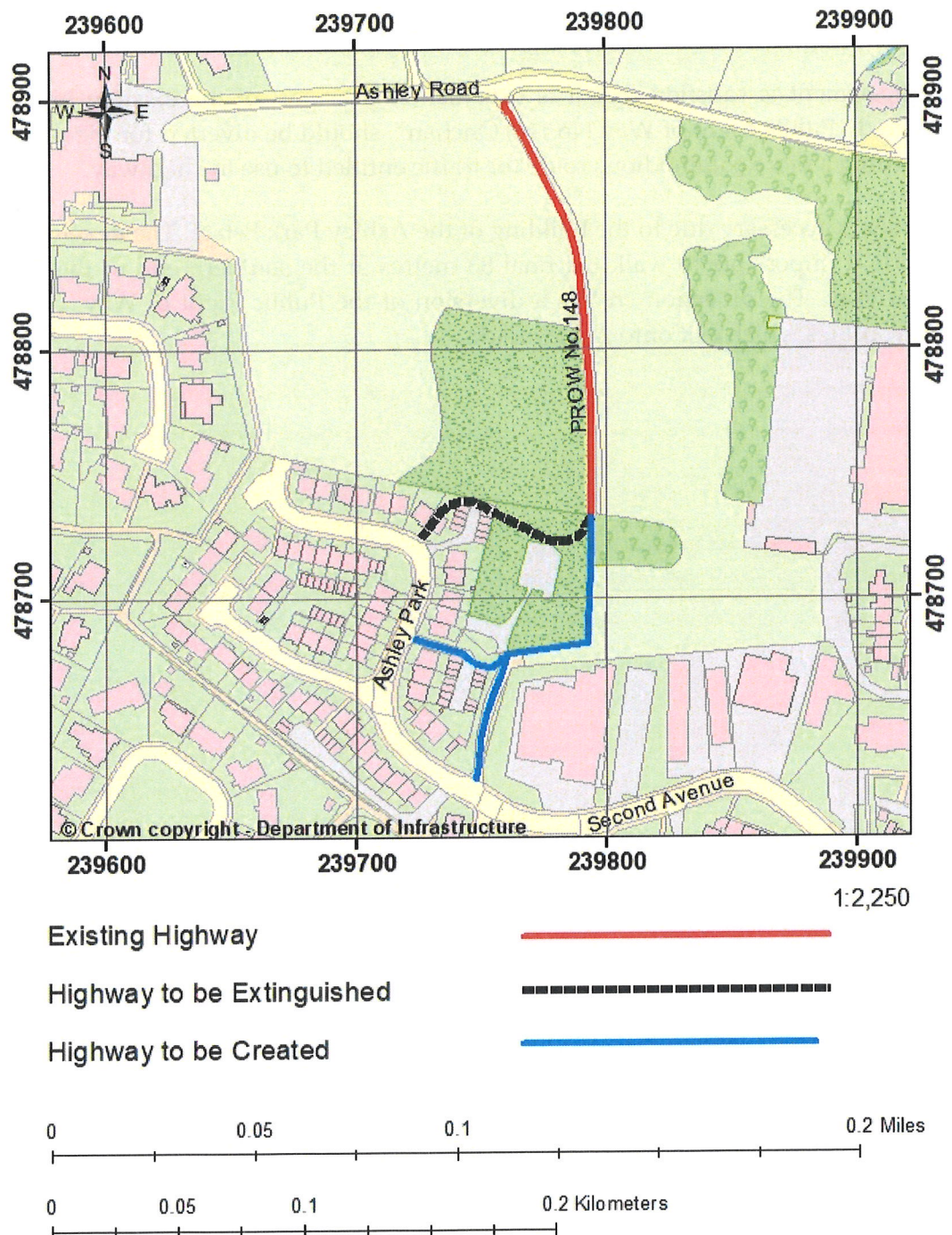
TIM CROOKALL

Minister for Infrastructure

SCHEDULE

[Article 3]

Map showing the diversion of Public Right of Way No.148, Onchan



EXPLANATORY NOTE

(This note is not part of the Order)

This Order diverts a length of the Public Right of Way No.148, Onchan, which runs from Ashley Road to Ashley Park, by extinguishing part of that highway (see article 4(1)(a)) and creating a new length of highway (see article 4(1)(b)).

The Department is satisfied that it is expedient that a part of the existing highway designated “Public Right of Way No.148, Onchan”, should be diverted for the purpose of providing a more commodious route for traffic entitled to use the highway.

The Order is necessary due to the building of the Ashley Park Estate. The development has made it impossible to walk the final 83 metres at the southern end of the Public Right of Way. The diversion creates a diversion of the Public Right of Way, creating two new routes which exit onto Ashley Park.

Highway Diversion (Public Right of Way No.148, Onchan) Order 2023– The Department of Infrastructure gives notice that it proposes to make an Order under Section 33 (2) of the Highways Act 1986, the effect of which will be to divert part of Public Right of Way No.148.

The Order is solely for the purpose of providing a more commodious route for traffic entitled to use the highway. The Order is necessary due to the building of Ashley Park Estate. The development has made it impossible to walk the final 83 metres at the southern end of the Public Right of Way. The diversion creates two new routes, both to be designated Public Rights of Way, which exit onto Ashley Park.

A draft copy of the Order and plan is available for inspection at the Department of Infrastructure, First Floor, Sea Terminal, Douglas, Isle of Man, IM1 2RF, or at the offices of Onchan District Commissioners, Hawthorn Villa, Main Road, Oncahn, IM3 1RD, by any person, free of charge, during normal office hours.

Any person wishing to make representations on or object to this proposal should do so by notice in writing to the Highway Services Division, address in the paragraph above, or by email to prow@gov.im. Objections must be received on or before **Friday 03 November 2023**.

Alyson Crellin

From: Admin
To: Admin
Subject: FW: Royal Avenue, Douglas Proposed Order & Plans
Attachments: RoyalAve NoWait Proposed Order & Plans.pdf

From: [REDACTED]
Sent: 11 October 2023 10:40
To: Admin <admin@onchan.org.im>
Subject: Royal Avenue, Douglas Proposed Order & Plans

Dear Mr Phillips

Please find attached a draft copy of an Order which the Department is proposing to make and which will be advertised in the local press advising the public that this draft copy will be available for inspection at your offices. Could you please ensure that this is done and that a copy is brought to the attention of your Commissioners. Any objections to the proposal which you may wish to make should be sent to Highway Services, Regulations Section, Sea Terminal, Douglas, Isle of Man, IM1 2RF on or before **Wednesday 25 October 2023**.



Kind regards

[REDACTED]


[REDACTED]

Highway Services | Department of Infrastructure
3rd Floor, Sea Terminal Building, Douglas, Isle of Man, IM1 2RF

Tel: (01624) [REDACTED] | Email: [REDACTED] | Website:
www.gov.im/infrastructure | www.reportaproblem.im

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RAAUE: S'preevaadjagh yn çhaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheyenn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruiit leayr veih Reireyder y Rheyenn ny Boayrd Slattyssagh t'eh bentyn rish.

Statutory Document No. 20XX/XXXX



Road Traffic Regulation Act

ONCHAN (VARIOUS ROADS) (CONSOLIDATION OF WAITING RESTRICTIONS) (AMENDMENT) (NO 2) ORDER 2023

Made:

Coming into Operation:

The Department of Infrastructure, having complied with the requirements of paragraph 1 of Schedule 2¹ of the Road Traffic Regulation Act 1985, makes the following Order under section 1 of that Act.

1 Title

This Order is the Onchan (Various Roads) (Consolidation of Waiting Restrictions) (Amendment) (No 2) Order 2023.

2 Commencement

This Order comes into operation on .

3 Interpretation

In this Order, “**principal Order**” is the Village District of Onchan (Various Roads) (Consolidation of Waiting Restrictions) Order 1975².

4 Amendment to principal Order

The principal Order is amended in Schedule 2 by substituting paragraph 13(b)(i) relating to Royal Avenue —

13 Royal Avenue

(b) East side

(i) from the south-west kerbline of
Central Drive for a distance of 20
metres in a southerly direction.

No waiting
at anytime

¹ As required by section 4A of that Act

² 19.12.1975

Signed by authority of the Minister for Infrastructure

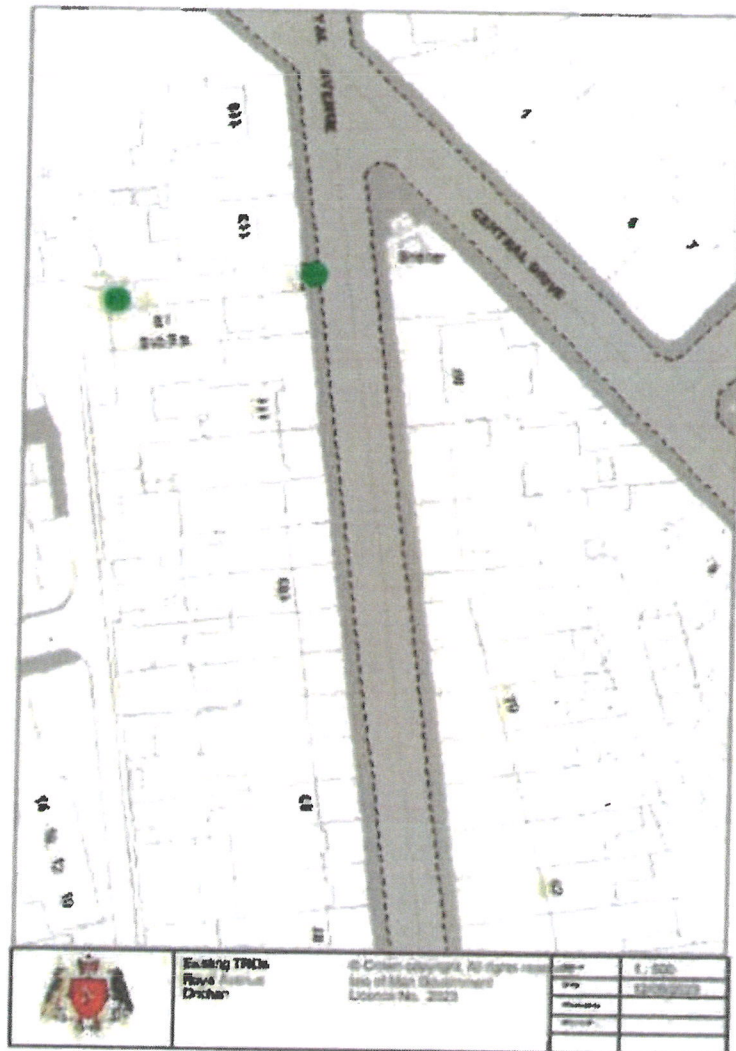
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P J DAVIS
Authorised Signatory


EXPLANATORY NOTE

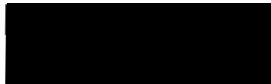
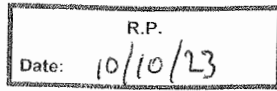
(This note is not part of the Order)

This Order amends the distance of the double yellow lines to provide additional parking whilst still providing enough room for buses to stop to pick up and drop off passengers.





	<p>Proposed for Working at Any Time order Royal Avenue Ordnance</p>	<p>© Crown Copyright. All Rights Reserved City of London Corporation License No. 1000</p>		<p>Scale</p>	<p>1:500</p>
		<p>Author</p>	<p>12/00/0000</p>		
		<p>Checker</p>			
		<p>Reviewer</p>			



Onchan
Isle of Man
IM3 4AL

10th October 2023

Mr Ross Phillips
Chief Executive/Clerk
Onchan District Commissioners
79 Main Road
Onchan
Isle of Man
IM3 1RD

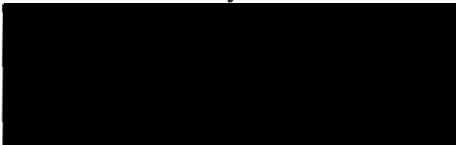
Dear Ross

Re: Questions to the Chair under Standing Order 34

I submit the following questions in accordance with Standing Order 34:-

- 1) Is a surcharge to be levied on Commissioner David Quirk in relation to the recent Data Subject Access Request that he submitted to the Authority about himself?
- 2) The response to the Freedom of Information Request received by the Authority on 30th August 2023 states the amount of staff hours and salaries attributed to complying with Commissioner David Quirk's Data Subject Access Request. Is this amount the total cost to the Authority when responding to the Data Subject Access Request?

Yours sincerely



Commissioner Derek Crellin

MEMORANDUM

To:	ONCHAN DISTRICT COMMISSIONERS
From:	HOUSING MANAGER
Ref:	GOVERNMENT CONFERENCE HOUSING – A MODEL FOR THE FUTURE
Date:	28 th September 2023

Dear Commissioners

The Government Conference took place, and on the afternoon of 21st September 2023 the focus was on Housing – A Model for the future. A summary of my notes is detailed below, please note that these are not exhaustive, and are purely my own notes which are not verbatim.

Dave Tolson Partnership Group (DTP) did a presentation. They stated that they had been contracted by the Department of Infrastructure (DOI) to undertake a Housing Stock Options Appraisal in support of the 5 reports they had originally undertaken in 2013 – consideration of Housing Association (HA) options for the Island.

5 options were presented:

1. HA - standalone
2. HA – standalone with HA and Local Authorities (LA) (of suitable note)
3. HA – partnership with DOI and UK based parent HA
4. HA – partnership with DOI HA and LAs and UK based parent HA
5. Regional bodies (4+1) model.

It was stated:-

- the purpose was to enhance and expand housing services for social housing.
- target is to build 250 affordable housing units per annum over 5 years.
- assets and liabilities would be transferred.
- Where joining with a UK parent HA there would be autonomy for the Board of the new HA.
- With a partner HA from the UK, operating over 2 legalities.

Regional - 4+1 model, North, South, East, West with Douglas kept separate. Opportunities and costs savings for sharing of services, procurement, etc.

Option 1 - This was the preferred option to hit the key objectives. This would put all DOI housing stock into the HA and anything else going forward would be moved in to the new HA.

It was commented that a wider consultation would be required and a more detailed examination.

During the Question and Answer session, a question was asked about transferring their DOI stock to the other bodies and then there would be no need to have a separate HA. However, the general response from the panel seemed to be that a HA was needed to move housing forward.

Comments from the panel were as follows:

- Acknowledged that there was a good relationship with the housing professionals in Local Authorities, with a lot of experienced people who can add value to a Board of a HA.
- That HA as an Island solution perhaps would fail.
- HAs were a way to modernise housing on the IOM. The DOI has to be stepped forward as they have 1,200 properties, and this is was the quick start. Then consider whether there it be widened out.

- Would have to consider the financial model and rents. Budget and Project Plan would need to be explored to move to the next step.
- The HA would involve all experts on the Island.
- DOI has to be stepped forward as they have 1,200 properties.
- There was a supply and demand problem, where does public sector housing fit in with that model.

Representative from Jersey stated that HA works well, with the sole purpose of delivering homes and look after those who live in them. They deliver in to the communities, with employment, and the HA develops and works alongside the communities.

Panel:

- Housing Associations came to the front during Tolson review 12 years ago and nothing has happened.
- Housing Associations are dynamic, flexible and we cannot deliver the solutions currently as we are not tooled up to deal with it.
- The Housing Associations are about changing, loans and repurpose.
- HA's about structure, there is no reason why they cannot offer other housing models of sheltered housing, care leavers, etc.
- There is a housing crisis and all housing providers in all jurisdictions are under pressure.
- Fixed term tenancies are to encourage the tenants to make choices.

Looking for a wider review, consultation not factored in but possibly around February 2024, with implementation within 24 months.

The Manx Development Corporation as a body are not interested in housing management, their contribution to urban and brownfield regeneration would be transferred to DOI or LA.

In answer to question DTP stated that LA public sector housing is more significant than UK due to the social housing stock assets being transferred to HA's. Non-related housing assets (e.g. shops above flats) would also be transferred.

Currently there is a review being undertaken within DOI, and gives an opportunity to do housing under a HA.

Further consultation, would be 2 stages, engage with tenants and engage with housing authorities. It is vital that people using the homes also have a voice.

Public sector housing would remain in the tax payers control, with such a valuable asset there would have to be transfer agreement agreed.

DOI team deliver a good service, but the structure in government is slow, by time approved, the service has moved forward. HA is more diverse, and commercially operated, and would have focus purely on housing.



A.S. Gale (Mrs)) CIH(4), CIHM, CMgr MCM/I
Housing Manager