



Isle of Man
Government

Reillys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

**TOWN AND COUNTRY PLANNING ACT 1999
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

Agenda for a meeting of the Planning Committee, 16th October 2023, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee. If you wish to register to speak please contact DEFA Planning & Building Control on 685950.

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 2nd October 2023.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any applications where Section 13 Agreements have been concluded since the last sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for 6th November 2023.

PLANNING COMMITTEE Meeting, 16th October 2023
Schedule of planning applications

<p>Item 5.1 Land At Ballahane House Erin Rise Port Erin Isle Of Man IM9 6FF</p> <p>PA23/00539/B Recommendation : Permitted</p>	<p>Erection of a single detached dwelling with associated car parking</p>
<p>Item 5.2 The Auburns 19 Lezayre Road Ramsey Isle Of Man IM8 2LP</p> <p>PA22/01212/A Recommendation : Refused</p>	<p>Approval in principle for proposed residential development, addressing means of access and number of plots</p>
<p>Item 5.3 Former Eastfield Mansion House Eastfield Douglas IM1 4AU</p> <p>PA23/00526/B Recommendation : Refused</p>	<p>Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping</p>
<p>Item 5.4 Former Eastfield Mansion House Eastfield Douglas IM1 4AU</p> <p>PA23/00527/CON Recommendation : Refused</p>	<p>Registered Building consent for demolition elements to PA 23/00526/B</p>
<p>Item 5.5 Andreas Village Millennium Garden Andreas Village Isle Of Man IM7 4EZ</p> <p>PA23/00280/B Recommendation : Permitted</p>	<p>Re-site village play park to area currently known as Millennium Garden</p>
<p>Item 5.6 First Floor 10 Prospect Hill Douglas Isle Of Man IM1 1EJ</p> <p>PA23/01085/B Recommendation : Permitted</p>	<p>Variation of condition 2 of PA 23/00345/C to amend the opening hours and days of operation to 9am to 9pm Monday to Sunday</p>

PLANNING AUTHORITY AGENDA FOR 16th October 2023

Item 5.1

Proposal : **Erection of a single detached dwelling with associated car parking**
Site Address : **Land At Ballahane House**
 Erin Rise
 Port Erin
 Isle Of Man
 IM9 6FF
Applicant : **Haven Homes Limited**
Application No. : **23/00539/B**- click to view
Planning Officer : **Mr Toby Cowell**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the occupation of the dwelling hereby approved, all new soft landscaping shall be undertaken in strict accordance with the proposed site plan (Drawing No. 101.02 Revision N) dated August 2023. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the provision of an appropriate landscape setting to the development and in the interests of promoting biodiversity.

C 3. Prior to the occupation of the dwelling hereby approved, the bat and bird bricks shall be installed in the new dwelling, in strict accordance with the details contained in the Plan, Elevations and Sections As Proposed (Drawing No. 102.01 Revision N) dated August 2023.

Reason: In the interests of biodiversity and ensuring the delivery of appropriate bird and bat roosting provision.

C 4. All tree removal shall be undertaken in strict accordance with the Tree Removal Plan (Drawing No. TR-281022revA) dated 14th July 2023. All remaining trees within the site shall be retained in perpetuity and protected during construction. The Tree protection measures detailed within the Tree Protection Plan (Drawing No TP-121022revA) dated 14th July 2023, shall be implemented in strict accordance with the approved details.

Reason: To ensure that the health and vitality of retained trees are appropriately safeguarded.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 6. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposed development is considered to be of an appropriate design, scale and firm, providing a degree of visual interest within the immediate streetscene and amounting to an efficient use of the site, without detriment to the amenities of surrounding residential properties. The development is further considered to be acceptable in the context of arboricultural constraints and the site's biodiversity credentials, without impacting the safety and convenience of the local highway network. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 2, General Policy 2, Environment Policies 3, 4, 5 and 42 and Transport Policies 4 and 7 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Department of Infrastructure Highway Services
Manx Utilities Authority

It is recommended that the following should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings:

39 Erin Way, Port Erin
41 Erin Way, Port Erin

43 Erin Way, Port Erin
45 Erin Way, Port Erin
47 Erin Way, Port Erin
1 Erin Rise, Port Erin
2 Erin Rise, Port Erin

as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

It is further recommended that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings:

3 Erin Rise, Port Erin
4 Erin Rise, Port Erin

Whilst the above have explained how the development would impact the lawful use of land owned or occupied by them, both properties are located in excess of 20m from the application site and therefore do not comply with paragraph 2B of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE OBJECTIONS TO THE APPLICATION INCLUDING THAT FROM THE LOCAL AUTHORITY

1.0 THE SITE

1.1 The application site relates to an irregular shaped parcel of land comprising the rear portion of the garden serving Ballahane House, on the southern/eastern side of Erin Rise; a cul-de-sac. The site also includes a portion of Erin Rise itself to accommodate required drainage connections. The site benefits from a reasonable degree of mature tree coverage and is bounded by a mature hedgerow adjacent to the streetscene, with agricultural fields adjoining the site to the east.

1.2 Erin Rise consists of 4 no. detached dwellings located to the west of the site of a uniform vernacular, together with Ballahane House itself to the south-west. A row of 4 no. terraced properties are located to the immediate north-east of the application site which fall within Erin Way.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a 4-bedroom detached dwellinghouse with parking for 2 vehicles and the creation of a new access off Erin Rise. The new dwelling would comprise split levels to correspond to the site's downward sloping topography from the south-west to the north-east, with the front section effectively being single-storey with the rear portion comprising two storeys. The property would be set at an angle to the streetscene whereby the principle elevation would face towards the south-west and the north-west flank elevation interacting with the streetscene. Given the retention of much of the existing mature vegetation within the site, together with additional planting proposed, only the single-storey element of the dwelling would be effectively visible in the context of Erin Rise.

2.2 The proposals would however necessitate the removal of 11 trees, the majority of which have been graded as category C and U in accordance with British Standard guidance

together with 2 no. category B trees. Substantial tree groups would however remain, with additional hedging and low level planting proposed to offset this loss.

2.3 The proposed dwelling comprises a fairly modern and innovative design, utilising a dual pitched roof with a central valley separating the single and two storey elements, with a centrally located hipped porch/front entrance, and full height dual pitched projections on the rear elevation. The proposals include stepped access from the front to the back given the site's topography, with a paved pathway to be provided from the streetscene to the front entrance.

2.4 The dwelling would be finished in a combination of white render and timber cladding, dark grey natural or cement fibre roof tiles, dark grey fascia's and rainwater goods, together with dark grey aluminium or UPVC window and door frames. Frameless glass balustrades are proposed to enclose a paved area of hardstanding to the side of the dwelling, with solar panels proposed on the rear (south-western) roofslope of the two-storey element. Rooflights are proposed in both roofslopes of the single-storey element.

3.0 PLANNING HISTORY

3.1 None.

4.0 PLANNING POLICY

4.1 The application site is identified on the Area Plan for the South as land zoned for 'predominantly residential' purposes within the settlement boundary of Port Erin. The site is not within a Conservation Area or an area identified as being at risk of flooding.

4.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

Strategic Policy

- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 5 Design and visual impact

Spatial Policy

- 2 Development in Service Centres

General Policy

2b,c,g General Development Considerations

Environment Policy

- 3 Development to safeguard woodland of high amenity value
- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 42 Designed to respect the character and identity of the locality

4.3 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

5.0 REPRESENTATIONS

5.1 Port Erin Commissioners - The Board of Port Erin Commissioners considered the above application at its meeting held on 13 June 2023 and resolved to object against the proposal. The Board agrees with each of the concerns raised in the submissions by the residents of

41 Erin way, 43 Erin Way, 45 Erin Way, 47 Erin Way, 1, Erin Rise, 2 Erin Rise, 3 Erin Rise and 4 Erin Rise. (16.06.23)

The amendment to the above planning application will be considered by the Board of Port Erin Commissioners at the next Ordinary Board meeting scheduled for 12th September 2023. (29.08.23)

[officer note - to date no further response has been received from Port Erin Commissioners]

5.2 Highways Services - The revised plan and cover letter have provided the required information requested by Highways in the initial response dated 02/06/2023. The extent of the red line boundary has been stated to integrate the above, on or below ground services that will be included for use in the proposal, which is why the highway is included. Provision of a paved pathway from the existing gated access off the footway link behind No. 45 and 43, to the cycle storage has now been included. This will remove the need for any cycles to be carried up or down stairs and will ensure soft landscape can be avoided if necessary. The information and revisions provided means Highways DC raise no objection to the proposal. The applicant is advised that a Section 109a agreement will be required post planning consent. (24.08.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team can confirm that we are now content with the details contained in the various updated drawings and therefore we remove our objection to this application.

Should this application be approved, we request that conditions are secured on approval for the following:

All new soft landscaping to be undertaken as per the Site Plan (Drawing No. 101.02 Revision N) dated August 2023. - this includes the new hedging and low level planting along the front (west) of the new dwelling.

Bat and bird bricks to be installed in the new dwelling, as per the details contained in the Plan, Elevations and Sections As Proposed (Drawing No. 102.01 Revision N) dated August 2023. Tree removal to be undertaken in line with the Tree Removal Plan (Drawing No. TR-281022revA) dated 14th July 2023, and all other trees to be retained and protected.

Tree protection measures to be implemented as per the Tree Protection Plan (Drawing No TP-121022revA) dated 14th July 2023. (24.08.23)

5.4 DEFA Fisheries - No objection (12.09.23)

5.5 Manx Utilities Authority - Manx Utilities Authority has assessed the above planning application and would like to advise you that the Authority has no objection to the application subject to the following condition/s:-

There must be NO discharge of surface water (directly or indirectly) from this proposed development to any foul drainage system(s) so as to comply with the requirements of Manx Utilities and the Sewerage Act 1999.

The proposed dwelling must be connected to the public sewer(s) in a manner acceptable to Manx Utilities. All drainage works must conform to the requirements of "Manx Sewers for Adoption", any necessary CCTV surveys are to be carried out at the developer's expense.

In accordance with the Sewerage Act 1999, 1 communication fee will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system. (08.09.23)

5.6 Representations have been received from 9 surrounding residential properties objecting to the scheme. Detailed copies of all representations can be found on the online planning file, however a brief summary/overview of issues raised are as follows:

- Extent of site includes a portion of the public highway. Development would block access to the front of neighbouring properties and further impact access and use for emergency services;
- Narrowing of the access would pose a safety hazard;
- Position of the access on a sharp bend poses a hazard;
- Impact from construction works and associated construction traffic;
- Development would pose an overbearing impact resulting in loss of outlook and overshadowing creating an oppressive living environment;
- Proposals are not in keeping with the context or scale of the local area;
- Could cause potential environmental wildlife impacts;
- Development could potential lead to loss of habitats for bats, birds and hedgehogs;
- Proposals necessitate the felling of a large number of trees which poses an environmental impact;
- Potential impact on retained trees in the future;
- Loss of/harm to existing outlook;
- Impact on privacy and loss of light as a result of the development's scale and significant use of glazing;
- Increased traffic and parking issues.

6.0 ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are as follows:

- Principle of development (SP2)
- Design and visual impact (STP5, GP2, EP42)
- Impact upon neighbouring amenity (GP2, g)
- Arboriculture and Biodiversity (EP3,4,5)

6.2 PRINCIPLE

6.2.1 The site falls within the settlement boundary of Port Erin and an area zoned for residential development, where there is a general presumption in favour residential development, including news dwellings, provided that such proposals would be of an appropriate design and scale, safeguard the amenities of surrounding residential properties, and be further acceptable in all other relevant material planning matters.

6.3 DESIGN AND VISUAL IMPACT

6.3.1 The proposed dwelling seeks to correspond with the site's natural topography through the use of split-levels, whilst the orientation has largely been informed by the presence of trees most worthy of retention. The design and built vernacular of the dwelling clearly diverges from that which is present in the immediate locality to some degree, however the use of conventional pitched roofs, gable end and full height gabled projections do provide a nod to the general character and form of dwellings within the site's vicinity.

6.3.2 The materials palette is noted as being largely different to that which is on display within the immediate locality, which is typically characterised by off-white render, varying shades of brickworks and red/grey rooftiles. That being said, there is a general uniformity to the design and materials palette on offer in the locality which, whilst not unattractive, is not particularly inspiring from a design and visual aesthetic standpoint. By contrast the proposed development, with the use of white render, timber cladding and dark grey accents from the fenestration, fascias and rooftiles introduce a more visually striking and interesting piece of architecture into the vicinity resulting in a statement development in the streetscene.

6.3.3 It is accepted that the concept of design can be somewhat subjective, and the proposals clearly deviate from the uniform vernacular of dwellings within the wider locality, whilst introducing built development in a location which is well vegetated and comprising a significant number of mature trees. Nevertheless, the proposals are considered to appropriately correspond to the site's obvious topographic and arboricultural constraints, whilst resulting in an efficient use of the site and providing a new dwelling in a location that is zoned for residential development. The development is considered to be interesting and varied from an architectural standpoint which, on balance, adds more to the character and appearance of the streetscene than it detracts from it.

6.3.4 On this basis, the proposals are considered to be acceptable from a design and visual impact perspective, and such that they would be compliant with General Policy 2 (b) & (c) of the Strategic Plan (2016).

6.4 NEIGHBOURING AMENITY

6.4.1 Concerns have been raised from numerous properties within close proximity to the site, particularly in the context of potential overlooking, loss of light and loss of outlook. The agent has subsequently submitted plans demonstrating that development's compliance with the 20m back-to-back rule between the upper floor windows of the rear elevation of the dwelling and adjacent properties within Erin Way to the north (nos. 39-45). Whilst it is clear that a degree of overlooking would be afforded into the rear gardens of these properties from the first-floor bedroom, such views would be partial and indirect, whilst further being partially obscured from retained mature vegetation with a retained back-to-back distance in excess of 20m; as required in the Residential Design Guide.

6.4.2 Outward views from the first-floor window on the side (northern) elevation of the dwelling do appear to breach the 20m distance in respect of No. 45 Erin Rise, however this represents a side-to-back relationship with the window in question serving an en-suite bathroom (i.e. a non-habitable room).

6.4.3 Any potential loss of outlook or view as a result of the development is not a material planning consideration and therefore cannot be afforded any weight in the application's determination. It is also noted that the development would not breach a 25 degree angle measured upward from the ground-floor windows of adjacent properties as demonstrated by additional plans submitted by the agent, thereby ensuring the proposals would be acceptable in the context of daylight/sunlight. The proposals are further not considered to result in a demonstrable uplift of overshadowing in the context of rear garden serving those aforementioned properties within Erin Way.

6.4.4 In light of the above, whilst it is recognised that the proposed development would result in a marginal degree of impact upon the amenities of the adjacent properties, it is not considered that such impacts would be significantly harmful or indeed warrant the refusal of planning permission in isolation. Consequently, the proposals are considered to be acceptable from a neighbouring amenity perspective, in compliance with General Policy 2 (g).

6.5 ARBORICULTURE AND BIODIVERSITY

6.5.1 Following the submission of additional information and amended plans, particularly with respect to additional planting within the site, the previous objection raised by the Ecosystems Policy team has been withdrawn. The proposals seek to remove a number of trees within the site, only two of which however are considered to be of a reasonable quality and have therefore been classified as category B specimens, with the remainder comprising category C and U specimens. A substantial number of mature trees within the site would remain, with appropriate mitigation measures put forward within the submission which can be suitably secured by condition. Details of additional planting and landscaping have been

supplied in order to provide some degree of mitigation following the loss of trees to accommodate the development.

6.5.2 Given the removal of the previous objection by the Ecosystems Policy team and the additional detail provided over the proposals tree protection measures, the proposals are considered to be acceptable in the context of arboriculture and ensuring that the site's biodiversity credentials would not be demonstrably impacted.

6.6 HIGHWAYS AND PARKING

6.6.1 No objections have been raised by highways services over the impact of the development upon the safety and convenience of the highway network, with sufficient off-street parking proposed to serve the development for 2 vehicles. The proposals do not seek to narrow the existing road, with the site boundary encompassing a portion of the highway to factor in below ground service connections required to facilitate the development. On this basis the proposals are considered to be acceptable from a highways perspective, and in particular the addition of a single dwelling in this location is not considered to materially impact traffic flows in the locality or present a demonstrable highways/traffic hazard. Concerns raised related to construction traffic/general disturbance as a result of construction are noted, however such matters cannot be afforded weight in the application's determination, and indeed any degree of disruption associated with construction is inevitable but not a permanent condition.

7.0 CONCLUSION

7.1 The proposed development is considered to be of an appropriate design, scale and form, providing a degree of visual interest within the immediate streetscene and amounting to an efficient use of the site, without detriment to the amenities of surrounding residential properties. The development is further considered to be acceptable in the context of arboricultural constraints and the site's biodiversity credentials, without impacting the safety and convenience of the local highway network. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 2, General Policy 2, Environment Policies 3, 4, 5 and 42 and Transport Policies 4 and 7 of the Strategic Plan (2016). The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

PLANNING AUTHORITY AGENDA FOR 16th October 2023

Item 5.2

Proposal : Approval in principle for proposed residential development, addressing means of access and number of plots

Site Address : The Auburns
19 Lezayre Road
Ramsey
Isle Of Man
IM8 2LP

Applicant : Mr & Mrs David Pearce

Application No. : 22/01212/A- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Insufficient information has been provided to demonstrate that appropriate mitigation measures could be implemented on site to safeguard the occupants of the four dwellings proposed within the scheme from future flood occurrence in accordance with the requirements set out in Appendix 4 of the Strategic Plan and as required by Environment Policy 10.

R 2. It has not been sufficiently demonstrated that the proposal would not result in unacceptable risk from flooding, either on or offsite, for future occupants of the proposed dwellings, and that the development would not increase flood vulnerabilities and intensity of flooding in the area. Therefore, the scheme is considered to fail the requirements of Environment Policy 13.

R 3. Due to the overall layout of the site, positioning of the buildings and the spaces around them, coupled with the volume of hardstanding areas to be created on site, it is considered that the proposal would result in significant loss of an established green corridor which has public amenity value and contributes to the character of the site and locality.

The removal of large sections of the garden area and its replacement with about 526sqm of hardstanding areas (impermeable parking areas and dwellings) would considerably deplete the green corridor with potential to further decrease the available green corridor, resulting in deleterious impacts on the character and appearance of the area and the context of this part of Ramsey, and a loss of a sense of place for the immediate locality, thus failing to comply with Policy R/R/P3 of the Ramsey Local Plan, and Environment Policy 42, General Policy 2 (b, c, & g), and Strategic Policy 4(b & c) of the Strategic Plan.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

DOI Flood Risk Management
Manx Utilities Authority Drainage
Manx National Heritage

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Clairmont, 17 Lezayre Road, Ramsey, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

The Oaks, Lezayre Road, Ramsey; and
Abbeystead, 2 Auburn Place, Lezayre Road, Ramsey

as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

0.0 PREAMBLE

0.1 This application was refused by the Planning Committee on 2nd October 2023. Subsequent to the meeting and prior to the issue of the decision notice, it became apparent that an additional consultation from the Ramsey Commissioners, which had been received prior to the public sitting was not assessed by the Case Officer or presented to the Committee. The consultation comments had not been included in the original officer report as it had been submitted after the report was concluded.

0.1.1 Therefore the application was brought back to Committee in the interest of due diligence.

0.0 PREAMBLE

0.1 This application was originally on the agenda for 22nd May 2023 and was deferred at the applicant's request to enable them provide further flood related information. Since then, additional information has been received, and the report has been amended to reflect the additional details provided, with the assessment also amended to capture the new information.

1.0 THE APPLICATION SITE

1.1 The application site is the curtilage of the 'The Auburns', 19 Lezayre Road, Ramsey which is a large two storey detached property with a large garden located on the southern side of Lezayre Road, and situated about 113m from the junction connecting Lezayre Road,

Bowring Road, Parliament Street and Parliament Square. The southern boundary of the site directly abuts the The Litney Stream which runs along the entire stretch of the southern boundary.

1.2 Within the rear garden of the site sits an L-shaped two storey stone outbuilding which is situated at the rear of the main dwelling. This building is covered almost entirely in overgrown shrubs which now screens large sections of the outbuilding and contributes to the variety of biota on site.

1.3 Large parts of the rear garden boundary is covered in mature landscaping comprising trees and shrubs which mostly encloses the rear of the property. The ground level within the garden rises towards the boundary forming raised embankments on the boundary with the stream and the western boundary of the garden, with level differences between the embankments and garden site level set at between 400 to 600mm.

2.0 PROPOSAL

2.1 The application seeks approval in principle for proposed residential development, addressing means of access and number of plots.

2.2 The application comprises an indicative site plan which shows the building footprint of the four detached dwellings proposed for the site, including hardstanding areas for parking of vehicles and driveway serving the properties and existing dwelling at 'The Auburns'. It is also indicated that all the new dwellings would be two storey dwellings (no height or window positions indicated).

2.3 This plan shows that each of the dwellings would have an indicative footprint measuring 6.5m x 9m (58.5sqm), with driveway and parking areas within the proposed garden area measuring about 288.6sqm.

2.4 It is indicated on the plan that the trees on the western and eastern boundaries would be retained to serve as natural screens between the proposed dwellings and the neighbouring properties. It is also indicated on the plans that there would be 8 off street parking spaces (two serving each dwelling), with turning areas also provided. As well, the indicative layout shows areas that would serve as private gardens for each of the dwellings and the position of hedges that would serve to define the garden boundaries.

2.5 The indicative site layout shows the proposed changes to increase the width of the vehicular access serving the existing and proposed dwellings and the position of bin storage areas by the vehicular access for collection days.

2.6 It has been indicated that the existing stone barn/outbuilding is to be demolished.

2.7 The application is supported by a Planning Statement which details approaches to manage surface water and foul water discharge including discharging into soakaway or into adjacent water body. This statement refers to the submitted Flood Risk Assessment and details how flood risk for occupants of the proposed dwellings would be managed. The statement also addresses acceptability of the principle of the proposed development, access issues, biodiversity concerns, and tree protection.

2.8 The Flood Risk Assessment prepared by Structural Engineering Services Ltd and dated September 2022, submitted in support of the application concludes by stating the following:

2.8.1 Current Flood Information

- o A predicted flood level to AOD (above ordnance datum) for this site has been requested from the Isle of Man Government, Flood Management Division. At the date of issuing the report a response to the request was still outstanding.
- o An AOD flood level would enable the depth of water across the site to be assessed and a ground floor level of the property to be set in order to minimise any flood risk.
- o It is anticipated that the ground floor would be set with a 600mm freeboard above a predicted flood level.

2.8.2 Proposed Property Construction

- o The finished ground floor level will be constructed 600mm above the predicted flood level.
- o Assuming the flood level is 600mm or less then the following will be adopted to exclude the water from the property:-
 - The foundations and ground floor of the property will be constructed in a robust material, such as ground bearing reinforced concrete. Other construction materials such as insulation or metal products will be of a type suitable for prolonged ground water contact. This type of floor does not require airbricks for ventilation eliminating a water entry route.
 - The ground floor walls will be built from masonry, with a low absorption rate, of a type suitable for immersion under water. An example would be an engineering brick commonly used in the construction of infrastructure. Wall insulation will be a closed cell type which is not impacted by water.
 - The door openings from ground floor to the outside will be protected with flood resilient doors specifically designed to resist the predicted flood height.
 - Services entering the property, such as Telecom, Electricity, Oil, Gas and Water will be terminated above the proposed ground floor level to agreed details with each of the providers. Each service entry will be detailed as a waterproof entry and distributed from 1st floor level down to the ground floor.
- o Should the risk of the flood water level be higher than 600mm then the following additional precautions will be adopted assuming that water may enter the properties:-
 - Ground floor finishes would be tiled, with wash down drain points installed.
 - Kitchen floor cabinets and furniture would not be the fitted type.
 - The use of wood and plaster finishes would be substituted and the use of flood resilient alternatives would be used.
 - Electrical sockets would be located above flood water level.

2.9 The scheme is accompanied by Percolation test results prepared by Structural Engineering Services Ltd and dated 21 January 2023, which details the following:

- o With a calculated site Vp of less than 100 and no standing or infiltrating water in the test holes the site is considered suitable for surface water soakaways to be installed.
- o The area of test hole 4 drained slower than the other three test holes and it is therefore recommended that the area of test hole 4 is not utilised for soakaways.

2.10 Following the deferment of the Planning Committee determination on 22nd May 2023, the applicants have provided an updated Flood Risk Assessment prepared by Structural Engineering Services Ltd, and revised July 2023. The report has a section on conclusions which was not in the previous report.

2.10.1 Important elements include the following:

- a. The Auburns house will retain approximately 945sqm, while the development site will utilize the remaining 1910m² of the site (entire site area is approximately 2855sqm).

- b. The proposal is for four 59sqm detached two storey properties with associated paths, car parking, an access road, and areas for gardens.
- c. The total developed area will be approximately 853sqm, and of that area 236sqm is for the footprint of the impermeable roofs. The proposed total roof area is equal to the previously approved roof area of the detached dwelling.
- d. River & Tidal Flooding Risk: The flood risk map indicates that for river and tidal flooding the area is classified as at high risk of flooding. The annual risk used for the model is 1 in 100 year river flooding, with 20% of peak flow added to account for climate change.
- e. Surface Water Flooding Risk: The flood risk map indicates that for surface water flooding the area is classified as having a high likelihood of flooding during one of a 3%, 1% and less than 1% annual events.

2.10.2 The report suggest that the risk of water entering the property will be low, and recommends the following measures as mitigation for potential flood impacts:

- a. Ground floor finishes and skirting should be tiled.
- b. Discrete drain gully for washing down should be installed, again with none return valves fitted.
- c. Kitchen floor cabinets and furniture should be the loose none fitted type.
- d. The use of wood and plaster finishes in the ground floor areas below 1m should be substituted with flood resilient alternatives.
- e. Electrical sockets, boilers etc. should be located above flood water level.

2.10.3 The Report concludes by stating the following:

"5.1 This report has been amended from the original September 2022 to incorporate the estimated 1:100 year plus climate change flood level of 5.37m (AOD) provided by the Flood Management Division.

5.2 Flood Management Division flood risk mapping indicated the site is High Risk of river and tidal flooding.

5.3 The development is a brownfield site due to buildings located on the site and has therefore been considered as suitable for redevelopment.

5.4 The development proposal is for four two storey houses and associated parking, with a building footprint larger than the existing stone barn but similar to the footprint of a bungalow with a previous planning approval for the site.

5.5 The ground has been tested for percolation values and was found to comply with the requirements of the Building Regulations, reducing the proposed surface water discharge from the site.

5.6 Foul water mains drainage is available to the site.

5.7 Ground floor levels of 5.97m (AOD) plus 600mm above the highest estimate flood level has been considered as impractical due to the raised building high impacting on planning, neighbouring properties and the requirements for disability access.

5.8 The report recommends a compromise of setting the ground floor levels at the estimated maximum flood depth of 5.37m (AOD). The design of the buildings will be to mitigate for the reduced risk that water may possibly enter the buildings. This design option minimises the height of the building, reduces the impact on neighbours and enables reasonable access ramp lengths to be achieved.

5.9 By building at the maximum estimated flood depth and utilising flood resilient construction and warning measures, there is a low risk of flood water entering the building or a need for evacuation. We have discussed further measures that could be utilised to reduce risk further."

3.0 PLANNING POLICY

5.1 The site is located within an area designated as 'Predominantly Residential Use' under the Isle of Man Planning Scheme (Ramsey Local Plan) (No. 2) Order 1998, and the site is not

within a Conservation Area. There is a registered tree on site, although the site is not within a Registered tree Area. The site is prone to high surface, river and tidal flood risk, with the proposed development area completely enveloped in the high flood risk zone.

3.2 The Ramsey Local Plan Written Statement (Planning Circular 2/99), has the following policies that are specifically relevant to the current site:

3.2.1 "Policy R/R/P3: Infill/Backland Sites

Within areas zoned for Predominantly Residential Use there will be a general presumption against the development of those sites which provide attractive natural "breathing" spaces between established residential buildings. These sites will often include trees, mature landscaping, or simply green space. Any possible development of such sites should form the subject of consultation with the Office of Planning prior to submission of any application".

3.2.2 "Policy R/E/P3 Backland Development and Development in Grounds of Houses

7.20 There shall be a general presumption against backland development and development within grounds of large houses on those sites which are well landscaped within ample tree coverage".

3.3 In terms of strategic plan policy, the Isle of Man Strategic Plan contains the policies that are considered specifically material to the assessment of this current planning application:

3.3.1 Strategic Policy 1 states: "Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.3.2 General Policy 2 states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;

(m) takes account of community and personal safety and security in the design of buildings and the spaces around them;

3.3.3 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

3.3.4 Housing Policy 6 states:

"Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive."

3.3.5 "Environment Policy 42 states: New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

3.3.6 Strategic Policy 3 (In part): Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:

- (b) having regard in the design of new development to the use of local materials and character.

3.3.7 Spatial Policy 2: Outside Douglas development will be concentrated on the following Service Centres to provide regeneration and choice of location for housing, employment and services

- o Ramsey
- o Peel
- o Port Erin
- o Castletown
- o Onchan

Area Plans will define the development boundaries of such centres so as to provide a range of housing and employment opportunities at a scale appropriate to the settlement.

3.3.8 Transport Policy 7:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.

Typical Residential:

2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling."

3.3.9 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.3.10 Strategic Policy 10: New development should be located and designed such as to promote a more integrated transport network with the aim to:

- (a) minimise journeys, especially by private car;
- (b) make best use of public transport;
- (c) not adversely affect highway safety for all users, and
- (d) encourage pedestrian movement

3.3.11 Environment Policy 10:

"Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4."

3.3.11.1 Paragraph A.4.3

"The following plans must be included with the assessment:

- (a) A location plan at an appropriate scale that includes geographical features, and identifies all watercourses or other bodies of water in the vicinity, including drainage outfalls.
- (b) An appropriately scaled contoured plan indicating existing levels and levels following development.
- (c) A plan showing existing flood alleviation measures in the vicinity of the site together with details of their condition and performance.
- (d) A plan of the site showing any existing information on extent and depth of flood events or on flood predictions. Additional information provided can be anecdotal or photographic, and can include survey results or model estimates. Any changes which have taken place since the last event should be identified.
- (e) A plan of any structures which may influence local hydraulics, including bridges, pipes/ducts crossing the water course, culverts, screens, embankments or walls, overgrown or collapsing channels and the likelihood of their becoming blocked by debris.
- (f) A cross-section of the site indicating finished floor levels or road levels or other relevant levels relative to the source of flooding and to anticipated water levels and associated probabilities.

3.3.11.2 Paragraph A.4.4: Other information

"The following additional information may also be required:

- (a) The probabilities and any observed trends and the extent and depth of floods for the location and, if appropriate, routes and speed of water flow. The effect of climate change on such probabilities should be examined.
- (b) The likely rate or speed with which flooding might occur, the order in which various parts of the location or site might flood, the likely duration of flood events and the economic, social and environmental consequences of flooding.
- (c) The hydraulics of any drain or sewers existing or proposed on the site (during flood events).
- (d) An estimate of the volume of water which would be displaced from the site for various flood level following development of the site.
- (e) The potential impact of any displaced water on neighbouring or other locations which might be affected subsequent to development.
- (f) The potential impact of any development on fluvial or coastal morphology and the likely longer-term stability and sustainability.

3.3.11.3 Paragraph A.4.5: Mitigation Measures

Details of flood defence arrangements proposed must be provided and also an assessment of their behaviour in extreme events.

A.4.5.1 Any work on a watercourse, stream or a designated main river (and normally including the banks for a distance of 9m either side) requires the permission of the

Department of Transport's Land Drainage Engineer in accordance with the Land Drainage Acts 1934."

3.3.12 Environment Policy 13: Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted.

3.3.13 Section 7.12: Areas Subject to Flooding and Erosion

"7.12.2 The Isle of Man does not have a full survey identifying all areas which may be at risk from flooding. However, there are areas which are at potential risk from flooding and this includes areas which have flooded in the past. The Strategic Plan seeks to prevent the loss of natural flood plain and to guide development away from areas at risk of flooding. Where development is permitted for special or exceptional reasons, then appropriate flood protection and mitigation measures must be taken to safeguard life and property."

3.3.14 Environment Policies 4 and 5 seek to protect the ecology of sites and important habitats.

3.3.15 Strategic Policy 4: Proposals for development must:

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and

(c) not cause or lead to unacceptable environmental pollution or disturbance.

3.4 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are;

3.4.1 Community Policy 10: Proposals for the layout and development of land will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes.

3.4.2 Community Policy 11: The design and use of all new buildings and of extensions to existing buildings must, as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.

3.4.3 Infrastructure Policy 5: Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources.

3.4.4 "Backland development" (which is development on the land at the back of properties) may also be acceptable in some circumstances, but only if satisfactory access can be achieved and if there is sufficient space to provide adequate amenity for both new and existing adjoining dwellings.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 RESIDENTIAL DESIGN GUIDE (2021)

4.1.1 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions." Section 3.1 refers to local distinctiveness, 6.3 relates specifically to driveways and front gardens, and 7.0 deals with Impact on neighbouring properties are particularly relevant.

4.2 IOM BIODIVERSITY STRATEGY 2015 TO 2025

4.2.1 The strategic aims (In part):

o Managing biodiversity changes to minimise loss of species and habitats.

o Maintaining, restoring and enhancing native biodiversity, where necessary.

4.2.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

5.0 PLANNING HISTORY

5.1 The application site has been the subject of a number of previous planning applications and it is considered that the following are specifically material to the assessment of this current planning application:

5.2 PA 03/00669/A for Approval in principle for erection of dwelling and garage. This was approved in August 2003. A 12 month extension of time period was approved under PCM11.1/27/5/05.

5.3 PA 06/01369/REM for Reserved matters application for the erection of a detached dwelling with garage and alterations to existing vehicular access. This was approved on 30 October 2006 but has now lapsed. It proposed a detached single storey dwelling with footprint measuring about 258sqm. Also, the existing barn was to be retained on site.

5.4 PA 07/01058/B for Alterations to and conversion of outbuilding to a dwelling. This application was approved by the Planning Committee in September 2007. The application proposed alterations to and conversion of outbuilding to a dwelling. The existing two storey aspect of the barn was to be retained and converted to a dwelling house, while the single storey garage extension was proposed to be demolished and replaced with a single/two storey extension.

5.5 PA 19/00778/B for conversion and extension to building to create a residential dwelling. This was approved in October 2019 and will lapse in October this year (2023). The proposal is a resubmission of similar scheme approved in 2007 under PA 07/01058/B, which has now lapsed.

5.6 There is an extant application for proposed variation of condition of approval No 1 to P.A. 19/00778/B, for an extension of time, proposed conversion and extension to outbuilding to create a residential dwelling. This application has not yet been determined, although its outcome would serve to determine the potential retention or removal of the existing barn on the current application site.

6.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that the proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no opposition to the proposal subject to all access arrangements, including visibility splays, according with drawing No. 22 1631 02 Rev A and 22 1631 04 Rev A (13 December 2022).

6.2 DOI Flood Risk Management have made the following comments regarding the application (31 October 2022):

- o The proposed building is in a tidal and fluvial flooding zone.
- o The Litney Stream which runs along the edge of the property can suffer from hydraulic block during high tides which caused flooding over this property.

6.2.1 Following review of the Revised Flood Risk Assessment, the DOI Flood Risk Management Team have made the following comments in their correspondence with the applicant dated 1 September 2023:

- i. The FMD of the DOI only make comments to the Planning Department but the decision is made through the planning process. The Planners consider our comments and this must be weighed up with all other comments they receive.
- ii. They note that some of the applications they have objected to get approval and give an example of such approvals such as the barn conversion at the application site.
- iii. They note other applications that have been referred to by the applicants previously and provide an overview of the site conditions (in terms of flood vulnerability), and refer to planning decisions on these applications.
- iv. They state that in the case of the current application, they are objecting to the development because it is new development on previously un-development land in high risk tidal and fluvial flood zone.
- v. They state that they want to reduce further development in highly vulnerable flood areas especially those where there has been no development, whilst stating that they however have to balance this where they have had existing development in a flood zone.
- vi. They note that there are warning systems for tidal flooding which can give up to two days' notice before a flood, but that there is no warning system for fluvial flooding and it is unlikely that they will have these due to the quick response of our fluvial systems.
- vii. They state that for development in tidal flood zones you do not have to accommodate loss of flood plain where you do for fluvial as well looking at how the proposed property will affect flows paths and whether it would increase risk of flooding to others, and state that the only way to do this is to model the area.
- viii. They state that this has not been undertaken for the application site.
- ix. They note that currently there is Flood Planning Policy and state that we must rely on the current strategic plan, whilst referring to General Policy 2, Environment Policies 10,11 and 13, and Paragraph 7.12.2 of the strategic plan.

6.3 DEFA Ecosystem Policy Team have made the following comments regarding the application (18 November 2022):

- o They note that a lot of work has already taken place with the interior of the site almost entirely denuded of vegetation, and as such believe that ecological consideration is currently lacking with this application.
- o They note that although the trees marked within the tree survey plan to be removed are category U ash trees suffering from dieback, they do not necessarily all have to be removed and recommend that some are retained as standing dead wood or removed in stages.
- o They state that these urban trees will be supporting a wide variety of biodiversity including roosting, feeding and commuting bats, breeding and feeding birds, invertebrates and other wildlife and note that the loss of even a few could be particularly important in this built-up environment.
- o They note that no mitigation proposals, including plans for replacement planting, have been provided and therefore request that a condition is secured for a landscaping plan to be provided at the detailed application stage.
- o They highlight the potential for legally protected roosting bats and nesting birds in the barn to be demolished and the potential for bats and their roost spaces and birds and their nest spaces, to be destroyed by the demolition, and recommend that a survey for bats and birds is undertaken by a suitable qualified ecological consultancy prior to the detailed application stage, so that, if bats or birds are found, suitable mitigation measures can be incorporated into the new buildings.
- o They state that although they have no previous records of bats in this location, there is still potential for them to be present, as the age and construction of the building makes this more likely.

o They note that there could be nesting birds within the ivy on the outside of the outbuildings and recommend that this should be retained in place for the bat and bird assessment, but state that if it is to be removed then it should not be undertaken in the bird nesting season (March - August inclusive).

6.4 DEFA Fisheries have made the following comments regarding the application (23 November 2022):

o They note that the proposed works are in close proximity to a watercourse with known fish populations including trout and eels, and advise that precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river.

o They state that they have no objection to this proposal providing the following conditions are met;

- Any works to the watercourse bank and channel are restricted to the period July to September (inclusive).

- Works are conducted according to written method statements agreed in advance with the Inland Fisheries Section of the Fisheries Directorate, DEFA.

- Efforts towards ensuring that either a soakaway or an interceptor is connected to the surface water drain (just before entering the water course) would be advantageous in the protection of this fishery.

o The applicant is advised to contact DEFA Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval.

6.5 Manx National Heritage have made the following comments on the application (17 November 2022):

o They note that there are a number of records of pipistrelle bats in the vicinity of the property and recommend that a bat survey be carried out before works are undertaken to the barn in order to avoid disturbing roosting bats.

o They state that the results of such a survey should be based on The Bat Conservation Trusts (2016) Bat Surveys for Professional Ecologists-3rd Edition.

6.6 Manx Utilities Drainage have confirmed that the percolation test submitted by the applicant is acceptable, which indicates support for the proposal (09 February 2023).

6.7 Ramsey Commissioners object to the application on the following grounds (17 November 2022/23 January 2023):

o The proposal, by reason of its siting, layout, scale, form, design and the space around the buildings adversely affects the character of the site and surroundings and the local townscape in general, contrary to General Policy 2(b) and 2(c), of the Isle of Man Strategic Plan 2016.

o The proposed building does not take account of particular character and identity, in terms of buildings of the immediate locality. Inappropriate back land development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted.

o Whilst the Isle of Man Strategic Plan 2016 takes precedence over the Local Plan 1998, the Local Plan is still valid and therefore Policy R/R/P3 of the Ramsey Local Plan still applies. This states 'Within areas zoned for predominantly residential use there will be a general presumption against development of those sites which provide attractive, natural 'breathing' spaces between established residential buildings. These sites will often include trees, mature landscaping or simply green space'.

6.7.1 In response to the comments made by the Ramsey Commissioners, the applicants have stated the following in their statement dated 23 November 2022:

o They support the position that the Ramsey Local Plan remains a material consideration and note that the Strategic Plan clarifies the status of various statements of planning policy at paragraph 1.4.3.

o They state that Environment Policy 42 of the Strategic Plan addresses the issue of backland development which has been raised by the Commissioners.

o They submit that there is no inconsistency in R/R/P3 of the Local Plan and EP42 of the Strategic Plan and that they are both trying to achieve the same thing: the protection of undeveloped urban areas which contribute positively in visual or ecological terms.

o They note that the site is not identified in the Ramsey Local Plan or the emerging draft Area Plan for the North and West as a site where development should be precluded although other sites have been so identified including some which are part of the gardens of existing residential properties.

o They note that the local plan the Local Plan Policy presumes against the loss of "those sites which provide attractive, natural "breathing" spaces between established residential buildings" and that it also suggests that "these sites will often include trees, mature landscaping or simply green space". However, they submit that the site does not represent a space which is any of these things and that it is an unused back garden area which is not publicly visible and has no particular ecological value other than part of a wider area used by pipistrelle bats and whose potential interest in the site is, acknowledged in the comments made on this application by Manx National Heritage, due to the existing stone outbuilding whose demolition is not controlled by the planning process, not by any inherent value of the site itself.

o They state that the site is not viewed by anyone other than those within the site or adjacent to in private dwellings with existing vegetation along the boundaries preventing a clear view into the site other than from adjacent buildings which are higher. It is also relevant, as shown on the submitted plans, that historical planning approvals have accepted the development of this site with significant areas of the site being built upon or occupied by existing and former buildings. The approval of these applications did not consider the site to be of such value as to presume against their approval and the Ramsey Local Plan was adopted at those times.

o They state that the retention of The Auburns together with the large tree at the front of the site will almost completely screen any view of the rear of The Auburns with almost no visual impact from any development there, on the character or appearance of the area.

o They state that since the adoption of the Strategic Plan, after the adoption of the Ramsey Local Plan, there has been a greater emphasis on sustainable development and the optimisation of sites within existing settlements, and submit that the proposed development supports the sustainable principles encapsulated in the Strategic Plan and should not be rejected on the basis that it conflicts with either R/R/P3 or EP 42.

6.8 The owners/occupiers of the following properties have written in to object to the application:

a. The Oaks, Lezayre Road, Ramsey (18 November 2022):

o They request that they be included as interested party to proceedings as their garden is adjacent to the proposed development.

b. Clairmont, 17 Lezayre Road, Ramsey (23 November 2022):

o They refer to potential impacts of vibrations from vehicular traffic on their property.

- o They refer to structural impacts of construction traffic on their property.
- c. Abbeystead, 2 Auburn Place, Lezayre Road, Ramsey (7 December 2022):
 - o They wish to be registered as an interested person in relation to the proposed development due to the fact that they live directly across the road from the application site.

7.0 ASSESSMENT

7.1 The fundamental issues to be considered in the assessment of the current application are:

- a. Principle of developing the site for the proposed use;
- b. The potential visual impact on the site and street scene;
- c. Impacts on Parking and Highway Safety;
- d. The potential impact on neighbouring properties;
- e. Ecological Impacts; and
- f. Flooding concerns

7.2 PRINCIPLE OF DEVELOPMENT (STP 1, SP2, HP4, HP 6, & Policies R/R/P3 & Policy R/E/P3 of the Ramsey Local Plan)

7.2.1 In assessing the principle of the proposed residential use of the site, it is considered that the site is zoned for residential use which implies that the use of the site for residential purposes would be compatible with adjoining uses and conform to the general use of the area. This, however, does not in any way denote automatic approval for residential use of the site, given that the development of the site would have to be appropriate for the existing site character, character of locality and not result in adverse impacts on other attributes of the site, such as biodiversity, access and highway issues, drainage, flood potential and/or neighbouring amenity.

7.2.2 Whilst the planning application seeks approval in principle, it does include details of access and siting of the buildings, as well as details to determine potential flood impacts, which are to be considered at this stage. Additionally, the application does include an indicative site plan showing parking and landscaping, which is taken to reasonably represent the form of development that would be required to achieve the proposed level of residential development. As such, the assessment of the planning application would be made using the indicative site plan as a reasonable reference point.

7.2.3 It is vital to note that the Isle of Man Strategic Plan 2016 stipulates that a total of 770 new dwellings are required to be provided between the years of 2011 to 2026 in the North of the Island. Ramsey is also regarded as one of the service centres to provide regeneration and choice of location for housing under Spatial Policy 2; and this is supported by Spatial Policy 3 which states that "Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing". While this does not signify a presumption in favour for all forms of housing development, it points to the fact the proposal would generally accord with the Strategic Plan goals for new housing in the north. Therefore, in terms of the acceptability of the use of the site for residential development it is concluded that the proposal basically accords with the goals of Strategic Policy 1 and Housing Policy 4 of the Isle of Man Strategic Plan 2016.

7.2.4 Based on the foregoing, it is considered that as the application aligns with the zoning of the area within the Ramsey Local Plan, the development of the site for residential purposes would be acceptable in principle. This is however not an automatic reason to allow development as further material planning matters as indicated previously need to be considered to determine if the 4 dwellings proposed for the site is appropriate, and if the extant site conditions would allow the proposed development. Therefore, it still remains

necessary to assess the proposed development against other relevant planning policies and the physical constraints of the application site.

7.3 VISUAL IMPACT ON THE SITE AND STREET SCENE (GP 2, STP 3, EP 42 & RDG 2021)

7.3.1 In terms of the size (footprint) of the dwellings and relationship with the spaces between the buildings which serve to define the character of the area, it is considered that the density of the development would be within acceptable limits for the immediate vicinity given the varied levels of site density and site coverage in the locality.

7.3.2 Notwithstanding the above, the plot coverage for the entire site area, which gives an indication of the relationship between the built form and site area is set at 35.6% which is considerably higher than the existing situation with the barn on site. This however, does not factor in distances between buildings or the landscaping of buildings and the spaces around them. Additionally, the development would remove a significant portions of a vital garden area which contributes to the character of the area and serves to define the sense of place for the area. Although the definition of the sense of place is relative (as it is intricately linked to the inherent values and perceptions individuals hold about a spatial setting), although the garden area forms a continuation of the green corridor at the rear of the buildings on Lezayre Road, Brookfield Avenue, and Fairfield Avenue and as such serve to define the character of the area even though it is not publicly viewable from the adjoining highways. It should be noted that the rear garden and the neighbouring rear gardens which adjoin the stream, as well as the biota on them, contribute to the identity of the area and serve to provide ecosystem services; such as carbon sequestration, serving as soil binders, controlling flood spread in the area, and as habitat for species in the area. As such, the removal of a large section of the garden area and its replacement with about 526sqm of hardstanding area (impermeable parking areas and dwellings) would considerably deplete the amount of green space resulting in some loss of sense of place for the site, given the context of this part of the locality and the extant services the garden offers the locality.

7.3.3 In assessing potential impacts on the character of the street scene, it is considered that there are existing buildings and walls around the site boundary; with the proposed development area set back further into the site such that large sections of the site area would be screened from public views, particularly along Brookfield Avenue and Lezayre Road. Whilst the siting of the buildings is a matter to be considered at this stage, without details elevations, it would be difficult to fully assess the potential visual impacts of the development at this stage. As such, that would be a matter for consideration at the Reserved Matters stage.

7.3.4 Overall, it is considered that the scheme has the potential to alter considerably this part of the locality with potential for positive or detrimental impacts. However, the extent of any impacts would be better assessed under a reserved matters application where the quantum of built development would be fully assessed with impacts on site character and character of locality (which includes the benefits existing biota offer) would be fully considered and judged.

7.4 IMPACT ON HIGHWAY SAFETY (General Policy 2h & I, TP's 1, & 7, & SP 10)

7.4.1 In terms of impacts on highway safety, it is considered that the access alterations including visibility would be appropriate for the site and number of dwellings proposed for the site, and offer a safe access onto the existing highway and as such is acceptable.

7.7.2 With regard to off road parking, the dwellings would have at least 2 spaces provided within the site for each dwelling, which would meet the requirements of Transport Policy 7 as stipulated within Appendix 7 of the IOMSP. Additionally, the site is within walking distance to

public transport corridors and the Ramsey Tram Station which increases the public transport options available to future occupants.

7.7.3 In addition, Highway Services have assessed the proposal and find it to have no significant negative impact upon highway safety, network functionality and /or parking.

7.7.4 Therefore, it is considered that this element of the scheme complies with the requirements of the aforementioned policies.

7.5 THE POTENTIAL IMPACT ON NEIGHBOURING PROPERTIES (GP 2 & RDG 2021)

7.5.1 In terms of the potential impact upon neighbouring properties it is considered that the site directly adjoins three neighbouring properties; Clairmont 17 Lezayre Road to the east, The Oaks, Lezayre Road to the west, and Cheshire Mews, Fairfield Avenue to the west and southwest, with the some of the proposed dwellings situated within 14m of some of the neighbours. However, given that the building heights, nature of built form or quantum of built development, and the position of fenestrations are not included in the current scheme, it would be difficult to ascertain true impacts on neighbours. As such, impacts on neighbours would be better assessed under a reserve matters application.

7.6 IMPACTS OF BIODIVERSITY (GP2, EP4 & EP5)

7.6.1 In terms of potential impacts on site ecology and protected species resulting from the proposed development, it is considered that the demolition of the existing barn on site to facilitate the new development holds potential to result in impacts on site biodiversity. Whilst the applicants have noted that planning approval is not required to remove the barn, it is being removed to enable the erection of the proposed dwellings. As such, the impacts on protected species and biodiversity within the site, particularly in/on the barn which holds potential to house protected species and rare biota on site, given the prominence of overgrown shrubs on most of its external elevations must be carefully considered in decisions that relate to the impacts on the site ecology.

7.6.2 It should be noted that the Isle of Man Biodiversity Strategy seeks to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for. In this case, the scheme would result in the removal of habitats within the site, with the proposal not detailing measures that would serve to re-integrate the displaced biota on site. As such, it is not considered that there is sufficient information to ascertain the real impacts, extent or severity of any impacts resulting from the proposal on biodiversity within the site and area.

7.7 FLOOD CONCERNS (EP 10, EP 13 & GP 2)

7.7.1 With regard to flood impacts, it is considered that the site is in a high flood risk area for surface, river and tidal flooding which increases the flood vulnerabilities for future occupants of the proposed dwellings. The proposed site area is also the lowest part of the application site and serves as the main collector of flood water that discharges onto the site, and as such is more susceptible to flood impact for both regular and severe flood occurrences. Furthermore, this part of the site being undeveloped and largely existing as a garden area holds the potential to serve as flow paths for flood water and the proposed dwellings and associated hardstanding areas, and the future ancillary residential structures hold the potential to adversely affect these flows paths on site.

7.7.2 Granting the site is served by an embankment on the southern boundary which should serve to mitigate flood water ingress from the adjoining stream, this embankment is only 1.28m higher than the normal stream level. Thus, it is not considered that the embankment would offer sufficient protection if floods occur during high tides or if the river is over recharged by flash floods from the surrounding area or river overflows, given that the

embankment would be set lower than the predicted maximum flood level of 5.37m (AOD) for the site.

7.7.3 It is also considered that the scheme proposes to install a soakaway to manage surface water runoff on site. Whilst this is a welcomed addition to the proposal, the Flood Risk Assessment provided with the scheme does not include details on extent of flood events or possible flood predictions for the site, changes which have taken place along the stream course since the last flood event, details of any structures which may influence local hydraulics (resulting in the stream being blocked during severed floods or facilitating flow of flood waters). Besides, the percolation test results indicate that part of the site area does not drain properly, which indicates that there is potential for waterlogging (on parts of the application site) if heavy rainfall or flash floods occur, and if the stream overflows its banks. As such, it is not considered from the information available that there is sufficient evidence to suggest that the installation of a soakaway would be sufficient to manage surface water runoff on site, considering there are three main sources of flood concerns for the site - surface, river (fluvial) and tidal.

7.7.4 Additionally, it is clear from the Flood Risk Assessment that the ground floor levels of the proposed dwellings cannot be set at 5.97m (AOD) plus 600mm above the highest estimate flood level, as this has been considered to be impractical since raising the height of the building will adversely impact on neighbouring properties, and the requirements for disability access. As such, it is not considered that the existing site situations in terms of flood vulnerabilities, and the relationship with neighbours, as well as the need to provide appropriate facilities for future occupants would allow for appropriate mitigation that would serve to diminish vulnerabilities to be achievable. As such, it is not considered that appropriate flood mitigation measures would can be achieved at the site.

7.7.5 Whilst the submission of a Revised Flood Risk Assessment which provides updates on the predicted flood level for Ramsey is acknowledged, the Flood Risk Assessment is almost identical to the previously submitted FRA as it still lacks relevant details which are detailed within Appendix 4 of the Strategic Plan, and would be relevant in the current case given the significantly high potential for flood occurrence and increased vulnerabilities for the site, such as:

"Paragraph A.4.3 (Must be included)

(c) A plan showing existing flood alleviation measures in the vicinity of the site together with details of their condition and performance.

(d) A plan of the site showing any existing information on extent and depth of flood events or on flood predictions.

(e) A plan of any structures which may influence local hydraulics, including bridges, pipes/ducts crossing the water course, culverts, screens, embankments or walls, overgrown or collapsing channels and the likelihood of their becoming blocked by debris.

(f) A cross-section of the site indicating finished floor levels or road levels or other relevant levels relative to the source of flooding and to anticipated water levels and associated probabilities.

Paragraph A.4.4: Other information

(a) The probabilities and any observed trends and the extent and depth of floods for the location and, if appropriate, routes and speed of water flow. The effect of climate change on such probabilities should be examined.

(b) The likely rate or speed with which flooding might occur, the order in which various parts of the location or site might flood, the likely duration of flood events and the economic, social and environmental consequences of flooding.

(c) The hydraulics of any drain or sewers existing or proposed on the site (during flood events).

- (d) An estimate of the volume of water which would be displaced from the site for various flood level following development of the site.
- (e) The potential impact of any displaced water on neighbouring or other locations which might be affected subsequent to development.
- (f) The potential impact of any development on fluvial or coastal morphology and the likely longer-term stability and sustainability."

As such, it is considered that there is still a dearth of flood information within the submitted flood risk assessment to effectively assess the potential impacts and risks to future occupiers of the dwellings proposed for the site and neighbouring properties.

7.7.6 Furthermore, Paragraph 7.12.2 is clear that the Strategic Plan seeks to prevent the loss of natural flood plain and to guide development away from areas at risk of flooding, and notes that development in areas that have high vulnerability to flood risks would only be permitted for special or exceptional reasons, whilst stating that appropriate flood protection and mitigation measures must be taken to safeguard life and property. In the case of the current application, it would be difficult to argue that this scheme represents a special or exceptional development which should be allowed under special circumstances. Equally, the argument for the development as a representation of brownfield sites would not pass for the application site which is essentially a large functional residential property with an unused barn situated within its large garden. Moreover, the site has not been identified as a brownfield site which are to be the subject of phased release for future housing in the Area Plans, as detailed within Paragraphs 13.1 to 13.3 of the Strategic Plan, which should afford it the status of a strategic site or site with exceptional potential for residential development. In fact, the current flood vulnerabilities for the site are clear pointers to why the site would not be suitable for the proposed scale and volume of residential development.

7.7.7 The comments made by DOI Flood Risk Management are also vital for consideration as they note that the Litney Stream which runs along the edge of the property can suffer from hydraulic block during high tides; a condition that would serve to exacerbate any impacts from flooding and require intricate flood mitigation measures, which the prevailing site characteristics and nature of immediate vicinity would greatly impede. For clarity, Hydraulic block is a commonly occurring phenomenon during floods which often results in a reduced hydraulic capacity of the structure (or channel to carry more water), increased damages to property, diversion of flow, downstream scour, failure of structures (such as embankments, sluice gates, flood barriers etc.), and risk to life.

7.7.8 Likewise, the DOI Flood Risk Management Comments which border on site specific and area modelling to ascertain risk to other properties also weighs against the proposal. This is hinged on the fact that the site is within a fluvial flood risk area where modelling would be required to clearly establish possible effects on flow paths and whether the new development would increase risk of flooding to others properties, as the only way to effectively assess these elements of the proposal is to model the area. As the scheme has not provided any modelling of the site, and as there is currently no modelling for the area, it is considered that there is insufficient information to ascertain potential flood impacts on neighbouring properties and surrounding areas, as a result of the development.

7.7.9 The applicants argue that the floor area of the proposed dwelling would be similar to that for the detached dwelling approved under PA 06/01369/REM in October 2006, and which had an impermeable area footprint of approximately 240sqm, which appears to imply that the impacts would be similar. However, it must be noted that the approval under PA 06/01369/REM was for a single dwelling which had a considerably smaller hard standing area when compared to that associated with the current proposal. Besides, the potential for other associated future developments within individual curtilages for the current scheme would be considerably higher than for a single dwelling. In addition, the rates of development and

increase in hardstanding areas within Ramsey, which can impact flood rates and actual flood levels have considerably increased over that which was obtainable in 2006 (a period of development spanning 17 years). Moreover, the current scheme would increase the number of families within a highly vulnerable location, whilst also bringing vulnerable residents to the area (as the scheme proposes to include building disability ramps). As such, it is not considered that there are satisfactory bases to compare both schemes.

7.7.10 Given the factors noted above, it is not considered that the proposal would comply with the requirements of Environment Policy 10 as the submitted flood risk assessment does not meet all the requirements set out in Appendix 4 of the Strategic Plan. Also, it has not been demonstrated that the proposal would not result in unacceptable risk from flooding, either on or offsite, for future occupants and neighbouring properties, with the scheme considered to fail the requirements of Environment Policy 13, General Policy 2 and Paragraph 7.12.2 of the Strategic Plan.

8.0 CONCLUSION

8.1 On balance, the application is recommended for refusal as the Department is not satisfied that there is sufficient information to effectively determine the potential impacts of the development on the site and area, and future occupants of the proposed dwellings. Furthermore, it is not considered that it has been adequately demonstrated that the development would not result in an unacceptable risk from flooding, either on or off-site, or that adequate mitigation can be provided in accordance with the requirements set out in Appendix 4 of the Strategic Plan and as required by Environment Policy 10.

9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

Item 5.3

Proposal : Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping

Site Address : Former Eastfield Mansion House
Eastfield
Douglas
IM1 4AU

Applicant : Care Developments Ltd
Application No. : 23/00526/B- [click to view](#)
Planning Officer : Mr Paul Visigah

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The demolition of the Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area is considered to be unacceptable as the application has not demonstrated that all reasonable efforts have been made to preserve the building nor provided sufficient justification for its total loss. Therefore, it is considered that the proposals would fail to preserve or enhance the character or appearance of the conservation area and are contrary to Section 16 (3) and Section 18 (4) of the Town and Country Planning Act (1999), Environment Policies 35 and 39, Strategic Policy 4 (a), and Paragraph 7.32 of the Isle of Man Strategic Plan 2016; policies RB/6, CA/2 and CA/6 of PPS1/01, and Urban Environment Proposal 3 and 4 of the Area Plan for the East. Accordingly, it is recommended that the proposals be refused on these grounds.

R 2. The proposed first and second floor windows on the rear (north) elevation of the proposed terrace dwellings, by virtue of their proximity to the neighbouring dwelling and boundary, and height above the ground level, would result in unacceptable levels of actual and perceived overlooking from the proposal site into Emsdale, Hawarden Avenue, Douglas, to the detriment of their residential amenity. In this respect, the proposed development is considered to be unacceptable when assessed against General Policy 2 (g) and the principles promoted by the Residential Design Guide 2021.

R 3. Whilst it is noted that the proposed terrace has been designed to bear some traditional features, it is not considered that the design, form and appearance of the proposed dwellings would serve to preserve and enhance the character and appearance of the site and Conservation area as an appropriate replacement, given that it is not truly traditional, and fails to integrate a number of the key features on the existing terraces around the allotments that serve to define the character of this part of the Woodbourne Road Conservation Area. The scheme is, therefore, considered to fail the requirements of Environment Policy 35 and Policy CA/2 of Planning Circular 1/01.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Manx Utilities Authority Drainage

It is recommended that the following Organisation should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

The Isle of Man Victorian Society, as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

12 Eastfield, Douglas, as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

0.0 PREAMBLE

0.1 This application was considered by the Committee on 2 October 2023 and deferred for a site visit.

0.2 The Officer report remains unchanged. Any further representations received or any other information will be confirmed via verbal update to the Committee.

1.0 THE SITE

1.1 The site is the curtilage of an existing property Eastfield Mansion House, Eastfield, Douglas, which is part of a row of two storey terraced properties located on the northern side of Eastfield, situated east of Westbourne Drive. This property can be accessed via Mount Bradda at the eastern end and Brighton Terrace at the western end.

1.2 This site was previously in use as a residential care home and was formally a large detached dwelling. Its front boundary has significant sections enclosed with hedging and some mature trees which open up at the vehicular entrance.

2.0 THE PROPOSAL

2.1 The application seeks approval for demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping.

2.2 The first works will involve the demolition of the Eastfield mansion house and its replacement with a terrace of five three storey dwellings. Four of the new dwellings would have a dining room, kitchen, lounge, entrance porch and WC on the ground floor, two bedrooms with ensuite, with the Master bedroom provided with a wardrobe closet on the second floor, while there would be two bedrooms and a large bathroom on the third floor.

2.3 The fifth dwelling which is set adjacent to No. 14 Eastfield, would have its rear elevation recessed from the rear building line of the other dwellings, with layout accommodating enclosed porch, a lounge, and open plan kitchen/dining room on the ground floor, two bedrooms with large ensuites on the second floor, and two bedrooms with large ensuites on the third floor.

2.4 The other works will involve the following:

- a. Reinstating No.14 which as a separate single dwelling linked to the existing terrace on Eastfield Terrace.
- b. Erection of a pitch roofed garage block comprising five garages with storage over.
- c. Removal of a number of trees on site to facilitate the development of the garage.

2.5 The application is supported by a Design Statement which seeks to describe the proposal, provide a description of the site (including nature of tree and plantings within the site), and character of the locality, discuss the site history, and structural Appraisal of the existing building on site.

o The Statement notes that a structural survey of the Care Home buildings was carried out by Manx Structural Solutions Ltd and a report was issued dated 19th January 2023, which recommends ".....demolition of the existing structure to be the safest and most viable solution to allow suitable redevelopment2, and state that this application is proposing the demolition of the Care Home buildings in accordance with the recommendation of the Structural Report.

o The Statement further notes that House No. 14 Eastfield is part of the Care Home, and it will require its party/gable wall to be reinstated following the demolition of the Care Home.

2.6 A Built Heritage Statement prepared by Pegasus Group and dated October 2023 has been submitted with the application. This Report concludes by stating the following:

"7.3 Eastfield House's contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest as one of the early developments in the area. Nonetheless, it should be reiterated that the Conservation Area covers a large area of Victorian townscape, and the site only comprises one small part. Furthermore, there are no notable designed or intended views to or from the site.

7.4 The current proposals include the demolition of Eastfield House and its modern link extension, the retention of No. 14 Eastfield and the redevelopment of the site with 5no. Self-contained dwellings with associated parking and private gardens. The proposals have been driven by the internal layout, poor condition and financial viability of the site as it presently stands, even with an approval for its conversion to a single family dwelling, and the financial viability of the site to be converted into flats. Overall, the proposals will result in some negative impact to the significance of the Conservation Area through the demolition of an early dwelling. However, as per POLICY CA/6 in Planning Policy Statement 1/01, this negative impact should be weighed against the merits or public benefits of the proposals, including any heritage benefits. These include:

- o Reinstatement No. 14 as a self-contained, single family dwelling;
- o Removal of an empty, dilapidated dwelling from the streetscene;

- o Removal of the three-storey link and other modern inappropriate extensions, which are considered to detract from the Conservation Area; and
- o The provision of 5no. dwellings to the local housing stock in an appropriate layout and scale to the townscape in which it is sited."

2.7 A Planning Statement prepared by Sarah Corlett Planning Consultancy also accompanies the proposal. This statement argues that:

- o Retention and re-use of the existing building is neither economically nor structurally sensible.
- o Whilst the most recent application for demolition of the building was refused, they understand that at least part of that decision was based upon there being no detailed scheme for replacement to enable an assessment to be made of the benefits of the proposed scheme, its acceptability in planning terms and whether it would preserve or enhance the character or appearance of the Area, and that this information has now been provided.
- o The building is not in its original condition, has been physically attached to the terrace to the north east by a modern, unattractive link building and has also had unattractive additions attached to the rear and front.
- o The proposed development aims to provide modern standards of living including car parking and energy efficiency whilst at the same time, presenting a traditionally styled building which continues important architectural elements such as height, finish materials, orientation and proportion.
- o The development will provide much needed, sustainable accommodation in the Island's principal settlement in a form which visually complements the area.

2.8 The Structural Report prepared by Manx Structural Solutions Ltd, and dated 19th January 2023 concludes by stating the following:

- o The condition of the load bearing elements is poor and the majority needs replacement. There is evidence of poor construction and signs of structural movement.
- o The timber roof, load bearing studwork walls and majority of timber floor joists require replacement.
- o Retention of the external random rubble masonry walls has been explored. This would require extensive propping and temporary works to facilitate.
- o The potential for movement of the retained random rubble masonry during the construction period is hazardous.
- o Remedial works required to ensure the future stability of the external walls would result in extensive reconstruction of existing features due to installation of temporary works.
- o The retention of the external masonry walls is not the safest solution to facilitate the redevelopment of Eastfield House.
- o Taking all of the above into account, in our opinion the, the retention of the building is not economically viable.
- o Retention of the building would only be possible through replacement of the majority of the components of the current build structure (i.e. masonry, floor and roof timbers, roof coverings windows etc.) and therefore the finished product whilst similar in appearance would effectively be a `new build` .

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East (Map 5 - Douglas Central) as 'Predominantly Residential', and the site is within the Woodbourne Road Conservation Area. The site is not prone to flood risks or within a Registered tree area, and there are no registered trees on site.

3.2 In terms of Strategic Plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

3.2.1 General Policy 2:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.2.2 Housing Policy 6 states:

"Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive."

3.2.3 Strategic Policy 5:

New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies.

3.2.4 Housing Policy 4: New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14.

3.2.5 Strategic Policy 1 (In part):

Development should make the best use of resources by:

- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services.

3.2.6 Strategic Policy 3 (In part): Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:

(b) having regard in the design of new development to the use of local materials and character.

3.2.7 Environment Policy 42 (In part): New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality.

3.2.8 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.2.9 Transport Policy 7 states:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.

3.2.9.1 Appendix A.7.6 sets out Parking Standard. Typical Residential 2 - spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

3.2.10 Environment Policies 4 and 5 seek to protect the ecology of sites and important habitats.

3.2.11 Environment Policy 35:

"Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development."

3.2.12 Strategic Policy 4: Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;

3.2.13 7.32 Demolition in Conservation Areas

"7.32.1 Under Section 19 of the 1999 Town and Country Planning Act, Conservation Area designation introduces control over the demolition of most buildings within Conservation Areas. Buildings which are subject to other controls, are summarised below:

a) Registered buildings;

b) a building for the time being the subject of a preservation order under Section 11 of the Manx Museum and National Trust Act 1959;

c) a building for the time being included in the list of monuments prepared under Section 13 of the Manx Museum and National Trust Act;

d) any buildings, a description of which is specified in a direction issued by the Department under Section 19 sub-section (2) of the Town and Country Planning Act 1999, which are by virtue of such direction, excluded for the time being from an order designating a Conservation Area; or

e) buildings which are known to be the place of shelter for protected species or be used for nesting by a protected bird (Wildlife Act 1990).

7.32.2 The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. When considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant

building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site."

3.2.14 Environment Policy 39: The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area.

3.3 Other policies within the Strategic Plan which are considered relevant to the proposal are; Infrastructure Policy 5, and Community Policies 7, 10 and 11.

3.4 The following sections of the Area Plan for the East 2020 are relevant for consideration:

3.4.1 Paragraph 6.8 states:

"The historic built environment

Local character and key features within the built environment, such as Registered Buildings and other heritage assets play a significant role in promoting economic and social prosperity by providing attractive living and working conditions. In addition, they provide economic opportunities through tourism, leisure and recreational uses. It is therefore essential that local character is safeguarded, particularly those features which fundamentally define the historic built environment in the East. Particularly:

- o the buildings and structures associated with the roles of Douglas and Laxey as historic seaside resorts;
- o the harbours of Douglas and Laxey;
- o the historic infrastructure of the Steam Railway, Electric Tramway and Horse Trams; and
- o the historic grain of Douglas and Laxey old towns, including their street layouts, town yards, plot sizes and landscape settings.

The significance of Manx heritage assets in the built environment is increased by their relative scarcity. Registered Buildings and Conservation Areas which might not necessarily achieve such status in the United Kingdom have gained a higher status in the Isle of Man where their contribution to national identity and the Island's story is highly valued.

Existing and new development can exist side by side, even with some visual differences presented by old and new building styles. New development should not seek to mimic existing development but be of its own time. Such innovation is crucial and with good precedent: some of the Island's best architectural examples emerged from the building design competitions of the Edwardian era."

3.4.2 Urban Environment Proposal 3 states; "Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area."

3.4.3 Paragraph 6.9 states:

"Creative Re-use

As stated in the Strategic Plan, Paragraph 7.25: 'Conservation of the built environment and archaeological features should be viewed as an asset to be promoted and not as a constraint to be overcome'.

It is recognised that retaining the best examples of built heritage for future generations benefits the resident population by celebrating its unique national identity and increasing the

sense of wellbeing and improved quality of life brought about by beautiful surroundings. The value of mid and late-20th Century architecture should not be ignored as the best examples of these periods contribute to a rich and vibrant built heritage. Supporting the continued use and retention of these buildings requires a pragmatic and dynamic understanding of different potential uses. A proposed use which retains a building of heritage value, but requires modification to that building, is superior to a proposal which leads only to demolition or decay of that building."

3.4.4 Urban Environment Proposal 4 states; "Proposals which help to secure a future for built heritage assets, especially those identified as being at the greatest risk of loss or decay, will be supported."

3.4.5 Paragraph 6.3 states:

"Area Plan Objectives;

iv. To identify and celebrate the historic urban environment so that it retains an active and productive role in contemporary life."

3.4.6 Paragraph 6.4 states:

"Area Plan Desired Outcomes

v. There will be greater recognition of the contribution the East's historic value to the local and visitor economy and to the quality of life on the Island.

vi. The long term future of valuable heritage assets will be assured by creative reuse."

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Town and Country Planning Act (1999)

4.1.1 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act".

4.1.2 Section 19(3) of the Town and Country Planning Act 1999, in providing guidance on the control of demolition in Conservation Areas, states that sections 15 and 16 apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building. Section 16 of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 Planning Policy Statement 1/01

4.2.1 POLICY CA/2: SPECIAL PLANNING CONSIDERATIONS

"When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application".

4.2.2 POLICY - RB/1 REGISTRATION OF BUILDINGS

The Department shall identify those buildings on the Island which are of special architectural or historic interest and take the necessary steps to progress their entry in the Protected Buildings Register. In considering such buildings the special and particular context of the Isle of Man as a separate entity, will be a material consideration in assessing the particular value of a building. This may result in some buildings being registered which would not be judged worthy of such protection if assessed outside of the local context of the Isle of Man. In assessing the merits of a building relative to potential registration, the Department shall have regard to the following considerations:

- o ARCHITECTURAL INTEREST AND/OR AESTHETIC QUALITY:

The register is intended to include buildings which are of importance to the Island for the interest of their architectural designs, decoration, craftsmanship, or by virtue of the eminence of the architect; this would include important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity, as might be found in structures connected with the historic railways of the Island) and significant plan forms;

- o HISTORIC INTEREST: This includes buildings which illustrate important aspects of the Island's social, economic, cultural, religious, agricultural, industrial or military history; this importance might also be assessed in the particular local context of the town or village in which the building is located;
- o CLOSE HISTORICAL ASSOCIATION: with Nationally important people or events;
- o LANDMARK QUALITIES: Some buildings will be clearly recognisable as having such qualities whether they be located in isolated coastal or rural locations, or as focal points within a busy local townscape;
- o GROUP VALUE: Especially where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. Squares, Terraces or Farm Groups).

4.2.3 POLICY CA/6 DEMOLITION

"Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6 above, when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits of any proposed new development when determining whether consent should be given for the demolition of an unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole."

4.2.4 POLICY RB/6 DEMOLITION

There will be a general presumption against demolition and consent for the demolition of a registered building should not be expected simply because redevelopment is economically more attractive than repair and re-use of an historic building; or because the building was acquired at a price that reflected the potential for redevelopment, rather than the condition and constraints of the existing historic building. Where proposed works would result in the total or substantial demolition of a registered building, an applicant, in addition to the general criteria set out in RB/3 above, should be able to demonstrate that the following considerations have been addressed:-

In judging the effect of any proposed alteration or extension to a Registered Building, it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious features such as a decorative facade, or an internal staircase or plaster ceiling, but may include the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements can be just as important in the simple vernacular and functional buildings, as in grander status buildings. Cumulative changes reflecting the history of use and ownership can

themselves present an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, are not discounted.

The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or failure to make imaginative efforts to find new uses or incorporate them into new developments.

o The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings and returns may, in fact, be more favourable given the publicly acknowledged status of the building. Furthermore, historic buildings may offer proven performance, physical attractiveness and functional spaces that in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should take into account possible tax allowances and exemptions. In rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;

o The adequacy of efforts made to retain the building in use. An applicant must show that real efforts have been made, without success, to continue the present use, or to find new uses for the building. This may include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition.

o The merits of alternative proposals for the site. Subjective claims for the architectural merits of a replacement building should not justify the demolition of a registered building. There may be very exceptional cases where the proposed works would bring substantial benefits for the community; these would have to be weighed against preservation. Even here, it will often be feasible to incorporate registered buildings within new development, and this option should be carefully considered. The challenge presented by retaining registered buildings can be a stimulus to imaginative new designs to accommodate them.

4.3 Woodbourne Road Conservation Area Character Appraisal 2003

4.3.1 Paragraph 3.23 and 3.24 states:

"3.23 It is clear that in the planning of the Gardens and Squares in the Conservation Area, there was an overriding intention that the gardens are in harmony with the architecture that evolved around them. House frontages with their decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area. These qualities have survived many generations and enrich the quality of our built environment. Despite the increasing intrusions of modern day living. It is very difficult to draw a definite edge to the Conservation Area, as the buildings continue in typical design and quality detail into adjacent roads and avenues. The repetition of form along arterial and secondary routes, combined with a variety of detail, serves to draw these adjoining thoroughfares into a cohesive whole which is worthy of recognition and protection. The 'green elements of this environment and their immediate surrounds provide an obvious centre on which to base an appraisal of this fine array of predominantly nineteenth century architecture."

3.24 The area of Eastfield, Mount Bradda, Brighton Terrace and Westmount corresponds to that shown on a plan dated 1851 prepared by George Raby, Architect and Surveyor and titled

'Plan of Building Ground situated at Rosemount'. The area was part of the Joyner estate and the plan shows layout of 53 dwellings. Fourteen were built and from what is now known as Eastfield, but the remainder were not built in their original form. The 1869 Ordnance Survey Map shows the present street pattern with central gardens and with Eastfield House and Rose Lodge occupying corner positions at the east and west side of the square. The terrace known as Eastfield was an early approach to Town Planning in that covenants were incorporated into deeds of sale in an endeavour to control the design of properties and the retention of open space. The evolution of the remaining properties fronting onto the gardens happened predominantly in the 1880's and resulted in an interesting and lively mix of architecture. The retention of private allotment gardens is a survivor of the original plan."

4.4 IOM Biodiversity Strategy 2015 to 2025

4.4.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

4.4.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

4.5 DEFA's Residential Design Guide 2021

4.5.1 Whilst not adopted planning policy, DEFA's Residential Design Guidance is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions". Sections 2.0 on sustainable construction, 3.1 Local Distinctiveness, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.5.2 Paragraphs 3.1.3 to 3.1.8 are particularly relevant to the current application:

"3.1.3 New residential development should be informed by the best qualities of our existing residential areas. However, this does not mean that all new residential developments should seek to replicate the appearance of older ones, and good quality contemporary design is encouraged.

3.1.4 Nevertheless, it is important that the design of new residential developments, including their scale (including height), form, layout/orientation, and detailed design (including the materials used) is informed by and respects both the nature of the development site and the character of the neighbouring buildings and surrounding area.

3.1.5 The character and context of any residential development is created by the locally distinctive patterns and form of development, landscape, culture, and biodiversity. These elements have often built up over a considerable time and tell a story of the site's history and evolution - the creation of a 'sense of place'.

3.1.6 The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to it, for example by allowing the long-term retention of existing mature landscaping features such as trees or water features.

3.1.7 The initial site context should also identify established building heights, lines, and orientation of buildings that are adjacent to the site and should have a positive relationship with established housing and other development, including ease of pedestrian and vehicular movement.

3.1.8 If the context to a development has been compromised by earlier development, this should not be seen as a reason to perpetuate what has been done before. Opportunities should be sought to deliver high quality sustainable development that reflects up-to-date technologies and aesthetics and creates a strong "sense of place".

5.0 PLANNING HISTORY

5.1 This application runs contemporaneously with PA 23/00527/CON for the demolition elements relating the current application.

5.2 Other applications relevant to the current application are:

5.2.1 PA 92/00095/B for Alterations and extensions & construction of 35-bed nursing wing, Eastfield Residential Home, Eastfield, Douglas - Refused on Review.

5.2.2 PA 92/01197/B for alteration, first floor extension and construction of nursing wing. This was refused on review but approved at appeal in January 1994.

5.2.3 PA 99/01614/A for approval in principle to construct 4 apartments building. This application was refused on review on 31 January 2000, and refused at appeal on 6 October 2000.

5.2.4 PA 20/00280/B for Conversion of former care home to residential dwelling - Approved on 6 May 2023. The approval was the subject of four conditions (three of which related to external finish) in the interests of preserving the character and appearance of the site and surrounding area. This application ran contemporaneously with PA 20/00281/CON which was also approved.

5.2.4.1 The Design statement which sought to provide justification for the scheme stated the following Regarding Thermal Performance and Carbon Footprint in Section 3.4:

o The Structure will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and production of pollution/waste during construction and use. Materials and construction methods will be chosen for minimum environmental impact and greater durability...It is intended to increase the buildings energy efficiency by influencing materials of construction and delivering passive engineering solutions wherever possible within the constraints of the buildings comfortable operation.

o It was also stated that the 'Fabric first approach' and other steps detailed in this section of the report would serve to improve the thermal performance and reduce the carbon footprint of the property.

5.2.5 The most recent application for the site for Demolition of all existing buildings on site under PA 22/01326/CON was refused on 6th December 2022. The application was refused for the following reasons:

"1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area. 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM

Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

6.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that the proposal does not raise significant issues for road safety or network functionality. Accordingly, they raise no opposition subject to condition for the access, visibility splay and layout to accord with Drawing: PO2 rev B. The Applicant to note the need for separate permissions relating to use of the highway during construction and a s109(A) highway agreement for works in the public road (24 May 2023).

6.1.1 Following review of amended plans for the proposed scheme, DOI Highways states that they raise no opposition to the proposal subject to a condition for the access, visibility splay and layout to accord with Drawing: PO2 rev C on any approval. The Applicant to note the need for separate permissions relating to use of the highway during construction and a s109(A) highway agreement for works in the public road (11 August 2023).

6.2 DEFA Ecosystem Consultation Comments.

6.2.1 Comments made 24 May 2023:

- o They state that they have no objections to this application, but note that the proposals will result in the loss of areas of trees.
- o They state that mitigation is proposed in the form of new hedge and tree planting, and confirm that they are happy with the proposed tree species, but note that no species list has yet been provided for the hedge creation.
- o They request that either the applicant provides confirmation of the hedging species to be used prior to determination of this application, or that a condition is secured for a landscape plan to be provided which contains this detail.
- o They request that no invasive non-native species listed on Schedule 8 of the Wildlife Act 1990 (this includes Griselinia), or cherry laurel, should be used in the planting.
- o They request that the standard Planning condition securing the tree and hedge planting and replacement of trees in the event that they become damaged or defective should also be applied.
- o They request that Due to the short term loss of wildlife habitat on site, through the loss of a number of trees, and because of the amount of time it will take mitigation tree and hedge planting to develop, that the applicants either provide details of bird bricks to be installed in the new properties prior to determination of this application, or a condition is secured for a bird brick/box plan to be secured as a condition on approval.
- o Their recommendation is for universal swift nest bricks, (at least 2) to be installed high up under the eaves of the north east elevation of the end terrace (unit 5). They also recommend the installation of bat bricks, high up under the eaves of the south west elevation of the end terrace (Unit 1) as an enhancement for wildlife on site.
- o The applicants are advised that there is potential for roosting bats and nesting birds in the Eastfield Mansion House, and the need to undertake thorough checks for nesting birds and roosting bats prior to demolition, which will require all external holes, crevices, lead flashing or loose tiles and roof voids, if present, to be investigated.

6.2.2 Comments made 14 August 2023:

- o They confirm that they are content with the number, type and locations of the bat and bird nest bricks to be built into the new property, as shown on the updated Proposed floor plans, elevations and sections drawing (Drawing No. P01 Rev A) and Proposed garage block - plans, elevations and sections (Drg no. P04 Rev -).
- o They request that a suitably worded condition is secured on approval for these features.
- o They note that they are not sure if the applicant misread their original response in which they requested hedge planting not to be undertaken with any invasive species listed in Schedule 8 of the Wildlife Act 1990, or cherry laurel, and state that as the amended plans show that the new hedge is to be laurel, contrary to our request, they request that either an updated landscaping plan is provided prior to determination which removes all reference to use of plant species on Schedule 8 of the Wildlife Act 1990, or cherry laurel, or a condition is secured for an updated landscape plan to be provided, which removes all reference to use of these species, prior to works commencing.

6.3 Manx Utilities Drainage have made the following comments regarding the application (22 August 2023):

- i. They have no objection to the application subject to the following condition/s:
 - o There must be NO discharge of surface water (directly or indirectly) from this proposed development to any foul drainage system(s) so as to comply with the requirements of Manx Utilities and the Sewerage Act 1999.
 - o The proposed dwelling must be connected to the public sewer(s) in a manner acceptable to Manx Utilities. All drainage works must conform to the requirements of "Manx Sewers for Adoption", any necessary CCTV surveys are to be carried out at the developer's expense.
 - o In accordance with the Sewerage Act 1999, 5 communication fees will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system.
- ii. They state that they will require the surface water to be separated and for this to be attenuated. They state that on this occasion they will condition this, and note that if planning is approved, they would require a full design of attenuation that will meet MU requirements.

6.4 Douglas Borough Council Consultation Comments

6.4.1 Comments made 25 May 2023: They state that they have no objections to the application.

6.4.2 Comments made 19 June 2023:

They state that the application was considered by Douglas Borough Council's Environmental Services Committee at a meeting held on the 19th June 2023 when it was resolved to support the application subject to the applicant providing detailed drawings of the bin storage areas to the satisfaction of the Council's waste services management team prior to any approval being granted or that any approval granted be subject to a planning condition that the bin storage areas must meet the standards required by the Local Authority.

6.4.3 Comments made 18 August 2023: They state that they have no objections to the application.

6.5 The Isle of Man Victorian Society have made the following comments regarding the application (10 June 2023):

- o No 14 Eastfield. They fully support the retention of the property as it forms the matching book end of George Raby's plan for the terrace.

- o Demolition of the former infill extension to the former nursing home: They fully support this part of the application.
- o Demolition of Eastfield: They state that the house has been much altered over the years and is certainly not the best example of George Raby's house design extant, and as such they have no objection to its proposed demolition.
- o Erection of new block of dwellings and garages:
 - They state that it is important that Raby's terrace stands alone and stands out as it has a presence in the Conservation Area.
 - They note that the juxtaposition of the new block is such that it is too close to No14 to successfully be independent from it.
 - They state that if the five dwellings were all the same width and set back further this would be better achieved.
- o They object to the positioning of the new terrace as being too close to the original Eastfield Terrace and thus distracting from it.
- o They state that the four sides of 'The Square' of Eastfield are all of different architectural styles having been built at different times - Mount Bradda, Brighton Terrace and the newest West Mount.
- o They state that the proposed terrace has the living room facing on to a small rear yard on the north facing side of the building thus missing both the morning and evening sun.
- o They note that if the terrace was built on the same plane as Westmount, the living rooms would benefit from the afternoon and evening sun which would be a better selling point and note that the terrace could be stepped to run with the back lane rather than being down below the rear lane as proposed.
- o They state that the garages could run parallel backing on to No 14.

6.6 DEFA's Assistant Registered Building's Officer has made the following comments regarding the application (20 August 2023):

- o Section 19 of the Town and Country Planning Act 1999, concerning the control of demolition in Conservation Areas, states that sections 15 and 16 apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building.
- o Section 16 of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- o The heritage report submitted with application 22/01326/CON (for which I was the case officer), concludes in section 5.40 on page 30 that although the modern extensions and alterations diminish the building's contribution, the property does still make an "overall positive contribution to the Woodbourne Road Conservation Area." I have no reason to disagree with the applicant's own qualified heritage consultants.
- o It is therefore considered that preserving the building is desirable in terms of the tests within section 16 of the Act, and demolishing the building would clearly fail to preserve its features of architectural and historic interest.
- o Demolishing the building would also fail the tests within section 18 as it would not preserve the conservation area's character.
- o By demolishing a building that the applicant's own heritage consultants have concluded makes a positive contribution to the character of the conservation area, the application clearly also fails the tests of Strategic Policy 4, Environment Policy 35 and Environment Policy 39 within the Strategic Plan, as the application fails to protect the fabric of

the conservation area, fails to preserve the character of the conservation area, and fails to retain a building which makes a positive contribution to the character of the conservation area.

6.7 The Owners/occupiers of 12 Eastfield, Douglas, the abutting property to the application site have written in with the following comments in a letter dated 8 September 2023:

- o The building of 5 x four bedroom dwellings is excessive for the area.
- o They note that the site is within a Conservation Area yet the designs show 1 garage and parking space per property, and state that this would reduce the parking space to 1 space per dwelling as most garages are used for storage as opposed to car parking.
- o They state that the disc zone for the area is saturated and that it can be very difficult to park at times, and note that the building of these 5 properties would exacerbate the problem.

7.0 ASSESSMENT

7.1 The fundamental issues to consider with the current application are:

- a. The principle of the demolition of former nursing home and outbuildings, and replacement with new dwellings;
- b. The impact of the proposal on the existing dwelling itself;
- c. The impacts on the Woodbourne Road Conservation Area;
- d. The impact on the amenities of the neighbouring dwellings;
- e. The impact on Parking and Highway Safety; and
- f. Potential Impacts on site ecology and Trees.

7.2 THE PRINCIPLE (TCPA 1999, EP 35, EP 39, Paragraph 7.32, PP1/01, Character Appraisal - Woodbourne CA, HP 4 and SP1)

7.2.1 In assessing an application such as this, the fundamental issue is to first make the statutory test to determine whether the proposal in its current form would be acceptable, given that this has significant material planning consideration as outlined within the Town and County Planning Act 1999. Section 16 (3) of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 18(4) of the Town and Country Planning Act (1999) also stipulates that where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance with respect to any buildings or other land in a Conservation Area. The need to preserve the building is further reiterated by Section 19 (3) of the Act which states that sections 15 and 16 of the Act apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building.

7.2.2 From review of the submitted documents, particularly the Heritage Statement which was submitted with the application, it is clear that the existing building would pass for a building that warrants retention and preservation. This statement in assessing the contributions of the existing building to the character of the conservation area is clear that "Eastfield House's contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest as one of the early developments in the area" (See Paragraph 5.40 on page 30). This Heritage report goes further to conclude that "As one of the earliest buildings to have been built in the area with surviving historic detailing, Eastfield House makes an overall positive contribution to the Woodbourne Road Conservation Area. These clearly point to the overall benefits of retaining, preserving and enhancing the existing building.

7.2.3 Whilst the Heritage report argues that "its current condition is very poor, and the modern extensions and alterations, removing characteristics such as its detached nature or its original form, have diminished this contribution", it is clear from the recent planning history of the site that the existing building on site could be restored and put into productive use. It should be noted that only in 2020, a planning application was submitted under PA 20/00280/B for Conversion of former care home to residential dwelling. This application sought to demolish the unsightly extensions, reinforce its fabric to make it thermally efficient, and add modern single storey elements at the rear to make it suitable for a modern family. In fact, it was argued within the submitted Design Statement that "the structure will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and production of pollution/waste during construction and use. Materials and construction methods will be chosen for minimum environmental impact and greater durability...It is intended to increase the buildings energy efficiency by influencing materials of construction and delivering passive engineering solutions wherever possible within the constraints of the buildings comfortable operation."

7.2.4 Granting the Structural Report submitted by the applicants has sought to diminish the desirability of preserving or enhancing the existing Eastfield Mansion House by stating that "Retention of the building would only be possible through replacement of the majority of the components of the current build structure (i.e. masonry, floor and roof timbers, roof coverings windows etc.) and therefore the finished product whilst similar in appearance would effectively be a `new build`, there is nothing within the document that precludes dedicated steps to restore and enhance the existing building; which would be in the interest of the existing dwelling and the Conservation area given its historic and architectural contributions to the area.

7.3.5 It is, therefore, considered that preserving the building is desirable in terms of the tests within section 16 of the Act, and demolishing the building would clearly fail to preserve its features of architectural and historic interest.

7.2.6 Another factor which is vital for consideration is the replacement of the existing with more dwellings and detached garages. The site is designated as being within a Predominantly Residential area under the Area Plan for the East, and therefore the proposed use for multiple dwellings complies with this designation.

7.2.7 The site is also within the settlement boundary and adjacent to and surrounded by existing residential dwellings; conditions which would ensure that residential development here broadly aligns with Strategic Policy 1 and Housing Policy 4. It is vital to note that the Isle of Man Strategic Plan 2016 seeks to locate new housing and employment close to existing public transport facilities and routes, or where public transport facilities are, or can be improved, thereby reducing the need to use private cars and encouraging alternative means of transport, and it is considered that the site would meet this goal given its proximity to existing routes within Douglas. While this does not signify a presumption in favour for all forms of housing development, it points to the fact the proposal would generally accord with the Strategic Plan goals for new housing on the Island. Therefore, in terms of the acceptability of the use of the site for residential development it is concluded that the proposal basically accords with the goals of Strategic Policy 1 and Housing Policy 4 of the Isle of Man Strategic Plan 2016.

7.2.8 Based on the foregoing, it is considered that as the application aligns with the zoning of the area within the Area Plan for the East, and the development of the site for residential purposes would be acceptable in principle. It is, however, worth noting that any positives in terms of housing provision would be overridden by the need to preserve the existing Eastfield

Mansion House which is judged to contribute positively to the character and appearance of the Woodbourne Road Conservation Area.

7.3 THE IMPACT OF THE PROPOSAL ON THE APPLICATION SITE (EP 35, GP2, EP 42, STP 3, and Urban Environment Proposal 4 (TAPE)).

7.3.1 In assessing the visual impact of the proposed works on the character of the site it is noted that the existing dwelling which is a key feature of the site and which reinforces the prominence of the site as a major contributor to the character of the Conservation Area as detailed within the character appraisal is to be demolished. As such, it is considered that the scheme as proposed would be contrary to the provision of Environment Policy 35 which requires that the special features contributing to the character and quality of the Conservation Area (such as the Eastfield Mansion House) are protected against inappropriate development.

7.3.2 Whilst the proposed scheme seeks to erect a terrace in place of the existing building which is thought to respect the application site, it would be difficult to argue that the proposed dwellings bear the key features and detailing that make the Eastfield mansion House or the adjoining terraces which sit around the allotment gardens such as Eastfield Terrace, Bradda Mount, Westmount and Brighton terrace unique, as the design and appearance would not pass for a truly traditional terrace nor does it bear any special features or characteristics that would ensure it preserves or enhances the character and appearance of the Conservation Area as an appropriate replacement. The scheme is also not a reflection of a modern/innovative terrace which could be judged acceptable as a true representation of its time as required by Paragraph 6.8.3 of the Area Plan for the East.

7.3.3 The contributions of the existing building is clearly evident even in its poorly managed state. During the site visit for PA 20/00280/B, it was clear that although the building was in need repair works, it was not in an irreparable state and its key features were still noticeable. The sale brochure by Cowley Groves Estate Agents which was produced after the approval under PA 20/00280/B which is online (<https://www.cowleygroves.com/properties/518/print>), also has photos which would serve to reinforce the argument that the building was not beyond repair and still retains its key elements. Likewise, recent photographs taken during the most recent site visit carried out on 4 July 2023, shows the building to retain original features as well as being in a state that could be restored.

7.3.4 It would be vital to note that the proposed terraced building does not have chimney stacks (which are a key feature of the existing dwelling or the immediate locality), and their two storey bay window projections and cottage style entrance doors are not features of the immediate street scene. These buildings also do not have the rear courtyards which serve to define the dwellings here by providing enclosures for other less important detail. It is also noted that the distinct feature mouldings around the windows such as the hood mouldings (on Bradda Mount), render bands (on Brighton Terrace and Westmount), the Cobbled window mouldings (on Eastfield Terrace) are not in any way represented on the new dwellings. The roof pitch is also steeper than the pitch angle of the existing dwellings on Eastfield terrace which it would sit directly parallel to. Likewise, the buildings bulk and massing is in no way similar to those in the immediate locality which are narrower, with rear outriggers providing avenues for creating additional accommodation, as it spans 12.3m (12.6m including depth of bay windows) and as such would have a depth 3.3m wider than the adjacent buildings on Eastfield terrace which are 9.3m wide (excluding the outriggers).

7.3.5 It is also noted that the scheme would result in the removal of a significant number of trees on site which in their current context serve to contribute to the grandeur of the existing Mansion House within its setting as a large dwelling on generous grounds, and replace them with a garage block and hardstanding for parking. This would result in the removal of the

open and green spaces which contribute to the visual amenity of the existing site contrary to Environment Policy 42 and Strategic Policy 4 (b).

7.3.6 Based on the foregoing, it is not considered that the scheme as propose would respect the character of the existing site and the contributions it offers the immediate locality and conservation Area.

7.3.7 With regard to the potential impacts on the character of the surrounding street scene and Conservation Area, it is noted that views to the existing dwelling are limited by its position relative to the surrounding buildings and the existing vegetation on site. It is, however, worth noting that views to the existing Eastfield Mansion House are still achievable from the surrounding street scenes along Westmoreland Road, Ballakermeen Road, Hawarden Avenue, and the rear lane which connects Hawarden Avenue to Ballakermeen Road. Limited views can also be achieved when walking along Eastfield. It is also worth noting that a good number of the trees on site which serve to screen views to the existing dwelling on site would be removed to facilitate the erection of the proposed garage within the scheme. As such, it is considered that any impacts on the immediate street scene and conservation area would be adverse and significant.

7.3.8 The applicants argue in their Planning Statement that "the development will continue the rhythm of the existing terrace to the North West through the incorporation of two storey square bays, rendered walling and vertically proportioned windows" (See Paragraph 4.4 of Planning Statement). However, a thorough review of the surrounding architectural style in the immediate vicinity would reveal that none of the dwellings within the adjoining terraces have box bay windows, given that the existing bay windows are canted bay windows. Besides, the only terrace with two storey bay windows is the Westmount terrace which has buildings with a prominent gable over the bay windows. As such, it is not considered that the current scheme is a true reflection of the architectural rhythm within the immediate vicinity, although it must be noted that variety is not unacceptable if it reinforces the traditional appearance of the immediate locality.

7.3.9 Overall, it is considered that although the scheme provides an alternative form of development which they argue would preserve the character of the Conservation Area (as it would have a pitch roof with artificial slate and integrate dentils below the eaves), it is clearly articulated in the Heritage Statement provided by the applicants that the "The negative impact would be through the loss of one of the earliest buildings in the area, and thus the complete removal of its historic interest". Thus, the proposal is considered to represent an unwarranted development which would result in adverse impacts on the immediate locality and Conservation Area, contrary to Environment Policy 35, Strategic Policy 4, and Planning Policy Statement 1/01.

7.4 IMPACT ON NEIGHBOURING AMENITY (GP2 & RDG 2021)

7.4.1 In terms of impacts on neighbours, it is noted that the orientation of the buildings on site, the position and distance of the proposed windows relative to neighbouring dwellings, the situation of the existing garage between the proposed dwellings and neighbouring dwellings on Westmount and the retained vegetation on site would serve to diminish any concerns with regard to the dwellings on Eastfield and Westmount.

7.4.2 On the other hand, it is considered that new overlooking impacts would result from the proposal, particularly for 'Emsdale,' Hawarden Avenue which is situated to the northern boundary of the proposed terrace and which would be directly overlooked from the first floor and second floor rear windows (which would serve habitable rooms on the new dwellings). It should be noted that the only first and second floor windows on the existing dwelling which have views to this neighbouring dwelling are a window to a bathroom on the first floor, and

the stairway on the second floor. Therefore, the introduction of twenty (20) new windows which serve habitable rooms, and at a distance of about 17m from the windows on the rear elevation of this neighbouring dwelling (10m from the rear garden which is the only private garden for this neighbour) is considered unneighbourly and at variance with the requirements of General Policy 2 (g), and the principles promoted by the Residential, Design Guide.

7.5 THE IMPACT ON PARKING AND HIGHWAY SAFETY (GP2, TP6 & TP 7)

7.5.1 With regard to on-site parking provisions, the Isle of Man Strategic Plan - Appendix 7 indicates that generally two off road parking spaces are required for a single dwelling. The proposed development would provide ten (10) off street parking provisions; five within the garage and five on the hardstanding areas in front of the garage. Therefore, it is judged that the parking provisions within the scheme would accord with the parking standards stipulated in the Strategic Plan.

7.5.2 It is also considered that a suitable vehicular access to and from the site to Eastfield is could be achieved for the site. Moreover, the width of the driveway is such that would easily accommodate incoming and outgoing traffic from the site, and this is acceptable. The creation of a designated pedestrian access to the site linked to Eastfield would also ensure that there is adequate segregation between pedestrians and vehicles exiting and entering the site. These aspect of the development would ensure that the proposal accords with Transport Policy 6 and GP2 (h&i).

7.5.3 The comments from the occupants of 12 Eastfield point to the potential parking challenges for the immediate locality as the proposed dwellings would only have access to two parking spaces which would most likely be utilized by the occupants of the new dwellings. It is noted that there are no provisions for visitor parking within the current scheme which would place pressure on available on-street parking in the area, particularly as the dominant parking for the immediate vicinity is via on street parking. However, Highway Services have reviewed the proposal and advice that they raise no opposition to the proposal subject to a condition for the access, visibility splay and layout to accord with Drawing: PO2 rev C on any approval. As such, it is considered that any concerns with on street parking in the immediate locality is not sufficient to warrant refusal of the scheme.

7.6 POTENTIAL IMPACTS ON SITE ECOLOGY AND TREES (GP2, EP4 & EP5)

7.6.1 In terms of impacts on trees, it is considered that the current scheme seeks to remove a number of category C and U trees which would be unobjectionable from the Arboriculture perspective due to the limited arboricultural quality of the trees. As well, the scheme also holds the potential to result in future removal of a number of trees to be retained on the site, due to increased pressures to provide better amenities for the occupants of the proposed dwellings, which would be at variance with the goals to retain the trees marked for retention. However, the scheme seeks to plant a number of replacement trees and proposed hedging, which would serve to ameliorate for the loss of trees on site.

7.6.2 Given the above, it is considered that any impacts that result would be acceptable in arboricultural terms. The above however does not in any way prejudice the assessments regarding the contributions the trees offer to the general character of the site as detailed in paragraph 7.3.4 of this report.

7.6.3 In terms of impacts on biodiversity, it is considered that the scheme would result in the removal of mature landscaping (including shrubs and hedging) within the site. This has been acknowledged by the DEFA Ecosystem Policy Team who refer to the tree loss but confirm that they are content with the mitigation proposed in the form of new hedge and tree planting, although they state that no species list has yet been provided for the hedge creation and request that this be secured via a planning condition.

7.6.4 As well, the application is supported by details of bird bricks to be installed in the new properties to mitigate for the loss of a number of trees which could serve as habitat for bats on site. This plan has been reviewed and commented on and accepted by DEFA Ecosystems Officer and in this respect it is felt that the application has satisfied the principles of Environment Policy 4. Conditions would, however, be imposed to ensure that the required mitigation measures are as detailed in the DEFA Ecosystem Policy Consultation comments are implemented, should approval be granted for the proposal.

8.0 CONCLUSION

8.1 As has been outlined in this report, the main concern of the application centres on the demolition of Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area. The buildings in question is one of the oldest building in the area whose contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest, and it has not been sufficiently demonstrated that the loss of this building would not be to the detriment of the conservation area as no clear and convincing justification has been made for the loss of the building. It has also not been demonstrated that the building could not be retained as a single dwelling or converted for similar/alternative uses. Therefore, it is considered that the proposals would fail to preserve or enhance the character or appearance of the conservation area and are contrary to polices Section 16 (3) and Section 18 (4) of the Town and Country Planning Act (1999), Environment Policies 35 and 39, Strategic Policy 4 (a), and Paragraph 7.32 of the Isle of Man Strategic Plan 2016; policies RB/6, CA/2 and CA/6 of PPS1/01, and Urban Environment Proposal 3 and 4 of the Area Plan for the East. Accordingly, it is recommended that the proposals be refused on these grounds.

8.2 If the loss of the existing Eastfield Mansion House is accepted, it is not considered that the proposed dwellings would represent an appropriate replacement for the existing building on site for the reasons that have been articulated within this report. Likewise, the impact of the proposal on the amenities of the existing dwelling at 'Emsdale,' Hawarden Avenue, Douglas, due to significant levels of perceived and actual overlooking that would result from the proposal.

8.3 The following factors weigh in favour of the scheme; the acceptable impact in terms of parking/highway safety, the acceptable impacts on biodiversity and the impacts on trees. However, it is not considered that these positives would outweigh the detrimental elements of the proposal.

9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 16th October 2023

Item 5.4

Proposal : Registered Building consent for demolition elements to PA 23/00526/B

Site Address : Former Eastfield Mansion House
Eastfield
Douglas
IM1 4AU

Applicant : Care Developments Ltd

Application No. : 23/00527/CON- click to view

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area.

Interested Person Status – Additional Persons

As the demolition works proposed within this application for Registered Building Consent do not involve any proposed alterations to or immediately adjacent to a highway, the Department of Infrastructure Highways Division are not judged to have sufficient interest in the subject matter of the application, and therefore should not be awarded Interest Party Status.

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

13 Eastfield, Douglas, as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

0.0 PREAMBLE

0.1 This application was considered by the Committee on 2 October 2023 and deferred for a site visit.

0.2 The Officer report remains unchanged. Any further representations received or any other information will be confirmed via verbal update to the committee.

1.0 THE SITE

1.1 The site is Eastfield House (named Eastfield Mansion House on the mapping system), a two and a half storey property occupying a corner plot at the western end of Eastfield in Douglas. The principal building dates from the 19th century and was originally detached, with a 20th century extension that attaches the property on its eastern side with the other properties in the terrace. The site is within the Douglas (Woodbourne Road) Conservation Area. This property can be accessed via Mount Bradda at the eastern end and Brighton Terrace at the western end.

1.2 This site was previously in use as a residential care home and was formally a large detached dwelling. Its front boundary has significant sections enclosed with hedging and some mature trees which open up at the vehicular entrance.

2.0 THE PROPOSAL

2.1 The application seeks registered building consent for the demolition of the former nursing home and outbuildings - demolition of elements relating to the application 20/00526/B.

2.2 The works will involve the demolition of the Eastfield mansion house and its replacement with a terrace of five three storey dwellings. A new pitch roofed garage block comprising five garages with storage over will also be erected on site.

2.3 The application is supported by a Design Statement which seeks to describe the proposal, provide a description of the site (including nature of tree and plantings within the site), and character of the locality, discuss the site history, and structural Appraisal of the existing building on site.

o The Statement notes that a structural survey of the Care Home buildings was carried out by Manx Structural Solutions Ltd and a report was issued dated 19th January 2023, which recommends ".....demolition of the existing structure to be the safest and most viable solution to allow suitable redevelopment", and state that this application is proposing the demolition of the Care Home buildings in accordance with the recommendation of the Structural Report.

2.4 A Built Heritage Statement prepared by Pegasus Group and dated October 2023 has been submitted with the application. This Report concludes by stating the following:

"7.3 Eastfield House's contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest as one of the early developments in the area. Nonetheless, it should be reiterated that the Conservation Area covers a large area of Victorian townscape, and the site only comprises one small part. Furthermore, there are no notable designed or intended views to or from the site."

7.4 The current proposals include the demolition of Eastfield House and its modern link extension, the retention of No. 14 Eastfield and the redevelopment of the site with 5no. Self-contained dwellings with associated parking and private gardens. The proposals have been driven by the internal layout, poor condition and financial viability of the site as it presently stands, even with an approval for its conversion to a single family dwelling, and the financial viability of the site to be converted into flats. Overall, the proposals will result in some negative impact to the significance of the Conservation Area through the demolition of an early dwelling. However, as per POLICY CA/6 in Planning Policy Statement 1/01, this negative impact should be weighed against the merits or public benefits of the proposals, including any heritage benefits."

2.5 A Planning Statement prepared by Sarah Corlett Planning Consultancy also accompanies the proposal. This statement argues that:

- o Retention and re-use of the existing building is neither economically nor structurally sensible.
- o Whilst the most recent application for demolition of the building was refused, they understand that at least part of that decision was based upon there being no detailed scheme for replacement to enable an assessment to be made of the benefits of the proposed scheme, its acceptability in planning terms and whether it would preserve or enhance the character or appearance of the Area, and that this information has now been provided.
- o The building is not in its original condition, has been physically attached to the terrace to the north east by a modern, unattractive link building and has also had unattractive additions attached to the rear and front.
- o The proposed development aims to provide modern standards of living including car parking and energy efficiency whilst at the same time, presenting a traditionally styled building which continues important architectural elements such as height, finish materials, orientation and proportion.
- o The development will provide much needed, sustainable accommodation in the Island's principal settlement in a form which visually complements the area.

2.6 The Structural Report prepared by Manx Structural Solutions Ltd, and dated 19th January 2023 concludes by stating the following:

- o The condition of the load bearing elements is poor and the majority needs replacement. There is evidence of poor construction and signs of structural movement.
- o The timber roof, load bearing studwork walls and majority of timber floor joists require replacement.
- o Retention of the external random rubble masonry walls has been explored. This would require extensive propping and temporary works to facilitate.
- o The potential for movement of the retained random rubble masonry during the construction period is hazardous.
- o Remedial works required to ensure the future stability of the external walls would result in extensive reconstruction of existing features due to installation of temporary works.
- o The retention of the external masonry walls is not the safest solution to facilitate the redevelopment of Eastfield House.

- o Taking all of the above into account, in our opinion the, the retention of the building is not economically viable.
- o Retention of the building would only be possible through replacement of the majority of the components of the current build structure (i.e. masonry, floor and roof timbers, roof coverings windows etc.) and therefore the finished product whilst similar in appearance would effectively be a `new build` .

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East (Map 5 - Douglas Central) as 'Predominantly Residential', and the site is within the Woodbourne Road Conservation Area.

3.2 TOWN AND COUNTRY PLANNING ACT 1999

3.2.1 S16 Registered buildings: supplementary provisions

(3) In considering —

(b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.2.2 S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act.

3.2.3 S19 Control of Demolition in Conservation Areas

(3) A building to which this section applies may not be demolished without the consent of the Department; and accordingly sections 15 and 16 apply to such a building as they apply to a registered building, subject to such modifications as may be prescribed by regulations.

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

3.3.1 Strategic Policy 4: Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;

3.3.2 Environment Policy 35: Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.

3.3.3 Section 7.32 Demolition in Conservation Areas

7.32.2 The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. When considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site.

3.3.4 Environment Policy 39: The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area.

3.3.5 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

3.4 PLANNING POLICY STATEMENT 1/01

3.4.1 POLICY RB/3

General criteria applied in considering registered building applications

The issues that are generally relevant to the consideration of all registered building applications are:-

- o The importance of the building, its intrinsic architectural and historic interest and rarity, relative to the Island as a whole and within the local context;

- o The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the register; descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance, (e.g. Interiors, murals, hidden fireplaces) may come to light after the building's entry in the register;

- o The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby (including other registered buildings).

3.4.2 POLICY CA/6 DEMOLITION

Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6,

when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits of any proposed new development when determining whether consent should be given for the demolition of an unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

3.4.3 POLICY RB/6 DEMOLITION

There will be a general presumption against demolition and consent for the demolition of a registered building should not be expected simply because redevelopment is economically more attractive than repair and re-use of an historic building; or because the building was acquired at a price that reflected the potential for redevelopment, rather than the condition and constraints of the existing historic building. Where proposed works would result in the total or substantial demolition of a registered building, an applicant, in addition to the general criteria set out in RB/3 above, should be able to demonstrate that the following considerations have been addressed:-

In judging the effect of any proposed alteration or extension to a Registered Building, it is essential to have assessed the elements that make up the special interest of the building in

question. They may comprise not only obvious features such as a decorative facade, or an internal staircase or plaster ceiling, but may include the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements can be just as important in the simple vernacular and functional buildings, as in grander status buildings. Cumulative changes reflecting the history of use and ownership can themselves present an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, are not discounted.

The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or failure to make imaginative efforts to find new uses or incorporate them into new developments.

o The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings and returns may, in fact, be more favourable given the publicly acknowledged status of the building. Furthermore, historic buildings may offer proven performance, physical attractiveness and functional spaces, that in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should take into account possible tax allowances and exemptions. In rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;

o The adequacy of efforts made to retain the building in use. An applicant must show that real efforts have been made, without success, to continue the present use, or to find new uses for the building. This may include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition.

o The merits of alternative proposals for the site. Subjective claims for the architectural merits of a replacement building should not justify the demolition of a registered building. There may be very exceptional cases where the proposed works would bring substantial benefits for the community; these would have to be weighed against preservation. Even here, it will often be feasible to incorporate registered buildings within new development, and this option should be carefully considered. The challenge presented by retaining registered buildings can be a stimulus to imaginative new designs to accommodate them.

3.4 WOODBOURNE ROAD CONSERVATION AREA CHARACTER APPRAISAL 2003

3.4.1 Paragraph 3.23 and 3.24 states:

"3.23 It is clear that in the planning of the Gardens and Squares in the Conservation Area, there was an overriding intention that the gardens are in harmony with the architecture that evolved around them. House frontages with their decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area. These qualities have survived many generations and enrich the quality of our built environment. Despite the increasing intrusions of modern day living. It is very difficult to draw a definite edge to the Conservation Area, as the buildings continue in typical design and quality detail into adjacent roads and avenues. The repetition of form along arterial and secondary routes, combined with a variety of detail, serves to draw these adjoining thoroughfares into a cohesive whole which is worthy of recognition and protection. The 'green elements of this environment and

their immediate surrounds provide an obvious centre on which to base an appraisal of this fine array of predominantly nineteenth century architecture."

3.24 The area of Eastfield, Mount Bradda, Brighton Terrace and Westmount corresponds to that shown on a plan dated 1851 prepared by George Raby, Architect and Surveyor and titled 'Plan of Building Ground situated at Rosemount'. The area was part of the Joyner estate and the plan shows layout of 53 dwellings. Fourteen were built and from what is now known as Eastfield, but the remainder were not built in their original form. The 1869 Ordnance Survey Map shows the present street pattern with central gardens and with Eastfield House and Rose Lodge occupying corner positions at the east and west side of the square. The terrace known as Eastfield was an early approach to Town Planning in that covenants were incorporated into deeds of sale in an endeavour to control the design of properties and the retention of open space. The evolution of the remaining properties fronting onto the gardens happened predominantly in the 1880's and resulted in an interesting and lively mix of architecture. The retention of private allotment gardens is a survivor of the original plan."

4.0 PLANNING HISTORY

4.1 The site has been the subject of the following applications which are considered relevant to the current application:

4.2 PA 22/01326/CON for Demolition of all existing buildings on site - Refused. The application was refused for the following reasons:

"1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area. 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

4.3 PA 20/00281/CON for Registered Building consent for the demolition elements relating the application 20/00280/B - Permitted.

4.3 PA 20/00280/B for Conversion of former care home to residential dwelling - Permitted.

4.4 PA 06/00605/B for Re-roofing of building with slate to replicate existing - Permitted.

4.5 PA 99/01614/A for Approval in principle to construct 4 apartment building - Refused on Review.

4.6 PA 97/00567/B for Erection of replacement porch and installation of uPVC windows to replace existing to front & side elevations - Permitted.

4.7 PA 92/01197/B for Alterations, first floor extension and construction of nursing wing - Refused on Review.

4.8 PA 92/00095/B for Alterations and extensions & construction of 35-bed nursing wing - Refused on Review.

4.9 PA 86/00782/B for Conversion to residential home for the elderly, extension to kitchen, and link corridor, 14 Eastfield and Eastfield House - Permitted.

4.10 PA 86/00609/A for Approval in principle to conversion of premises into residential home for the elderly and incorporation into Eastfield House, 14 Eastfield - Permitted.

5.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

5.1 DEFA Ecosystem Policy Team has made the following comments regarding the application (24 May 2023):

- o They state that they have no objections to this application, but note that the proposals will result in the loss of areas of trees.

- o They state that mitigation is proposed in the form of new hedge and tree planting, and confirm that they are happy with the proposed tree species, but note that no species list has yet been provided for the hedge creation.

- o They request that either the applicant provides confirmation of the hedging species to be used prior to determination of this application, or that a condition is secured for a landscape plan to be provided which contains this detail.

- o They request that no invasive non-native species listed on Schedule 8 of the Wildlife Act 1990 (this includes Griselinia), or cherry laurel, should be used in the planting.

- o They request that the standard Planning condition securing the tree and hedge planting and replacement of trees in the event that they become damaged or defective should also be applied.

- o They request that Due to the short term loss of wildlife habitat on site, through the loss of a number of trees, and because of the amount of time it will take mitigation tree and hedge planting to develop, that the applicants either provide details of bird bricks to be installed in the new properties prior to determination of this application, or a condition is secured for a bird brick/box plan to be secured as a condition on approval.

- o Their recommendation is for universal swift nest bricks, (at least 2) to be installed high up under the eaves of the north east elevation of the end terrace (unit 5). They also recommend the installation of bat bricks, high up under the eaves of the south west elevation of the end terrace (Unit 1) as an enhancement for wildlife on site.

- o The applicants are advised that there is potential for roosting bats and nesting birds in the Eastfield Mansion House, and the need to undertake thorough checks for nesting birds and roosting bats prior to demolition, which will require all external holes, crevices, lead flashing or loose tiles and roof voids, if present, to be investigated.

5.2 Douglas Borough Council has no objections to the application (25 May 2023).

5.3 DEFA's Assistant Registered Building's Officer has made the following comments regarding the application (20 August 2023):

- o Section 19 of the Town and Country Planning Act 1999, concerning the control of demolition in Conservation Areas, states that sections 15 and 16 apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building.

- o Section 16 of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- o The heritage report submitted with application 22/01326/CON (for which I was the case officer), concludes in section 5.40 on page 30 that although the modern extensions and alterations diminish the building's contribution, the property does still make an "overall positive contribution to the Woodbourne Road Conservation Area." I have no reason to disagree with the applicant's own qualified heritage consultants.
- o It is therefore considered that preserving the building is desirable in terms of the tests within section 16 of the Act, and demolishing the building would clearly fail to preserve its features of architectural and historic interest.
- o Demolishing the building would also fail the tests within section 18 as it would not preserve the conservation area's character.
- o By demolishing a building that the applicant's own heritage consultants have concluded makes a positive contribution to the character of the conservation area, the application clearly also fails the tests of Strategic Policy 4, Environment Policy 35 and Environment Policy 39 within the Strategic Plan, as the application fails to protect the fabric of the conservation area, fails to preserve the character of the conservation area, and fails to retain a building which makes a positive contribution to the character of the conservation area.

5.4 The Owners/occupiers of 13 Eastfield, Douglas, the abutting property to the application site have written in with the following comments in a letter dated 19 August 2023:

- o They raise concerns regarding parking in the area.
- o They note that there is a lack of parking generally and to have an extra 5 x 4-bed houses will cause further issues.
- o They state that although the application provides a garage and parking for 2 cars per property, no provision has been made for visitor parking, whilst noting that the parking provision would not prevent the parking of other vehicles belonging to prospective purchasers in Eastfield/West Mount.
- o They also note that there is also a high possibility of the homeowners having more than 2 cars if they have adult children residing with them.
- o They raise concerns regarding construction vehicles to and from the premises with Eastfield itself being a single lane road and West Mount not much wider.

6.0 ASSESSMENT

6.1 The fundamental issue to be assessed by this Registered Building Application is the impact of the proposed demolition on the fabric and character of the Conservation Area. It is also important to have regard to the fact that section 19 of the Act states that sections 15 and 16 of the Act apply to the building as they apply to a registered building.

6.2 Impact on the fabric and character of the Conservation Area (T&CPA & EP 35)

6.2.1 Section 19 of the Town and Country Planning Act 1999, concerning the control of demolition in Conservation Areas, states that sections 15 and 16 apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building. Section 16 of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The heritage report submitted with the application concludes in section 5.40 on page 30 that although the modern extensions and alterations diminish the building's contribution, the property does still make an overall positive contribution to the conservation area. As a mid to late 19th century building with surviving historic fabric, it is agreed that whilst in need of renovation, the property makes a positive contribution to the character of the conservation area. It is, therefore, considered that preserving the building is desirable in terms of the tests within section 16 of the Act, and

demolishing the building would clearly fail to preserve its features of architectural and historic interest.

6.2.2 Likewise, Strategic Policy 4 of the Strategic Plan clearly states that proposals for development must protect or enhance the fabric and setting of Conservation Areas. This position is further reinforced by Environment Policy 35 which states that within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area. Also, Section 18 of the Town and Country Planning Act 1999 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The western boundary of the curtilage of Eastfield House forms the western edge of the conservation area, and it is therefore reasonable to assume that the conservation area boundary has been deliberately drawn to include the property. It is considered reasonable to judge that demolishing the historic building would fail to protect or enhance the fabric of the conservation area. As one of the older buildings within this area of the conservation area, the historic part of the building clearly makes a positive contribution to the character of the area, and its demolition would therefore clearly fail to preserve or enhance the conservation area.

6.3 Other Considerations (PPs 1/01 & EP 39)

6.3.1 Policy RB/6 in Planning Policy Statement 1/01, and the preamble to Environment Policy 39 in the Strategic Plan, state that whilst there is a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area, consideration will also be given to four factors in respect of a building. These include; the condition of the building, the cost of repairing and maintaining it in relation to its importance, the adequacy of efforts to retain the building in use, and the merits of alternative proposals for the site.

6.3.2 The condition of the building.

6.3.2.1 In terms of the condition of the building, it is considered that a structural report has been submitted with the application. The report notes various issues regarding the condition of the existing Eastfield Mansion House, and highlights the need for the replacement of some elements such as a number of the load bearing elements, timber roof structure, and timber floor joists, although it does not in any way state that the building cannot be restored. This report also does not any recommend demolition of the building. Based on the foregoing, it is not judged that the building's condition is sufficient reason to justify demolition.

6.3.3 The cost of repairing and maintaining it in relation to its importance.

6.3.3.1 With regard to the costs of repairing and maintaining the property, it is considered that the building has most recently been used as a care home, until 2017. It is also considered that approval was granted in 2020 to return the building to a single dwelling, with sufficient information provided in the Design and Access Statement which concluded that the building could be efficiently restored for use as a sustainable building to serve its intended residential use as a single family home. This Statement on Thermal Performance and Carbon Footprint stated the following within Section 3.4:

"The Structure will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and production of pollution/waste during construction and use. Materials and construction methods will be chosen for minimum environmental impact and greater durability...It is intended to increase the buildings energy efficiency by influencing materials of construction and delivering passive engineering solutions wherever possible within the constraints of the buildings comfortable operation. It was also stated that the 'Fabric first approach' and other steps detailed in this section of the report would serve to improve the thermal performance and reduce the carbon footprint of the property. These highlighted the fact that the building could be restored at sustainably."

6.3.3.2 It is also vital to note that the Built Heritage Statement provided by the applicants does not provide any details in terms of estimates for the cost of refurbishments of the building (relative to the cost of the new development), and it is not clear that any such efforts have been made cumulatively over time to restore the building. In fact, this statement does not in any way provide details of total costs of refurbishment or conversions for alternative uses, but only refers to the sale value for the previously approved scheme under PA 20/00280/B by stating the following within Paragraph 6.2 (page 31):

"Although it is acknowledged that the reinstatement of Eastfield House as a single-family dwelling, the demolition of the modern link and the reinstatement of No. 14 as a single-family dwelling would be the ideal proposal in heritage terms for the site, the proposed development would have an anticipated sale value of circa £1.75m to £2m based on reasonable development profit margins, and there was no interest in the site, as there is not perceived to be a requirement for this sort of high-end property in this location."

6.3.3.3 Clearly there would be a financial cost to renovating the building. However, given that the building is one of the oldest surviving in the area and is acknowledged to have historic and architectural interest, the cost of repair and maintenance is not judged sufficient in its own right to justify demolition. It is also vital to note that adequate periodic maintenance and repair of the building as required during its lifetime would have resulted in a much reduced cost to any renovation now required, but this cost has been exacerbated by years of neglect which does not in any way strengthen the argument for removal on grounds of increased costs.

6.3.4 The adequacy of efforts to retain the building in use.

6.2.4.1 From review of the supporting documents (including the Structural Report and heritage Statement), it is clear that almost no effort has been made since 2017 to address the issues with the building that now exist. In fact, it is clear from historic Photos that although approval was granted in 2020 to return Eastfield House to a single dwelling, very little (if any) of the works have been undertaken, save for the demolition of elements which was evident during the site visit on 04.07.2023. Therefore, it is not considered that sufficient effort has been made to restore the building as required by Policy RB/6 of PPS 1/01.

6.3.5 The merits of alternative proposals for the site.

6.3.5.1 The Built Heritage Statement submitted with the application describes an alternative proposal to construct five dwellings on the site. However, from review of the scheme submitted it is clear that the design and appearance of the proposed scheme would not pass for a truly traditional terrace nor does bear any special features or characteristics that would ensure it preserves or enhances the character and appearance of the Conservation Area as an appropriate replacement.

6.3.5.2 The above is hinged on the fact that the proposed terraced building does not have chimney stacks which are a key feature of the existing dwelling which has prominent chimney stacks which contribute to its character. Also, the proposed two storey bay window projection and cottage style entrance door are not features of the immediate street scene. These buildings also do not have the rear courtyards which serve to define the dwellings here by providing enclosures for other less important detail. It is also noted that the distinct feature mouldings around the windows such as the hood mouldings (on Bradda Mount), render bands (on Brighton Terrace and Westmount), the Cobbled window mouldings (on Eastfield Terrace) are not in any way represented on the new dwellings. The roof pitch is also steeper than the pitch angle of the existing dwellings on Eastfield terrace which it would sit directly parallel to. Likewise, the buildings bulk and massing is in no way similar to those in the immediate locality which are narrower, with rear outriggers providing avenues for creating additional accommodation, as it spans 12.3m (13.6m including depth of bay windows) and as such

would have a depth 3.3m wider than the adjacent buildings on Eastfield terrace which are 9.3m wide (excluding the outriggers).

6.3.5.3 Overall, it is concluded that the proposed replacement terrace would fail to preserve or enhance the character and appearance of the area, and as such is not judged to be of sufficient merit to serve as a replacement for the existing Eastfield Mansion House.

7.0 CONCLUSION

7.1 Overall, it is judged that the proposal fails to protect or enhance the fabric of the Conservation Area, nor would it preserve or enhance the character or appearance of the Area. As such, the proposal fails to meet the tests of Sections 16 and 18 of the Town and Country Planning Act 1999; Strategic Policy 4 and Environment Policies 35 and 39 of the Strategic Plan 2016; and policies RB/3, RB/6 and CA/6 of Planning Policy Statement 1/01. It is therefore recommended that the application be refused.

8.0 INTERESTED PERSONS STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) Manx National Heritage; and
- (c) The local authority in whose district the land the subject of the application is situated

8.2. In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.

PLANNING AUTHORITY AGENDA FOR 16th October 2023

Item 5.5

Proposal : Re-site village play park to area currently known as Millennium Garden

Site Address : Andreas Village Millennium Garden
Andreas Village
Isle Of Man
IM7 4EZ

Applicant : Andreas Parish Commissioners

Application No. : 23/00280/B- click to view

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the details that have been submitted, the leylandii hedge bordering the eastern boundary of the site, the sod bank to the southern boundary of the site, and the hedge on the southwest section of the site, shall be retained as shown on the Proposed Illustrations 1 and 2, and as indicated in the Planning Statement, all received 24 August 2023. The boundary treatment shall be retained as such thereafter unless changes to the surrounding landscaping have been submitted to and approved in writing by the Department.

Reason: In the interests of protecting and enhancing the biodiversity of the environment, and to safeguard the appearance of the development and the surrounding area.

Reason for approval:

Overall, it is considered that the proposal would comply with the provisions of General Policy 2, Transport Policies 1 and 4, and Environment Policy 5, whilst aligning broadly with the requirements of Environment Policy 4 of the Isle of Man Strategic Plan, the reasons set out in this report; having no significant impacts upon public or private amenities, highway safety or landscape impacts.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

0.0 PREAMBLE

0.1 This application was originally on the agenda for 10th July 2023 and was deferred by the Planning Committee to enable the applicant's provide further information on the proposal. Since then, additional information has been received, and the report has been amended to reflect the additional details provided, with the assessment also amended to capture the new information.

1.0 THE APPLICATION SITE

1.1 The application site which is currently identified as Millennium Garden sits to the west of the former Police Station at Andreas (now a dwelling), and has the Ayre United Football Club grounds enclosing its west and north boundaries. The site directly adjoins the A9 (Andreas Road) which runs along its southern boundary.

1.2 The site frontage is characterised by the mature hedging which has a strong link in terms of visual connection with the other frontages west of the application site which are also characterised by mature landscaping. The site also has most of its boundary enclosed in mature landscaping comprising high hedges and some trees. The site is generally flat and measures 35.05m x 20.64m.

2.0 THE PROPOSAL

2.1 The application seeks approval to Re-site village Play Park to area currently known as Millennium Garden. The scheme would see the relocation of the play park from its current location to the proposed site which forms part of the Sports field, all owned by the local authority and zoned for recreational purposes.

2.2 The items of play equipment to be installed on site would include:

- a. Junior Multi-Play Unit (KPL301012-CUSTOM-20189465) with total height 376cm, and fall height 178cm.
- b. Toddler Multi-Play Unit (KPL101212-CUSTOM-20189466) with total height 214cm, and fall height 58cm
- c. Swing with Shell, Duo & Flat Seats (KSW904-CUSTOM-20189027) with total height 271cm, and fall height 145cm
- d. Swing with You & Me and Cradle Seats (KSW902-CUSTOM-20189028) with total height 271cm, and fall height 143cm
- e. Wheelchair Carousel (PCM157-0201) with total height 100cm, and fall height 70cm
- f. Daisy 4-Way Springer (KPL110-0411) with total height 65cm, and fall height 60cm
- g. Ladybird Springer (M16801-01P) with total height 79cm, and fall height 60cm
- h. Two Agora Steel Benches (PAR4150-0608) with total height 50cm

2.3 The site would be fenced internally in a 1.2m high galvanized Playspec Bow Top fencing which would be erected behind the hedges on the site boundary save for the northern boundary and northwest boundary of the site where hedges would be removed. The scheme would also involve the installation of a 1.2m high Prosafe Combi Pedestrian/Vehicle Gate, as well as a 1.2m High Prosafe Single Self-closing Gate installed along its perimeter. Grass mat safety surfacing would be laid over the grass areas on the site within an area measuring about 27.7m x 13.48m.

2.4 The scheme would retain the leylandii hedge bordering the east side of the site; the sod bank hedge to the southern boundary of the site, and the shrub hedgerow partly

bordering the southwest side of the site, just by the entrance to the site. There are also 10 ornamental mature trees and shrubs within the site which would be retained. As has already been noted, the hedges and planting on the northern boundary and northwest boundary would be removed to allow views to the site from the surrounding sports field.

2.3 The applicants have provided a Planning Statement which states the following:

o This site is included within the area known as the Sports field, all owned and maintained by the Local Authority and zoned for recreational purposes.

o Whilst no change of use need be sought the Authority recognises the need to gain permission for the intended re-siting of the play park.

o Some of the existing play equipment is now over 30 years old and well past its best. The Local Authority will organise fund raising to purchase new equipment to be installed in the new site, and preliminary work on this has already started. The existing play equipment would be removed and scrapped and the new equipment will include all-inclusive items for disabled access.

o The garden area was extensively planted as a Millennium project but has since been reduced to an area of grass surrounded by overgrown shrubs and trees. Originally this was intended as an attractive area to sit with the surrounding landscaping but it has increasingly become an area where youngsters gather, vandalise any seating, and often cause a general nuisance, with the planted shrubbery giving cover from passing traffic, or people on the sports field. There is also costly maintenance involved for this small area which currently serves little purpose for the village.

o The Commissioners wish to remove the overgrown shrubbery within the site to improve visibility and safety. Some of these bushes have extremely sharp leaves and would cause injury if anyone should fall into them and as such need to be removed.

o The key reasons for the proposal are:

- to improve visibility and make it a safe play area for children;
- to increase the available area of the play park;
- to remove risk of injury from briars and brambles; and
- to remove potential risk of immediate cover for vermin.

o An industry standard metal playground fence would be installed around the play equipment with 2 self-closing access gates. The fencing will be steel as recommended for use for play park areas, and this particular type of fencing has already been installed at the car park area of the Sports field so the same style/colour would be used to match this.

o A report from Assistant Tree Officer/ DEFA states that there are 2 sycamore trees which could be removed from the site boundary with the road way (under licence), and these be replaced with birch or rowan within the area upon completion(identified in previous documents).

o Play Park planners highly recommend that sites have clear 360 vision to provide safe play areas for children and this proposal will allow for this.

o The proposed play park area will, in effect, revert to form part of the sports field (which this site was previously), with the recommended steel fencing in place surrounding the play equipment. As stated before, the proposed equipment includes all-inclusive items and the removal of the shrubs and overgrowth will create a natural flow from the Sports field to the play park for children and parents allowing for easy access, including disabled.

- o The 10 foot high leylandii hedge will remain between the nearest residence (The former Police House) and the gas tanks to provide privacy and, to some extent, a sound barrier; the 3 foot high (approx.) sod hedge along the roadside will maintain the continuous green corridor; as will the bush hedging at one of the entrances to the site (west side).
- o The trees/shrubs to be retained are ornamental and now mature so are unlikely to grow and dominate the park, as is the over-riding problem with the existing play park.
- o All the vegetation being retained can be easily maintained which is also an important consideration to ensure the safety of the site.
- o Finally, as pointed out in previous statements from the Commissioners, there is already approval in place for a further 31 houses in the village and a condition of this scheme requires suitable recreational facilities for all children. The Commissioners are very aware that the current facilities (which have no provision for disabilities) are inadequate and are keen to obtain permission for this project in order to commence work.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area zoned as "Residential" identified on the 1982 Development Plan (north), and the site is not within a Conservation Area. The site is not susceptible to flood risk, there are no registered trees on site, and the site is not within a Registered Tree Area.

3.2 In terms of strategic plan policy, the Isle of Man Strategic Plan contains the following policies which are considered to be specifically material to the assessment of this current planning application:

3.3 General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

3.4 Recreation Policy 4: Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport.

3.5 Design of public open space

3.5.1 Paragraph A.6.9

"Both formal and informal open space should be designed as an integral part of the development so that it offers recreational value and visual relief and in some cases may provide the main focal point of the development. There is often local opposition to the provision of children's play spaces especially within new residential developments. Therefore it is essential that facilities be designed as part of a comprehensive approach to estate layout, which includes consideration of good neighbourliness, the need for adequate privacy and

amenity for the occupiers of dwellings, road traffic and pedestrian activity and community safety. The following are also important considerations in the siting and layout of public open space which should:-

- o be defensible but not sited to cause a nuisance to dwellings;
- o easily maintainable;
- o be of sufficient size to be usable;
- o build upon existing linkages to provide green corridors;
- o incorporate existing landscape features;
- o provide appropriate children's play equipment in areas from which dogs are excluded, preferably by the use of fencing and dog proof grids, and
- o be of a design and layout to enable future adoption and maintenance by the Local Authority"

3.6 Section 10.3: Open Space

"10.3.1 The presence and use of various forms of Open Space in towns and villages on the Island form an integral part of the fabric of community life. Open Space takes various forms and serves many purposes. It ranges from formally laid parks to the wide and extensive public footpath network including Raad Ny Foillan and Millennium Way.

10.3.2 Open Space forms part of our heritage as well as being an attractive and usable asset, and, in the wider context, provides visual and spiritual relief from the developed urban settlements on the Island. In addition, it provides recreational enjoyment in respect of various active and some less active forms of sporting activity. Open Spaces also provide a means of improving the health and fitness of the Island's population. Open Space is defined in this context as land used for recreational purposes, both formal and informal, including amenity space whether privately or publicly owned.

10.3.3 The Strategic Plan needs to facilitate sport and recreation opportunities and to ensure that areas of open space are retained, and provided to meet local needs. The Strategic Plan will facilitate this by a three pronged approach: a) protecting existing assets; b) making good deficiencies in existing provision; and c) providing adequate provision within new development. In pursuing these three objectives, it is recognised that developers will not be expected to make good existing deficiencies in recreational facilities as a requirement of carrying out their developments.

10.3.4 To ensure that suitable provision is made for sport and recreation development across the Island it is proposed that Area Plans should incorporate an assessment of sport and recreation need and provisions. This should include, where appropriate water-based sport and recreation. Such assessments should recognise that sport and recreation facilities may benefit local communities across defined Area Plan boundaries."

3.7 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.8 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.9 Transport Policy 4: The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.

4.0 OTHER MATERIAL PLANNING CONSIDERATIONS

4.1 IOM BIODIVERSITY STRATEGY 2015 TO 2025

4.1.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

4.1.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

5.0 PLANNING HISTORY

5.1 The application site has been the subject of a previous planning application which is considered relevant to the current application. Planning approval was granted for Erection of timber shelter fence for Millennium Scented Garden, in East corner of Andreas Sportsfield under PA 98/01130/B in November 1998. The current scheme seeks to remove this garden (including plantings) and replace it with the proposed play park.

6.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking (17 March 2023).

6.1.1 Following review of revised/additional plans and information provided by the applicants, DOI Highways have stated that they do not oppose the proposals (5 September 2023).

6.2 DEFA Ecosystem Policy Team have made the following comments on the application (30 March 2023):

- o They do not believe that there is currently enough information submitted with this application.
- o They note that the Planning statement makes reference to the fact that the Commissioners intend to remove the existing shrubbery from the area, but have not provided information about how they intent to mitigate their ecological impacts.
- o They note that a siting of equipment plan has been provided, but this seem to indicate that the park equipment will fit within the grass area and that there will be no need for shrub removal or removal will be limited. So the plans to remove all of the shrubbery seem unnecessary.
- o The state that an updated plan should be provided which accurately show the plans for the park in relation to the shrubbery, as well as a plan showing where replaced shrub planting is to be undertaken. If the intention is to replace the current park with this new park, then we believe the old park should be utilised for this shrub planting.
- o They state that they understand that problems have arisen in regards to abuse of the Millennium garden area, and that the current shrub planting gives cover for this, but believe that replacement planting could be undertaken in such a way to not enable this antisocial behaviour in the future.
- o They state that without a scheme to provide for replacement planting, the application would be contrary to Strategic Policy 4 (b) of the Isle of Man Strategic Plan which states that Proposals for Development must 'protect or enhance the nature conservation and landscape quality of urban as well as rural areas'.

6.2.1 In view of the comments made by the DEFA Ecosystem Policy Team, the applicants have submitted a revised Planning Statement to clearly articulate the scheme, whilst making

changes to elements of the proposal. Likewise, additional plans and photos have been submitted to provide further clarity to the proposals.

6.2.2 Having reviewed the additional/amended documents and plans submitted by the applicants, the DEFA Ecosystem Policy Team have sent in revised comments which details the following (18 August 2023):

- o They appreciate all of the additionally information provided and note that it helps to clarify the situation.
- o They state that their understanding now is that the boundary vegetation is mostly to be retained but reduced in height and trimmed back for safety reasons.
- o They state that they are content with what is being proposed, as it doesn't involve the total removal of boundary vegetation, just its trimming back.
- o They request that boundary trimming is undertaken outside of the nesting bird season (March - August inclusive).
- o They request that a condition is secured for boundary hedging and the sod bank to be retained but trimmed back in line with the visuals provided.

6.3 Andreas Parish Commissioners has not commented at the time of writing this report, although they were consulted on 13 March 2023.

6.4 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment and determination of this application are:

- i. The principle of development;
- ii. The potential impact upon the visual amenities of the area;
- iii. The potential impact upon neighbouring amenities;
- iv. The Impacts on highway safety, and
- v. Ecological Impacts.

7.2 The Principle (GP2, Section 10.3, & RP 4)

7.2.1 In assessing the principle of the proposed development it is considered that the site is within an area zoned for residential use, although it is noted that the site currently serves a public garden which falls for classification as a public open space. The site also adjoins an area that largely serves as a sports, recreation and open space, thus, the proposed use of the site as a play parks which is a public open space for children would be compatible with the dominant adjoining uses.

7.2.2 As well, the site is within close proximity to the surrounding residential areas and school serving the locality, a situation that would align with the requirements of Recreation Policy 4 which requires that Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport.

7.2.3 Additionally, the site is defensible but not sited so close to existing dwellings that it would cause a nuisance to dwellings, is of a size and at a location that it would be easily maintainable, is of sufficient size to be usable given that it would easily accommodate the required play equipment for children, would provide appropriate children's play equipment in an area that is fenced to enable child safety, is linked to existing green corridors in the area, and is owned by the Local Authority which would carry out its regular maintenance.

7.2.4 It is also important to note that the proposal would facilitate sport and recreation opportunities for children, would ensure that areas of open space are retained and provided

to meet the local needs of the Andreas community, ensure existing play assets are protected, whilst making good deficiencies in existing play provisions as is currently the case with the existing play park which now has most its facilities in a moribund state. As well, the new facility would make adequate provision for new play equipment within the new development, thus compensating for the gaps in terms of provisions of the previous facility. Therefore, it is considered that the principle of the development is acceptable and well-aligned with the goals of Recreation Policy 4, General Policy 2, and Section 10.3 of the Strategic Plan.

7.3 Visual Impact (GP2)

7.3.1 As referenced earlier in this report, General Policy 2 (c and f) of the Strategic Plan requires that development should not affect adversely the character of the surrounding landscape and that new development should incorporate where possible existing topography and landscape features, particularly trees and sod banks. In this case, it is considered that the site frontage as existing is largely characterised by the mature hedging, with a break only created by the existing accesses along the road. This feature is also evident on the opposite side of the road where there is a continuation of mature hedging and sod banks, only broken up by existing accesses. Therefore, it is considered that the proposal to retain the hedging/sodbank on the east, south and part west boundary would serve to preserve the character of this part of Andreas defined by the mature landscaping that line the main thoroughfare.

7.3.2 Whilst the removal of the existing mature landscaping which screens the northern sections of the site from the adjoining sports ground and replacement with a 1.2m high galvanized bow top fencing would make the alterations particularly apparent when viewed from the A17 (Bride Road) which adjoins north-western section of the football ground, it is not judged that this would be averse to the character of this part of the sports ground as the sites situated southwest of the application site already have hard boundary treatments which the fencing on the proposed play park would form a connection with. As such, it is not considered that this element of the proposal would have an adverse visual impact when viewed from Bride Road.

7.4 Impact on neighbouring amenity (GP2)

7.4.1 With regard to impacts on neighbouring amenity, it is considered that the nearest property to the application site is the former Police Station which sits east of the site and situated about 9.6m away, with the potential for increased noise impacts from the proposed development. However, the applicants have indicated that the existing mature hedging which sits on the boundary of the proposed play area would be retained to serve as a sound buffer. Besides, it is not unusual to have play areas next to residential uses as both uses are complimentary. As such, it is not considered that any impacts in terms of noise generated would be sufficient to warrant refusal of the scheme.

7.4.2 It is also important to note that the area is currently being used as an open space with the adjoining uses also identified for supporting sports and leisure activities for a varied range of age groups, including children of different ages. Therefore, it is not considered that any impacts in terms of noise generated, as well as the scope and intensity of activities being carried out would be considerably increased over that currently attainable at the site and surrounding sports and recreation areas.

7.4.3 Based on the foregoing, it is not considered the proposal will result in significant impacts on neighbouring amenity over that which is currently attainable at the site and area.

7.5 Highway safety Impacts (GP2, TP1 & TP4)

7.5.1 In assessing the impacts on highway safety (including parking), it is considered that the site would still benefit from the existing parking provisions in the area which currently

serve the existing play park and sports grounds. The site is also well-connected to existing pedestrian routes within Andreas, which would ensure that the proposal adequately caters for visitors who walk or cycle and this would be in line with the requirements of general Policy 2 (h & i) and Transport Policy 1.

7.5.2 The proposal has also been assessed by Highway Services who have considered the scheme and have no objection. Besides, the use of the play equipment within the play park would be in conjunction with the adjoining sports and recreation uses, and as such the scheme is unlikely to generate a large traffic volumes considerably above that attracted by the existing uses of the broader site area.

7.6 Impacts on Biodiversity (GP2 & EP4)

7.6.1 In terms of impacts on biodiversity, it is considered that the scheme would result in the removal some of the existing mature landscaping on site, on the northern and part western section of the site boundary, with potential to result in some loss of biodiversity. The ecosystem team in reviewing the proposal had indicated that they would prefer to see all the hedges and sodbank retained and trimmed, although the applicants have raised concerns with child safety which would mean that retaining all of the sodbank and hedges would not be in the interest of the users of the site (children). On balance, it is considered that allowance can be made for the removal of some of the hedging on the grounds that most of the plantings and mature trees within the previous play area would be retained, thus providing some mitigation for the loss at the application site.

7.6.2 It would be vital to note that a key reasons for the relocation of the lay area, is to ensure that the development of the previous play park would not result in adverse impacts on the existing trees on site which were planned to be removed to improve the amenities of the site as a play area. Hence, it is considered that any loss of biodiversity at the current site would be compensated by the retention of the mature plantings and trees at the play park. The fact that there are plans to register some of the trees at the previous play park would also serve to facilitate habitat establishment at the previous site, given that the trees would be protected and largely undisturbed.

7.6.3 Notwithstanding the factors that have been raised in Paragraph 7.6.2 above which identifies some form of mitigation for habitat loss at the application site, the retained sodbank and hedging would be secured by a condition to ensure that they are retained in the interest of preserving the biodiversity of the site. Moreover, the Ecosystem Policy Team have also indicated that they do not oppose the scheme. It is, therefore, considered that the scheme as propose would be broadly aligned to the requirements of Environment Policies 4 and 5 of the Strategic Plan.

8.0 CONCLUSION

8.1 The fact that there is a clear justification for the proposal to ensure the continuous provision of a vital play area for children within the locality is noted, particularly as the existing play park is no longer fit for purpose (as has been articulated in the applicant's submissions),and this weighs in favour of the scheme. The retention of the roadside hedging which serves to contribute to the character of the area is also judged to result in positive impacts on the visual amenities of the street scene and landscape character.

8.2 The removal of part of the surrounding mature landscaping around the site boundary would result in some adverse impacts. However, as the previous play park site would have the mature trees and mature landscaping preserved to protect the surrounding trees, with a significant proportion of the existing mature landscaping around the application site also retained, it is not considered that any impacts resulting from the proposed development would be sufficient to warrant refusal of the scheme.

8.3 Overall, it is, considered that the scheme would broadly align with the requirements Environment Policy 4, whilst complying with the provisions of General Policy 2, Transport Policies 1 and 4, and Environment Policy 5 of the IOM Strategic Plan. Accordingly, it is recommended that the application be approved.

9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 16th October 2023

Item 5.6

Proposal : Variation of condition 2 of PA 23/00345/C to amend the opening hours and days of operation to 9am to 9pm Monday to Sunday

Site Address : First Floor
10 Prospect Hill
Douglas
Isle Of Man
IM1 1EJ

Applicant : Mr Ram Singh Bhadouria

Application No. : 23/01085/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. No customers shall remain in the building outside the following hours:

Monday to Sunday: 9am to 9pm

Reason: The application has been assessed on this basis as requested in the application form and in the interest of amenity.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), the first floor office area (shown on the submitted floor plan) hereby approved shall not be used other than as an aesthetic clinic and for no other purpose in Classes 1.1, 1.2 or 4.1 of the Schedule of the Order at any time.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

Reason for approval:

It is not considered that the extension to the days and times of operation would have any significant impacts to neighbouring properties or parking and highway safety to raise concerns. The proposal is, therefore, considered to comply with General Policy 2 and Business Policy 1 of the Isle of Man Strategic Plan 2016, and the Area Plan for the East.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The application site is the curtilage of 10 Prospect Hill, Douglas, a terraced building located on the south eastern side of the road. The building is currently used as offices. The building fronts onto Prospect Hill and backs onto an internal space formed by the back of the application building and the rear of 8, Prospect Hill which wraps around number 8a which is alongside the application site, and 18, Nelson Street and to the north, the former Bank of Scotland building.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Variation of condition 2 of PA 23/00345/C to amend the opening hours and days of operation to 9am to 9pm Monday to Sunday.

2.2 The applicant has provided Cover Letter dated 9 September 2023, which advises that:

- i. He has been granted planning permission to use the building as an Aesthetic Clinic.
- ii. The opening hours approved was not that was originally intended as there was confusion in his previous communication with the Department for PA 23/00345/C.
- iii. He notes that permission for the proposed times would give him flexibility to fit schedules for clients given that the business is an appointment based clinic.
- iv. He raises personal circumstance regarding managing time with his three kids as a single parent.

2.3 The Application form also states the following:

o There would be no structural changes to the building, as the works would only require redecorating which involves installing a wipeable floor and painted walls (wipeable).

3.0 PLANNING POLICY

3.1 The application site is located within an area that is designated as 'Predominantly Offices' on the Area Plan for the East (Map 5 - Douglas), and the site is within the Athol St and Victoria St Conservation Area. The site is prone to low likelihood of flood risks.

3.2 Given the nature of the proposed development and the site location, the following parts of the Strategic Plan are judged to be relevant:

3.3 Environment Policy 35:

"Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development."

3.4 General Policy 2:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them."

3.5 Business Policy 1: The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan.

3.5.1 Paragraph 9.1.6:

"The Department has also reviewed planning permissions for office development. The majority of these are focused in the Douglas area. Take up has been low in recent years with the exception of certain relocations to corporate headquarters, such as Skandia. There are a number of sites still available for new office development, in addition to the existing stock. Of note is the recent trend for sites with office consents to subsequently secure planning permission for residential use. The most notable example being the final phase of the Villiers development, which now has a residential permission in addition to its partly implemented office consent."

3.5.2 Paragraph 9.1.12:

"Changes in the underlying structure of the economy reflected in the national income accounts are further depicted in the Census statistics below showing the distribution of labour between the different sectors of the economy."

3.5.2.1 The supporting data for Paragraph 9.1.12 within Table One in the Strategic Plan, shows that whilst the Contributions of Professional Services (which includes aesthetic clinic services) to National Income (£) has remained at 15% between 1992/93 and 2000/01, the Real Increase in income generated (%) has grown by 92.4%, which is the second highest growth after Finance at 120.0%.

3.6 Spatial Policy 1: The Douglas urban area will remain the main employment and services centre for the Island.

3.7 Strategic Policy 1: Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services.

3.8 Transport Policy 1 of the Isle of Man Strategic Plan states, "New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.9 Transport Policy 7 states, "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

3.9.1 A.7.6 Parking Standards:

"Medical / health services - 3 spaces per consulting room plus staff parking.

These standards may be relaxed where development:

- (a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or
- (b) would result in the preservation of a sensitive streetscape; or
- (c) is otherwise of benefit to the character of a Conservation Area.
- (d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality."

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 TOWN AND COUNTRY PLANNING ACT 1999

4.1.1 S18 Designation of conservation areas

Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act". It is not considered that this proposal would conflict with that objective and as such the application will be considered in the context of the policies as set out below and within section 3 of this report.

4.2 PLANNING POLICY STATEMENT 1/01

4.2.1 "Policy CA/2: Special Planning Considerations

When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application. Where a development is proposed for land which, although not within the boundaries of the conservation area, would affect its context or setting, or views into or out of the area; such issues should be given special consideration where the character or appearance of a conservation area may be affected".

5.0 PLANNING HISTORY

5.1 The most recent application under PA 23/00345/C is considered to be particularly relevant in the assessment and determination of the current application.

5.1.1 The scheme which was approved on 11th July 2023, proposed the following:

- a. Opening hours would be between 11am and 8pm weekday - Monday to Friday (although opening hours would be dependent on the number of appointments, with few evening openings weekdays). There would be few weekend evening openings 1-2 hours long on Saturdays.
- b. Appointments are specific to time allocations so average number of clients per day would be 2 with maximum of 3.
- c. One employee would help with the clinic.
- d. There are no allocated parking, but there are few parking provisions close to the property at the M&S, Shaw Brow, and road side parking.

5.1.2 The application was approved subject to three (3) conditions, with Condition 2 stipulating the opening hours.

5.2 The application building (ground floor and basement floor) have also been the subject of an application for Alteration and conversion of former office to a hot food take-away shop under PA 12/01242/B which was refused by the Planning Committee on 10 December 2012. This application was later approved at appeal on 2 May 2013.

5.2 The Inspectors Report for the application (PA 12/01242/B) contains the following paragraphs that are considered relevant to the current application:

"19. The Douglas Local Plan designates this part of the town for predominantly office use. That preponderance would remain and the takeaway business would accord with its town centre location and a range of other outlets in the locality, particularly at ground floor level. Neither the works to the shop front nor the nature of the business would, of themselves, fail to preserve the town centre appearance and character of the Athol Street/Victoria Street Conservation Area. Strategic Plan General Policy 2 and Transport Policy 4 are those relevant.

24. My conclusion could hardly be more finely balanced but overall it is that, subject to conditions, approval could and therefore should be given to enable this new small business in this part of the town. The amenity safeguarding requirements of Strategic Plan General Policy 2 and safety aims of Transport Policy 4 would be met, if only just."

6.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

6.1 Department of Infrastructure (DOI) Highways Division have not made any comments on the application, although they were consulted on 13 September 2023.

6.2 Douglas Borough Council have not made any comments on the application, although they were consulted on 13 September 2023.

6.3 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The fundamental issues to consider with regard to this application is whether the increase of the days of operation from Monday to Sunday, and increase in hours of operation from 9am to 9pm on these days would have an adverse impact upon neighbouring properties, and highway safety/parking.

7.2 IMPACT ON NEIGHBOURING PROPERTIES (GP2, BP1, & TAPE)

7.2.1 In assessing the impacts on the amenities of neighbouring properties due to the extension of the days and timing of operations, it would be vital to first establish that the site is situated within an area of predominantly office use, although the site is located within a wider area which contains buildings that have a variety of uses - residential, retail, offices, estate services, IT services, as well as other professional services. As such, the proposed use as aesthetic clinic would be fitting and acceptable. Moreover, the location is an area where one would expect a higher degree of noise and disturbance through greater activity, and therefore, there is likely to be a greater level of background noise and general disturbance throughout the day and night, than properties situated in areas designated predominantly for residential use. As well, the site within the town centre where there is expected to be increased activity into the night hours, a key goal sought by the Area Plan for the East as it seeks to facilitate and support the night time economy.

7.2.2 Another factor that weighs in favour of the proposed scheme is the fact that the business is appointment based and as such would not support random callers who would unduly increase the footfall within the area, although this has benefits for other businesses in the area. The nature of the clinic is also such that would only support a limited number of callers any given day. Based on the foregoing, it is not considered that the proposal to extend the days of operation and opening hours would result in adverse impacts on the amenities of neighbouring properties.

7.3 PARKING/HIGHWAY SAFETY IMPACTS (GP2, TP1 and TP7)

7.3.1 In terms of possible impacts on parking and highway safety, it is considered that the unit is situated within a commercial building where it is expected that there would be a high turnover of visitors with its attendant parking requirements or pick up and drop offs along the adjoining highway. Whilst there is no parking provision for the property, it is not considered that the proposed use as an aesthetic clinic with its limited capacity to manage a high volume of clients/customer visits would significantly increase the pressure on on-street parking in the area, beyond that which is currently attainable at the site with the approved clinic operating with other businesses.

7.3.2 The site is also situated along a public transport corridor where clients can rely sufficiently on public transport to visit the facility, with a bus stop only situated less than 70m from the property. As well, the site is within close proximity to the Marks & Spencer Drumgold Street car park, 98m away from the Shaws Brow Car Park, and about 400m away from the Chester Street Car Park. As such, it is not considered that the lack of parking provision at the site weighs significantly against the proposal.

7.3.3 Overall, it is considered that the extension of the hours and days of operation would not result in significant adverse impacts on parking and highway safety in the area.

8.0 CONCLUSION

8.1 Accordingly, It is not considered that the additional times/days would have any significant impacts to neighbouring properties or parking and highway safety to raise concerns. The proposal is, therefore, considered to comply with Isle of Man Strategic Plan 2016, and the Area Plan for the East, and therefore is recommended for an approval.

9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status