



Isle of Man
Government

Reiltys 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, 18th December 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 4th December 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 15th January 2024.

PLANNING COMMITTEE Meeting, 18th December 2023
Schedule of planning applications

<p>Item 5.1 Manx Birdlife Point Of Ayre Reserve Cranstal Road Bride Isle Of Man IM7 4BS</p> <p>PA23/01038/B Recommendation : Permitted</p>	<p>Landscaping of the former quarry works area to provide an information point, seating and viewing area</p>
<p>Item 5.2 Unit F4 Harcourt Drive Balthane Ballasalla Isle Of Man</p> <p>PA23/01342/C Recommendation : Permitted</p>	<p>Change of use from as storage unit to a personal training studio</p>

PLANNING AUTHORITY AGENDA FOR 18th December 2023

Item 5.1

Proposal : Landscaping of the former quarry works area to provide an information point, seating and viewing area

Site Address : Manx Birdlife Point Of Ayre Reserve
Cranstal Road
Bride
Isle Of Man
IM7 4BS

Applicant : Mr David Andrews

Application No. : [23/01038/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. The soft landscaping of the site shall be undertaken strictly in accordance with the Proposed Plan (Drawing No. PL500-04), and shall be retained as such thereafter unless changes to the landscaping have been submitted to and approved in writing by the Department.

No Wildlife Act 1990 Schedule 8 non-native invasive plant species are to be planted on site.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 3. The bat boxes are to be erected on site as detailed in the Location Plan (Drawing No. 01 Rev A), Bat Box Image, and Description of the proposal, all received 31 August 2023.

The boxes/bricks shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 4. No excavated material shall be removed from the site and no fill materials may be brought onto the site.

Reason: For the avoidance of doubt - the works proposed are engineering works to alter the existing landform but do not seek approval to remove material from/import material to the site and so any impacts which may result from that (e.g. highways/traffic) have not been assessed.

C 5. There shall be no provision on the site of moveable structures, works, plant or machinery required temporarily in connection with the development hereby approved unless

details (including timescale for removal) have been submitted to and approved in writing by the Department and they are provided in accordance with those approved details.

Reason: To protect the environment

Reason for approval:

The proposal is not considered to have an adverse impact on the character and appearance of the countryside, and the works would enhance the nature conservation value of the site, thus according with Environment Policies 1, 2, 4 and 27. No material considerations have been identified which would justify refusal.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FOR THE PLAN BUT IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The site is part of an area of a former sand and gravel quarry at the Point of Ayre, situated south west of the lighthouse. Access is available for motor vehicles from the public highway via a rough, wide lane which stops at a secured gate. No public access is currently available and the site is privately owned and managed as a bird sanctuary.

2.0 THE PROPOSAL

2.1 Planning approval is sought for landscaping of the former quarry works area to provide an information point, seating and viewing area.

2.2 The works would be carried out on the eastern part of the site, just west of the main access to the broader site area. This area formerly contained the quarry weighbridge and hardstanding. The works would include:

a. Providing a seating area within an area measuring about 10m in diameter, partly enclosed by low landscaped mounds. This area would have 1m cobbles and bench on the southern side, as well as a 1.2m retaining wall together with 1m cobbles and bench on the northern side. The low mounds would (700 - 900mm high) would be vegetated with thicket (Hawthorn, Blackthorn, and Gorse). 450mm of top soil would cover the site material.

b. The central meeting space within the centre circle would have stone cairns (1.5 - 2m diameter) at centre with donation box.

c. Installation of a Bronze plaque (1200mm x 800mm) set into recess in retaining wall on northern side of seating area. This would show Silhouettes/Names of migratory birds.

d. Creating a 1.5m wide pathway into centre circle of seating area. There would be a wall on each side 1.2m high.

e. Installing timber stobs (700mm high) along the northern section of the footpath to the seating area to delineate the footpath from the track at the entrance to the meeting place.

- f. Planting ticket vegetation to frame entrance and channel views around the pedestrian paths and seating area.
- g. The existing banks south of the seating area would be graded to an even height. Height would be dropped along section to allow views down to the pools below.
- h. A timber viewing deck with area measuring about 70sqm would be created southwest of the seating area. There would be post and rail fencing (barrier rail) about 1m high around the perimeter of the decking area. A long bench would be installed along the northern edge.
- i. Installing 2 bat boxes, mounted on telegraph poles. Both bat boxes are proposed within the excavated part of the old quarry in the south of the site. The boxes are made bespoke of plywood and measure 1040x600x87mm.
- j. Installation of a signboard at the entrance. This signboard will be applied for separately through the "Express consents (Advertisements)", and as such will not be assessed as part of the current application.

2.3 There would be no changes to the access to the site or the use of the site as it would not change form a nature reserve. The applicants have indicated that this proposal is a continuation of the development of the Area Nature Reserve primarily for the benefit of the wildlife which is supported here and supplements and complements previously approved applications including 22/00377/B.

2.4 The application is accompanied by a description of the proposal, as well as a Planning Statement.

3.0 PLANNING POLICY

3.1 Site Specific

The site is classed as Area of an area of High Landscape or Coastal Value and Scenic Significance; Nature conservation zone, nature reserves and sites of ecological importance for conservation; and small, oval area identified as an area for surface mineral working (gravel) on the 1982 Development Plan. The site is not within Conservation Area, or Registered tree Area and there are no registered trees on site. The site is largely not prone to flood risks although a small section of the site area is identified as being at risk of flooding.

3.2 National: STRATEGIC PLAN (2016)

- a. Strategic Policy 4 - development proposals must protect and enhance the nature conservation of designated sites.
- b. General Policy 2 - 'Development Control' considerations.
- c. General Policy 3 - presumption against development outside allocated sites, other than specific exceptions which include, "location-dependent development in connection with the working of minerals" and "buildings or works required for interpretation of the countryside, its wildlife or heritage".
- d. Environment Policy 1 - protection of countryside and its ecology.
- e. Environment Policy 2 - protection of landscape.
- f. Environment Policy 4 - protection of ecology and designated sites/protected species.
- g. Environment Policy 13 - flood risk.
- h. Environment Policy 22 - pollution.
- i. Environment Policy 24 - Environmental Impact Assessment.
- j. Environment Policy 27 - environmental enhancement.
- k. Paragraph 7.21.1 states, "7.21.1 In addition to the need for protection there is also a need to carry out enhancements to the natural environment if a sustainable vision for the Isle

of Man is to be achieved ... Such opportunities may include former mining areas which have been or are in the process of being reclaimed...".

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 The site designation as an Area of Special Protection for Birds is noted.

4.2 The Department's Biodiversity Strategy is capable of being a material consideration. It seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary.

4.3 The emerging Area Plan for the North and West is noted.

5.0 PLANNING HISTORY

5.1 The most recent application for the site under PA 22/00377/B was for Continuation of restoration works rebuilding of gravel bund, re-profiling of the lake edge, new ponds, erection of birdwatching hide. This was approved in May 2022, subject to five (5) conditions bordering on the standard four year commencement period, removal and importation of materials, compliance with method statement, submission of details of proposed planting, and provision of moveable structures on the site.

5.2 PA 21/00929/B, Creation of three ponds, repair 40m of gravel bund and creation of two gravel islands in existing lake, Manx Birdlife Point Of Ayre Reserve was approved on 15.12.2021 for the following reason, "The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would enhance an existing nature conservation site in accordance with Environment Policies 1, 4 and 27 and no material considerations have been identified which would justify refusal". It was approved subject to 6 conditions.

5.3 PA 21/01208/B, Installation of a shipping container for storage of tools and equipment during the development of the nature reserve (retrospective), Manx Birdlife Point Of Ayre Reserve, Cranstal, Bride was approved, "The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would facilitate wider enhancement of an existing nature conservation site in accordance with Environment Policies 1, 4 and 27, and no material considerations have been identified which would justify refusal". It was approved subject to 3 conditions (4 years, colour and no hardstandings/foundations).

6.0 REPRESENTATIONS

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

6.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking (22 September 2023).

6.2 DEFA (Ecosystems Policy) team are content with the information submitted with the application, whilst noting that conditions are not required for the protection of species. They request that a condition for all soft landscaping to be undertaken as per the Proposed Plan - Drawing No. PL500-04 (13 October 2023).

7.0 ASSESSMENT

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

- a. Principle of development (GP3, EP 1, EP2, EP 27, STP 4 and Paragraph 7.21.1);
- b. Ecological Impact (EP 1, 4 and 5);
- c. Other Matters.

7.2 THE PRINCIPLE

7.2.1 As the site is not designated for development, the main issue in this case is whether the proposal complies with the provisions of General Policy 3 and if not, whether there are any material considerations which would justify a departure from the policy which presumes against development in the countryside.

7.2.2 General Policy 3 sets out the exceptions to the presumption against development in the countryside and the pertinent section which may give rise to support for this application is GP3 (h) which deals with buildings or works required for interpretation of the countryside, its wildlife or heritage. In the case of the current scheme, no buildings would be introduced on site, although some works would be required to create the seating area and viewing platform, integrated with alterations to site profile and landscaping of such areas.

7.2.3 Whilst all the works proposed may not fit the exception under part (h) of General Policy 3, the majority of the works would facilitate the interpretation of the countryside, its wildlife or heritage, particularly this part of the island known for its bird sanctuaries. It is also vital in this consideration that regard is given to the fact that the site is currently managed as a nature conservation site with works underway to further improve and preserve its nature conservation credentials.

7.2.4 Overall, it is considered that whilst some of the works may not be specifically allowed for by General Policy 3, they accord with the environmental aspirations of the plan, the Biodiversity Strategy and are specifically allowed for in Environment Policy 27/paragraph 7.21.1. Thus, the broad principle of the proposed development would be acceptable, and the proposals within the scheme would not be unsuitable for the site or the wider rural area.

7.3 ECOLOGICAL IMPACT

7.3.1 In some exceptional cases the countryside may be able to accommodate low impact uses which provide the opportunity for members of the public to experience the Island without adversely affecting its character. In the case of the current scheme, it is not considered that the scale and nature of the proposed works would result in significant adverse impacts on the site ecology and biodiversity.

7.3.2 Additionally, the comments from DEFA Ecosystem Policy Team are noted and relied upon. In this case, they confirm that they are content with the description of the Area to be Developed and Ecological Impacts document, submitted by Manx BirdLife. They also note that conditions are required for the protection of species as such no conditions would be imposed for protection of species. However, given the nature of the proposals and the amount of landscaping proposed, a condition would be attached to ensure that all soft landscaping is undertaken as per the Proposed Plan (Drawing No. PL500-04).

7.4 OTHER MATTERS

7.4.1 No other concerns are identified which would justify refusal in terms of other environmental impacts such as water contamination, disturbance of soil structure or erosion of soils.

7.4.2 There are also no concerns with flooding as the work area is without the areas prone to flooding on site.

8.0 CONCLUSION

8.1 The development is not in a designated site nor does all the works proposed fall as exceptions allowed for by General Policy 3. However, the proposed works would enhance an existing nature conservation site in accordance with Environment Policies 1, 4 and 27 and no material considerations have been identified which would justify refusal.

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 18th December 2023

Item 5.2

Proposal : Change of use from as storage unit to a personal training studio

Site Address : Unit F4
Harcourt Drive
Balthane
Ballasalla
Isle Of Man

Applicant : Mr Nathan Kelly

Application No. : 23/01342/C- [click to view](#)

Planning Officer : Mrs Vanessa Porter

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 provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to a fitness studio.

Reason In the interest to protect the character and uses of the neighbouring Industrial Units.

Reason for approval:

Whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit and the other non-residential uses in the surrounding industrial estate, the change of use to a training studio is not considered to be unacceptable or to adversely impact to the surrounding uses. As such the proposal is recommended for approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE DEVELOPMENT PLAN

THE SITE

1.1 The application site is within the curtilage of Unit F4. Harcroft Drive, Balthane, which is situated to the West of the Balthane Industrial Estate.

PROPOSAL

2.1 The application seeks approval for the change of use of the ground floor level from industrial use (Class 2.2) to assembly and leisure (Class 4.4).

2.2 The information provided from the applicant states the following as the hours of operation "Weekday operating hours, 6-8am, 12-2pm, 6-8pm
Saturday 8-11am"

2.3 The classes are also proposed to be limited to 8 per class with there being 2 members of staff.

PLANNING HISTORY

3.1 There is one previous application upon the site which is relevant in this assessment, PA18/00388/B which was for the "Erection of an industrial building with associated parking to replace existing industrial building," which was Permitted with the following, in part, relevant condition;

"The building may be used for general industrial or for storage and distribution purposes all as described in paragraph 9.2.3 of the Strategic Plan 2016.

Reason: to clarify the extent of the planning approval and to ensure that there is sufficient car parking provision available. There would not be adequate car parking for light industrial use of the premises."

3.2 It is also relevant to note that there has been permission for two other "fitness type" applications within Balthane Industrial Estate;

PA10/01179/C - Change of use of existing industrial unit to a fitness centre - Permitted

PA20/00671/B - Conversion of industrial unit to provide ground floor storage (class 2.4) and first floor fitness studio (class 4.4) - Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Industrial/ Business Park" on the Area Plan for the South, Map 4 - Ballasalla.

4.2 Generally there are no policies within the Isle of Man Strategic Plan for the proposal, the proposed use will be a departure from the authorised use of the site, as well as the Area Plan designation.

4.3 Whilst the above is the case, General Policy 2 which sets of "development standards" and Transport Policy 7 in connection with Appendix 7 which sets out parking standards, are relevant Strategic Policies due to the proposed alterations to the frontage, the proposed use and the available parking on site, including Chapter 10 of the Isle of Man Strategic Plan (paragraphs 10.1.1 and 10.3.34) which discusses the positive impact of new recreation or sporting facilities on the Island.

REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summery;

5.2 Highway Services have considered the proposal and state, " After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as there is enough parking on-site to provide parking for staff and visitors of the proposals, providing maximum visitor levels using the studio at any one time are conditioned (no more than 8 at a time). (24.11.23)

5.3 No comments have been received from Malew Commissioners at the time of writing this report.

ASSESSMENT

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

- principle
- loss of industrial land
- highway safety
- other

6.2 PRINCIPLE

6.2.1 When looking at the proposed principle of the change of use, it is noted that the site is not designated for recreation or leisure purposes whilst this is the case, it can be seen that a variety of recreation and sporting facilities are found within industrial estates around the Island.

6.2.2 As stated within section 3 of this report, there have already been leisure facilities within Balthane Industrial Estate, as such whilst not in full accordance with the Development Plan, when assessed against the broader principles of General Policy 2, a change of use to assembly and leisure would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses of the Balthane Industrial Estate.

6.2.3 Given the ability to alter the use within Class 4.4 of the 2019 Use Class Order, of those uses listed (assembly and leisure) few of those would cause a conflict of use on this estate, however it could place additional pressure on parking in the area. In this case it would be appropriate to limit the use of the proposal by a condition to that as per the application and prevent any subsequent change of uses without seeking planning consent.

6.3 LOSS OF INDUSTRIAL LAND

6.3.1 Turning towards the loss of the existing industrial land and whether there would be an impact from the proposed off of this industrial land. It is clear that there have been previous approved non-industrial uses within the Balthane Industrial Estate, from fitness classes (20/00671/B) to virtual reality (21/01285/C), to doggy day care (18/00799/B), whilst this is the case, there is still a considerable amount of land designated for industrial purposes, and indeed applications for new industrial units are requested for within the Balthane Industrial Estate and beyond. As such should the demand be there, there are units for this use.

6.3.2 The use of industrial units for fitness classes is not uncommon, again as illustrated above, due to the availability of parking compared with some town centre locations and the amount of space available within the unit, suitable for such purposes.

6.3.3 It is also relevant that Ballasalla is a recognised settlement (Service Village) in the hierarchy listed in the Strategic Plan where increased employment opportunities may be provided in relevant Area Plans, but despite a considerable amount of dwellings within the village, there are relatively few commercial and community facilities and many have little or no on-site car parking provision.

6.4 HIGHWAY SERVICES

6.4.1 The site is close to the newly built housing estate in Ballasalla which includes both a walkway and cycle path to a suitable area near the entrance of the Balthane Industrial Estate, there is also a bus network nearby. The overall industrial estate generates a variety of different users to the business in the estate and as such the traffic is usually concentrated to day time and week day. This means that there is likely to be capacity on the roadways and

adjacent parking areas to accommodate any vehicles which cannot be accommodated on the site.

6.4.2 Whilst the above is the case, a parking plan has been provided which shows 10 parking spaces available to the front of the site, which would allow parking for both staff members and the 8 per class.

6.4.3 Highway Services have also considered the merits of the proposal, access to and from the site from the highway, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be aligned with the principles of GP2 (h&i). It is noted that Highway Services have request that a condition limiting the amount of clients per class.

6.5 OTHER

6.5.1 The proposed fitness studio is intended to be used during three time periods during the week and one time period on Saturdays, each of a two hour period. The most likely time periods that will be busy are the mornings, evenings and the Saturdays. Whilst it would be possible to restrict the hours to those initially intended there is no reason to do so. Operating outside of these times would not result in any undue impact on amenity or highway safety. Whilst Highway Services would prefer a condition limiting the amount of clients per class, this would be difficult to enforce and unreasonable as clients could car share, come by public transport, walk or cycle. As such, no such conditions are proposed.

CONCLUSION

7.1 For the above reasons, whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit and the other non-residential uses in the surrounding industrial estate, the change of use to a fitness studio is not considered to be unacceptable or to adversely impact to the surrounding uses. As such the proposal is recommended for approval.

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