



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, 25th March 2024, 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 11th March 2024.

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 8th April 2024.

PLANNING COMMITTEE Meeting, 25th March 2024
Schedule of planning applications

<p>Item 5.1 All Saints Church Alexander Drive Douglas Isle Of Man IM1 4EB</p> <p>PA23/01453/CON Recommendation : Permitted</p>	<p>Registered building consent for alterations to facilitate a change of use to gym - RB 188 (in association with 23/01454/GB)</p>
<p>Item 5.2 All Saints Church Alexander Drive Douglas Isle Of Man IM1 4EB</p> <p>PA23/01454/GB Recommendation : Permitted</p>	<p>Alterations to facilitate a change of use from place of worship to gym with associated facilities (in association with 23/01453/CON)</p>
<p>Item 5.3 1 Ballure Grove Ramsey Isle Of Man IM8 1NF</p> <p>PA24/00058/A Recommendation : Permitted</p>	<p>Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling</p>
<p>Item 5.4 18 Selborne Drive Douglas Isle Of Man IM2 3LP</p> <p>PA23/00655/B Recommendation : Refused</p>	<p>Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations</p>
<p>Item 5.5 Rocklands Bay View Road Port St Mary Isle Of Man IM9 5AQ</p> <p>PA23/00917/B Recommendation : Refused</p>	<p>Demolition & re-building of garage</p>
<p>Item 5.6 3 West Quay Ramsey Isle Of Man IM8 1DW</p> <p>PA23/00832/B Recommendation : Permitted</p>	<p>Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding</p>
<p>Item 5.7 Apartment 1 Courtyard Billown Mansion Billown Ballasalla Isle Of Man IM9 3DL</p> <p>PA23/01172/B Recommendation : Permitted</p>	<p>Proposed conversion of existing Gardener's garage / store into living accommodation.</p>

<p>Item 5.8 Unit 25C, 25D And 25E South Quay Industrial Estate Douglas Isle Of Man IM1 5AT</p> <p>PA24/00006/C Recommendation : Permitted</p>	<p>Additional use of Unit 25C for sales of motorcycles and related motorcycle equipment and clothing, and use of forecourts of Units 25D and 25E for associated parking.</p>
<p>Item 5.9 Field 114121 West Kimmeragh Road Bride Isle Of Man</p> <p>PA23/01041/B Recommendation : Permitted</p>	<p>Erection of proposed extensions to existing agricultural barn</p>
<p>Item 5.10 Part Field 435254 & Curlew Cottage Scarlett Castletown Isle Of Man IM9 1TB</p> <p>PA23/01417/B Recommendation : Permitted</p>	<p>Demolish and replace existing dwelling, install photovoltaic panels, and landscape and re-wild adjacent land</p>
<p>Item 5.11 Tramway Office & Premises Strathallan Crescent Douglas Isle Of Man IM2 4NR</p> <p>PA24/00167/C Recommendation : Refused</p>	<p>Change of use for operating centre/parking of vehicles in connection with Department of Infrastructure at Strathallan Horse Tram Depot.</p>
<p>Item 5.12 Ballachurry Beg Summerhill Road Jurby Isle Of Man IM7 3BS</p> <p>PA23/00954/B Recommendation : Permitted</p>	<p>Retrospective approval for erection of stable and agricultural building</p>
<p>Item 5.13 Knock Rushen House Scarlett Castletown Isle Of Man IM9 1TA</p> <p>PA23/01359/B Recommendation : Permitted</p>	<p>Erection of a two storey side extension</p>

PLANNING AUTHORITY AGENDA FOR 25th March 2024

Item 5.1

Proposal : Registered building consent for alterations to facilitate a change of use to gym - RB 188 (in association with 23/01454/GB)

Site Address : All Saints Church
Alexander Drive
Douglas
Isle Of Man
IM1 4EB

Applicant : Landscape Limited

Application No. : 23/01453/CON- 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 works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. Prior to the commencement of works to install the proposed mezzanine and changing facilities, details of all of the fixings in to the building's existing fabric are to be submitted and approved in writing by the Department. Thereafter, the works are to be undertaken in accordance with the approved details.

Reason: To ensure that this registered building's special architectural interest is preserved.

C 3. Prior to the commencement of any works to decorate the building's existing fabric, specification details of proposed paint or any other surface treatment are to be submitted to and approved in writing by the Department. Thereafter, the works are to be undertaken in accordance with the approved details.

Reason: To ensure that this registered building's special architectural interest is preserved.

Reason for approval:

The proposals for Registered Building Consent are considered to be acceptable by way of providing minimal external and internal alterations to facilitate the change of use, which would not undermine the building's intrinsic architectural and historic character. The proposals therefore are deemed to comply with Strategic Policies 4 and 5, General Policy 2, and Environment Policies 32, 33, 35 and 42 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

It is 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 and are not mentioned in Article 6(4):

14 Selborne Road, Douglas
16 Selborne Road, Douglas
17 Selborne Road, Douglas
1 Primrose Avenue, Douglas
3 Primrose Avenue, Douglas
8 Primrose Avenue, Douglas
9 Primrose Avenue, 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 HAS BEEN BROUGHT TO PLANNING COMMITTEE FOR DETERMINATION DUE TO THE NUMBER OF OBJECTIONS RECEIVED IN RELATION TO THE PROPOSALS

1.0 THE SITE

1.1 The application site represents the building and curtilage of All Saints Church, Alexander Drive, which dates from 1967 and represents one of the few examples of modernist architecture from this period on the Island. The building was further Registered in 2001 (RB188) on the basis that it represented an 'outstanding example of modern ecclesiastical design by local architect Mr C. J. Kneen.'

1.2 The site is situated on the southern site of Alexander Drive and is further bounded by Primrose Avenue and Selborne Road to the west and east respectively. A total of 21 car parking spaces are noted to the rear and side (west) of the building, with mature trees lining the majority of the site's perimeter. All 15 trees are also noted as being Registered for the contribution they make to the visual amenities of the immediate locality within the context of the wider Woodbourne Road Conservation Area.

1.3 Vehicular access to the site is presently off Primrose Avenue, with additional parking areas at the rear of the building access directly from a rear lane bounding the site to the immediate south. It is understood that the use of the building as a place of worship ceased in excess of 5-8 years ago, with the church having been formally closed and sold off by the Church of England.

2.0 THE PROPOSAL

2.1 Registered Building Consent is sought for various works to the existing building to facilitate a change of use to a gym, which would involve the following external changes:

- Replacement of the door to the existing boiler house off the rear lane;
- The introduction of a new external staircase to provide a means of escape from the existing mezzanine level and the installation of a new door at mezzanine level to access the new staircase;
- Additional of a solar array to the roof on the rear elevation facing the rear lane.

2.2 Likewise, the following internal changes are also proposed:

- The presently open area will be partly subdivided into a large open area and include enclosed toilet and shower facilities;
- All existing hard flooring will be retained and covered in suitable rubber matting appropriate to the new use;
- All existing internal walling - hardwood panelling, Poolvaish limestone and roughcast render, is all to be retained and cleaned/repainted where required;
- The existing sanitary ware and tiling in the office, toilets and kitchen are to be replaced.

3.0 PLANNING HISTORY

3.1 Whilst the property benefits from a fairly extensive planning history, the majority of this relates to the building when used for its original purpose and is therefore not of material relevance to the current application. It is noted however that a dual planning application (PA 23/01454/GB) has been submitted in relation to the proposed change of use and external changes to the property to facilitate the conversion.

4.0 PLANNING POLICY

4.1 The application site is designated as buildings or land for 'civic, cultural or other use' under the Area Plan for the East 2020 (Map 5 - Douglas Central). The site also falls within the Woodbourne Road Conservation Area with a total of 15 Registered Tree present on the site. The building itself is also Registered (RB188).

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

Strategic Policy

- 3 To respect the character of our towns and villages
- 4 Development required to protection or enhance heritage assets
- 5 Design and visual impact

General Policy

2b,c General Development Considerations

Environment Policy

- 32 Extensions and alterations to Registered Buildings
- 33 Change of use of Registered Buildings
- 35 Development within Conservation Areas

5.0 REPRESENTATIONS

5.1 Douglas City Council - No objections. (04.01.24)

5.2 Registered Buildings Officer - This application for registered building consent seeks approval for various alterations in connection with a proposal to convert the building in to a gym.

The principal intervention proposed is the installation of a mezzanine floor across a large proportion of the main room, with changing facilities accommodated underneath this new floor. The intention is for the floor structure of these training facilities to sit above the existing finished floor, and to be fixed using non-penetrative fixings. Steel beams would be fixed between and in to the existing steel frame. Metal handrails would be fixed across two of the existing windows to provide a guarding at mezzanine floor level. A new door is proposed in the external wall at mezzanine level in the south western corner of the building, in order to provide a means of escape. An external escape stair is proposed from the flat roof area.

The church dates from 1967, and is one of the few examples of modernist architecture on the Isle of Man. The church closed to worship on 1st May 2017, and now sits vacant. Following numerous site visits in the last two years, although the building remains structurally sound and watertight, it is clear that the currently unused status of the building is beginning to negatively impact the condition of its fabric. Whilst a new use for the building is clearly desirable, the policies in the strategic plan and PPS 1/01 are clear that any change of use should only be permitted "if the proposed use is appropriate and any alterations associated with the change are not detrimental to its character as a building of special architectural or historic interest."

The proposals within this application would insert a mezzanine within the main room. This will undoubtedly change the ability to appreciate the full proportions, form and style of the building's principal space when standing in the main room. However, although the ground floor facilities will necessarily be comprised of a series of small rooms, from mezzanine level and from the eastern end, the main room will still be able to be appreciated as a single space and its architectural special interest will still be evident. The pod-style system proposed to be installed would also be an intervention that is entirely reversible, and with these factors in mind this element of the proposals is judged to preserve the building's special interest.

One element of the proposals that is not reversible, or at the least would have to be infilled using modern fabric, is the proposed creation of a new external door in the south western corner at mezzanine level. This door would give access to a fire escape stair from the external flat roof area. Although this would create a new opening in the external wall, the modernist style of the building (including the form of the main room, the method of construction, various surviving fixtures and the natural light provision) would be unaffected by this proposed door. With this in mind, the proposed new door, together with the exit route through the flat roof parapet wall and the escape stair, are not judged to significantly impact the building's special interest. (01.03.24)

5.3 Manx National Heritage - no response received at the time of writing.

5.4 Forestry Officer - no response received at the time of writing.

5.5 7 letters of representation have been received providing comments on the proposals. Full details of their content can be found online on public access, with the following only providing a general summary of their content:

- Potential noise impacts associated with loud music and fitness classes etc. on residential properties within close proximity to the site;
- Parking and increased traffic issues associated with the change of use, impacts on highway safety and multiple junctions in locality;
- Much greater impact than previous use of the building as a church which did not operate on a 7 day a week basis omitting loud noise;
- Request assurances and commitment from applicants that noise pollution would be suitably managed and parking would be sufficient for staff and customers;
- Impact on safety of school children from increased traffic and parking;
- Proposals are inappropriate in a residential area.

6.0 ASSESSMENT

6.1 The site relates to a vacant church building which is understood to not have been used for its intended purpose for at least the last 5-8 years, whilst having been formally closed and sold off by the Church of England. The existing property comprises an architecturally and historically significant building which has been Registered on this basis.

6.2 From a visual standpoint, no concerns have been raised by the Registered Buildings Officer over the impact of the development of the character and appearance of the Conservation Area or indeed the historic and architectural qualities of the existing building. Exterior changes to the existing building are minimal, and as such would not materially affect its character and appearance, or indeed its relationship and interaction with the immediate streetscene.

6.3 Likewise, internal changes to the property have been reviewed and assessed by the Registered Buildings Officer, who consider that such alterations would sufficiently preserve the fabric and special interest of the Registered Building, and are therefore acceptable in the context of Strategic Policy 4 and Environment Policies 32 and 33.

7.0 CONCLUSION

7.1 The proposals for Registered Building Consent are considered to be acceptable by way of providing minimal external and internal alterations to facilitate the change of use, which would not undermine the building's intrinsic architectural and historic character. The proposals therefore are deemed to comply with Strategic Policies 4 and 5, General Policy 2, and Environment Policies 32, 33, 35 and 42 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 (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 25th March 2024

Item 5.2

Proposal : Alterations to facilitate a change of use from place of worship to gym with associated facilities (in association with 23/01453/CON)

Site Address : All Saints Church
Alexander Drive
Douglas
Isle Of Man
IM1 4EB

Applicant : Landscape Limited

Application No. : 23/01454/GB- [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. The use of the premises shall only be for the purposes of a gymnasium and for no other use falling within Use Class 4.4 of the Town and Country Planning (Use Classes) Order 2019.

Reason: Permission has been granted solely on the basis and merits of the proposed use. Any subsequent change of use of the premises within the same use class would require further assessment.

C 3. Customers will only be permitted onto the premises between the hours of 5am to 10pm Mondays to Fridays and 8am to 8pm Saturdays and Sundays.

Reason: The application has been assessed on the basis of the opening hours provided as part of the submission. Any extension to opening hours would require further assessment in the context of residential amenity considerations.

C 4. The development hereby approved shall be implemented solely in accordance with the approved floorplans, namely drwg. nos. 5C and 6C, and thereafter retained as such in perpetuity.

Reason: The application has been assessed solely on the basis of the approved layout. Any deviation to the layout and introduction of additional activities would require further assessment in the context of residential amenity considerations.

C 5. At no time shall organised exercise and/or fitness classes be undertaken.

Reason: The application has been assessed solely on the basis that no organised exercise and/or fitness classes will occur on the premises. The introduction of such activities would require further assessment in the context of residential amenity considerations.

C 6. Prior to the commencement of the development full details of the tree protection measures for all trees to be retained shall be submitted to and approved in writing by the Department. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837:2012, and the monitoring of tree protection measures during construction. No works shall be carried out unless in accordance with the approved details.

Reason: To protect the visual amenity of the area and ensure the protection of Registered Trees within the site.

C 7. Prior to the occupation of the development, all external windows shall be fixed shut and thereafter remain non-opening.

Reason: To reduce noise impacts and in the interests of residential amenity.

Reason for approval:

The proposals are considered to result in the appropriate use of a vacant place of worship, which would ensure the continued use, upkeep and maintenance of a Registered Building, without detriment to its character, architectural significance, or the character and appearance of the wider Conservation Area. The proposals are further considered to not result in a demonstrable level of harm to the amenities of local residential properties, whilst providing a sufficient level of on-site parking and not resulting in a detrimental impact upon the safety and convenience of the local highway network.

The proposals therefore are deemed to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policies 32, 33, 35 and 42, Community Policy 3 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:

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:

23 Primrose Avenue, Douglas
14 Selborne Road, Douglas
16 Selborne Road, Douglas
17 Selborne Road, Douglas
2 Selborne Drive, Douglas

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 and are not mentioned in Article 6(4):

10 Selborne Road, Douglas
15 Selborne Drive, Douglas
9 Westminster Terrace, 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 HAS BEEN BROUGHT TO PLANNING COMMITTEE FOR DETERMINATION DUE TO THE NUMBER OF OBJECTIONS RECEIVED IN RELATION TO THE PROPOSALS

1.0 THE SITE

1.1 The application site represents the building and curtilage of All Saints Church, Alexander Drive, which dates from 1967 and represents one of the few examples of modernist architecture from this period on the Island. The building was further Registered in 2001 (RB188) on the basis that it represented an 'outstanding example of modern ecclesiastical design by local architect Mr C. J. Kneen.'

1.2 The site is situated on the southern site of Alexander Drive and is further bounded by Primrose Avenue and Selborne Road to the west and east respectively. A total of 21 car parking spaces are noted to the rear and side (west) of the building, with mature trees lining the majority of the site's perimeter. All 15 trees are also noted as being Registered for the contribution they make to the visual amenities of the immediate locality within the context of the wider Woodbourne Road Conservation Area.

1.3 Vehicular access to the site is presently off Primrose Avenue, with additional parking areas at the rear of the building access directly from a rear lane bounding the site to the immediate south. It is understood that the use of the building as a place of worship ceased in excess of 5-8 years ago, with the church having been formally closed and sold off by the Church of England.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the conversion of the existing building to a gym, which would involve the following external changes:

- Replacement of the door to the existing boiler house off the rear lane;
- The introduction of a new external staircase to provide a means of escape from the existing mezzanine level and the installation of a new door at mezzanine level to access the new staircase;
- Additional of a solar array to the roof on the rear elevation facing the rear lane.

2.2 Likewise, the following internal changes are proposed to facilitate the change of use:

- The presently open area will be partly subdivided into a large open area and include enclosed toilet and shower facilities;
- All existing hard flooring will be retained and covered in suitable rubber matting appropriate to the new use;
- All existing internal walling - hardwood panelling, Poolvaish limestone and roughcast render, is all to be retained and cleaned/repainted where required;
- The existing sanitary ware and tiling in the office, toilets and kitchen are to be replaced.

3.0 PLANNING HISTORY

3.1 Whilst the property benefits from a fairly extensive planning history, the majority of this relates to the building when used for its original purpose and is therefore not of material relevance to the current application. It is noted however that a dual Registered Building Consent application (PA 23/01453/CON) has been submitted in relation to the internal and external changes to the building to facilitate the change of use.

4.0 PLANNING POLICY

4.1 The application site is designated as buildings or land for 'civic, cultural or other use' under the Area Plan for the East 2020 (Map 5 - Douglas Central). The site also falls within the Woodbourne Road Conservation Area with a total of 15 Registered Tree present on the site. The building itself is also Registered (RB188).

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

- 1 Development in Douglas

General Policy

2b,c,g General Development Considerations

Environment Policy

- 32 Extensions and alterations to Registered Buildings
- 33 Change of use of Registered Buildings
- 35 Development within Conservation Areas
- 42 Designed to respect the character and identity of the locality

Transport Policy

- 4 Highways safety
- 7 Parking

Community Policy

- 3 Loss of community facilities

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 Douglas City Council - No objections. (04.01.24)

5.2 Highway Services - Previous Highways DC response dated 11/01/2024 requested alterations and revisions to the proposal including, further information on the trip generation and parking assessment, alteration/clarification on the parking layout to the western side of the site, and increase in bicycle parking. All matters have been addressed in this submission of additional information.

Trip generation prediction for this site was made using data collection from an existing gym in Douglas which was stated to be larger in size. This was used over TRICS data to gain a closer prediction of on-island gym usage. Highways accept the gathered data used as opposed to TRICS data. The surveys were taken over a four day period, including weekend day, and over numerous periods within the day including peak hours. Surveys provided the overall attendance within the survey period as well as peak attendance at any one point within each survey period. Average attendance per survey period for each day ranged between 15 and 19. There were seven survey periods in which peak attendance exceeded that of the proposed parking provision for this application (19 spaces). On three of these occasions the peak was 20, just one higher than provision, and another two occasions at 23. Peak attendance reached a highest point of 33.

If the survey data for the sample gym was to be used for this proposal, only one of the four survey days' peak attendance would be able to be supported by on-site provision alone. Another day would rely on only one additional on-street parking space. Two of the days would rely on more extensive on-street parking, 14 and 7 respectively. The previously submitted parking survey of the immediate surrounding streets showed that the maximum required on-street spaces could be sourced locally.

The attendance survey data provided supports the planning statement's estimation of around 25-35 peak time users, and shows that non-peak attendance could be supported by on-site provision alone. The surveyed gym is larger than that proposed, therefore it is reasonable to assume that attendance would fall slightly lower for this proposed gym. This would further reduce reliance on on-street parking provision. It should also be noted that gym attendance was surveyed, and not number of vehicle users entering/exiting the site. With both the surveyed gym and the proposed gym located within Douglas, it is likely that other modes of transport were/would be used by some gym attendees.

Highways DC are satisfied that the applicant/agent has provided sufficient evidence of both likely gym attendance and on-street parking availability to showcase that the proposal would not lead to an unacceptable level of disruption to the local road network or residents, and would not result in road safety or highway network efficiency issues.

The submitted documents have also clarified the vehicular arrangements at the corner of Primrose Avenue and Alexander Drive. All vehicular access for the western side of the site is to be gained off Primrose Avenue only. The stacked arrangement for parking at this side is to remain which may result in some vehicles being restricted from access/egress. However, two of the rear spaces have been allocated as staff parking as these are likely to be used for long stay with gym users requiring only short stay. In addition, a parking management plan will be implemented, requiring gym members to disclose registration numbers when using a parking space. With onsite parking reserved for gym members only, this should allow quick rearrangement for vehicle egress. Whilst the stacked layout is not favourable, Highways accept that it is making most use of the available parking on-site and will reduce reliance and disruption on local roads.

Increased provision of bicycle parking has been included. These spaces are further from the stepped access to the building and would be accessible for all users.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all vehicular access arrangements to accord to Drawing No. 8D. (30.01.24)

5.3 Manx Utilities Authority - The applicant is strongly advised to contact Manx Utilities with regard to the electricity service to this building as it currently has limited capacity and may require significant work to reinforce the supply.

For full assistance please contact our Network Design Department, Manx Utilities Authority, (t: 687687) or e-mail Network.Enquiries@manxutilities.im to discuss the work required.

Please contact the Manx Utilities for Electrical Site Safety 5 documents, (t: 687766), before any work is carried out on site. All work to be carried out with reference to Health and Safety Executive Guidance Notes HS(G)47 & GS6.

Manx Utilities will not accept liability for any costs incurred for this work. (03.01.24)

5.4 Registered Buildings Officer - no comments received in relation to this application however comments have been received in relation to the corresponding Registered Building Consent application, which are of material relevance. The content of their response is as follows:

This application for registered building consent seeks approval for various alterations in connection with a proposal to convert the building in to a gym.

The principal intervention proposed is the installation of a mezzanine floor across a large proportion of the main room, with changing facilities accommodated underneath this new floor. The intention is for the floor structure of these training facilities to sit above the existing finished floor, and to be fixed using non-penetrative fixings. Steel beams would be fixed between and in to the existing steel frame. Metal handrails would be fixed across two of the existing windows to provide a guarding at mezzanine floor level. A new door is proposed in the external wall at mezzanine level in the south western corner of the building, in order to provide a means of escape. An external escape stair is proposed from the flat roof area.

The church dates from 1967, and is one of the few examples of modernist architecture on the Isle of Man. The church closed to worship on 1st May 2017, and now sits vacant. Following numerous site visits in the last two years, although the building remains structurally sound and watertight, it is clear that the currently unused status of the building is beginning to negatively impact the condition of its fabric. Whilst a new use for the building is clearly desirable, the policies in the strategic plan and PPS 1/01 are clear that any change of use should only be permitted "if the proposed use is appropriate and any alterations associated with the change are not detrimental to its character as a building of special architectural or historic interest."

The proposals within this application would insert a mezzanine within the main room. This will undoubtedly change the ability to appreciate the full proportions, form and style of the building's principal space when standing in the main room. However, although the ground floor facilities will necessarily be comprised of a series of small rooms, from mezzanine level and from the eastern end, the main room will still be able to be appreciated as a single space and its architectural special interest will still be evident. The pod-style system proposed to be

installed would also be an intervention that is entirely reversible, and with these factors in mind this element of the proposals is judged to preserve the building's special interest.

One element of the proposals that is not reversible, or at the least would have to be infilled using modern fabric, is the proposed creation of a new external door in the south western corner at mezzanine level. This door would give access to a fire escape stair from the external flat roof area. Although this would create a new opening in the external wall, the modernist style of the building (including the form of the main room, the method of construction, various surviving fixtures and the natural light provision) would be unaffected by this proposed door. With this in mind, the proposed new door, together with the exit route through the flat roof parapet wall and the escape stair, are not judged to significantly impact the building's special interest. (01.03.24)

5.5 Manx National Heritage - no response received at the time of writing.

5.6 Forestry Officer - At present, there is insufficient information to be sure of the outcome for the retained registered trees. It is assumed there will be the requirement for resurfacing within the existing hard-core parking area. This has the potential to damage the base and rooting area of the surrounding registered trees if not undertaken with provisions made for the registered trees.

The new concrete kerb edging and extension of the parking area in the south east corner of the site has the potential to cause significant damage to the rooting area of the adjacent registered sycamore tree, RT0375.

I would be happy for the issues outlined to be covered by a pre-commencement condition seeking an arboricultural methods statement detailing how trees will be protected during the entire development. Details should include how trees will be protected during any potential resurfacing, and how an aboveground solution will be utilised for the extended parking area to prevent damage to registered tree RT0375.

5.7 8 letters of representation have been received providing comments on the proposals. Full details of their content can be found online on public access, with the following only providing a general summary of their content:

- Potential noise impacts associated with loud music and fitness classes etc. on residential properties within close proximity to the site;
- Parking and increased traffic issues associated with the change of use, impacts on highway safety and multiple junctions in locality;
- Much greater impact than previous use of the building as a church which did not operate on a 7 day a week basis omitting loud noise;
- Request assurances and commitment from applicants that noise pollution would be suitably managed and parking would be sufficient for staff and customers;
- Impact on safety of school children from increased traffic and parking;
- Proposals are inappropriate in a residential area.

6.0 ASSESSMENT

6.1 The site relates to a vacant church building which is understood to not have been used for its intended purpose for at least the last 5-8 years, whilst having been formally closed and sold off by the Church of England. Community Policy 3 states that development resulting in the loss of a community facility, of which a place of worship constitutes, will only be permitted where it is no longer practical or desirable to use the facility for its existing use or another use is likely to benefit the local community.

6.2 As already noted, the original use of the building as a place of worship ceased some years ago with the building having been vacant and unused since this time. Given the length of time which has passed since the original use ceased with the property having been sold off by the Church of England, it is clear that the use of the building as a place of worship is now redundant.

6.3 Likewise, it is considered reasonable to argue that the re-use of the building as a gym, and so fitness and recreational purposes, is of a benefit to the local community with respect to physical and mental health. It is further noteworthy that Open Space and Community Recommendation 1 of the Area Plan for the East supports the provision of additional sports, recreation and informal play and amenity space to encourage people to become more active.

6.4 Moreover, the existing property comprises an architecturally significant building which has been Registered on this basis. The continued vacancy of the building has the potential to result in its continued and sustained degradation, and therefore the principle of bringing the building back into a viable use weighs favourably in supporting the principle of the change of use. The site is further located in the built-up area of Central Douglas where the principle of a wider range of uses are acceptable and deemed to be sustainable.

6.5 From a visual standpoint, no concerns have been raised by the Registered Buildings Officer over the impact of the development of the character and appearance of the Conservation Area or indeed the historic and architectural qualities of the existing building. Exterior changes to the existing building are minimal, and as such would not materially affect its character and appearance, or indeed its relationship and interaction with the immediate streetscene. Matters relating to internal changes are subject to the corresponding Registered Buildings Consent application.

6.6 Nevertheless, strong concerns have been raised from local residents, and principally over potential noise impacts associated with the change of use together with parking and highway safety concerns.

6.7 Turning to the issue of noise, it is recognised that the site sits within a predominantly residential area and therefore significantly increased levels of noise and loud music which could be associated with the change of use have the potential to result in a harmful impact upon the amenities of residential properties. Such matters have however been considered in the planning statement accompanying the submission, and in particular the notion that the gym would not operate any exercise classes and therefore the need for loud music to be used in tandem with such classes would not be apparent. Likewise, the absence of such classes would avoid a proliferation of customers arriving at the site at certain times, with the gym likely to witness a steadier stream of customers throughout the day to make use of the site's facilities, combined with a likely uptick in customers at morning, lunch and evening peak times.

6.8 To ensure that the premises would not facilitate formal fitness/exercise classes, the floorplan layout of the gym as proposed can be suitably conditioned to ensure that no deviations from the layout can occur. Likewise, the prevention of formal fitness/exercise classes being undertaken at the premises can be further ensured through a suitably worded planning condition, together with further control over the opening hours of the gym.

6.9 In response to comments received in relation to noise, the agent has noted that the proposed installation of an air management system would allow for windows to remain closed and sealed, whilst the double door entrance would further reduce or eliminate external noise. Such matters can be suitably conditioned.

6.10 Turning to highway safety and parking considerations, it is noted that Highway Services have raised no objections to the proposals on the basis of parking survey data provided for a larger gym in Douglas, with the level of on-site parking to be provided deemed to be sufficient to cater for the number of customers likely to visit the facility at any one time; including peak times. Therefore, on the basis of the assessment undertaken by Highway Services and subject to all access and parking arrangements being undertaken as per the submitted information, it is not considered that the proposals would give rise to a demonstrable level of harm with respect to highway safety or parking stress within the locality. Concerns relating to potential for illegal parking within the locality are noted. However, if such instances were to occur, this would be subject to enforcement under the Highways Act 1986 and therefore fall outside of the remit of planning.

6.11 With respect to arboricultural matters, it is recognised that a small portion of an existing grassed in the eastern portion of the site is to be lost to accommodate an additional parking space. This has the potential to encroach upon the root protection area of a Registered Tree ((RT0375), whilst any potential resurfacing of existing hardstanding within the site further has the potential to impact upon the health of additional trees within the remainder of the site. On this basis, it is considered necessary that an Arboricultural Method Statement is provided by way of condition prior to the commencement of development for review, which would need to detail how construction methods would not impair the health of existing trees within the site.

7.0 CONCLUSION

7.1 The proposals are considered to result in the appropriate use of a vacant place of worship, which would ensure the continued use, upkeep and maintenance of a Registered Building, without detriment to its character, architectural significance, or the character and appearance of the wider Conservation Area. The proposals are further considered to not result in a demonstrable level of harm to the amenities of local residential properties, whilst providing a sufficient level of on-site parking and not resulting in a detrimental impact upon the safety and convenience of the local highway network.

7.2 The proposals therefore are deemed to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policies 32, 33, 35 and 42, Community Policy 3 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 25th March 2024

Item 5.3

Proposal : Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling

Site Address : 1 Ballure Grove
Ramsey
Isle Of Man
IM8 1NF

Applicant : Mr Fred Nothers

Application No. : 24/00058/A- [click to view](#)

Principal Planner : Mr Chris Balmer

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. Application for approval of all of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice or the expiration of two years from the date of approval of the last of the reserved matters, whichever is later.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 2. Approval of the siting, design, external appearance, internal layout of buildings, site layout, drainage and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Department prior to the commencement of the development hereby approved and the development shall only be carried out in accordance with the details as approved.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 3. The development hereby approved shall not be occupied or operated until the means of vehicular access and visibility splays have been constructed in accordance with the approved plans 01 REV A and 04 REV A and shall thereafter be retained for access purposes only and visibility splays shall be thereafter kept permanently clear of any obstruction exceeding 1.05m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. The reserved matters shall include a tree planting specification. Where applicable the tree planting specification shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include details of all trees to be planted, including a) their quantity, location (or density), species and size at date of planting; b) the approximate date when they are to be planted; and c) how they will be maintained until successfully established. The tree planting shall take

place as agreed and any trees which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: to ensure an appropriate standard of visual amenity in the local area, that the development is appropriately landscaped to sit comfortably and acceptably in its location and to ensure the proposal mitigates the likely future loss of the large sycamore which is visible from the road.

C 5. The reserved matters shall include a scheme for the protection of the retained trees (a tree protection plan), and details of the appropriate working methods (an arboricultural method statement), all of which shall be prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

Reason: To allow the proper consideration to be given to the impact of the proposed development on existing trees and to ensure that the development provides an acceptable visual and environmental impact.

C 6. No retained tree and hedge along the eastern and southern boundary of the site shall be cut down, uprooted, or otherwise destroyed during the development phase, other than in accordance with the approved plans. In the event that existing trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase due to events outside the applicants control, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area.

Reason for approval:

At this stage the Department is comfortable that an additional single dwelling on the site could be accommodated; albeit a future Reserved Matters application would consider the detailed design of any dwelling and the potential impacts upon neighbouring amenities, visual amenities of the street scene and other matters outlined within this report. Accordingly, it is considered the proposal would comply with the relevant planning policies of the IOM Strategic Plan 2016, Residential Design Guide 2021 and the Ramsey Local Plan 1998 and therefore the application is recommended for an approval subject to conditions.

Interested Person Status – Additional Persons

It is recommended that the following persons 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):

Cronk Connee, 2 Queens Valley, Ramsey
Konia, 3 Ballure Grove, Ramsey

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2019).

It is recommended that the following persons 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):

16 Ballure Grove, Ramsey is not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The application site is 1 Ballure Grove, Ramsey which is a dormer bungalow which is located on a corner plot to the south of Ballure Grove and west of Ballure Road. The site has a vehicular access along the north boundary of the site which directly accesses onto Ballure Grove. To the east of the dwelling 1 Ballure Grove is gardens, which the application centres on. The roadside boundary (north/east) comprises of mature vegetation. The property also has rear garden/patio (south elevation).

1.2 The area is characterised by a number of different styles of properties, to the north and west of the site are similar dormer bungalows, albeit some also have two storey elements. To the east of the site are more traditional properties, which run along Ballure Road made up of three storey Victorian styled terraces.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling.

2.2 An indicative plan showing the footprint of the dwelling has been shown, albeit this only indicative at this stage. The footprint mirrors that of the footprint of the existing property 1 Ballure Grove.

2.3 The access arrangements are matters for consideration now, and these are the widening of the access, which is to serve both the existing dwelling and the proposed new dwelling.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area recognised as being predominately residential use under the Ramsey Local Plan 1998. The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding.

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:

3.3 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(1) and amenity standards; and

(c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.4 Strategic Policy 2 states: "New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(2) of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

3.5 Strategic Policy 4 (in part)

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

3.6 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:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (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; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.7 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) 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."

3.8 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."

3.9 The text preceding Environment Policy 42 gives helpful guidance for new development within existing settlements with respect to protecting the character and identity of the streetscene;

"In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles. Development will need to:

- i. be of a high standard of design, taking into account form, scale, materials and siting of new buildings and structures;
- ii. be accompanied by a high standard of landscaping in terms of design and layout, where appropriate;
- iii. protect the character and amenity of the locality and provide adequate amenity standards itself;
- iv. respect local styles; and
- v. provide a safe and secure environment."

3.10 Transport Policy 4 states: "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."

3.11 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. The current standards are set out in Appendix 7."

4.0 PLANNING HISTORY

4.1 The application site has not been the subject of any previous planning applications.

5.0 REPRESENTATIONS (in brief, full representation can be read online)

5.1 Arboricultural Officer (DEFA) comments (23.02.2024);

"I took a look at the site today. The area for development is relatively small and so there will be challenges in adequately protecting the trees during development and there will be future pressures for removal following the construction of the dwelling. That being said, tree quality on the site is consistently very low with all trees being considered a category C. There is a large sycamore present which is very prominent from the road, it has been marked for retention however this tree in particular will be under threat from damage during construction and a future pressure to remove due to the proximity to the dwelling. That being said, the tree appears to be in poor physiological condition and is likely to have a very limited safe and useful life expectancy, it would therefore be considered a category C. With this in mind, the Directorate would have no objections to the proposal subject to it containing details of suitable tree planting to mitigate the likely future loss of the sycamore. This is the only condition I would recommend."

5.2 DOI Highways Services comment (29.02.2024):

"Highway Services HDC have reviewed the updated information dated 26th Feb 2024 online for the above application and the applicant has addressed the comments made by HDC made on the 26th January 2024. Accordingly, HDC now do not oppose (DNOC) the application subject to a condition attached to permission that vehicular access, visibility splays, parking and vehicle turning as per approved plans to be completed before first occupation of the new dwelling."

5.3 The owner/occupier of Cronk Connee, 2 Queens Valley, Ramsey objects to the application which can be summarised as (05.02.2024); The application relates to a property that is adjacent to an already dangerous junction; There has been a vehicular collision at the junction already this year; It has to be stated that the main part of the problem is the parking on the junction, on the Ballure Grove side and the opposite side on Ballure Road however as there seems to be no desire by the Highway officials to improve safety; further traffic through it will undoubtedly increase risk; and In addition there is considerable risk to pedestrians in this area by the poor road layout.

5.4 The owner/occupier of Konia, 3 Ballure Grove, Ramsey objects to the application which can be summarised as (07.02.2024); over intensive development of the site; when area was development in the 1970s they were careful set out to allow planting, and never designed to contain 2 dwellings; not in keeping with the area; site is on a corner of a busy junction; not show details of the design; existing dwelling will be left with a small dwelling; new double vehicle access is out of keeping with area; widened access takes in close to the junction with Ballure Road which cause potential dangerous diving conditions; application form indicates trees to be lopped or felled which affects the environment and wildlife; no tree information is provided; and already drainage issues in area.

5.5 The owner/occupier of 16 Ballure Grove, Ramsey objects to the application which can be summarised as (11.02.2024); the corner is already a busy junction with it being the only entrance and exit of the many residents already living in Ballure Grove and Queens Valley and the only parking area for many residents living opposite, on Ballure Road for whom during the construction of this proposal will make it impossible for them; To erect another dwelling on this corner plot is dangerous and not in keeping with the spacious gardens of neighbouring properties; and Building another dwelling is not the answer to preventing maintaining the current garden which has been neglected for more than 20 years.

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are;

- (i) The principle of the proposal; (SP1,2, & HP4);
- (ii) Potential impact on the neighbouring residents living conditions; (GP2);
- (iii) Potential impact upon visual amenities of the street scene (GP2);
- (iv) Potential impact on highway safety for access/parking (Tp4,7); and
- (v) Potential impact on bio diversity (SP4b).

(I) THE PRINCIPLE OF THE PROPOSAL

6.2 As outlined within the planning policy section of this report, the site is designated as predominately residential use and therefore the proposal for residential development is acceptable in terms of complying with the land-use designation.

6.3 Strategic Policy 1, 2 identify areas of development to be located, generally within existing towns and villages. It can be agreed that this part of Ramsey is within an existing town and would be considered to accord to Strategic Policy 1, 2, as a sustainable site within a designated town to develop. This approach is further echoed within HP4.

6.4 This is not an automatic reason to allow the planning application, as further material planning matters as indicated previously need to be considered, to determine if this proposed dwelling on the site is appropriate.

(II) POTENTIAL IMPACTS ON THE NEIGHBOURING RESIDENTS LIVING CONDITIONS

6.5 The second issue relates to the potential impact of the development upon the residential amenities of neighbouring properties. There are a number of residential properties surrounding the site and therefore there is the potential for potential impacts, depending on

the type/size/height of any new dwelling. However, there are no detailed plans of the proposed dwelling, only an indicative footprint. Accordingly, this part of the proposal would be considered in detail when any future Reserved Matters Application would consider this aspect.

6.6 Consideration on the impact upon the existing dwelling Nr 1 Ballure Grove also needs consideration, and arguable the impact is greatest upon this dwelling. The main impact would be the loss of the garden, albeit the dwelling does still retained a rear garden measuring approximately 116sqm in area and a front garden of approximately 60sqm (excluding front driveway). Again the internal layout is indicative, albeit it is likely the rear garden would remain unaltered and the majority of the front garden would remain as part of Nr 1. Accordingly, while the size of the garden is reduced by the development, it is not considered the remaining size of the garden would be unacceptable. It needs to be noted not everyone necessary wish a larger garden.

6.7 Overall, the Department is comfortable at this stage that an appropriately sized dwelling could be site don the site which would not result in a significant adverse impact upon neighbouring amenities, including Nr 1.

(III) POTENTIAL IMPACTS UPON VISUAL AMENITIES OF THE STREET SCENE

6.8 Again, without any details of the design of the dwelling it is not possible to determine the potential impact upon the visual amenities of the street scene. It is noted that the main public views would be when travelling along Ballure Road from the north and south of the site. It is also noted that mature landscaping, made up of hedgerows and trees currently exists which would potentially (depending on the size, siting and height of the dwelling) could mitigate potential impacts. The western side of Ballure Road, in the vicinity of the site is made up of landscaped boundaries, and generally properties (Queens Valley) in the area have gardens backing onto Ballure Road, rather than the dwelling fronting onto Ballure Road. This character of existing built form differs on the opposite side of Ballure Road where Victorian Terraces and other styled properties do front onto Ballure Road, only a few metres away. Accordingly, any new dwelling should play regard to this at a Reserved Matters stage to ensure landscaping is retained, including trees and any new dwelling plays due regard to this general character.

6.9 The submission does include the indicative site plan, and also a building line (Site Plans 1:100 and 1:500) which is taken from the Victorian Terraces to the north of the site along Ballure Road, which the indicative footprint does not project beyond. It is also noted that the footprint does not appear to require the removal of existing landscaping within the site along the northern or eastern boundaries; albeit any future Reserved Matters would need to consider this fully.

(IV) POTENTIAL IMPACT ON HIGHWAY SAFETY FOR ACCESS/PARKING

6.10 Highway Services have 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 normally heavily relied upon. The access arrangements initially raised concern and subsequently the applicants amended the access to allow better access and egress form the site. Highway Services have no objection to the scheme now.

6.11 Again while indicative footprint and driveway have been included, the Department is comfortable at this stage that two off road parking spaces and turning facilities can be provided to the new dwelling, while also ensuring the existing dwelling has the same level of provision.

(v) POTENTIAL IMPACT ON TREES

6.12 As outlined previously, the footprint of the dwelling and its siting is indicative at this stage and therefore it is difficult to judge the potential impact upon the landscaping/trees, which as outlined previously within this report are considered to be important landscaping features along this section of Ballure Road and corner into Ballure Grove.

6.13 The Arboricultural Officer has raised no objection to the application, albeit noted the larger Sycamore tree on the site is not in good condition and may need to be replaced. However, discussion with the applicants agent they do not wish the tree to be removed and are happy for a condition seeking it protection and retention.

7.0 CONCLUSION

7.1 For the above reasons, at this stage the Department is comfortable that an additional single dwelling on the site could be accommodated; albeit a future Reserved Matters application would consider the detailed design of any dwelling and the potential impacts upon neighbouring amenities, visual amenities of the street scene and other matters outlined within this report.

7.2 Accordingly, it is considered the proposal would comply with the relevant planning polices of the IOM Strategic Plan 2016, Residential Design Guide 2021 and the Ramsey Local Plan 1998 and therefore the application is recommended for an approval subject to conditions.

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

8.3 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 5.4

Proposal : Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations

Site Address : 18 Selborne Drive
Douglas
Isle Of Man
IM2 3LP

Applicant : Chris Norman Enterprises Limited

Application No. : 23/00655/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. Overall, it is considered that the principle of converting the existing dwelling situated in a part of the Selborne Drive Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would fail to improve the quality and condition of an existing housing stock, and would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

R 2. The application is considered contrary to General Policy 2(g) and Strategic Policy 4 (a) of the Isle of Man Strategic Plan as the proposed increase in density within the dwelling, together with the increased intensification of use evident in the level of bin storage to the front of the property, the storage of associated domestic paraphernalia on site, and increased displacement of parking to the immediate street scene, would adversely affect the existing character and appearance of the site and immediate street scene.

R 3. There is insufficient information within the application to allow a determination of the effect of the lack of parking provision on the existing highway network such as providing parking surveys to determine the impact of the proposal on the surrounding streets in terms of on street parking demand or to demonstrate that a reduced level of parking would not result in unacceptable on-street parking in the locality and as such would lead to the aggravation of on-street vehicle parking to the detriment of existing on-street parking provision in the area. Accordingly, it is considered the proposal would fail to comply with Transport Policy 7 and General Policy 2 (h) and (i) of the Isle of Man Strategic Plan 2016.

R 4. The proposed development would be contrary to Transport Policy 6 and General Policy 2(h) of the Isle of Man Strategic Plan 2016 given that it does not give similar weight to the needs of pedestrians or provide a safe and convenient access for all highway users, since the driveway width is considerably below the requirement for driveways with pedestrian access, and the main access into the proposed apartments (including access for baby carriages) would be via a driveway with width unsuitable for parked cars and pedestrians, and this would not be in the interest of highway safety.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

- o Manx Utilities Drainage

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):

16 Selborne Drive, Douglas, 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):

23 Selborne Drive, Douglas, as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site represents the residential curtilage of 18 Selborne Drive, Douglas, which is a large semi-detached late Victorian/Edwardian dwelling situated on the north eastern side of Selborne Drive, near the junction with Tennis Road.

1.2 The existing dwelling has its detached garage accessed via Tennis Road and Colden Lane. The rear garden which could be accessed via a pedestrian side gate from the main entrance would also be assessed via a pedestrian gate at the rear of the dwelling. The existing dwelling has access to two parking spaces in front of the dwelling and the single garage to the rear.

1.3 The street scene is characterised by similar sized dwellings most of which utilise the unrestricted on street parking along the adjoining street for additional vehicle parking. The site has access to bus corridors along the adjoining streets.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations.

2.2 The proposed works breakdown is as follows:

2.2.1 Conversion of dwelling into three flats

- a. The internal arrangement will result in the creation of three flats; one two bedroom apartment on each of the three floors (ground, first and second floor).
- b. Each apartment would have a layout supporting an open plan living room/kitchen, two bedrooms, and a large bathroom.
- c. There would be an enclosed porch and utility on the ground floor which will serve all the apartments.
- d. Each apartment would have access to a single parking space, although two of the cars would be parked in tandem.

2.2.2 Other works would include:

- a. Installing new UPVC framed side lights to the sides of the main dormer on the front elevation of the dwelling.
- b. Installation of a new rooflight measuring about 600mm x 600mm on the northwest roof plane. The rooflight is to be similar to the existing rooflight on the southwest (front) roof plane.
- c. Installing bicycle rack store within the rear garden and by the existing garage. The bicycle rack is to house seven bicycles.
- d. Installation of a wall mounted baby carriage storage at rear of utility room. NO details of the baby carriage has been provided.
- e. Provision of bin storage area in front of the dwelling.

2.4 No trees on site would be removed to facilitate the development.

3.0 PLANNING POLICIES

3.1 Site Specific

3.1.1 The application site is located within an area designated as Predominantly Residential Use on the Area Plan for the East (Map 4 - Douglas), and the site is located within the Douglas (Selborne Drive) 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 TOWN AND COUNTRY PLANNING ACT 1999

3.2.1 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. 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, as well as other material considerations set out in section 4 of the report.

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

- a. Environment Policy 35 - Seeks to preserve or enhance the character or appearance of Conservation Areas.
- b. Environment Policy 34 - expresses a preference for the use of traditional materials in the maintenance, extension or alteration of pre-1920 buildings.
- c. Environment Policy 42 - character and need to adhere to local distinctiveness.
- d. General Policy 2 - General Development Considerations.
- e. Paragraph 8.12.1 - General presumption in favour of extensions to existing properties (excluding Conservation Areas or Registered Buildings).
- f. Strategic Policies 1, 2, 5 - relate to re-use of existing sites, location of new development within existing towns, and good design.
- g. Strategic Policy 12 - Sets out the considerations for improving the quality and condition of the existing housing stock and creation of flats by conversions.
- h. Housing Policy 17 - Allows for the conversion of buildings into flats.
- a. Strategic Policies 3 - promote use of local materials and character.

- b. Strategic Policy 4 - Seeks to Protect or enhance the fabric and setting of Conservation Areas (etc.).
- c. Strategic Policy 5 - New development, including individual buildings should be designed to make a positive contribution to the environment of the Island.
- d. Transport Policy 4 - Highway capacity and safety considerations.
- e. Transport Policy 7 - Parking considerations/standards for development.
- f. Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

3.4 Planning Policy Statements: 1/01 POLICY AND GUIDANCE NOTES FOR THE CONSERVATION OF THE HISTORIC ENVIRONMENT OF THE ISLE OF MAN

3.4.1 POLICY CA/2 - Special Planning Considerations

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 THE RESIDENTIAL DESIGN GUIDE (July 2021)

4.1.1 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 which refers to local distinctiveness, Section 5 for Architectural Details, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.1.2 Other relevant sections include:

4.1.2.1 Paragraph 1.1.9 which states:

"The document is not a Planning Policy Statement (as per Section 3 of the Town and Country Planning Act 1999) but is capable of being an 'other material consideration' (as per Section 10(4)(d) of the Act). Furthermore, where proposals adopt the approaches set out within this document, they are more likely to be considered to comply with the detailed Development Plan policies that relate to design. For example, General Policy 2 of the Isle of Man Strategic Plan (2016)."

4.2 Character Appraisal for Selborne Drive Conservation Area 2003.

4.2.1 The contributions made by key buildings

4.4.1.1 Paragraph 3.17

"3.17 Selborne Drive was laid out from 1883 and originally the entire length from Hawarden Avenue to Quarter Bridge Road was known as Selborne Road. The Western Section adopted the title 'Drive' from around 1900. The properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences. Materials tend to be smooth or rough cast render, slate roofs which often feature prominent projecting gables over squared bays. Houses are set within low-walled gardens to the front and the density of development is much less intensive than the high Victorian Terraces seen elsewhere in town. The title 'Drive' is highly appropriate given the completely straight layout of this important roadway. Properties maintain a uniform set back giving a sense of Edwardian elegance to the area. There are some repetition of design features in the pairs of houses such as Edwardian sliding sash windows; curved eaves soffits; square bayed windows, some of which are framed with smooth-rendered banding; and rendered elevations. The use of this language serves to unify the appearance of the group which is one of the most stylish approaches to residential areas of the upper town."

5.0 PLANNING HISTORY

5.1 Whilst there is a planning history for the application site, it is considered that none of the previous planning applications are considered relevant in the assessment and determination of this current application.

5.2 A review of the Planning History for the entire Selborne Drive shows that no approvals have been granted for conversion of any of the dwellings to apartments with the properties here still retained largely as large detached or semi-detached dwellings serving single households. Of the 165 planning applications on record for Selborne Drive, one (PA 88/04358/B) relates to the conversion to apartments and this application was refused.

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 proposals to be acceptable, including relaxations on parking provision due to the site being in a sustainable location in Douglas, and therefore do not oppose (DNO) the application. The Applicant is advised to consider installing an electric vehicle charging point to aid net zero objectives (10 October 2023/30 January 2024).

6.2 Douglas Borough Council have stated that the development must not prohibit the refuse bins from being removed from the highway to be stored within the curtilage of the property between refuse collections (9 February 2024).

6.3 Manx Utilities Drainage have stated that they have no objections to the application. They provide further advice on the discharge of surface water and connection to the public sewers (21 June 2023).

6.4 The owners/occupiers of 23 Selborne Drive, Douglas, object to the application due to the following reasons (27 June 2023):

- o Insufficient parking in the area, and the increase in number of occupancy to three families would exacerbate the parking challenges.
- o Apartments would not be in keeping with the immediate vicinity.

6.5 The owners/occupiers of 16 Selborne Drive, Douglas, object to the application on the following grounds (29 June 2023):

- o The proposed dormer would not be in keeping with the character of the building and Conservation Area.
- o Noise concerns from more families using the dwelling.

7.0 ASSESSMENT

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

- a. Principle of the proposed conversion of the dwelling into three apartments (STP 12, EP35, & GP2)
- b. Impacts on Character or Appearance of the site and Conservation Area (GP2, SP4, EP35, PPS 1/01);
- c. Impacts on the amenities of the neighbouring properties (GP2); and
- d. Impacts on parking provisions (GP2 & TP7).

7.2 PRINCIPLE OF THE PROPOSED CONVERSION OF THE DWELLING INTO THREE APARTMENTS

7.2.1 In assessing the acceptability of the proposed conversion of the dwelling, it is first noted that the site sits within a Conservation Area, and within an immediate street scene dominated by mainly single family detached and semidetached homes in spacious plots, where the introduction of flats would be inconsistent with the nature of dwellings in the area. It is also noted that this character is clearly referenced in Paragraph 3.17 of the Character appraisal for the Conservation Area which notes that "the properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences", whilst also noting that "the density of development is much less intensive than the high Victorian Terraces seen

elsewhere in town". These reinforce the fact that unlike the other parts of Douglas noted for a history of housing large boarding houses and holiday accommodation which would easily allow conversions into apartments, this part of Douglas has a specific identity and density which needs to be protected in its own right.

7.2.2 Whilst it is noted that there is support within Section 8.13 of the Strategic Plan for the Conversion of large dwellings within the island, and particularly Douglas, there is no evidence to suggest that the existing dwelling in its current form is no longer suitable for use as a single dwelling. Likewise, there is no clear indication of a shortage of demand for larger single family dwellings in the wider area to support the splitting of the dwelling into smaller residential units in an area known to support large single family residences, particularly as there are implications for parking, and other domestic intensifications of use, noting that the dwelling sits as a building of townscape merit in an area with uniform character in terms of density of use and appearance.

7.2.3 It must be emphasised that although the Strategic Plan seeks to provide for housing needs, it is not the intention of the plan to diminish the volume and quality of the existing housing stock. In fact, Strategic Policy 12 is clear that favourable consideration will generally be given to proposals for improving the quality and condition of the existing housing stock. This policy goes further to provide scenarios for converting properties to flats by placing emphasis on the conversion of redundant boarding houses, and vacant/underused space above commercial premises, which the existing semi-detached dwelling cannot be categorised as. Given the above, it would be vital to reiterate that the goal is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, without compromising established housing types and densities that seek to accommodate housing demands and needs for every community on the island.

7.2.4 Therefore, it is considered that the principle of converting the existing dwelling situated in a part of a Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

7.3 CHARACTER AND APPEARANCE

7.3.1 In terms of potential impacts of the proposed works on the existing building, it is first considered that the proposal would broadly not conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area, as elements of the proposal would facilitate the retention and preservation of the existing built fabric on site.

7.3.2 With regard to the assessment of impacts on the character and appearance of the site and Conservation Area to which the property sits, it is considered that works seek to make minor alterations to the external appearance of the building, with the particularly noticeable elements being the re-rendering of the building which would largely replicate the existing appearance, as well as the installation of new rooflight and side lights to the existing dormer on the front elevation of the property. However, it must be emphasised that the special features of a Conservation Area go beyond just key features on a building or street scene, but also include key attributes of an area which includes, parking, density of housing, and other attributes linked to use such as the servicing of dwellings, such as for the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Thus, in considering the impacts on the character and appearance of the area, a holistic approach

would be utilised in determining the acceptability of the proposed development for the site and Conservation Area.

7.3.3 The changes to the physical attributes of the existing building on site, such as the installation of the conservation styled rooflight to the side, as well as the new side lights, would be appropriate given their design and size, and as rooflights and side lights can be found on the properties within the street scene and Conservation Area. In fact the adjacent semi-detached dwelling at No. 16, as well as No.s 14 and No. 8 Hawarden Avenue which has most of its prominent side elevation on Selborne Drive have conspicuous side lights. Many of the dwellings here also have prominent roof lights on their front and side elevations. Likewise, the rendering would improve the appearance of the property and contribute to its appeal within the immediate street scene. As such, it is considered that these elements of the proposal would align with the requirements of Environment Policy 35, Strategic Policy 4 and General Policy 2 of the Strategic Plan.

7.3.4 The elements of the scheme which are considered to weigh against the proposal relate to the resulting changes to the character of the site and immediate area as a result of the proposed increase in density within the dwelling, through the creation of three new apartments. It must be noted that Selborne Drive is primarily a residential street within the Selborne Drive Conservation Area wherein the character is established by the high architectural quality and layout of the buildings and associated land. This character is also defined by the large, and either detached or semi-detached dwellings, set in moderately sized plots which provide for on-site parking largely able to accommodate two cars parked within the curtilages, or three cars where vehicles are squeezed onto the curtilages in tandem parking. Whilst, significant attention has been paid to the architectural detailing on the residences, particular attention has also been paid to the size and type of dwellings here, as well as the density which is unlike most parts of Douglas, being less intensive (See Paragraph 3.17 of the Character Appraisal).

7.3.5 In addition to the factors highlighted in 7.3.4 above, there are no examples of similar properties or any property within the street scene being converted to apartments. Moreover, the additional domestic paraphernalia associated with the increased density to three households such as clothes lines, outside storage, and recreational areas would alter considerably the nature of the site area relative to the neighbouring properties which support single families, particularly as the internal layout for the apartments do not provide for additional storage provisions as is evident in the fact that prams (baby carriages) would be stored outside the apartments, and exposed to the elements.

7.3.6 Granting the occupier number may not change considerably over the use of the dwelling as a single large dwelling, it is further considered that three households would result in a greater number of comings and goings, car ownership and waste bins usage than a single family dwelling, with cumulative harm to area character and appearance, which is accustomed to use by single families. It has also been recognised that parking arrangement has a fundamental effect on the quality of a place or development, and this is particularly relevant in respect of conversion of a house to flats which can lead to parking taking up the front garden in a bid to provide for additional parking needs when the new use is established, with the resultant effect being a diminished value in the character and appearance of the street due to the reduction in size of front gardens which serve as an integral element of the street character.

7.3.7 Based on the foregoing, it is considered that although the scheme has positive elements which would serve to preserve the character and appearance of the area, the overall scheme which seeks to introduce apartments in a street where none exists, with its attendant intensification which holds potential to alter the character of the immediate vicinity

would conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area. This would also be averse to the provisions of Environment Policy 35, General Policy 2, and Strategic Policy 4 (a) of the Strategic Plan.

7.4 IMPACT ON NEIGHBOURS

7.4.1 In terms of impacts on neighbours, it is noted that the element of the proposal with the potential to impact on neighbours is the potential for increased noise and activity, associated with the number of people living at and visiting the property, which would be considerably in excess of what might reasonably be expected from a single dwelling.

7.4.2 In terms of potential disturbance associated with increased activity at the site, it is considered that a single large family dwelling of four to five rooms is of a nature of occupation that would generate less frequency and timing of people leaving and entering the property, with movements more likely to be predictable and compatible with the lifestyles of the adjoining single family occupants of the dwellings in the immediate vicinity. Thus, it is considered that the proposed introduction of three apartments at the property would exacerbate existing disturbance and noise concerns for the adjoining neighbours, particularly No. 16 which exists as a semi-detached dwelling with the application site, minding there are no noise insulation measures that could be enforced via existing planning policies to protect this neighbour from noise impacts.

7.4.3 Whilst the concern noted above could be exacerbated by the use being established on the site, with the properties being occupied by large families, given that the new apartments are all two bedroom apartments suitable for three families with 6 member households (due to the floor area available to each of the apartments), there is no evidence to suggest that this would be the case. As such, it is not considered that the potential disturbance and noise increase would be sufficient to warrant refusal of the application, although it must be noted that there is a high potential for harmful and unacceptable impacts upon neighbouring living conditions as a result of the proposed development.

7.5 IMPACTS ON PARKING/HIGHWAY SAFETY

7.5.1 In terms of parking provisions, it is considered that the property has three parking space allocations for the apartments, two of which are such that could result in larger vehicles to the property being pushed onto the pedestrian walkway given that the length of the parking in front of the property is only 9.6m which is well below the standard stipulated in the Manual for Manx Roads which requires driveways to have a minimum length of 5.5m for a single vehicle (11m for two cars). Likewise, the width of the driveway which is set at 2.6m is also set well below the minimum width of 3.4m for driveways that support pedestrian access such as the case for the current application. Whilst it is noted that the site is close to existing public transport corridors within Douglas where relaxation of the standards would be acceptable, the scheme as proposed does not even meet the standard for the provision of three parking spaces to support single cars parked within the curtilage, and the site is not close to any public car park that would serve to diminish parking concerns associated with the proposed development.

7.5.2 The fact that the scheme would provide for seven cycle storage provisions is noted and also commended. However, there is no guarantee that the cycle provision would serve to diminish the demand for parking in the area, as there is little evidence provided with this application to suggest that cycle provision has actually diminished the demand for car parking spaces within Douglas, given the rising pressure on on-street parking within Douglas, despite these provisions in recent developments.

7.5.3 Furthermore, the increased parking associated with the new residential units (which are all two bedroom dwellings) together with the associating parking demand for visitors would displace additional parking to the street and this would not be in the interest of highway safety. It must be noted that parking is a key concern for Selborne Drive, as well as the adjoining streets such as Tennis Road, Albany Road, Brunswick Road, Alexander Drive, Selborne Road, and Primrose Avenue, particularly during the mornings and evenings when the demand for parking by residents is particularly high. In fact, a visit to the area during lunch time on Wednesday 23 August 2023 showed that there was highly limited parking available in the area even during lunch, as over 80 percent of the on street parking was taken up during the entire period of the visit which lasted for about 30 minutes. Frequent visits to the area at various times of the day, which includes weekdays and weekends reinforces the lack of parking provisions in the area; a situation that would be exacerbated by the introduction of three new independent units of accommodation on site.

7.5.4 The concern regarding parking is further exacerbated by the fact that there is no public car park within close proximity, which would serve to absorb the additional parking demand created. Likewise, the site is not a town centre location where it could easily be argued that the site sits within close proximity to existing employment centres and opportunities and as such would not demand vehicular movements.

7.5.5 Granting the advice offered by DOI Highway Services confirms that they have no highway safety or parking concerns, with particular emphasis for relaxations on parking provision placed on the site being in a sustainable location in Douglas, the Strategic Plan is clear within Appendix 7 that for such relaxations would be allowable where proposals support the need to find a use for redundant buildings which are in sound condition. In this case, there is nothing to suggest that the existing building is redundant for its use as a single large semi-detached dwelling. Moreover, the size of the dwelling as a five bedroom dwelling is not such that is out of demand within the immediate vicinity, and it is not considered that the scheme as proposed would be in the interest of protecting or preserving the key attributes of this part of the Selborne Drive Conservation Area. As such, it is not considered that the provisions set out within Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met in this case.

7.5.6 Overall, it is considered that the scheme fails to provide for at least three practical car parking arrangements for the apartments in accordance with the minimum standards stipulated in the Manual for Manx Road, and as such would conflict with the provisions of Transport Policy 7. Likewise, there is no evidence to suggest that the existing building is redundant for its use as a large semi-detached dwelling or that the three substandard parking provisions would be appropriate for the three two bedroom dwellings proposed within the scheme, and it is not considered that the impact on the character and appearance of the surrounding area would be positive. As such, it is not considered that the provisions set out within Paragraph A.7.1 of Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met with the current application.

8.0 CONCLUSION

8.1 Overall, and for the reasons stated above, it is considered that the proposal would fail to comply with Strategic Policy 12, General Policy 2 (c, g & h), Transport Policies 6 and 7, whilst also failing to comply with Environment Policy 35, and Strategic Policy 4 of the Strategic Plan, and Planning Circular 1/01. The application is, therefore, recommended for refusal on these grounds.

9.0 INTEREST 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 which 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.

Item 5.5

Proposal : Demolition & re-building of garage
Site Address : Rocklands
Bay View Road
Port St Mary
Isle Of Man
IM9 5AQ
Applicant : Mr William Frank Corri Bush
Application No. : 23/00917/B- click to view
Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. There is insufficient information to demonstrate that the construction works of the proposal can be undertaken without having an adverse impact on the registered trees the loss or demise of which would have an adverse impact on their amenity value (visual and public amenity value) and result in a net bio-diversity loss to the area contrary to Paragraph 5.11.1 of the Area Plan for the South 2013 and contrary to the principles of Environment Policy 3 of the IOM Strategic Plan 2016, the proposal also at odds with General Policy 2(f), Paragraph 7.4 and Environment Policy 27 of the IOM Strategic Plan 2016.

Interested Person Status – Additional Persons

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):

Manx Wildlife Trust - as they do not own or occupy property that is within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy and 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 Department's Operational Policy on Interested Person Status.

Planning Officer's Report

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

SITE

1.1 The site relates to an existing detached garage standing in the grounds of Rocklands, Bay View Road, Port St Mary.

PROPOSAL

2.1 Proposed is the demolition of the existing garage and its foundations and its replacement with a new garage of same height, footprint, proportion and style but now to be built with a pile foundation construction.

PLANNING HISTORY

3.1 The garage was originally approved under 95/01114/B.

PLANNING POLICY

4.1 The site is designated as Mixed Use, and sits directly alongside a small group of Registered Trees (RA 1956). The site is also recognised as being at potential surface flood risk and within a proposed conservation area. In terms of policy The Isle of Man Strategic Plan 2016 contains the following policies considered materially relevant to the assessment:

- o Strategic Policies 3 and 5 - promote good design and use of local materials and character
- o General Policy 2 (b) (c) (g) (f) - general standards towards acceptable development visual and neighbouring amenity, and landscape.
- o Paragraph 7.4 - landscape features such as trees should be retained
- o Environment Policy 3 - protected trees
- o Environment Policies 10 and 13 - prevent flood risk on and off site
- o Environment Policy 27 - environment enhancement
- o Environment Policy 35 - preserve or enhance conservation
- o Environment Policy 42 - promotes development taking account of locality in design.
- o Community Policy 7, 10 - prevent criminal activity and reduce spread of fire
- o Infrastructure Policy 5 - conserve the Island's water

4.2 Area Plan for the South 2013 - Paragraph 5.11.1 - "new development should be so sited and designed so as to avoid having an adverse impact on nearby woodland and individual trees of amenity value"

5.0 REPRESENTATIONS

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

5.1 Port St Mary Commissioners - no objections 11/03/2024.

5.2 Department of Infrastructure Highway Services - no highways interest (18/08/2023 and 19/02/2024).

5.3 Department of Infrastructure Flood Risk Management - no comments received as of 06/02/2024.

5.4 DEFA Forestry - Objection (15/09/2023) a separate tree works application form was submitted to DEFA Forestry and permission has only been granted for the removal of R3. Permission was granted to remove this tree in order to benefit the retained trees either side. This tree is outlined in red on a photo attached to their comments. The proposed works to the remainder of these trees was refused. The proposal to replace the garage may have a detrimental impact to the adjacent trees R1 and R2, the forestry would be very averse to seeing the loss or demise of these trees given their very high amenity value. In order to better assess the potential damage information is sought relating to; Full details of the engineering solutions and construction methods to be used including the size of the piles and details of the pruning that will be required to facilitate the works should all the trees be retained.

5.5 DEFA Ecosystems - objection (04/09/2023) there's a large colony of rooks in the trees at the site, and although it's acknowledged that the current garage needs to be replaced due to subsidence the proposed level of tree work seems excessive. As currently presented this application results in a net loss for biodiversity which is contrary to Strategic Objective 3.3 and Strategic Policy 4 of the Isle of Man Strategic Plan 2016 and Habitat Loss Action 21 of the Isle of Man's Biodiversity Strategy 2015. Mitigation measures are therefore required to ensure no net loss for biodiversity on site. Investigation should be undertaken into methods of works which will enable the retention of the trees and that updated plans are provided prior to determination of the application. A breeding bird mitigation plan, written by a suitable qualified ecological consultancy should be provided including; Avoidance measures, minimisation measures, compensation measures. The applicant is also reminded of their obligations under wildlife act 1990 about protected birds, their nests and eggs.

5.6 Representative of Manx Wildlife Trust - objection (04/09/2023) the trees contain a rookery, the proposal will very likely result in net biodiversity loss, and the impact on the Rookery should be better understood and a mitigation plan provided.

5.7 No comments received from neighbouring properties.

ASSESSMENT

6.1 There are a number of matters to consider in the assessment of this application;

- i. Principle of development
- ii. Highway safety
- iii. Flood risk
- iv. Impact on neighbouring amenity
- v. Other matters - fire spread/criminal activity
- vi. Visual impact of garage in its own rights
- vii. Impact on trees - visual and ecological

i) Principle of development

6.2 There are no specific planning policies that relate to the construction of garages within domestic curtilages, however we can lean on other parts of the Strategic Plan that offer support to domestic extensions providing there are no adverse amenity impacts (paragraph 8.12.1) and mindful that the Permitted Development Order (PDO) recognises in Class 17 the development of garages within existing residential curtilages (subject to conditions). Although the PDO is not a fall-back position here given it would fail Article 4(2A) of the PDO specifically relating to trees as well as failing the size and design limitations. Aside from this there is a general principle of having a domestic garage within a domestic curtilage and therefore the principle is acceptable in this case.

ii) Highway Safety

6.3 There is already an existing garage and the proposal will result in another garage on the same footprint and having no new or changed highway safety impacts compared to that which already exists and therefore the proposal is considered acceptable in this respect. DOI Highway Safety have also confirmed 'no highways interest'.

iii) Flood Risk

6.4 Similarly to highway matters, there already exists a garage and the proposal seeks to replicate it and thus there are to be no new or changed flood risk impacts compared to that which already exist and therefore the proposal is considered acceptable in this respect. DOI Flood Risk Management were consulted but have not provided any response and so it is assumed they have no concerns.

iv) Impact on Neighbouring Amenity

6.5 Again the proposal is to replicate the existing garage and so there are to be no new or adverse amenity impacts on neighbouring living conditions beyond the existing garage as to cause any issues or concerns and therefore the proposal is considered acceptable in this respect.

v) Other Matters

6.6 There are to be no new or increased impacts in terms of fire risk or criminal activity above or beyond the existing garage arrangement and therefore no concerns in this respect.

vi) Visual Impact of Proposed Garage

6.7 The above ground elements of the proposed garage are to sit on the exact same footprint of the existing and replicate the exact same size, form, proportion, massing and overall appearance of the existing garage and therefore it is expected to have the same visual impact in its own right and still read in connection with the main house and amongst the cluster of built development within the village centre area and so is accepted in terms of its visual impact.

iiiv) Impact on Trees

6.8 There are a number of matters to breakdown in respect of the trees;

- a. what tree works are actually being proposed within the application
- b. clarification on the relevant policy and paragraphs relating to trees,
- c. assessment of the existing trees in question and
- d. comments provided by Structural Engineer and Arboricultural agent
- e. mitigation

a) Submitted Drawings

6.9 Submitted agent drawing 1676.1 does not include or indicate the removal of any trees, but does include annotation stating "refer to Manx Roots Arboricultural report appraising the impact on existing trees local to the building". This Manx Roots report forms part of a copy of an 'Application to Carry out Work on Trees' dated June 2023 which was submitted separately to DEFA Forestry before the submission of the current planning application and sought separate permission for the felling of three registered trees referenced R1, R2 and R3 outside of the planning process. DEFA Forestry confirmed that permission was only granted to the removal of one the tree trees and this tree was referenced R3.

6.10 Given that this planning application does not seek for the removal of any trees, and noting that R3 has already been granted removal by way of separate license, it would be reasonable to say that the key tests of this application fall to the impact of the garage construction works on those trees referenced R1 and R2 which are to be retained.

b) Tree related Policies and Paragraphs

6.11 Looking to the policies through the Area Plan for the South (APS) and IOM Strategic Plan (IOMSP) we can gain understanding of how to approach the consideration of development near to trees. Paragraph 5.11.1 of the APS states that "new development should be so sited and designed so as to avoid having an adverse impact on nearby woodland and individual trees of amenity value", and in the IOMSP Environment Policy 3 says that development will not be permitted where it would result in the unacceptable loss of or damage to groups of trees which have public amenity or conservation value, General Policy 2(f) states that where possible existing feature like trees should be incorporated, paragraph 7.4 states that landscape features such as trees which are important to landscape character should be retained and Environment Policy 27 seeks to enhance the natural environment by securing the planting of appropriate tree species.

c) Existing Trees (R1 and R2)

6.11 These trees positively contribute to the streetscene and deliver visual amenity value to the area. They are also renowned for providing a rookery site for nesting rooks. It was indicated to the applicant that sufficient evidence of construction of the garage and how they would seek to best protecting the longevity of the trees any the value that they offer was fundamental and this including any detail of pruning works.

d) Structural Engineer and Arboriculture Comments

6.12 There is a lack of clarity throughout all the information submitted as to whether or not there are any roots under the existing garage. Information provided by the structural engineer and arboricultural agent implies that until the existing garage is demolished and the ground cleared, they won't know for certain what roots exist (including their size, number or quality etc.) nor will they know for certain how the garage will then truly be reconstructed, and thus it has been suggested by the arboricultural agent that a number of conditions to ensure all the rebuilding works are overseen by a suitably qualified arboricultural agent would help overcome these concerns.

6.13 Information provided for the application states that the likelihood of roots under the slab in an anaerobic condition is very unlikely. Evidence also provided states that tree roots were found in all of the investigation trial pits, and the Structural engineer states that the worst case scenario has already been planned for and using a piled construction solution is the best method. Information in the copy of the separate Tree Works Application submitted before the planning application states that "3 (sycamore) trees for removal - the adjacent garage is going to be rebuilt due to subsidence. The ground works and construction process is likely to cause extensive damage to roots."

6.14 The content in the application is somewhat conflicting in that recent emails indicate that the applicant recognises and acknowledges that since the garage was originally built 25 years ago the trees have continued to grow and this growth has not only damaged the garage but has also now afforded the trees their registered and protected status, and it is because of this protected status that they have considered the pile foundation design, however, this to some degree goes against what is set out in the copy of the tree works application submitted to DEFA Forestry (which the applicant made prior to submitting the planning application) which sets out a desire to have the Registered trees completely removed with the construction works causing 'extensive damage to roots' and thus no demonstrated effort being made to have them retained.

6.15 Of course the best case scenario for the applicant would be no roots found and therefore the 16 piles shown on the grid on DWG 1671.1 being undertaken in accordance with the plans without the need for changes, however the structural engineer has stated that if there are tree roots found underneath the garage they will attempt to relocate the piles to avoid the roots but that this would require the slab load and reinforcement to be recalculated. It is unknown if this means the floor slab will need to be thicker or not and thus requiring further excavation or whether the finished floor level of the garage may need to change having an overall impact on how the garage sits within the site or streetscene or the need for any other driveway level works? It was questioned whether in a worst case scenario if the piles and slab couldn't accommodate the size of the garage as proposed would there need to be size changes to the garage? The structural engineer stated that the worst case scenario had been provided for and this solution was the piled solution. The Arboricultural agent states in an email dated 28th Feb that "even if trees ended up losing 50% of their root biomass from the area underneath the garage due to roots being pruned to allow the installation of piles, this may still only result in the trees losing 15-20% (maximum) of their total root biomass. So, the level of impact we are talking about equates to a deterioration in

physiological vitality. The root loss is unlikely to lead to the direct demise of the tree, either physiologically or due to structural issues (loss of stability)."

e) Mitigation

6.16 It has been indicated in formal comments from DEFA Forestry and DEFA Ecology that the loss or demise of these trees would have adverse impact in their amenity value as well as their habitat offering. Whilst the current application does not seek to remove any trees as part of the proposal, the structural engineer and arboricultural agent has recognised that there could be some impact on roots through construction process and that this may or may not lead to impact on root biomass and physiological vitality of the trees although there has not been any mitigation provided or outlined should the adverse impacts materialise.

Planning Balance

6.17 As it stands there are no issues in respect of the principle, highway safety, flood risk, neighbouring amenity, fire spread, criminal activity and no issues in the visual impact of the garage in its own right and all these matters way in favour of the proposal. However, it is felt at this stage that there is too little information to demonstrate that the construction works can be undertaken without having an adverse impact on two of the registered trees and the loss or demise of which would have an adverse impact on their amenity value (visual and public amenity value) and result in a nett biodiversity loss to the area.

6.18 These trees have continued to grow in a somewhat constrained site and it is likely that there is already some degree of stress on them given their position within the landscape and the existing garage alongside it. There is uncertainty as the level of excavation required for the slab elements of the proposal and before the piling works can be undertaken and whilst the arboricultural officer has provided some indicative root biomass calculations, there does not appear to be any calculations taking into account the above ground pruning works which are understood to be required in order to facilitate the piling and construction works and whether this combined stress load would impact the physiological vitality of the trees or contribute to their demise. It is these concerns in respect of the construction methods and the impact on the registered trees that significantly weighs against the proposal.

7.0 CONCLUSION

7.1 This application has been difficult to reach a conclusion with the test being very finely balanced, whilst there are a number of matters that weight in favour of the proposal, it is felt at this stage that there is just too little information in respect of the trees, particularly minded that these are registered trees as to offer a supportable outcome to the application, and that no suitable conditions could be added at this stage which would overcome these concerns as such concerns should be dealt with prior to determination so as to have a better certainty as to the long term impact on the registered trees. The proposal would be considered contrary to Paragraph 5.11.1 of the Area Plan for the South 2013 and contrary to the principles of Environment Policy 3 of the IOM Strategic Plan 2016, the proposal also at odds with General Policy 2(f), Paragraph 7.4 and Environment Policy 27 of the IOM Strategic Plan 2016.

7.2 If the worst case scenario is that the proposed piling works result in the trees being so damaged as to result in their total loss and without any mitigation being brought forward then perhaps no replacement garage as proposed can be considered here, or should it be that if there are significant tree roots that perhaps it must be accepted that a smaller garage with a smaller pile number and load be considered as a replacement. The conclusion of this application would not preclude the resubmission of another application with an alternative approach and with more information being provided such as additional tree calculations or provision of mitigation.

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

8.3 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 25th March 2024

Item 5.6

Proposal : Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding

Site Address : 3 West Quay
Ramsey
Isle Of Man
IM8 1DW

Applicant : Brillig Investment Limited

Application No. : 23/00832/B- [click to view](#)

Planning Officer : Mr Hamish Laird

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 2 No. cycle stores as shown on the approved site layout plan and as per the submitted details, shall be provided on site prior to the first occupation of the development, hereby approved, and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that adequate cycle provision is made on site to serve the development in the absence of any other on-site vehicle parking provision.

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:

It is concluded that the proposed development for the "Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding", not result in undue harm to the character and appearance of the CA; and would be an acceptable level of development provided with

sufficient amenity in its own right and without harm to the enjoyment of any neighbouring properties. It would accord with the requirements of DoI Highways , and the FRA and FFL figures provided indicate that the development would be above the predicted flood levels for a flood height for the 1 in 200 year plus climate change event. The proposal is considered to comply with Strategic Policy 2, General Policy 2, Housing Policies 4 and 17 and Environment Policies 10, 22 and 35 of the Isle of Man Strategic Plan 2016; and, Policies R/TC/P4 and R/TC/P5 in the Ramsey Local Plan 1998; and, is recommended for approval.

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 that relate to planning considerations:

Flood Management Division (DOI)

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site relates to the existing 4-storey structure at 3 West Quay, Ramsey. The site forms part of the built up frontage to the south side of the West Quay, to the north edge of the town centre. There is a narrow alley (Old Post Office Lane) running to the west side of the building from which there is access to the building as well as from the front on West Quay. The ground floor to which the application relates is currently an empty shop. It was previously used as a dental surgery.

1.2 The site is situated within the Ramsey Conservation Area.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for the "Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding". The proposed plans show the following accommodation:

Ground floor: 2 Bedrooms with en-suite shower rooms/wc; kitchen/lounge; plant room/store; stairwell and lobby to rear;

First floor: Bedroom; plant room; shower room; store; kitchen /lounge; Cleaners store for apartment 3; 3 No. separate staircases; Juliet Balcony to rear;

Second floor: Master bedroom with separate bathroom; 2nd bedroom with en-suite shower room; Dressing area; 2 No. separate staircases; Juliet Balcony to rear;

Third floor: Bedroom with separate shower room; Plant room; kitchen and lounge, with 1 x staircase down to lower floors; Juliet Balcony to rear;

2.2 The following amendments and updated information have been received since the application was first submitted:

- o Details of vertical bike storage lockers (30/11/23);
- o Flood Risk Assessment (30/11/23);
- o Letter dated 10/1/24 in response to FRMD email of 4/12/23, confirming the following levels in relation to the D02 datum as:
 - Pavement in front of the entrance door - 4.71m
 - Entrance door threshold level - 4.86m

- Proposed Ground floor level - 5.14m
- o Drawing No. 03 Rev. B - revised proposed elevations including retention of Manx Stone as existing to the west elevation facing Old Post Office Lane; and, Revised site location plan amending site edged red (scale 1:1,250) - received 9/2/24;
- o Drawing No. 04 Rev. A - proposed Floorplans received 9/2/24;
- o Drawing No. 01 Rev. A - Revised existing site location plan amending site edged red - received 9/2/24;
- o Revised Drawing Register - received 9/2/24;
- o Covering letter dated 1/2/24 that "The proposed render and Tier stone cladding to the West Elevation has been removed from the scope of the works. The existing Manx stone finish will be retained to this elevation.
- o Covering letter dated 9/2/24 that: "The As Existing Floor & Site Plans have been updated to include the external rear yard and the Proposed Floorplans and Site Plans have been updated to include the proposed bike storage requested by the Highways Department. "
- o Covering letter dated 9/2/24 that: "The As Existing Floor & Site Plans have been updated to include the external rear yard and the Proposed Floorplans.

3.0 PLANNING HISTORY

- 3.1 13/90973/C - Change of Use of ground floor retail shop and internal alterations to create a new Dentists Surgery at 3 West Quay & 1 Old Post Office Lane, Ramsey - Permitted - 01.10.2013
- 3.2 13/01158/D - Erection of non-illuminated signage at 3 West Quay & 1 Old Post Office Lane, Ramsey - Permitted - 23.12.2013.
- 3.3 04/02366/C approval granted for a change of use from office/show room to a therapy room at 3 West Quay, Ramsey - Permitted - 14.01.2005

4.0 PLANNING POLICY

4.1 The area is identified as being part of the Town Centre (in mixed use) by the Ramsey Local Plan 1998. In the Ramsey Town Plan, the following polices are of relevance:

4.2 RT/P/1 - Tourist Accommodation Facilities. This Policy Reads: "6.11 Where feasible the retention of existing tourist accommodation facilities is preferred. Any proposals to increase the provision on existing sites or to provide accommodation on new sites will be considered on their merits, with particular regard to visual impact, potential increase in traffic generation, the need for additional parking and proximity to residential areas."

4.3 R/TC/P4 - Offices - This Policy Reads: "9.19 There will be a general presumption in favour of ground floor office use in both Auckland Terrace and Water Street."

4.4 Policy R/TC/P5 - East Quay and South Promenade - This Policy Reads: "9.20 The area north west of Neptune Street shall be used for harbour related purposes only. There will be a presumption in favour of rehabilitation/redevelopment of warehouses and the cement silo to allow for through traffic from Quayside delivery to on Island redistribution in conjunction with a revised Traffic Management Scheme. This shall, however, be subject to the retention of the existing frontages of the Brookdale Engineering and Mezeron Building, with the prohibition of porta cabins and other temporary buildings."

4.5 Strategic Plan policy SP1 advises:

"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."

4.6 General Policy 2 of the Isle of Man Strategic Plan 2016 is relevant:

'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:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (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; and
- (n) is designed having due regard to best practice in reducing energy consumption.'

8. Environment Policy 10 of the Isle of Man Strategic Plan 2016 states:

'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.'

4.7 Environment Policy 35 of the Isle of Man Strategic Plan 2016 states:

'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.'

4.8 Housing Policy 17 of the Isle of Man Strategic Plan 2016 states:

"Housing Policy 17: The conversion of buildings into flats will generally be permitted in residential areas provided that:

- (a) adequate space can be provided for clothes-drying, refuse storage, general amenity, and, if practical, car-parking;
- (b) the flats created will have a pleasant clear outlook, particularly from the principal rooms and
- (c) if possible, this involves the creation of parking on site or as part of an overall traffic management strategy for the area.

4.9 Community Policy 2 of the Isle of Man Strategic Plan 2016 is considered relevant:

'New community facilities should be located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings.'

4.10 Transport Policy 7 of the Isle of Man Strategic Plan 2016 is relevant:

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

4.11 Policy CA/2 of Planning Policy Statement 1/01 "Conservation of the Historic Environment" is relevant. It places emphasis on the need to consider the impact of development proposals upon the special character of the Conservation Area.

4.12 In the Draft Area Plan for the North and West - Published 24th June 2022 - the site is shown on 'Draft Proposals Map 5 RAMSEY TOWN CENTRE' as being located within the 'East Quay' character area. The Plan text advises generally as follows:

"9.3.4 Ramsey - The town centre in Ramsey is vulnerable to flood risk, particularly along the East Quay. Under-investment in quayside buildings has resulted in vacant properties and under-occupied urban sites that mar the public face of Ramsey. Consequently, there is a need for regeneration of these sites, together with sympathetic flood risk alleviation measures and public realm improvements, so as to enhance the public face of the town centre and bolster the local economy.

9.3.5 Setting out Town Centre Mixed Use Areas in Ramsey, defining a town centre boundary and providing suitably worded Town Centre Proposals provides a focus for both public and private sector investment and support a variety of uses that allows for greater flexibility to better respond to changing market demands. Providing greater flexibility of uses can be used as a mechanism to support viable regeneration initiatives in those areas where it is desirable to encourage regeneration, and to bring vacant premises back into commercial use, thereby enhancing the public face of the town."

4.13 The Draft Area Plan advises specifically in relation to the East Quay Character Area as follows:

"9.8.1 MUA 1 The Quayside: East Quay (situated to the east of East Street). This supports commercial shipping and mixed uses within quayside buildings. Typical uses to lower floors include food and drink, retail and service uses. Residential uses are found in some upper floors, together with storage. This area is exposed to tidal flooding.

Town Centre Proposal 1a: East Quay Character Area, Ramsey

1. A clear delineation between commercial shipping uses operating on the East Quay and commercial uses within quayside buildings should be maintained;
2. Shops, financial and professional services or food and drink uses are acceptable within quayside buildings. Residential use to upper floors of warehouse buildings is an acceptable alternative to shop storage;
3. Future uses should support an extended economy into the evening hours;
4. Where possible, existing historic quayside buildings should be retained and renovated, and vacant premises brought back into re-use. Sympathetic modifications to quayside buildings that help to minimise flood risk and promote inclusive access will be supported;
5. Where demolition and new build is proposed in this character area, the future design of such schemes must be resilient to flood risk, of high design quality and respond to the context of the vernacular character of the quayside buildings;

6. The inclusion of views from quayside buildings across the Harbour should be encouraged, and
7. Public realm improvements and sympathetically designed flood alleviation measures on the harbour side will be supported. Public realm design must take account of the location and be designed for longevity."

4.14 It is noted that the Draft Area Plan for the North and West has not progressed beyond its initial publication, and no examination in public of its content, policies and proposals has yet taken place. The weight that should be afforded to it, is therefore, minimal.

5.0 REPRESENTATIONS

5.1 Ramsey Town Commissioners - no comments had been received by the Report drafting stage.

5.2 Highways Division - comments as follows (28/7/23):

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The site is located in a sustainable location being within Ramsey centre. Bins can be stored in the private rear courtyard as existing. The Applicant is advised to provide secure cycle parking spaces for residents to meet Active Travel objectives."

Following receipt of updated information from the applicants, the Highways Division commented (4/12/23):

"Highway Services HDC have reviewed the updated information for planning application 23/00832/B dated 30 Nov 2023 online and consider the type of secure cycle parking facility proposed is acceptable in principle. However, at least two should be provided for the 2 new flats (one each) and the applicant should show where these would be provided on the layout plan. Therefore, additional information is needed or could be conditioned on permission."

5.3 DoI - Flood Risk Management Division (FMD) - 31/7/23 - comments: Defer and Object for the following reasons:

"Defer - FRM require a full Flood Risk Assessment along with levels to Douglas o2 before any comment can be made.

Object - Sleeping accommodation should not be on a ground floor in a flood zone and especially not for disabled use".

Following receipt of a FRA from the applicants DoI - FMD commented further on 19/12/23 advising that it 'Opposed' the application for the following reason:

"The property is at risk of tidal flooding with a flood height for the 1 in 200 year plus cc being 5.64mD02 for Ramsey we also recommend 300mm freeboard on this level. The FRA is not clear on the finished floor level to D02 datum. It states it is to be raised by 280mm and the OS datum is approximately 5.13m we need this figure to be accurate to D02 datum. The applicant's FRA does state mitigation measures which we support and would requested that these be conditioned. With regard to demountable flood barriers the issue we have with these is the deployment of these long term, where will they be stored how do you ensure that changing residents over the years nowhere they are and how and when to deploy them? There is deployment also supposes that the occupants are fit & healthy enough to fit the devices during a flood event and that there is a maintenance plan for the demountable barriers and their placements. What is the flood emergency plan for deployment? FRM are opposed to sleeping accommodation on the ground and basement floors of buildings in a flood zone. The proposed defences on quayside these have not yet been constructed and cannot be referenced as a source of protection the property."

5.4 No third party representations has been received by the Report drafting stage.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.5 In an email date 20/12/23, the applicant advised:

"Just a quick email to acknowledge receipt of the response from Highways & Flood team in relation to the additional information submitted (published on the planning website).

We confirm we are happy for the position of the bike storage cabinets to be conditioned as part of the planning decision (there should be ample room in the rear yard to accommodate 2 cabinets).

I have forwarded a copy of the Flood team response onto Neil at BB Consulting for his consideration but unfortunately he is on annual leave until tomorrow. Again we are happy for a planning condition to be imposed requiring a Flood Management Emergency Plan be prepared that can be included in the management contract for the building, detailing where the flood defence barriers are to be stored and how they are to be deployed in the event of a flood.

Once I have spoken with Neil, we can respond accordingly in relation to the latest comments from the Flood team. I trust this is satisfactory however, should you require any additional information at this stage, please feel free to contact me."

5.6 In a letter received on 1/2/2024, the applicant provided figures relating to floor levels relative to AOD Douglas, which are:

"Pavement in front of the entrance door - 4.71m

Entrance door threshold level - 4.86m

Proposed Ground floor level - 5.14m".

5.7 These figures were forwarded to FMD on 16/2/24. No further comments had been received from the FRMD at the Report Drafting stage on 1/3/24.

6.0 ASSESSMENT

PRINCIPLE OF DEVELOPMENT

6.1 The site is located within Ramsey town centre having previously been used as a Dentists Surgery. The surgery employed three full time staff and supported the local economy. The full application proposes the conversion of the ground and first floor units to create 2 additional apartments including alterations to the external elevations including new windows, doors, and the application of render and stone cladding to the external elevations. The site lies within the Ramsey Town Centre boundary opposite the harbour and is zoned in a mixed use area in the Ramsey Local Plan 1998.

6.2 The proposal involves a non-commercial on the ground floor in this town centre location where the previous use was for a dental surgery. The provisions of Ramsey Local Plan policies R/TC/P1 and R/TC/P4 need to be considered. Policies R/TC/P1 advises that there will be a general presumption in favour of retaining retail uses at ground floor level, however, the Policy does not specifically specify West Quay. Policy R/TC/P5 which relates to the East Quay Area (in which the site is located) indicates that there will be a presumption in favour of the rehabilitation /redevelopment of Warehouses and the allowance of through traffic movements from Quayside delivery to on Island distribution. The Policy does not mention West Quay. The mixed use nature of the area and the lack of any specific policies relating to the provision of residential accommodation at ground floor, or any other level, in the Town Centre points to the consideration that the principle of the proposed use is acceptable.

DESIGN AND VISUAL IMPACT - IMPACT ON THE CHARACTER OF THE CONSERVATION AREA (GEN2 b), c), and e) and ENV35)

6.3 Environment Policy 35 sets out the policy in regards to development within a Conservation Area. The policy states that development would only be permitted within a

Conservation Area if the development would preserve or enhance the character or appearance of the area and the area is protected against inappropriate development. The proposal involves external alterations to the building in the form of alterations to the external elevations including new windows, doors, and the application of render and stone cladding to the west side elevation at a height above ground floor level.

6.4 On the north (front) elevation facing West Quay, the proposed changes would involve the retention of the existing painted render façade with changes to the windows involving the removal of the existing ground floor bay window and its replacement with a anthracite or white uPVC four casement window with top lights; a new composite double glazed front door; a pair of double, inward opening doors in the central position providing a Juliet Balcony at each of the first, second and third floors. The windows either side on the first and second floors are to be replaced in the existing apertures; whilst lengthened window apertures are to be placed either side of the balcony doors at third floor level to accommodate full height windows. These are proposed to be either anthracite or white uPVC units. The smooth rendered, painted finish is to be retained on the front elevation.

6.5 On the west side elevation facing Old Post Office Lane that links West Quay with Parliament Street, the existing 9 No. window openings, 3 No. on each level (first, second and third floors) would be retained. These are proposed to have new window units in either anthracite or white uPVC inserted into them. A new composite double glazed door with side screens to each side would be inserted in the existing aperture of the front portion of the building. In the rear portion, which is inset slightly from the side passage, the existing window apertures would be retained and would have new, 2-light, horizontally split, window units in either anthracite or white uPVC inserted into them with bottom opening lights. A new anthracite or white uPVC curved bay window would be inserted in the ground floor 4-casement window aperture, and in respect of the entrance door, the existing timber surround would be removed to increase the width to 1,000mm of the opening with a new composite double glazed door inserted comprising new, 2-light, horizontally split, window units in either anthracite or white uPVC at first, second and third floor levels, and a non-opening window in the same materials at ground floor level.

6.6 It was originally proposed to treat the Manx stone finish of this elevation with a new smooth render, painted finish. Following discussions with the Case Officer, this element of the proposals was deleted, with an amended drawing received showing the existing Manx Stone finish being retained. This, it is considered, would preserve and enhance the character and appearance of the structure within the Conservation Area - albeit it faces a narrow alleyway, this is still a public thoroughfare/walkway that links Parliament Street with West Quay.

6.7 On the rear, south facing elevation, which is the least publically visible elevation, in the 4-storey element of the building the existing window apertures would be retained with new windows inserted. In the 2-storey element, the ground and first floor window apertures would be retained, and these too would have new, 2-light, horizontally split, window units in either anthracite or white uPVC inserted into them with bottom opening lights. The existing render finish would remain.

6.8 On the east elevation (no public interest) one new, fixed, non-opening window would be inserted in to the existing aperture at second floor level, which would be in the same materials as those above. The existing stone/render finish would remain.

6.9 Overall, it is considered that these changes are acceptable on visual grounds and would not detract from the existing appearance and character of the property in this visually prominent corner location nor would it unduly harm the character and appearance of the Ramsey Conservation Area. The visual impact of the development is considered to be

acceptable and would preserve the character and appearance of the property within the Conservation Area. This accords with the provisions of Policies GEN2 b) c) and e) and; Environment Policy 35 in the Isle of Man Strategic Plan 2016.

RESIDENTIAL AMENITY (GP2 g) & HP17)

6.10 The proposal would result in the conversion of ground and first floor units to create 2 additional apartments. Each flat will have its general living space (living room and kitchen) at the front of the building and will utilise the existing window apertures with pleasant and open views from the respective living room areas to the front out over West Quay and the Harbour. The bedrooms will be at the rear of the building and each will have a window look out to the rear over the yard and outriggers, or onto Old Post Office Lane. While not perhaps a pleasant outlook particularly when compared to the front windows, in this case these windows are considered to be acceptable for the bedroom spaces.

6.11 Each flat would be accessed via their own door from the existing communal stairwell. While there is no outdoor amenity space provided. There is level access to West Quay and Old Post Office Lane with access to the various facilities offered by this town centre location. In terms of impacts on neighbouring residents' amenities, and the amenities of occupants of the application building, it is considered that no undue harm would arise and the development would be acceptable in accordance with the provisions of Policies GP2 and H17 in the Isle of Man Strategic Plan 2016.

PARKING AND CYCLE PARKING (GP2, TP4 and TP7)

6.12 The Highways Division originally objected to the application on the grounds that the applicant had not satisfactorily demonstrated where the secure cycle storage facilities would be provided on the layout plan. The applicant has supplied a revised layout plan showing the position of these facilities, which is considered to be acceptable. The site is located in the town centre close to shops and facilities, and it is noted that there are both public car parks and time-limited, on-street disc parking in the locality. In addition, bus stops and the Tram Station (seasonal) are within easy walking distance of the site. The provision of off-street parking can sometimes discourage more sustainable methods of transport by making parking too easy.

NEIGHBOURS AMENITIES (GP2 and ENV22)

6.13 The proposal would not result in any obvious conflict with adjacent land uses and would not adversely affect neighbour amenity.

FLOOD RISK (EP10)

6.14 The applicant has submitted a Flood Risk Assessment as normally required by policy. The proposal would not increase the risk of flooding elsewhere, as there is little by way of increase to the floor-space of the existing built form (cycle stores added). It would, however, create a more vulnerable use, given that part of the proposal is to provide a 2-bedroomed flat on the ground floor of the building.

6.15 DoI FRMD's objection to the scheme, originally, on the grounds that: "Sleeping accommodation should not be on a ground floor in a flood zone and especially not for disabled use", was noted. Subsequently, the applicant submitted a Flood Risk Assessment that was challenged by DoI FRMD and finished floor level figures for the ground floor flat were submitted in relation to those for AOD Douglas. FRMD advises that the proposals state the ground floor level is "to be raised by 280mm and the OS datum is approximately 5.13m we need this figure to be accurate to D02 datum." The applicant advises that the proposed ground floor internal level will be set at 5.14m. Elsewhere, (PA21/00547/B for new dwelling on a site the Underway at Port St Mary - approved 19/2/24), the DoI Flood Risk Management Team (FRMD) recommended that the finished ground floor level be set at 600mm above the

1 in 200 plus climate change flood level of 4.79m AD02. This would equate to a Finished Floor Level height of 5.29m above ODM. The applicants, in this case proposed an internal floor height of 300mm above ODM to 5.09m above ODM on the grounds that a 600mm height difference would very likely result in the building being higher than proposed and would thus fit less well in the streetscene.

6.16 In this case, for the PA23/00832/B application, the risk of flooding is not to other properties but would be contained within the building (which already exists). This risk of flooding would be to a finished GFL of 5.14m. This is in excess of 5.13m required by FRMD here, and furthermore, exceeds the 4.79m AD02 as outlined as being correct for the PA21/00547/B approval by 350mm.

6.17 FRMD's other concerns relating to demountable flood barriers and how to store and deploy them; that the occupants are fit & healthy enough to fit such devices during a flood event; the maintenance plan for the demountable barriers and their placements; and, what is the flood emergency plan for deployment?; are noted. It is also noted that the proposed flood defences on the quayside have not yet been constructed and should not be referenced as a source of protection the property.

6.18 It is considered that such issues should not preclude the grant of planning permission given the FFL would be above the predicted flood levels for a flood height for the 1 in 200 year plus climate change event. The planning system cannot dictate who occupies a residential property, unless a scheme is designed specifically for persons with certain needs, such as a disabled persons accommodation; assisted living; or there is an age restriction to occupancy (retirement homes for those aged 55 and above). In this case, no such restrictions are proposed, and in the event of a flood, given the town centre location adequate warning by word of mouth, or through local media and via weather forecasting, is likely to be given. Recommendations for flood resilience measures, have already copied to the applicant in FRMD's comments.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposed development for the "Conversion of ground and first floor units to create 2 additional apartments including alterations to external elevations including new windows, doors, render and stone cladding", not result in undue harm to the character and appearance of the CA; and would be an acceptable level of development provided with sufficient amenity in its own right and without harm to the enjoyment of any neighbouring properties. It would accord with the requirements of DoI Highways , and the FRA and FFL figures provided indicate that the development would be above the predicted flood levels for a flood height for the 1 in 200 year plus climate change event. The proposal is considered to comply with Strategic Policy 2, General Policy 2, Housing Policies 4 and 17 and Environment Policies 10, 22 and 35 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 RECOMMENDATION

8.1 It is recommended that approval is granted.

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

PLANNING AUTHORITY AGENDA FOR 25th March 2024

Item 5.7

Proposal : Proposed conversion of existing Gardener's garage / store into living accommodation.

Site Address : Apartment 1 Courtyard
Billown Mansion
Billown
Ballasalla
Isle Of Man
IM9 3DL

Applicant : Mr Adam Cooke
Application No. : 23/01172/B- [click to view](#)
Planning Officer : Mr Hamish Laird

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. All external facing materials, including any materials required for making good, shall be installed to match the existing external finishes.

Reason: In the interest of visual 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 erection, construction or alteration of fences, walls or gates within, or on the boundary of, the curtilage of a dwellinghouse is expressly prohibited by this approval, and no such form of development 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.

Reason for approval:

The application is considered to comply with the tests of Planning Circular 8/89 and Housing Policy 11 of the Strategic Plan and is recommended for approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The site comprises the ground floor garage area of the existing gardeners garage/store at ground floor and an apartment (Apartment 1) at first floor level with a separate access both contained within this 2-storey, detached outbuilding located within the grounds of and close to the garage block and main dwelling at Billown Mansion, Ballasalla. The building is accessed via a private access driveway running through the private estate and is surrounding by an area of paved hardstanding.

1.2 The existing building is stone built with a red tiled roof, there are a number of peaked dormers throughout the roof-scape and all the windows and doors within the stone facing elevations have a surrounding white render band. The building is currently used as living accommodation on the first floor and for a garage containing lawnmowers, garden machinery, tools, implements and garden supplies in the ground floor store.

2.0 THE PROPOSAL

2.1 The current full application proposes the conversion of the ground floor Gardener's garage/store into a self-contained flat, not dissimilar to the arrangement on the upper floor. The works include the replacement of existing main up and over, sectional access door with a new glazed entrance door and 4 No. new white Upvc double glazed windows to serve the proposed lounge. A ramped access up to the entrance of the proposed Apartment 2 would provide a level threshold in accordance with disabled design requirements via the installation of a raised paved patio at same level. Otherwise, the existing window arrangements in both of the side elevations; and, also the rear elevation being retained with the existing windows at ground floor level being replaced with white Upvc double glazed windows to match those existing. 4 No. Solar PV Panels would be installed on the south facing side roof-slope.

2.2 Existing on-site parking arrangements serving the mansion complex would be utilised.

2.3 The covering letter accompanying the application advises that "The current gardener's accommodation is to be relocated to a new replacement building being built in the grounds of "Billown". The replacement building has an extant planning approval obtained on 5th November, 2020, (PA20/00640/B) Once the replacement building is completed the current gardener's accommodation will become redundant and available for conversion."

3.0 PLANNING POLICIES

3.1 The site is situated within an area designated on the Area Plan for the South as 'Low Density Housing in Parkland' (LDHP). The written statement accompanying the plan states that until such a time that a Planning Policy Statement is provided for LDHP applications shall be considered against Planning Circular 8/89 and the relevant policies of the Strategic Plan. PC 8/89 states buildings must be substantial, designed to highest quality and sited within at least 1 acres of its own grounds and General Policy 3(b) supports the conversion of rural buildings subject only to the tests of Housing Policy 11:

"Conversion of existing rural buildings into dwellings may be permitted, but only where:

- (a) redundancy for the original use can be established;
- (b) the building is substantially intact and structurally capable of renovation;
- (c) the building is of architectural, historic, or social interest;

(d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;

(e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and

(f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must:

(a) where practicable and desirable, re-establish the original appearance of the building; and

(b) use the same materials as those in the existing building.

Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form.

Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

4.0 RELEVANT SITE HISTORY

20/00198/B - Conversion of stables to living accommodation at The Stables, Billown Mansion Estate, Billown, Ballasalla - Permitted 24.4.20.

20/00640/B - Erection of garden store/garage at Billown Mansion Estate, Billown, Ballasalla - Permitted 5.11.2020.

08/00164/B 0 Erection of conservatory - Billown Mansion Estate, Billown, Ballasalla - Permitted 29.4.2008.

01/00249/B - Conversion of loft over stables to separate living accommodation - Permitted 24.7.2001.

99/00492/B - Creation of tennis court, Billown House, Malew. Permitted 28.8.1999.

95/01387/B - Proposed new indoor swimming pool and extension, Billown House, Malew. Permitted 8.3.96.

93/00340/B - Creation of lake, bridge and landscaping, Billown House, Malew. Permitted on Review - 1.1.94.

92/00400/B - Alterations and extension, Billown House, Malew. Permitted 1.1.94.

89/01796/B - Alterations and extensions to create extra living accommodation, Billown House, Malew. Permitted 1.1.94.

REPRESENTATIONS

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

5.1 Malew Parish Commissioners - no objections (1/11/2023).

5.2 Department of Infrastructure Highway Services - (27/10/2023) comments as follows: "23/01172/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as the site is accessed by a good condition private road in a country type estate with suitable accesses onto the public highway. Bin facilities would be similar to the adjacent house. The Applicant is advised to consider an EV charging point on the site to aid net zero objectives and secure cycle parking for the residents."

ASSESSMENT

6.1 The existing gardeners garage/store building is fairly sizeable, is of historic and architectural interest, and is readily capable of conversion/renovation given that there is an existing Apartment on the floor level above. The structure sits within a much larger private estate extending to around 24 acres, and is well-related to the main house and garage

facilities serving it, and reads as part of the main residential complex. The ground floor is capable of accommodating the proposal and its residential use would not be incompatible with adjacent properties or the land use designation of the Area Plan. The use as a gardeners garage/store is ongoing and is no, as yet, redundant which runs counter to the provisions of Housing Policy 11a). However, the applicants covering letter advises that PP has been granted for a replacement facility and when complete the gardens garage and store would in effect, become redundant. The proposal, therefore, meets all the elements of HP11 and externally, would require minimal changes to facilitate such a conversion.

6.2 The external alterations required to facilitate the proposal would not result in any harm to the overall visual quality or appearance of the building and there is sufficient space surrounding the building or within land owned by the applicant to accommodate parking for both the existing first floor flat and the ground floor conversion without harm to the safety of the private access road.

6.3 The comments received from DoI Highways Services are noted. Whilst the provision of an EV charging point is desirable in terms of meeting net zero objectives, it cannot be insisted upon without planning policies in place to back up such a condition. Secure cycle parking on the site can be provided elsewhere and owing to the relative isolation of the Estate from nearby residential areas, cycle security on its own is not considered to be an overriding issue.

CONCLUSION

7.1 The application is considered to comply with the tests of Planning Circular 8/89 and Housing Policy 11 of the Strategic Plan and 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

Item 5.8

Proposal : Additional use of Unit 25C for sales of motorcycles and related motorcycle equipment and clothing, and use of forecourts of Units 25D and 25E for associated parking.

Site Address : Unit 25C, 25D And 25E
South Quay Industrial Estate
Douglas
Isle Of Man
IM1 5AT

Applicant : Mr Nathan Harrison
Application No. : 24/00006/C- [click to view](#)
Planning Officer : Mr Hamish Laird

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.

Reason for approval:

It is considered that the planning application is in accordance with General Policy 2 and Business Policy 5 of the Isle of Man Strategic Plan 2016; and, the Area Plan for the East (2020), and is therefore recommended that the planning application be approved.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site forms is Unit 25C at South Quay Industrial Estate and along with other Units including Units 25D and 25 E which are already in use for the sale of motorcycles and related equipment and clothing, forms part of a series of workshop units located on the site of the former Gas Production and Storage Site located to the south of South Quay and southwest of the roundabout junction with South Quay and Douglas Head Road. The site is elevated and faces north looking towards the inner harbour.

1.2 The site is accessed via an existing industrial estate road to the east of the site. This estate road serves a number of industrial business and accesses directly onto South Quay.

2.0 THE PROPOSAL

2.1 The application seeks the "Additional use of Unit 25C for sales of motorcycles and related motorcycle equipment and clothing, and use of forecourts of Units 25D and 25E for associated parking." The unit forms part of an existing workshop/industrial/commercial structure accommodating a range of industrial and retail uses including Ace Hire and Sales, Sadler Agricultural Supplies and Goldie's Garage. The floor area of the unit measures approx. 115m².

2.2 The applicants Planning Statement submitted with the application advises: "The applicant leases units 25C, D and E which are being used as a workshop in accordance with the approval (see Planning History). Mezzanine floors are in the process of being added to units 25C and 25D which do not require planning approval as no condition was imposed upon the original planning approval and the works represent "the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, and (ii) do not materially affect the external appearance of the building" so do not constitute development in accordance with Section 6(3)(a) of the Town and Country Planning Act 1999.

2.3 Proposed is the use of Unit 25C for the sale of motorcycles and associated motorcycle equipment and motorcycle clothing. The applicant also leases the adjacent units to the north - 25D and 25E and from there, operates a workshop which undertakes general motorcycle repairs in unit 25D and in unit 25E operates a private motorcycle workshop un-associated with the adjacent units. It is proposed to operate units 25C and D as one with internal access between the two units and unit 25C accommodating the sales of motorcycles and associated goods and 25D remaining as the workshop."

2.4 Each unit has two parking spaces directly in front of each unit on an area of hard standing.

3.0 PLANNING HISTORY

"3.1 The three blocks of units were approved in 2015 under 15/01213/B. This was subject to four conditions which required, inter alia, the provision of the parking and turning areas prior to occupation, the prior approval of the materials to be used (which was subsequently satisfied) and the undertaking of the landscaping as shown on the plans which was to the rear of units 25A - 25E inclusive."

4.0 DEVELOPMENT PLAN POLICIES

4.1 The application site is within an area zoned as "Light Industrial" identified on Proposals Map 5 Douglas Town Centre Showing Mixed Use Proposal Areas of the Area Plan for the East 2020. The site and the recently completed industrial estate accord with this development designation. The site is not within a Conservation Area. Given the nature of the application it is appropriate to consider the following planning policies:

4.2 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:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (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; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.3 Business Policy 5 states: "On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

- a) The items to be sold could not reasonably be sold from a town centre location because of their size or nature; or
 - b) The items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;
- And, in respect of a) or b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

4.4 Appendix Seven of the Strategic Plan sets out the parking standards to be applied to new development which states that light industrial, storage and distribution should have one space per 30 square metres nett floor space.

5.0 CONSULTATIONS

5.1 No comments received at the time of writing this report.

6.0 ASSESSMENT

6.1 The application seeks approval for the Additional use of Unit 25C for sales of motorcycles and related motorcycle equipment and clothing, and use of forecourts of Units 25D and 25E for associated parking. The main issues to consider in the assessment of the application are the principle of the use, and whether there would be any potential highway issues/parking provision. The visual impact of the proposals would remain as per the existing situation as the application seeks a change of use only without any additional operational development being carried out.

PRINCIPLE OF DEVELOPING THE SITE FOR LIGHT INDUSTRIAL PURPOSES

6.2 The application is within an area designated as light industrial and while this proposal wouldn't comply with this use, it is noted that the existing Units at 25D and 25E are already in use for motorcycle associated equipment and clothing sales and the forecourts are in use for parking to serve this use. The principle of development has therefore, previously been established and is considered to be acceptable.

POTENTIAL IMPACT UPON THE STREET SCENE

6.3 In relation to the impact upon the street scene, the application involves the use of an existing building (Unit 25C) to complement the existing use of Units 25D and 25E. The site is in an elevated position relative to adjoining units and land uses located on the South Quay road frontage to the north of the site; and, it is also screened by a high security wall/fence on its southern boundary. There would be no adverse impact on the character and appearance of the street scene arising from the proposed development.

6.4 Overall, it is considered the use of the Unit as laid out in the supporting Planning Statement and application forms would be acceptable and would not unduly affect the visual amenities of the street scene. This accords with the provisions of Policy GEN2 of the Isle of Man Strategic Plan 2016.

POTENTIAL HIGHWAY ISSUES/PARKING PROVISION

6.5 The proposal does not impact upon existing parking spaces within the site and users of the unit would likely be as the applicants have indicated i.e. workers/visitors/shoppers. Motorcycle sales is a relatively niche market and bikes do not take up the car parking spaces that other vehicles do, although car borne shoppers would also visit the site. The site is in a cul-de-sac location, and it is considered the scheme in terms of parking standards, and manoeuvrability of vehicles within the site would be unaffected.

POTENTIAL IMPACT ON RESIDENTIAL NEIGHBOURS AMENITIES

6.6 Motorcycles can be noisy, particularly when non-standard exhaust pipes are fitted to machines. However, electric powered motorcycles are featuring more in motorcycle sales, particularly for lightweight/commuter type machines. The sites cul-de-sac location, set away from any neighbouring or nearby residential properties is considered to be helpful in assimilating the proposed use into its surroundings as witnessed by the same use for Units 25C and 25D. There is unlikely to be any adverse impact on the residential amenities of persons residing close to the site on the northern side of the inner harbour - there are no immediate residential neighbours. The proposal is considered to be acceptable and accords with the provisions of Policy ENV22iii) of the Isle of Man Strategic Plan 2016, in this regard.

7.0 RECOMMENDATION

7.1 For the reasons outlined above it is considered that the planning application is in accordance with General Policy 2 and Business Policy 5 of the Isle of Man Strategic Plan 2016; and, the Area Plan for the East (2020), and is therefore recommended that the planning application be approved.

7.0 RECOMMENDATION

7.1 For the reasons outlined above it is therefore recommended that the planning application be approved.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4)), the following persons are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
- (c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
- (d) Highway Services Division of Department of Infrastructure and
- (e) The local authority in whose district the land the subject of the application is situated.

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 in Article 6(4) who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 25th March 2024

Item 5.9

Proposal : **Erection of proposed extensions to existing agricultural barn**
Site Address : **Field 114121**
West Kimmeragh Road
Bride
Isle Of Man
Applicant : **Mr Paul Crocker**
Application No. : **23/01041/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. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including all hardsurfacing, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 3. Prior to the commencement of development, a soft landscaping plan incorporating native species shall be submitted to the Department for approval in writing. The landscaping plan shall be implemented in full as per the approved details. Any new planting which is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

Reason: To ensure the delivery and retention of an appropriate landscaping scheme, in the interests of the visual amenity of the local and to provide ecological site benefits.

C 4. No external lighting may be installed without the prior consent of the Department in writing.

Reason To prevent light pollution and impact on wildlife.

C 5. The building hereby approved must be used only for agricultural purposes.

Reason: The countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 6. In the event that the building hereby approved is no longer used or required for agriculture it shall be removed and the ground restored to its former condition within 18 months of the date the use ceased.

Reason: The countryside is protected from development and an exception is being made on the basis of agricultural need.

Reason for approval:

In summary, the proposed development is considered to be acceptable in principle having demonstrated a clear agricultural need, without detriment to the visual amenities of the immediate locality and wider landscape. The proposals are considered to be in accordance with Strategic Policy 5, Spatial Policy 5, General Policies 2 and 3, and Environment Policies 1, 2, 15 and 21 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

It is 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 and are not mentioned in Article 6(4):

The Ain, Bride

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

THE APPLICATION HAS BEEN BROUGHT TO PLANNING COMMITTEE FOR DETERMINATION DUE TO THE OBJECTION RECEIVED FROM THE LOCAL AUTHORITY

1.0 THE SITE

1.1 The application site is the curtilage of field number 114121 on the opposite side of the A17 from West Kimmeragh farm. It is accessed by a narrow un-surfaced farm lane between agricultural fields that runs approximately 220 metres from the A17. The site lies below an elevated mound amongst fields with grassed rolling hills.

1.2 The site is occupied by a concrete agricultural building incorporating a mono-pitch roof which was erected following the grant of planning permission in 2012. The interior of the building was noted as being used for the storage of machinery, including a tractor, together with pens for livestock and further minor areas of storage for hay.

1.3 Additional equipment was noted as being stored at the site outside of the building itself, with the presence of poultry being kept on the site also noted. The site is located circa. 0.8km south of the main portion of the applicant's land, which amounts to an approximate additional 50 acres, and is used for sheep grazing.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a modern agricultural building, with dimensions of 12.1m in depth and 14.64m in width, comprising a dual pitched roof with an eaves height of 3.568m and ridge height of 5.201m. The building would be open sided on the north, east and west elevations and effectively connect to the existing building.

2.2 The building would be in rendered concrete blockwork and painted white, with additional cladding and cement sheeting with the final specifications and colour having not been specified. A series of rooflights are also proposed on each roof plane.

2.3 The building would be used for the purpose of providing an undercover space for the applicant's sheep in the winter, whilst further providing sufficient provision for care for the animals when they are sick, together with further being used for the storage of hay. Likewise, the building would also be used to keep livestock when in their isolation period following importation to the Island, together with keeping them dry prior to slaughter. The building is understood to further allow for some of the livestock activities to be transferred out of the existing building and allow for more covered space for the storage of machinery; not all of which can presently fit within the building and is therefore susceptible to weather damage.

2.4 The proposals further include a modest lean-to storage extension to the existing agricultural building. The applicant has stated that the entirety of their land directly owned by them equates to just under 60 acres, whilst presently having a total flock of 49 sheep.

3.0 PLANNING HISTORY

3.1 12/00760/B - Erection of an agricultural building - Permitted

3.2 07/01871/B - Erection of a windmill - Permitted

4.0 PLANNING POLICY

4.1 The application site is identified in the 1982 Development Plan as 'white land' within the countryside that is not zoned for development. The site is not within a Conservation Area but falls within an Area of High Landscape Value

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

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 5 Design and visual impact

Spatial Policy

- 5 Development only in countryside in accordance with General Policy 3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 2 Protection of areas of high landscape value
- 15 Development of agricultural buildings in the countryside
- 21 Buildings for the stabling, shelter and care of horses and other animals

Transport Policy

- 4 Highways safety

5.0 REPRESENTATIONS

5.1 Bride Parish Commissioners - The Board raised objections to the application. There is a public right of way over the field and sheep have not lambed in 5 years due to them being

elderly stock. There appears to be no need for a shed of this size and stature. There is a shed that stores machinery already. If the other shed were to be removed, that may be an option but for the amount of farming in the field the suggested structure is far too big and unnecessary. (28.11.23)

5.2 Highways Services - Development would have no significant negative impact upon highway safety, network functionality and /or parking. (22.09.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team do not object to this application. However the proposed barn extension will result in the destruction of a small area of semi-natural habitat, and no ecological mitigation is currently proposed, therefore there will be a net loss for biodiversity on site which is contrary to Planning Policy.

This net loss is relatively small and can be easily mitigated through replacement native planting on bare ground immediately adjacent to the proposed barn extension. Therefore, should this application be approved, the Ecosystem Policy Team request that a condition is secured for no works to take place unless a native landscaping plan has been provided to Planning for written approval. The planting must then take place in the first planting season following construction.

Additionally, the area of semi-natural habitat to be removed has potential for nesting birds and therefore a condition is also requested for no removal of semi-natural habitat to take place within the nesting bird season (March - August inclusive). (11.10.23)

5.4 One letter of representation has been received objecting to the proposals on the following grounds:

- The applicant does not farm the extra land themselves;
- Only a handful of livestock are present which has not produced offspring in the previous 4 years;
- A neighbouring farm cuts and removes grass/hay with a separate farm storing it;
- The current shed was approved as a machinery storey so query as to why only now would the shed be used to store machinery;
- The original machinery store was approved with a number of conditions, including restrictions over a certain height and to not encroach on the scenic beauty of the valley to the north and south;
- Original right of way public footpath runs through the site from the road and northward;
- No reason for a barn of this size to be built in an area where it is not needed;
- Query as to who long it will be before this is changed to a house.

6.0 ASSESSMENT

6.1 The starting point for any development within the countryside (i.e. not zoned for development) is General Policy 3, which allows an exemption for essential agricultural buildings and those required for interpretation of the countryside. Likewise Environment Policy 15, which states that where the Department is satisfied that there is agricultural or horticultural need for a new building/s, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part.

6.2 Of additional relevance in this instance is Environment Policy 21, which states that buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to the character and appearance of the

countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose; in particular, cavity-wall construction should not be used.

6.3 The applicant notes in both their original letter and subsequent letter produced in response to comments made by Bride Commissioners that, since the grant of planning permission for the existing barn in 2012, the farm holding has expanded from 6 acres in size to just under 60 acres, with the headcount of sheep having increased from 7 to 49. The applicant has stated that the building is necessary to provide covered shelter for livestock in the colder months of the year and for the lambing period, whilst further being used for the storage of hay. Moreover, the new barn would allow for the removal of livestock pens and associated paraphernalia to be removed from the existing barn and thus allow additional space for the storage of equipment currently kept outdoors.

6.4 Upon inspection of the site and in particular the existing building itself, it was evident that the barn was at maximum capacity in terms of equipment storage, animal pens and hay storage, with additional equipment noted as being stored outside. There was also no clear provision for allow for lambing to be undertaken within the building, and it is understood that lambing is therefore timed to take place in the Spring when the weather starts to improve following the winter.

6.5 Furthermore, it is evident that allowing the creation of a purpose built structure for animal shelter and lambing would improve the applicant's flexibility over the lambing period, whilst further allowing for the safe and secure storage of equipment. Moreover, it is understood that the applicant is not presently able to purchase any further equipment which would require undercover storage provision, to the detriment of the farm's future expansion.

6.6 On the basis of the applicant's submission and following the site inspection conducted of both the application site itself and the applicant's wider portfolio of land to the north; it is considered that sufficient justification is evident for construction of the new barn building. Therefore, a clear agricultural needs is considered to have been demonstrated, in compliance with General Policy 3.

6.7 The building itself would effectively conjoin the existing agricultural building and would therefore not be isolated. Furthermore, the structure is considered typical of a modern agricultural building which would be read in the context of the existing structure within the site, and therefore not appear wholly incongruous in the context of the wider landscape. The proposed location of the new building is well screened from mature vegetation present to the immediate east and west, whilst being shielded from views from the north due to the siting of the existing building.

6.8 Likewise, the structure would be sited a substantial distance from the main road to the south, and would only be evident upon final approach to the building's location when traversing northward along the access track. On this basis therefore, the proposals are considered to be appropriate from a design and visual impact perspective, and would not readily result in a material visual impact upon the wider landscape. It is however considered necessary for further clarification to be provided with respect to the final specification of matters to ensure that the finish of the building would be appropriate in this rural setting.

6.9 Turning to issues raised by the Commissioners and the single objector, such matters have been addressed by the applicant in their rebuttal letter. In particular, the applicant notes that they expect to be lambing in the coming Spring due to not having undercover facilities to lamb earlier in the year, and therefore refutes the Commissioners point that the applicant's sheep are too old to lamb.

6.10 Moreover, further questions over the need and justification for the new building have been addressed by the applicant. On the basis of the information providing and following the conducting of a site visit, it is considered that the proposals have been sufficiently justified for the reasons already outlined in this report.

6.11 A final point raised was to the presence of a public right of way passing through the site from the main road to the south and northward. This was raised by both the Commissioners and the single objector. It can be confirmed that no such public right of way exists on the Government's mapping records.

6.12 No objections have been raised by Highway Services with respect to the proposals, which would not involve any changes to the existing site access or corresponding access track. Likewise, the Ecosystems Policy Officer has also noted raised an objection to the proposals, subject to a native landscaping plan being submitted to the Department for approval prior to the commencement of development.

7.0 CONCLUSION

7.1 In summary, the proposed development is considered to be acceptable in principle having demonstrated a clear agricultural need, without detriment to the visual amenities of the immediate locality and wider landscape. The proposals are considered to be in accordance with Strategic Policy 5, Spatial Policy 5, General Policies 2 and 3, and Environment Policies 1, 2, 15 and 21 of the Strategic Plan (2016), and 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 25th March 2024

Item 5.10

Proposal : Demolish and replace existing dwelling, install photovoltaic panels, and landscape and re-wild adjacent land

Site Address : Part Field 435254 & Curlew Cottage
Scarlett
Castletown
Isle Of Man
IM9 1TB

Applicant : Mr & Mrs Neville & Kim Young

Application No. : 23/01417/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. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including all hardsurfacing, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 3. Prior to the commencement of development, and notwithstanding the details already submitted, a detailed soft landscaping plan shall be submitted to the Department for approval in writing. The landscaping plan shall be implemented in full as per the approved details. Any new planting which is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

Reason: To ensure the delivery and retention of an appropriate landscaping scheme, in the interests of the visual amenity of the local area and to provide ecological site benefits.

C 4. The front boundary treatment shown on drwg. no. 299/026 shall be planted at no higher than 1m and thereafter retained and maintained at no higher than 1m in perpetuity.

Reason: In the interests of highway safety.

C 5. The development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and access of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for parking and turning of vehicles in the interests of highway safety.

C 6. 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 development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 13 - Greenhouses and polytunnels

Class 14 - Extension of dwellinghouse

Class 15 - Garden sheds and summer-houses

Class 16 - Fences, walls and gates

Class 17 - Private garages and car ports

Class 18 - Domestic fuel storage tanks

Class 21 - Decking

Class 26 - Garage doors

Reason: To control future development on the site.

C 7. The proposed garage hereby approved shall be kept available for parking of private vehicles, the storage of plant and machinery with the running of Curlew Cottage and its surrounding grounds as a domestic dwelling.

Reason: To restrict further development in the countryside.

C 8. The residential curtilage shall be laid out in accordance with plan (299/026) and retained thereafter.

Reason: To prevent further development into the countryside.

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 replacement dwelling is considered to be of a high standard of design and suitably appropriate for this countryside location, without detriment to the visual amenities of the wider landscape. The proposals would allow for a more holistic form of development relative to the current property, whilst largely reducing its visual impact upon the site's immediate setting. The development is further complimented by an appropriate landscaping scheme which would improve the site's biodiversity credentials. The proposals are therefore deemed compliant with Strategic Policies 4 and 5, Spatial Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, Housing Policies 12 and 14 and Transport Policies 4 and 7 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BROUGHT TO PLANNING COMMITTEE FOR DETERMINATION DUE TO NON-COMPLIANCE WITH THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The application site is the residential curtilage of a large dwelling house, "Curlew Cottage" Scarlett Road, Castletown. The property sits in an elevated position adjacent the access road that terminates at this property. Beyond this is access to the surrounding agricultural fields that surrounds this property.

1.2 The property is characterised as a rectangle build form at two stories high with the front elevation facing north. The dwelling has seen a number of ad hoc extensions over the years which is seen to include two storey extensions, an integrated double garage with accommodation above; front porch extension and a rear 'sun room'. The roof covering is a concrete tiled pitched roof that is hipped to west and a though (front to back) gable pitched roof to the east. The property is finished in a painted white render throughout with brown upvc used for the windows and doors.

1.3 The nearest neighbouring property is located to the south east (approx. 80m) referred to as Scarlett House. A two storey distinct traditional building that is registered (No.267) that is defined as an exemplar of a raised five bay, double roofed house in a Manx manner with some modern extensions.

1.4 There is also a hard standing parking area to the east that would accommodate two vehicles and a large lawn area surrounding the property and largely biased towards the east elevation. The topography here slopes steeply towards the east. 1.5 At the site visit it was observed that the property is visually very prominent when travelling west along Scarlett Road. At present the only built structures aside from the main dwelling house are a garden shed adjacent to its west elevation.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the replacement of the existing dwelling with an enlarged, detached modern property incorporating a combination of natural stone cladding, vertical and horizontal timber boarding and slate roof tiles, with significant element of glazing across all elevations. The proposals effectively represent a resubmission of the previous and most recent approval (PA 23/00681/B) to extend the previous property, with the resultant dwelling to largely mirror the design, form and appearance of the resultant property if it were to be extended as approved.

2.2 The submitted design statement notes that, following inspection of the existing property in preparation of the submission of a Building Regulations Approval application, it was observed that:

"The inner leaf of the existing cavity wall is built in lightweight thermal block, which was previously not apparent; aside from any of the potential current concerns surrounding aerated concrete, the overarching issue with this being that lightweight thermal block has a much lower structural bearing capacity than standard, dense concrete, blocks.

The overarching impact of this would be that much greater levels of structural intervention would be required to create the Approved design. That, in itself, is not a major concern and could be undertaken, but the cumulative effect of those interventions in relation to the first requirement of the Applicants' Brief, 'that the house needs to be extremely energy efficient, specifically having very high levels of thermal insulation and low levels of air leakage, is. The extent of the interventions would be such that robust detailing at junctions, openings, and where old meets new, would be compromised."

2.3 On this basis, consideration was therefore given to demolishing the existing dwelling and replacing it with a new dwelling that would be much more thermally efficient and airtight, with the obvious long term benefits that that would bring.

2.4 The design statement further notes the following in terms of design and layout in the context of the proposed replacement dwelling:

"Once it was agreed that that would provide a better solution to the original Brief requirements, consideration was given to what other benefits might be achieved with a replacement dwelling.

The primary benefit for the design was that the plan arrangement, whilst essentially the same as the Approved design, could be made much more efficient, with consequential benefits in terms of reduced visual impact. 3

In terms of floor area, the proposed new dwelling is almost 5% smaller than the Approved dwelling and, being more efficiently planned, the East elevation moves 2.8m to the West, and the North elevation 2.2m to the South; when viewed from Scarlett Road, this means that the massing of the dwelling is visually reduced from the existing, as its ridge line is set at the same height as the existing, but the two public-facing elevations physically and visually move further away from the public viewpoint.

As in the previous design, the car parking and ancillary accommodation has been moved to be 'behind' the dwelling from the public viewpoint, and the opportunity has been taken in the re-plan to create both the primary and secondary accesses to the house from this parking area. This, combined with the dwelling being set back from the lane by a further 2.2m (just over 4.0m in total at its narrowest point), allows a sufficient area for soft landscaping along the North elevation, as indicated on the Proposed Site Plan, that will further contribute to reducing the visual impact of the dwelling; further, this revised approach for the primary entrance allows the Manx stone wall to be re-established along the lane, where it existed prior to the erection of the existing dwelling, helping to further reduce the visual impact of the proposed dwelling.

So that the occupants have the highest levels of amenity, where possible the habitable accommodation that is to be primarily used on a day-to-day basis is located on the southern elevation, to benefit from maximum natural daylight and sunlight, with extensive rural and coastal views.

The single storey Kitchen/Dining/Living space allows maximum natural light into the two storey entrance hall at First Floor level which, in turn, brings natural daylight and sunlight into the heart of the two storey element of the house and the stair is arranged so that it does not impede the light. That theme is continued in the single storey extension, with a continuous frameless glass rooflight and window not only capturing large amounts of daylight, but also enhancing the view towards, and connection with, the surrounding countryside from the moment the house is entered.

In addition to being a more muted material, the use of natural stone in the Ground Floor walls is intended to reference the existing stone boundary walls to both Curlew Cottage and the adjacent Scarlett House, and further reinforce the visual connection of the house to its rural setting; many of the existing stone walls have already been repaired and rebuilt, where they were damaged.

The south-facing terrace is again positioned to ensure maximum benefit from the sun, and the garage is set to the side of the terrace not only to ensure that it is hidden from public view but, further, to act as a shelter for the terrace from the prevailing wind.

The use of the rill and pond as part of the design of the immediate surroundings to the house is intended to tie the house into the landscape further, by connecting to the water feature proposed within the landscaping proposals, and creating the opportunity for flowing water, aerating the same and maximising benefit for the site's biodiversity."

2.5 In addition to the above, the design statement also notes the following landscaping proposals which are broadly similar to those put forward as part of the previously approved submission:

- The area immediately around the house, within the curtilage - this area will be landscaped with hard and soft landscaping in a sympathetic, coastal, style. Plants in the main will be non-native, but appropriate to the landscape, e.g., brachyglottis, stipa grasses, alliums etc., with some small trees, e.g., birch

- The transition area - still within the curtilage, the treatment here is 'naturalistic', with natural curves, minimal hard landscaping and appropriate planting for the area, e.g., miscanthus grasses, and native trees, including native fruit trees

- The wildlife area - outside the residential curtilage, this area contains entirely native species, appropriate to a coastal wetland environment, as created with the reinstatement of the historic pond adjacent to Scarlett House, e.g. meadowsweet, ragged robin, alder trees, and dogwood, promoting restoration and enhancement of a natural ecosystem

- The adjoining field - left as meadow and managed as such.

3.0 PLANNING HISTORY

3.1 23/00681/B - Extend and remodel existing dwelling, install ground mounted photovoltaic panels, change of use to part of agricultural field adjacent to residential curtilage to mixed use land to accommodate solar panel array and landscape and re-wilding of adjacent land. Approved.

3.2 12/00999/C - Extension of domestic curtilage, Field 433155 Adjacent to Curlew Cottage. Approved at appeal.

3.3 01/02346/B - Extension to dwelling with integral garage to replace existing garage. Approved.

3.4 00/01179/B - Extension to dwelling. Approved.

3.5 99/00437/B - Extension to dwelling. Approved.

3.6 92/00341/B - Construction of a replacement garage. Approved.

3.7 89/04114/B - Construct conservatory extension. Approved.

4.0 PLANNING POLICY

4.1 The application site is identified on the Area Plan for the South as 'white land' and within an area of countryside that is not designated for development. The dwellinghouse and building are shown outlined on the plan. The site is not within a Conservation Area or at any flood risk from surface water or tidal flooding.

4.2 The land is also linked to Map 2 Landscape Assessment Areas; that identifies site is within an area that is broadly classified undulating lowland Plain and rugged coast - Ref E10 on the landscape constraints plan on the Area plan for the South.

4.3 Within the written statement for the area plan for the south Ref E10; Castletown Bay - "The overall strategy is to conserve the character, quality and distinctiveness of the coastal area with its rich ecological habitats, open and expansive panoramic views, and to conserve the coastal setting of Castletown".

4.4 The site/ area is further noted in F8 "Poyll Vaaish and Scarlett Peninsula; "The overall strategy is to conserve the strong sense of openness throughout the area, with strong field pattern as well as the setting of the numerous archaeological sites and wartime structures within the area".

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

Strategic Policy

- 4a Protection of the setting of registered buildings
- 4b Protection of the landscape and biodiversity
- 5 Design and visual impact

Spatial Policy

- 5 Development in the countryside to be in accordance with General Policy 3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 2 Protection of the character of AHLV

Housing Policy

- 4 Exceptions to allowing new housing in the countryside
- 12 Replacement dwellings in the countryside
- 14 Siting, size and design of replacement dwellings in the countryside

Transport Policy

- 4 Highways safety
- 7 Parking

4.6 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 Malew Parish Commissioners - No objections (10.01.24)

5.2 Highways Services - Development would have no significant negative impact upon highway safety, network functionality and/or parking providing the front boundary treatment is no higher than 1m from the existing lane level. (15.12.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team are writing to provide our support to the proposed scheme, which, if landscaped as per the Landscaping Plans, should provide net gain for biodiversity on a property which is currently largely devoid of wildlife features.

Our one concern is that there seems to plans for a clear glass balustrade around the 1st floor terrace. Transparent glass windows/balustrades pose a collision risk to birds when they are in flight and could result in their injury or death. In 2004 the British Trust for Ornithology (BTO) estimated that up to 100 million birds strike glass each year in the UK and this is based on the number of ringed birds found dead near a window. Especially with the plans to include bird boxes on the property and wildlife encouraging landscaping, it's important that measures are put in place to prevent bird strikes. Therefore we request that a condition is secured for no works to commence unless a plan detailing the measures that are to be put in place to prevent bird strikes on the clear glass balustrades, is submitted to Planning and approved in writing. Measures could include use of etching, ultraviolet coatings or decals. Alternatively, the applicants may wish to provide details of these preventative measures prior to the application being determined.

The applicants note that the area immediately around the house will include use of some non-native plants, which is fine, but no Wildlife Act 1990 Schedule 8 invasive non-native plant species, cherry laurel or Rugosa Rose should be used.

The Design Statement with accompanying photographs, indicates that the property is fairly modern and well maintained, meaning the likelihood of roosting bats or nesting birds in the property is low and we do not believe that ecological assessments are required. However, the applicants should make sure to undertake thorough checks for bats and birds prior to building demolition and should any evidence be found then the Ecosystem Policy Team should be contacted for advice on how to proceed. (21.12.23)

The Ecosystem Policy Team can confirm that we are content with the proposed measures to be put in place to prevent bird strikes on the clear glass balustrades, as detailed in the agent's email to Planning dated 22 December 2023. We therefore request that the placement of ultraviolet decals, 10-15cm apart on the clear glass balustrades is secured as a condition on approval. (03.01.24)

5.4 Manx Utilities Authority - no response received at the time of writing.

6.0 ASSESSMENT

6.1 The site falls within the open countryside and an area not zoned for development within the Area Plan for the East. There is a general presumption against development in the countryside with development to be focussed towards defined settlements in accordance with Spatial Policy 5. Development will only be permitted in the countryside in accordance with the exceptions outlined in General Policy 3, one of which includes 'the replacement of existing rural dwellings'.

6.2 Environment Policy 1 advises that the countryside will be protected for its own sake, and development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms. Environment Policy 2 adds that when considering development in Areas of High Landscape Value (AHLV's), the

protection of the character of the landscape will be the most important consideration, unless it can be shown that the development would not harm the character and quality of the landscape, or the location for the development is essential.

6.3 The proposals relate to the replacement of an existing dwelling in the countryside, the principle of which is acceptable in accordance with Housing Policy 12 provided the dwelling has not lost its residential use by abandonment and is of architectural or historic interest and capable of renovation. Neither of these are considered to apply in this case.

6.4 The assessment of the scheme then turns to Housing Policy 14 which states that:

"Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2- 7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

Consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact."

6.5 In this instance, the existing dwelling is noted as comprising a floor area of 241sqm, the replacement dwelling to comprise a total floor area of 367.5sqm; an increase of 52%. Such an uplift in floor area relative to the existing situation is noted to only marginally exceed the 50% threshold typically permitted. In any case, there is provision within the above policy for larger dwellings where these would replace a property of poor form and be of a traditional character, or where the design and siting of the new dwellings would be reduced relative to the existing.

6.6 The proposed dwelling, in terms of its design, built vernacular and materials palette, would not amount to a 'traditional styled' dwelling in accordance with the principles set out in Planning Circular 3/91. Indeed, the design is considered to amount to a modern take upon traditional built vernacular through the use of an uncomplicated roof form and natural stone and cladding for much of the exterior.

6.7 Whilst there is a clear preference for replacement dwellings in the countryside to consist of a more traditional form in line with the principles of Planning Circular 3/91, Housing Policy 14 does make provision for buildings of an innovative, modern design where this would be of high quality and not result in an adverse visual impact.

6.8 Furthermore, it is noteworthy that an extant permission remains to significantly extend the property, with the resultant dwelling to comprise a total floor area of 385sqm which represents an uplift of 60% over and above the existing. Likewise, the design and form of the consented extensions, and therefore resultant dwelling as approved, is highly similar to the current scheme now presented in terms of layout, scale, design and general vernacular. The current proposals however provide an opportunity to create a more holistic and harmonious

form of development, as opposed to the contrasting elements between the existing and proposed which form part of the consented scheme.

6.9 Likewise, the new scheme as proposed would shift the dwelling southward by 2.2m and westward by 2.8m, thereby reducing the visual massing of the dwelling as perceived from public vantage points to the north and north-east.

6.10 Overall, the current proposals would represent a marginally improved and more holistic form of design and layout relative to the extant approval, whilst further amounting to a marginal reduction in footprint and an improved visual relationship within the wider landscape. The proposals are further supported by an indicative landscaping scheme, which are broadly similar to those previously considered as part of the previous scheme but supported by additional information and clarification from the applicant's landscaping consultant. The premise behind the site's landscaping stems from a more domestic, residential garden area immediately adjacent to the dwelling, leading onto a 'transition zone' with minimal hard landscaping and natural curved edging, hedge planting and edging, moving finally to a wildlife area around the existing pond which falls outside of the property's curtilage. The area to the south would remain as an agricultural field.

6.11 No concerns have been raised by Highway Services over the proposals, subject to the front boundary treatment being no greater in height than 1m. This can be suitably conditioned. Likewise, support have also been given from the Ecosystems Policy Officer, with a suitable level of detail having been provided in relation to decals being fixed to the external glass balcony to mitigate against potential bird strikes. Whilst the level of detail provided in relation to the proposed landscaping scheme is noted, with general support provided for its layout and use of species, it is considered necessary that full details in terms of exact species, density and location would be required by way of condition.

6.12 Finally, turning to the impact of the development upon the setting of Scarlett House to the north-east, which is a Registered Building, it is noted that given the distance between the two properties and the intervening change in topography and landscaping with strong high stone walling on the boundary, such proposals are not considered to have any detrimental impact upon the registered building or its setting. Scarlett House is very much read as one entity from the lower proportions of Scarlett Road and the car park and is surrounded with mature trees and landscaping on its boundary, and therefore not necessarily read within the same context. This helps to ensure the setting of the registered building is not affected in accordance with Strategic Policy 4. Likewise, no concerns are raised over the impact of the proposed development upon the residential amenities of this property.

7.0 CONCLUSION

7.1 The proposed replacement dwelling is considered to be of a high standard of design and suitably appropriate for this countryside location, without detriment to the visual amenities of the wider landscape. The proposals would allow for a more holistic form of development relative to the current property, whilst largely reducing its visual impact upon the site's immediate setting. The development is further complimented by an appropriate landscaping scheme which would improve the site's biodiversity credentials. The proposals are therefore deemed compliant with Strategic Policies 4 and 5, Spatial Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, Housing Policies 12 and 14 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 in Article 6(4) who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 25th March 2024

Item 5.11

Proposal : Change of use for operating centre/parking of vehicles in connection with Department of Infrastructure at Strathallan Horse Tram Depot.

Site Address : Tramway Office & Premises
Strathallan Crescent
Douglas
Isle Of Man
IM2 4NR

Applicant : Department Of Infrastructure

Application No. : 24/00167/C- [click to view](#)

Principal Planner : Mr Chris Balmer

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 proposal to create a DOI operating centre for the parking of vehicles/associated equipment in a prominent position would result in an adverse visual impact to the detriment of the site, street scene and Conservation Area neither preserving or enhancing the Conservation Area all contrary to Section 18(4) of the Town and Country Planning Act (1999), General Policy 2 and Environment Policy 35 of the Isle of Man Strategic Plan 2016 and Planning Policy Statement 1/01.

R 2. The proposed development which results in using part of the overall Summerland site has the potential to either reduce the overall development size of the Summerland site and/or its use as an operating centre could have a detrimental impact upon any future uses/development on the Summerland Site and prejudice the use or development of this adjoining land in accordance with the appropriate Area Plan, contrary to General Policy 2 of the Isle of Man Strategic Plan 2016 and the Area Plan for the East 2020.

R 3. The proposal to create a DOI operating centre for the parking of vehicles/associated equipment within immediate proximity to the Horse Tram Station/Facilities and the Manx Electric Railway Station would have a compromising impact upon their attraction as a tourism and leisure facility contrary to General Policy 2 and Transport Policy 3 of the Isle of Man Strategic Plan 2016 and Landscape Proposal 10 of the Area Plan for the East 2020.

R 4. The proposal to create a DOI operating centre for the parking of vehicles/associated equipment would fail to meet the land uses destination and the aims of the Area Plan for the East 2020.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The application site is part of the curtilage of part of the Summerland Site, King Edward Road, Douglas which is situated on the northern side of the King Edward Road and on the opposite side of the road with the end of the Promenade Walkway. To the east of the site is the Manx Electric Railway Depot and to the northwest is the Terminus Tavern and the former Strathallan Horse Tram Depot which has recently been demolished.

1.2 The site, since the demolition of the Aquadrome and Summerland building, has been mainly unused, the exception being that it was utilised to park vehicles associated with the 'TT Fair' and parts as a compound during the Promenade works.

1.3 The site character is flat with a one metre high timber fence running along the southern boundary, parallel with the MER lines. A 2 metre high chain link fence to the northern boundary also exists. This fence demarks the flat part of the site with the bottom of the cliff face which runs up to the rear boundaries of the properties along Strathallan Road.

1.4 The main access to the site is via Strathallan Crescent which runs from King Edward Road past the Terminus Tavern where an existing gate provides access to the site.

2.0 THE PROPOSAL

2.1 The application seeks approval for Change of Use for operating centre/parking of vehicles in connection with Department of Infrastructure at Strathallan Horse Tram Depot. The area is approximately 750sqm in size. The submitted plans include a parking plan and photograph showing seven vehicles parked on the site and ship container, albeit a greater number could be accommodated on the site should the application be approved.

3.0 PLANNING HISTORY

3.1 The following previous planning application is considered to be specifically material in the assessment of the current application:

3.2 Erection of temporary horse tram facility including tram shed, stables, staff welfare facilities, parking and new vehicular access - 16/01365/B - APPROVED on a temporary five year period.

3.3 Erection of temporary marquee for storage of tramcars with extension of existing tram tracks into associated structure - 19/00186/B - APPROVED with attached condition;
"C 1. The use of the facility hereby approved shall cease on or before the 17th January 2023.

Reason: The building has been exceptionally approved solely to meet the short term needs of the Horse Tramway and its subsequent retention would result in an unwarranted intrusion in the Conservation Area. Furthermore, the building has been sought for a temporary basis and has been assessed and approved as such."

3.4 Erection of temporary marquee for storage of tramcars with extension of existing tram tracks into associated structure (retrospective) - 20/00399/B - APPROVED with attached condition;

"C 1. The building and use hereby approved shall be discontinued and the land restored to its former condition (including removal of all buildings/structures) before the 1st June 2021.

Reason: The development has only been found to be acceptable on a short term basis because it meets a specific need."

4.0 DEVELOPMENT PLAN POLICIES

4.1 The application site is located within an area that is designated by the Area Plan for the East 2021 as being "Mixed Use - DM012g") and is immediately adjacent to land that is designated as being Railway Purposes. Given the nature of the application it is appropriate to consider the following planning policies:

Isle of Man Strategic Plan 2016

4.2 Strategic Policy 4 states: "Proposals for development must:

- (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas, and sites of archaeological interest;
- (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 unacceptable environmental pollution or disturbance."

4.3 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:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (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; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.4 Environment Policy 35 states: "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."

4.5 Transport Policy 3 states: "New development on or around existing and former rail routes should not compromise their attraction as a tourism and leisure facility or their potential as public transport routes, or cycle / leisure footpath routes."

4.6 Transport Policy 4 states: "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."

4.7 Environment Policy 22 states: "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of: i) pollution of sea, surface water or groundwater; ii) emissions of airborne pollutants; and iii) vibration, odour, noise or light pollution."

4.8 Environment Policy 43 states: "The Department will generally support proposals which seek to regenerate run-down urban and rural areas. Such proposals will normally be set in the context of regeneration strategies identified in the associated Area Plans. The Department will encourage the re-use of sound built fabric, rather than its demolition."

Planning Policy Statement 1/01

4.9 Conservation Areas of Planning Policy Statement 1/01 (Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man) - Policy CA/2 - Special Planning Considerations states:

"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..."

Area Plan for the East 2020

4.10 Urban Environment Recommendation 1 states; "For Government owned land in the East which is vacant or underused, it is recommended that Departments work together to clarify issues including direction, preferred uses, funding mechanisms, timing, the role of the private sector and connectivity to other uses and sites, in line with the Vision set out in this Plan. The achievement of cooperation and skills development will assist in the process of optimising the potential of all vacant and underused sites. Regard should be had to the recommendations contained within the Report of the Select Committee of Tynwald on the Development of Unoccupied Urban Sites 2017-2018 and subsequent Action Plan and outcomes. The Select Committee was convened to investigate how to encourage and prioritise the development of unoccupied or previously developed urban sites ahead of countryside sites."

4.11 Landscape Proposal 10 (for the Manx Electric Railway, the Mountain Railway and the Isle of Man Steam Railway) states; "This is applicable to those linear corridors for the named railway forms, the lines-of-sight required for their safe and continued operation and also as a consideration to sites proximate to those corridors and where the predominant view is of those corridors.

For the Isle of Man Steam Railway - Views as seen from Isle of Man Steam Railway are to be preserved; development which would significantly intrude on such views will generally not be supported. Safety and continued operability will require some clear line-of-sight corridors, and these shall be maintained.

For the Manx Electric Railway (including the Mountain Railway) - Views as seen from the Manx Electric Railway are to be preserved; development which would significantly intrude on

such views will generally not be supported. Safety and continued operability will require some clear line-of-sight corridors, and these shall be maintained.

Prospective Applicants wishing to develop along these routes (which includes sites located adjacent to the boundary of the railway line or within close proximity to the transport corridors) should engage with the Department of Infrastructure for advice ahead of the submission of any planning application. Prior to any decision on a planning application for which Landscape Proposal 10 is relevant, advice will normally be sought from the Department of Infrastructure."

4.12 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".

5.0 CONSULTATIONS

5.1 Highway Services comment (23.02.2024);

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking."

5.2 Douglas Borough Council do no object (23.02.2024).

5.3 Registered Building Officer comments (12.03.2024):

"Although this proposed change of use is modest in scale and scope, an operating centre/maintenance vehicle car park with no attempt at landscaping or formal delineation would, in my view, clearly fail to preserve or enhance the special character of the conservation area.

The proposed site sits immediately adjacent to the Terminus Tavern, which began life at Strathallan Lodge in the 19th century and is noted within the architecture section of the Conservation Area Character Appraisal. In the same document, the Summerland site is expressly mentioned as a site presenting an opportunity for enhancement within the Opportunities section. Part of the character of this part of the Conservation Area is the recreation and tourist use that occurs from the Horse Tram/Manx Electric Railway stations, and the Terminus Tavern public house. In my view the proposed operating centre/maintenance vehicle car park does not compliment these existing uses, and the proposal also has the potential to jeopardise the future development of the Summerland site as a whole."

6.0 ASSESSMENT

6.1 The main issues to consider in the assessment of the application are whether; Conservation Area Statutory Test; the proposed use on this site is acceptable; potential impacts upon the street scene, Conservation Area; and whether the use would prejudice the use or development of adjoining land in accordance with the appropriate Area Plan, namely Summerland site and the Horse Tram/Manx Electric Railway.

6.2 CONSERVATION AREA STATUTORY TEST

6.2.1 Prior to the assessment elements of this application, it is necessary to apply the Conservation Area statutory test as referenced in section 4.12 of this assessment on whether the proposal would preserve or enhance the Conservation Area.

6.2.2 The existing site is currently made up of hardstanding following the demotion of the former swimming pool building and leisure complex at Aquadrome and Summerland in 2004. While the current application site (section of the whole Summerland site) does not add to the quality or character of the Conservation Area, there are significant concerns that the parking/storage of vehicles and associated with a DOI operating centre would have a detrimental impact upon the Conservation Area and cannot be considered in any way to preserve or enhance the Conservation Area. The parking of vehicles/associated equipment with the DOI operating centre would result in the site appearing as a car park/compound within a prominent position in the Conservation Area/street scene and have a far greater visual impact than an empty site (hardstanding).

6.2.3 In light of discussion with the Assistant Registered Buildings Officer, he shares these concerns that the proposal would not preserve or enhance the Conservation Area.

6.2.4 Accordingly, for the reasons outlined the proposal would fail Section 18(4) of the Town and Country Planning Act (1999) and the application can be refused on this ground irrespective of any other matters.

6.3 PRINCIPLE OF THE PROPOSED USE ON THIS SITE

6.3.1 As outlined within the Planning History Section of this report, permission was recently granted for the erection of a temporary horse tram facility including tram shed, stables, staff welfare facilities, parking and new vehicular access to enable the Tramway to continue to operate while the new Tramway Office & Premises at Strathallan Crescent was constructed. All the applications made it clear this was only acceptable due to the short-term need and to ensure the short term operation of the horse tram.

6.3.2 The site is identified as a "Mixed Use" site and as part of the Summerland site named as "DM012g" under the Area Plan for the East.

6.3.3 It is considered the use of the site as an operating centre/parking of vehicles in connection with Department of Infrastructure is not appropriate and would not comply with the land use designation or the aims of the Area Plan for the East.

6.4 POTENTIAL IMPACT UPON THE STREET SCENE AND CONSERVATION AREA

6.4.1 The Planning Authority has a duty to determine whether such proposals are in keeping with not only the individual building, but the special character and quality of the area as a whole. With this in mind it is very relevant to consider Environment Policy 35 of the Isle of Man Strategic Plan (adopted June 2016). This policy indicates that development within Conservation Areas will only be permitted if they 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.

6.4.2 The parking of vehicles/associated equipment with the DOI operating centre would result in the site appearing as a car park/compound which cannot be said to preserve or enhance the Conservation Area. Accordingly, the proposal is considered contrary to Environment Policy 35.

6.5 THE USE WOULD PREJUDICE THE USE OR DEVELOPMENT OF ADJOINING LAND (namely Summerland site and the Horse Tram/Manx Electric Railway)

6.5.1 There is significant concerns of the proposed development; namely using part of the Summerland Site for the operating centre which has the potential to either reduce the overall development size of the Summerland site and/or its use as an operating centre could have a detrimental impact upon any future uses on the Summerland Site, which the remainder of the

site is much larger, but may well prejudice the use or development of adjoining land in accordance with the appropriate Area Plan.

6.5.2 Furthermore, as indicated within the Douglas Promenades Conservation Area Character Appraisal: "...the unique system of Horse trams which run the entire length during the summer months. It is judged that this feature makes an important contribution to the special character of the Conservation Area". Transport Policy 3 indicates that development on or around existing rail routes should not compromise their attraction as a tourism and leisure facility. Finally, Landscape Proposal 10 identifies the Manx Electric Railway and that views as seen from the Manx Electric Railway are to be preserved; development which would significantly intrude on such views will generally not be supported. It is not considered the creation of an operating centre immediately adjacent to both these tourist attractions can be considered to have a betterment to these facilities and would in fact have compromise their attraction as a tourism and leisure facility.

6.5.3 Accordingly, the proposal which is immediately adjacent to the Horse Tram station/close to Tramway Office & Premises would have a detrimental impact upon the general experience of visitors (both residents and tourists) contrary to General Policy 2, Transport Policy 3 of the Isle of Man Strategic Plan 2016 and Landscape Proposal 10 of the Area Plan for the East 2020.

7.0 CONCLUSION

7.1 For the reasons outlined within this report, it is considered that the planning application would be contrary to Section 18(4) of the Town and Country Planning Act (1999), General Policy 2, Transport Policy 3 and Environment Policy 35 of the Isle of Man Strategic Plan 2016, Planning Policy Statement 1/01 and Area Plan for the East 2020.

7.2 It is therefore recommended that the planning application be refused.

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 25th March 2024

Item 5.12

Proposal : Retrospective approval for erection of stable and agricultural building

Site Address : Ballachurry Beg
Summerhill Road
Jurby
Isle Of Man
IM7 3BS

Applicant : Mrs Fenella Hampton And Ms Charlotte Geoghegan

Application No. : 23/00954/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 agricultural building must be used only for agricultural purposes.

Reason: the countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 2. For the avoidance of doubt, the stable building hereby permitted shall only be used for equestrian purposes.

Reason: The countryside is protected from development and an exception is being made on the basis of equestrian need only.

C 3. The agricultural building and stable hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for agricultural purposes.

Reason: The building has been exceptionally approved solely to meet agricultural and equestrian needs, and their subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

Overall, the proposal is considered acceptable in terms of both agricultural need, equestrian need, visual impact, impact on soils, and impact on highway safety, and accords with the requirements of General Policy 3, Environment Policies 1, 15, 19, and 21 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site which is defined by the red-line boundary comprises the residential curtilage of Ballachurry Beg, Summerhill Road, Jurby, which is a detached traditional dwelling, a fenced paddock within an adjoining agricultural field (Field 214160) and two other fields (Fields 214161 and 211417). The fields excluding the residential curtilage cover an area measuring about 11,400sqm (2.83Acres or 1.14 Hectares).

1.2 The site which sits on a corner plot with the A13 road to the south of the site and the B4 road to the east, is located approximately 1km east of Sandygate Crossroads in Jurby. The main access to the site is via a gated access situated along the A13 (Sandygate Road), while a secondary access is via Summerhill Road. The site frontage has a low Manx stone boundary wall which open up at the gated access.

1.3 The residential curtilage houses the main dwelling which is a two storey property, a detached two storey Manx stone outbuilding which sits just southwest of the main dwelling and west of the gated access to the site, as well as a portal framed building which sits west of the two storey Manx stone outbuilding. A timber clad stable building sits north of the portal framed building, but just outside the residential curtilage.

1.4 Most of the site area is enclosed is mature landscaping comprising mature trees and shrubbery and there is pond situated just northeast of the main dwelling and within Field 211417 which is within the broader site area.

2.0 THE PROPOSAL

2.1 Retrospective planning permission is sought for erection of stable and agricultural building.

2.2 The agricultural building is erected west of the Manx stone outbuilding positioned southwest of the main dwelling on site, and measures 13.9m x 6.2m, and is 4.3m tall (3.4m to the eaves). The building is finished externally in dark green profile sheeting to the upper wall sections with lower sections finished in blockwork. The roof is also finished in profile sheeting, although the colour of the roof sheeting is lighter. The only opening is to the front and measures 4.4m wide and 3.2m tall. No door is installed at this opening. The applicants note that the building was built on the footprint of the remains of a former building.

2.3 The stable which sits north of the agricultural building is a timber structure which measures 9.1m long, 3.7m wide and is 3.5m tall (2.7m to the eaves). This pitch roofed building has a roof overhang measuring 1.2m to the front. Tis building accommodates two stables and a tack room.

2.4 The erection of both buildings involved the felling of a number of trees on site, as is evident in the comparison of Aerial photographs for the site covering 2018 and 2021.

2.5 The applicants have provided a planning statement which describes the site, provides a history of planning applications for the site, sets out the planning context for the site and area, the relevant policies, describes the proposal, whilst putting forth arguments as to why the application should be approved. It is noted within the Planning Statement that the barn provides accommodation for equipment required for the management of the fields, whilst also providing an area for a log store.

2.6 The applicants have also provided further information which clarifies the agricultural building is used daily for the storage of agricultural equipment for land management along with suitable housing of Livestock, associated storage of tools and equipment. They further note that the land management and animal management included a self-sufficient scheme of planting, production and harvesting of vegetables, fruit and eggs, including housing of hens, ducks and geese and associated equipment. They also state that during the period from 2019 to date, as with any good practice of rotational land management they have used the land for grazing of horses, sheep and various free-range poultry and also for hay making for animal fodder.

2.6.1 The livestock on site includes; 2x Ponies, 3x Loughtan Ewes, 10x Herdwick Ewes in lamb, 6x Cross bred Rams, 8x breeding ewes , 10-15x Laying Hens, 6x Geese, 15 - 25 x Breeding Runner Ducks, including wild mallard and Moorhen.

2.6.2 Agricultural Equipment:

Various Vintage Tractors and equipment have been and are kept on site suitable for the land, with appreciation and sympathetically thought of for the limitations of use of equipment appropriate to the acreage, this includes all associated mechanical attachments needed to effectively and efficiently run a private, self-sufficient small holding including:

- a. Digger Case 580F and associated attachment's including various buckets and forks (lifting and movement of fallen trees, laying of wood chip for maintenance of access lane to pond and rear paddocks, all heavy lifting and moving);
- b. 1x Massey Ferguson 165;
- c. 1x International 374;
- d. 1x Field Marshall;
- e. Tractor Attachments: Plough, Spud planter, Ridger, Seed Drill, Spinner, Power Harrow, Field Roller, Topper, 2x Tipping trailers - (1x large 1x small to fit the relevant tractor's);
- f. Storage of Fencing equipment, materials (Wire and Posts);
- g. Various size water pipe and associated equipment for land drainage and livestock water troughs;
- h. Multiple hand tools including: Various chainsaws (petrol and battery), Ride on lawn mower, Petrol and electric push lawn mowers, hedge cutter, strimmer; gardening Tools - hoe's, shovels, trowels, rakes; and Various vegetable harvesting picking baskets, tools and storage handling system.
- i. Animal Housing: Multiple Hen houses, Various Duck and Geese housing units and Run, Various Large multi-purpose animal crates for safe movement and segregation, Various Cat Boxes, Secure storage of equine, feed, bedding, tack, rugs, etc.; Storage of bird grain - vermin proof; and wheelbarrows and hand tools for cleaning of livestock housing and manure handling.

3.0 PLANNING POLICY

3.1 Site Specific

3.1.1 The site lies within an area of land that is designated as private woodland or parkland under the 1982 Development Plan Order, and the site is not within a Conservation Area. The site is largely not prone to flood risks although Field 211417 which forms part of the broader site area is susceptible to high flood risks. The entire site is within a Registered Tree Area although there are no registered trees on site.

3.2 National: STRATEGIC PLAN (2016)

3.2.1 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, there are policies and texts within the Strategic Plan which support some equestrian-related developments provided they do not

conflict with the requirements of GP3 and EP1. General Policy 3 also sets out exceptions which are allowed in the countryside and includes (f) building and engineering operations which are essential for the conduct of agriculture or forestry.

3.2.2 Relevant Strategic Plan Policies:

- a. General Policy 2 - General Development Considerations.
- b. General Policy 3 - Exceptions to development in the countryside.
- c. Environment Policy 1 - Protection of the countryside and ecology.
- d. Environment Policy 3 - Development to safeguard woodland of high amenity value.
- e. Environment Policy 4 - Protection of species and habitats.
- f. Environment Policy 5 - Mitigation against damage to or loss of habitats
- g. Environment Policy 14- Soil quality considerations for development that would result in permanent loss of agricultural land.
- h. Environment Policy 19 - Local amenity, Soil quality, and highway network and traffic considerations for equestrian development.
- i. Environment Policy 21 - Development for stabling or shelter of animals in the countryside.
- j. Transport Policy 1 - Proximity to existing public transportation services
- k. Transport Policy 4 - Highway Safety
- l. Transport Policy 7 - Parking Provisions
- m. Strategic Policy 1 - Efficient use of land and resources.
- n. Strategic Policy 2 - Priority for new development to identified towns and villages.
- o. Strategic Policy 5 - Design and visual impact.
- p. Paragraph 7.15.1:

"Equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. These activities can generally take place only on open, rural land, and often represent a useful way of diversifying traditional farming. The use of land as grazing land falls within the definition of agriculture (section 45 of the 1999 Town and Country Planning Act), and does not therefore involve development, but the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. Whilst horses should be well housed, it will seldom be appropriate to use cavity-wall construction for stables, since such buildings may too easily be adapted for residential uses, so thwarting other policies of this Plan. Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose".

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 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.

4.2 The Town and Country Planning Act 1999, Section 45, defines; "agriculture" to include horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".

5.0 PLANNING HISTORY

5.0 The application site has been the subject of eight previous planning applications, none of which are considered specifically material to the assessment of this current planning application.

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 (1 September 2023).

6.2 DEFA Ecosystem Policy Team confirm that they are content with the details contained in the attached Ballachurry Beg Tree Planting Scheme. They note that the amount of tree planting undertaken on site and the erection of bat and birds boxes more than mitigates for the previous loss of trees on site and no further ecological mitigation is required (2 February 2024).

6.3 DEFA Forestry have stated that they have over the years given licences for trees in the close proximity of the development, although the reasons for removal were due to the trees condition, not to facilitate Development. They note that as this proposal requires no further tree removal the Department does not object to this application (7 February 2024).

6.4 No comments have been received from Jurby Parish Commissioners and neighbouring properties.

7.0 ASSESSMENT

7.1 The key considerations in the assessment of this application are:

- i. The principle (justification of need) (GP 3 & EP 15);
- ii. The visual impact on the wider countryside (EP 1 and EP 15);
- iii. Impacts on Site Ecology/Trees (EP 4 and EP 1);
- iv. Impact on Agricultural Soils (EP 14 & 19); and
- v. Highway Impacts (TP 1, 4 & 7).

7.2 THE PRINCIPLE: JUSTIFICATION OF NEED

7.2.1 The aforementioned policies referenced in section 3.2 above would indicate that there is a general presumption against new development in the countryside (Environment Policy 1 and General Policy 3 of the Strategic Plan). As such, the starting point for the development which is within the countryside (i.e. land not zoned for development) is therefore General Policy 3, paragraph (f) which allows exemptions for agricultural buildings and Environment Policy 15, which requires, firstly the Planning Authority to be satisfied that there is agricultural or horticultural need for a new building, sufficient to outweigh the general policy against development in the countryside.

7.2.2 In the current case, it is noted that the site is within an area not zoned for development with the exceptions within General Policy 3 (f) considered to be applicable given that the proposal has significant agricultural elements. The applicant has also provided information within the Planning Statement and Agricultural Needs document to demonstrate the need for the building to help support the continued operation and growth of the applicant's small agricultural holding which supports both livestock and arable farming on the site. This information also indicates that the land is in active agricultural use, and that the building which is the subject of the planning application is the only farm building associated with the holding; providing lambing space, storage of some livestock and storage of equipment and machinery. Therefore, it is considered that principle of the development is considered to be acceptable and will help to support the continued growth of a farming

business which provides local produce contributing to the Islands economy and working towards the aims of the DEFA Food Matters Strategy in growing the economic contribution of the Isle of Man food and drink from 2015 - 2025.

7.2.3 With regard to the principle of the stable building, the planning policy section of this report highlights that there is provision within planning policy for equestrian related development as an exception to the presumption against development in the countryside. As identified within the Isle of Man Strategic Plan 2016 equestrian activities have become increasingly popular in rural areas and on the fringes of our towns and villages. Such activities can generally take place only on open, rural land.

7.2.4 From the information submitted, and from visiting the area it was evident that the reasons for the building in this location would appear justified, particularly as it would provide housing for the applicants two horses. Moreover, the scale of the proposed stable would be appropriate for the intended use.

7.3 VISUAL AND AMENITY IMPACT

7.3.1 The agricultural building on site is of a fairly typical style for agricultural buildings and would not be uncommon in the rural landscape. The size, scale and siting of the structure close to the existing building group on site would also ensure that the sit amongst the existing built development on the farm holding so as to be read in conjunction with these buildings, limiting the spread of development across the countryside.

7.3.2 Whilst the building is sited close to the boundary with the highway, the existing mature landscaping and trees on the western and southern boundaries of the site would ensure that the building is not be readily visible from public viewpoints along the highway. The green colour of the external walls would also provide a level of camouflage in its current location among the trees on site. Besides, its appearance would generally be in keeping with the design of agricultural buildings found within most farm holdings in the area. As such, any views attainable would not be at variance with the general character of the area.

7.3.3 The comments made by the applicants within the Planning Statement regarding the siting of the agricultural building on the footprint of the remains of the former building is noted. However, the Strategic Plan is clear that the definition or applications of previously developed land does not apply to land that is or has been occupied by agricultural or forestry buildings. Thus, it is not considered that erecting the building on the footprint of the previous building holds any weight in this case with regard to facilitating the use of previously developed land, although it is noted that erecting the building in its current location would diminish concerns in terms of the spread of built development to the surrounding countryside.

7.3.4 Therefore, the scale, materials, colour, siting and form of the proposed agricultural building is considered to accord with General Policy 3, and Environment Policy 15 for the reasons stated above.

7.3.5 In terms of visual impact the proposed stable, it is of a reasonable size and of an appropriate design and timber material finish to reflect its specific purpose. Likewise, it's siting north of the existing building group on site, and enclosed by existing trees, coupled with the mature roadside vegetation would ensure there would be no views from a public perspective. Therefore, it is considered that the stable would be in keeping with the site character, and would be acceptable from a design standpoint. As such, the proposal would satisfy the key tests of Environment Policies 19 and 21, although a condition requiring the building's removal and the land returned to its previous condition should the building cease to be used for the approved use would, in this case, be appropriate.

7.3.6 Overall, it is considered that the proposed buildings are situated within an existing group of built development which could constitute the existing farm yard on site, and enclosed by mature trees and vegetation which would serve to diminish any impacts on the character of the surrounding countryside, with their siting, scale, materials, colour, form, such that would further serve to limit their impacts on the site and area. Therefore, the proposals are considered to align with the aforementioned policies related to the proposed agricultural and equestrian proposals within the scheme.

7.4 IMPACT ON ECOLOGY/TREES

7.4.1 In terms of impacts on ecology or biodiversity within the site, it is important to establish the key ecological and environmental concerns bordered on the removal of trees and vegetation, with the resulting impacts on biodiversity within the site. However, the application has been supported by supported by considerable ecological information which has been 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. No further ecological mitigation is required given the level of mitigation that has already been carried out on site to mitigate for the biodiversity loss resulting from the development.

7.4.2 With regard to the loss of a woodland area given that the site is situated within an area zoned as Woodland, it is considered that the development has resulted in the removal of mature trees on site to facilitate the development. However, the DEFA Forestry team have noted that have stated that they have over the years given licences for trees in close proximity of the development, whilst also noting that the reasons for removal were due to the trees condition, not to facilitate development. They further advise that this proposal requires no further tree removal. Thus it is considered that although trees have been removed form site, their removal was not to facilitate the development of the site, and as such the provisions of Environment Policy 3 which seeks to protect woodland areas is met I this case.

7.5 IMPACT ON AGRICULTURAL SOILS

7.5.1 In terms of the loss of high quality soils in relation to the development, the proposal site does not represent high quality agricultural land (Classes 1 and 2), as the site falls within an area with Class 3 soils on the Agricultural Land Use Capability Map of the Isle of Man, which are not the best soils for cultivation. As such, the development would not result in a reduction of superior farm land. It is, therefore, considered that the agricultural building and stables would comply with Environment Policies 14 and 19.

7.6 IMPACTS ON HIGHWAY SAFETY

7.6.1 In relation to the impacts on highway safety, it is noted that whilst proposal is expected to generate some level of traffic relative to its scale of operations, the scale of activities on site (given the nature of the holding), would not be so adverse as to warrant refusal of the scheme on highway grounds. It is also noted that Highway Services have considered the merits of the access to and from the application site from the main highways and find the proposal to have no significant negative impact upon highway safety, network functionality or parking, which confirms that they have no concern with the scheme. Given the above, it is considered that the proposal would not have any adverse impact on the existing highway or upon those users entering and exiting the site, and the proposals align with the principles of GP2 (h & i), Transport Policy 4, and EP 19.

7.7 OTHER MATTERS

7.7.1 Impact on Local Amenity

7.7.1.1 In terms of impacts on in local amenity (for nearby residents), it is considered that the nearest property 'Willow Grove', Sandygate, is situated about 111m away from the application site and separated by the existing mature landscaping on the site boundaries. Given the separating distance between the application site neighbouring property and landscaping

between, it is not considered that the proposals would adversely affect the amenities of any neighbouring property.

8.0 CONCLUSION

8.1 In summary, the proposal is considered acceptable in terms of both agricultural need, equestrian need, highway impacts, soil impacts, and visual impact, and accords with the aforementioned policies of the Strategic Plan. The application is therefore recommended for 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

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 25th March 2024

Item 5.13

Proposal : **Erection of a two storey side extension**
Site Address : **Knock Rushen House**
 Scarlett
 Castletown
 Isle Of Man
 IM9 1TA
Applicant : **Mr Nick Daly**
Application No. : **23/01359/B- 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. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 3. The two storey extension hereby approved shall only be used in association with Knock Rushen House and for purposes incidental to the use of Knock Rushen House for the purposes of dayroom, seating and external terrace as shown on drawing no. 23-052-03, and must not be used for sleeping accommodation nor be occupied as an independent dwelling unit and must only be used in accordance with the internal layout show on drawing no. 23-052-03, dated received 22nd November 2023.

Reason: the property has permission for both residential and tourist use, with the application only being considered acceptable for the reasons identified within this application. The application does not propose any additional tourist accommodation or a separate units of accommodation within the site, as such it has only been considered on the basis that no extra parking would be required.

Reason for approval:

The planning application accords with the provisions set out in General Policy 2 and Environment Policy 22 of the Isle of Man Strategic Plan 2016

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

THE APPLICATION SITE

1.1 The application site is within the curtilage of Knock Rushen House, which is a large detached house situated to the North West of Scarlett Road which is set within its own grounds and is currently functioning as a three storey B&B, with spa facilities on the ground floor.

1.2 The property is the last property within the skutch of dwellings along the Northern side of Scarlett Road.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a two storey extension to be used in connection with the tourist element of the site to the side elevation which is to have a monopitched roof. The proposal is to measure 8m by 13.145m with an overall height of 5.978m.

2.2 The character and appearance of the proposal is modern in design with the front elevation being a mixture of glazing from the sliding doors to the frameless glazed terrace, the South West and North West elevations are to be a mixture of full height windows with timber style cladding.

2.3 Other details include a decorative brise soilel/ solar shading to the ground floor of the first floor level, standing seam or similar style roof covering and a dark coloured aluminium fascia to the roof.

2.4 Also proposed is a dark coloured stainless steel flue which is for a multi fuel stove.

PLANNING HISTORY

3.1 The application site has been extended quite drastically from the original farmhouse, whilst that is the case, the following are the most recent applications upon the site;

PA20/00880/B - Creation of a fire door to rear elevation and additional use of second floor rooms as tourist living accommodation - PERMITTED

PA19/01133/B - Removal of a rear doorway (retrospective) and additional use of guest house as a spa - PERMITTED

PA12/00909/A - Approval in principle for re-development of site for residential purposes - PERMITTED

PA10/00898/B - Erection of a detached dwelling with associated alterations to the site, entrance and curtilage of the existing dwelling - APPROVAL extended by one year to 13/8/15.

PA08/00706/A - Approval in principle to erect a detached dwelling within grounds of - APPROVED AT APPEAL

PA06/01931/B - Alterations to three rear facing windows - PERMITTED

PA06/00911/B - Demolition of existing garage and construction of a new larger garage with link to dwelling house - PERMITTED

PA06/00729/B - Installation of uPVC windows and doors to front porch and basement to match existing and erection of a replacement entrance gate - PERMITTED

PA05/01129/A - Approval in principle to convert existing building into six residential units with associated parking - PERMITTED
PA05/00158/B - Erection of a garden wall - PERMITTED
PA04/02404/A - Approval in principle for the conversion of existing building into 12 residential units with associated parking - REFUSED ON REVIEW
PA04/01405/A - Approval in principle for the extension and conversion of existing building into twelve apartments with associated parking - REFUSED ON REVIEW
PA03/00597/A - Approval in principle for the erection of two dwellings on - REFUSED ON REVIEW
PA02/01715/A - Approval in principle for the erection of building comprising nine apartments with associated parking - REFUSED
PA01/02441/B - Erection of greenhouse - PERMITTED
PA01/00811/B - Widening of driveway - PERMITTED
PA01/00783/B - Erection of childrens play equipment - PERMITTED
PA00/01697/B - Installation of replacement windows - PERMITTED
PA84/01014/B - Construction of swimming pool and rebuilding of coach house, Knockrushen House, Castletown - PERMITTED

PLANNING POLICY

4.1 The site lies within an area zoned as "Proposed Residential" on the Area Plan for the South, Map 5 - Castletown. The site is not with a Conservation Area, nor a Flood Risk Zone

4.2 Given the nature of the site and the land designation, the most relevant Isle of Man Strategic Plan policies would be General Policy 2 which sets out the general standards towards acceptable development, followed by Transport Policy 7 in connection with Appendix 7 which sets out the relevant parking standards and Environment Policy 22 which sets out the prevention of unacceptable harm to the environment and/or the amenity of neighbouring properties.

4.3 The recently released Residential Design Guidance 2021 is also a material consideration, particularly in respect of design and impact upon neighbours.

REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state, "No Highways Interest." (01.12.23)

5.3 No comments have been received by Castletown Commissioners at the time of writing this report.

5.4 Environmental Protection Unit has been consulted with regards to the installation of a flue (05.02.24), of which no comments or objections to the proposal have been received.

PREAMBLE

6.1 It should be noted that a large majority of the site is has additional use for tourist accommodation, with part of the ground floor being used as a spa, with space on the first floor being used as Managers accommodation, as such whilst the application form states Residential as the existing and proposed use, the use of the site is Residential/Tourist.

ASSESSMENT

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

- character and appearance (GP2, b,c & RDG)
- impact on neighbouring amenity (GP2, g)

- highway safety (TP7)
- installation of flue (EP22)
- other matters (CP7, 11 & IP5)

6.3 CHARACTER AND APPEARANCE

6.3.1 There is a general presumption in favour of extensions or alterations to existing properties as per Paragraph 8.12.1 of the Isle of Man Strategic Plan, where such works would not have an adverse impact on either adjacent properties or the surrounding area in general.

6.3.2 The site is situated within an area within a very public vantage point along Scarlett Road, as such it's necessary that any proposal would not increase the overall impact of the site within the streetscene. It can be seen that the main dwelling has been extended above and beyond the original property, as such architecturally the site has lost a lot of its original features and relatively plain.

6.3.3 The proposal is to add a two storey monopitched extension on to the side elevation, generally applications should match the original property in style to limit the impact upon the overall streetscene, whilst this is the case, modern additions should also be accepted. The proposal within this application is a generic two storey monopitched extension with a large amount of glazing and timber style panels.

6.3.4 Extensions such as this but in single storey are popular within residential environments, as such the addition of a two storey one, upon this site when taking into account the overall size of the property and its grounds, would be seen as a "residential" extension within a residential appearing site. As such the overall appearance of the proposal over time would have a minimal impact upon the main dwelling and the overall streetscene as a whole.

6.3.5 It is noted that the drawings provide a material and then state, "or similar" this is very unambiguous and depending on the materials used, the appearance of the proposal can change, as such a condition to state that the materials proposed must be approved prior to commencement is required for the character and appearance of the overall streetscene and to make sure that the higher end products are used..

6.4 NEIGHBOURING AMENITY

6.4.1 The main neighbours who could be impacted by the works are situated to the North West of the main dwelling, No.1 Knock Rushen, of which the rear elevation proposed does not have any additional glazing. There is mature hedging separating both the sites and whilst the proposed extension will be bringing the property closer to No.1 Knock Rushen it is deemed that the level and scale of the proposed development is judged not to cause harm to the enjoyment of No.1 Knock Rushen nor to create any additional perceived or actual overlooking, or overshadowing of the dwelling.

6.5 HIGHWAY SAFETY

6.5.1 Turning towards whether the proposal would have an impact upon the Highway Safety of the site. As stated in the preamble of this recommendation, the site itself has additional use as tourist accommodation. Whilst the proposal is to increase the floor area and would not be adding additional bedrooms, internal alterations can be done without Planning Permission. The previously approved application, PA20/00880/B discussed the existing parking available on site and how it was acceptable to accept 16 car parking spaces, based on a 75% occupancy of the site.

6.5.2 To assist in there being no additional impacts from the proposed works, a condition should be attached to the application to state that the extension has to be used as per the drawings provided only.

6.6 INSTALLATION OF FLUE

6.6.1 The proposal has also included the installation of a flue to the side elevation, whilst the proposed flue will be seen within the overall streetscene due to its location, the proposed flue is not a feature which would have a significant visual impact upon the overall streetscene given its size and given that flue's are not an unusual feature seen within residential properties. Accordingly, it is considered the proposal would be an appropriate form of development within the street scene and to the individual property.

6.6.2 Turning to whether the proposal would have an impact upon the amenity of the neighbouring properties, especially to No.1 Knock Rushen who would be the closest to the proposed flue. Given the location of the flue pipe on the side of the property and its height up to ridge level, it is considered to be of sufficient distance away for adequate discharge of the smoke following combustion. This is considered not to be detrimental to either of the neighbouring properties.

6.7 OTHER MATTERS

6.7.1 The proposed works are an extension to an already existing property, as such the proposal is not expected to create any changes or new issues in respect of criminal activity or spread of fire. The proposal whilst increasing the surface area of the dwelling, any water run-off will be dealt with as per the existing arrangement of the main dwelling. The proposed extension will not increase water usage of the dwelling and therefore there are no new issues in this respect.

CONCLUSION

7.1 The planning application would be an acceptable form of development that has been designed to ensure that it would not harm the use and enjoyment of neighbouring properties and would comply with General Policy 2 and Environment Policy 22 of the Isle of Man Strategic Plan.

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