



**Isle of Man
Government**

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 2nd October 2023, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Present: Mr P Young, Member, Acting Chair of the Planning Committee
Mr S Skelton, Member
Mrs H Hughes, Member
Mr M Warren, Member

In Attendance: Mr J Singleton, Principal Planner
Mr P Visigah, Planning Officer
*Mr H Laird, Planning Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
Mr R Webster, Highway Development Control, Highway Services
*Part of the meeting only
Attending virtually via Microsoft Teams **V/*V**

1. Introduction by the Chair

Apologies were received from Mr Ashford MHK. In his absence, Mr Skelton proposed Mr Young as Acting Chair, which was seconded by Mr Warren.

Mr Young was elected as Acting Chair for the purposes of the meeting.

The Acting Chair welcomed members of the public in attendance to view the proceedings.

2. Apologies for absence

Apologies for absence were noted from the Chair, Mr Ashford, MHK, and Miss Betteridge. It was noted that Mr Whiteway had given apologies by email immediately prior to the meeting.

3. Minutes

The minutes of the 18th September 2023 were agreed and signed as a true record.

4. Any matters arising

None

5. The Members considered and determined the schedule of planning applications as follows.

<p>Item 5.1 The Auburns 19 Lezayre Road Ramsey Isle Of Man IM8 2LP PA22/01212/A</p>	<p>Approval in principle for proposed residential development, addressing means of access and number of plots Applicant : Mr & Mrs David Pearce Case Officer : Mr Paul Visigah Recommendation : Refused</p>
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The case officer updated the Members on the receipt of the updated Flood Risk Assessment (which was required at the Planning Committee Meeting on 22 May 2023 where the application was deferred) and provided an overview of the new document noting that the FRA still lacked vital information required by Appendix 4 of the Strategic Plan which stipulates what should be

contained in a Flood Risk Assessment, as well as the additional information that should be provided in some situations, which would be relevant for the site given the flood vulnerabilities for the site, being prone to the triple thread of high surface, tidal and river flood risks, and summarised the key issues as set out in the report and with reference to the visual presentation. He updated the Members with regard to a further comment received from DoI Flood Risk Management, summarising the contents in that the proposed development was in a high tide and fluvial flooding zone, the Litney Stream which runs alongside the site can suffer from hydraulic block during high tides which can cause flooding over the property, that the flood level in the area is up to 300mm, and that there is no public flood warning system in the Isle of Man. He confirmed that DoI Flood Risk Management do not support building on undeveloped land within a flood zone.

He further updated the Members with regards to comments received subsequent to the conclusion of his report from the owners/occupiers of the The Oaks, Lezayre Road summarising their comments that while they were initially in support of the retention of the property's façade, they had concerns regarding visual intrusion, overlooking and loss of privacy to the existing properties, loss of the existing hedgerow, existing trees and associated vegetation, potential flooding issues, visual impact within the existing street scene, unneighbourly and intrusive, lack of disability access to the proposed dwelling and overdevelopment of the site. Strongly oppose the development as shown in the revised plans.

The case officer expressed concern regarding the lack of details particularly with regard to the potential flood impacts for occupiers of the proposed dwellings and neighbouring properties noting that the recommended flood mitigation measures may not be sufficient to address concerns for both to the proposed properties and to existing neighbouring properties, as the scheme would not achieve the ground floor levels of 5.97m (AOD) plus 600mm above the highest estimate flood level, and that the proposal did not comply with EP10 and EP13. He further reported that the proposal would occasion a significant loss of a green corridor of public amenity value at the same time as giving rise to an increased flood risk to the overall area.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative for the agent spoke in support of the proposal. The points raised were as follows:-

- The site is designated for residential development and located close to Ramsey's amenities and facilities
- Has historic permissions for residential development, two of which while extant did not incorporate flood protection measures. The proposed layout indicated a smaller footprint than the total permitted residential development in the same area.
- The proposal satisfied Strategic Policy 1, which encourages the optimisation of previously developed, unused and underused sites and the efficient use of sites.
- The flood protection bund along the rear boundary approved under a previous scheme has been implemented
- Noted the case officer's statements regarding the height of the flood bund and level of the garden, but they are incorrect in that the barn finished floor level is 1m below that of the Auburns finished floor height, and the flood defence is 1.2m higher than the garden level, level with the rear garden of The Oaks. Any flood water coming onto the site from Lezayre Road would not flow into either adjacent properties nor cause flooding to other nearby properties
- Flood mitigation measures were incorporated into the proposed plans
- As an application in principle, not all details of the proposed development were required at this stage. All that should be required is sufficient information to demonstrate that four dwellings could be erected on this site without harm to the surrounding area. We believe this was provided
- We have struggled to obtain the necessary flood information to enable the flood risk to be fully dealt with and were aware of approved schemes near to this site, also in areas of

high flood risk, where a significantly greater number of dwellings had been approved with less provision for flooding. There would appear to be an inconsistent approach to the acceptability of developing in areas of flood risk

- Highly concerned to note the additional reason for refusal now recommended by the case officer relating to the significant loss of an established green corridor of public amenity value which contributed to the character of the site and locality.
- Firstly, the application was deferred from the previous meeting only for the applicant to have the opportunity to address the issues which had been raised in respect of flooding. No issues were raised by the Planning Officer or the Members during that previous meeting about the loss of green space. We cannot understand why the case officer now considers this to be a problem.
- Secondly, this "established green corridor" already had permission for the erection of a large detached dwelling within it and the conversion of the barn with its associated residential curtilage.
- Thirdly, we do not understand how this can be a space of "public amenity value" as it was in private ownership and not visible to the public. We would welcome a site visit by the Members and case officer, who we do not believe had visited the site. This reason is groundless and should not have been added.

The case officer reported that the embankment level was 1.2m, and that DoI Flood Risk Management had advised the assessed flood risk level to be 300mm, therefore the embankment would not provide protection if there were any hydraulic block to the watercourse. There was also a potential flood risk from surface water run-off. He felt the vulnerability of the site to flooding was too great for 4 properties as proposed, and stated that he had not carried out a site visit as a site visit would not provide clear clues with the potential flood impacts, as flood impact is not like visual impacts or impacts on neighbours that could easily be ascertained by visiting the site, although he noted he was familiar with the area and was there recently on 12 September. He further reported that the application did not contain sufficient information to accurately assess overall flood risk to both the development site and the area overall. He felt it essential to be absolutely sure any proposed development could be achieved without increasing risk of flooding before any approval could be granted. In response to a question from the Members, the case officer stated that in his opinion the floor levels would not be in a safe position with regard to potential flood risk.

The Members expressed that they were not on the whole in favour of the submission of Approval in Principle applications generally, and would prefer the submission of detailed applications, but acknowledged that there were extant approvals for this site.

The agent clarified the floor levels for the proposed development, and ground levels for the development site together with that for the adjacent properties, quoting the figures which were contained within the submitted application under consideration. He gave further details pertaining to recently approved developments near to the site which did not have the same level of flood risk mitigation but had gained approval.

The Members expressed sympathy with the applicant, but still had significant concerns noting the lack of support from the local authority and the neighbours, intensity of built development on site leading to over development of the site. Members also expressed concerns regarding flooding, both of the site and to the adjacent properties, the potential total area of hardstanding associated with the development, further exacerbating flood risk from surface water run-off, public health and safety as a result of potential flooding, significant loss of biodiversity together with the lack of detail in the submitted application.

The case officer amended his recommendation with regard to IPS to include the owner/occupiers of The Oaks, Lezayre Road to have IPS subsequent to further representations received. The Members agreed to such amendment and the said parties were allotted IPS.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **refused** for the following reason(s).

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

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

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

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

INTERESTED PERSON STATUS

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

DOI Flood Risk Management
Manx Utilities Authority Drainage
Manx National Heritage

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

Clairmont, 17 Lezayre Road, Ramsey;
The Oaks, Lezayre Road, Ramsey;

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It was decided 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):

Abbeystead, 2 Auburn Place, Lezayre Road, Ramsey

<p>Item 5.2 Part Field 534725 Ballakilmartin Cottage Whitebridge Hill Onchan Isle Of Man IM4 5AB</p> <p>PA23/00699/B</p>	<p>Erect single storey prefabricated bespoke 10 unit Cattery building, an adjacent wooden office and an access path, with shared existing on site parking</p> <p>Applicant : Mr & Mrs Karl & Laura Bruder Case Officer : Mr Hamish Laird Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

The applicant spoke in support of the proposal. The points raised were as follows:-

- The intention was to set up a small family business which will also allow them to look after and support the family as their primary occupation had been detrimentally impacted by Covid-19
- One of the applicants was a veterinary nurse
- The other applicant had worked in an established cattery and enjoyed the work
- They felt there to be a lack of suitable and available catteries on the Island

In response to questions from the Members, the applicant confirmed that the proposed units were to have hospital grade flooring and were to be constructed of brown wood effect uPVC, both of which would allow for ease of cleaning and maintenance. They further confirmed that access from the parking area to the cattery would be by way of a dedicated path which would also avoid contact between customers for the cattery and any horses on-site as there were existing stables and associated area.

Following a request from the Members, the case officer amended his recommendation to include a further condition, C6, which would require the removal of the structures and the land being returned to its former condition should the use cease.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following 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 buildings hereby approved shall only be used by the owners of the dwelling known as Ballakilmartin Cottage and shall only be used as a cattery for the care and accommodation of domestic cats and as an associated office building.

Reason: To ensure that the development is undertaken in accordance with the proposal set out in the application and to ensure that it does not generate undue levels of traffic.

C 3. There shall be no other external lighting installed at the buildings hereby approved unless in accordance with details which have first been approved in writing by the Department.

Reason: In the interest of visual amenity and to avoid light pollution.

C 4. The parking associated with the development, hereby permitted, shall be provided before the first use of the Cattery Business and shall thereafter, be permanently retained and maintained.

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

C 5. The external frames forming the structure of the Cattery building and its doors and window openings all hereby approved, shall be painted or finished in either a dark brown or Olive green colour, which shall thereafter be maintained for the lifetime of the development.

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

C6. Following the cessation of use of the Cattery development, hereby permitted, all structures and any hard surfacing shall be removed and the land restored to a grassed area. The removal of these structures and surfaces shall be carried out within 6 months from the date of the cessation of the cattery business.

Reason: In the interests of visual amenity.

Reason for approval:

It is considered that the proposal complies with Environment Policies 1 and 21; Business Policy 1; and, Transport Policies TP4 and TP7, of the Isle of Man Strategic Plan 2016, and is acceptable as it would not result in any adverse environmental impact and there is considered to be sufficient justification for it.

INTERESTED PERSON STATUS

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

The neighbours at the Begoade Boarding cattery, Eary Keeill and Eary Keeill Beg as they do not relate directly to planning matters and are located more than 20 metres from the site, and are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 6(4) and because they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018), in that they own/occupy land directly located more than 20m from the site.

Item 5.3 Ballashamrock House Port Soderick Glen Port Soderick Isle Of Man IM4 1BE PA22/01378/B	Alterations and extensions to existing dwelling and erection of replacement garage Applicant : Mr & Mrs Trevor and Suzanne Mccullough Case Officer : Mr Paul Visigah Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with regard to amendments received from the applicant in order to comply where possible with comments made by the Registered Buildings Officer regarding the initial scheme, and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative for the IOM Natural History and Antiquarian Society spoke against the proposal. The points raised were as follows:-

- Does not comply with HP15
- Does not comply with Policy 3 of Planning Circular 3/91 – Guide to the Design of Residential Development in the Countryside
- No justification for not complying with Policy had been given
- Not of a suitable form or proportion to respect the existing building
- Not being visible from the highway should not form part of the consideration
- Approval in principle to demolish the existing dwelling was refused under PA22/01373/A
- A more suitable approach would be for the applicants purchase the existing adjoining property and convert both to a single dwelling
- Would set an unfortunate precedent
- Should be refused as unsuitable

The case officer reported that it would be misleading to compare the current proposal with the current scheme as the basis are completely different and highlighted the key details within the scheme submitted under PA 22/01373/A which was completely different from the current scheme which seeks to improve and extend the existing dwelling to make it more functional. He noted that HP15 would apply as the proposal was of a traditional form, and that HP16 would also apply as the proposed scheme would not increase the visual impact of the non-traditional elements of the existing dwelling. He also considered that the current scheme would result was in a significant visual improvement on the existing dwelling. He noted that the proposal would also comply with significant parts of Policy 3 of the Planning Circular 3/91 as it was of rectangular plan and simple inform, with windows that had the right proportions. He expressed a minor concern with regard to siting, but confirmed that a garage could be built on-site and at the same location as the proposed extension under Permitted Development Rights and on balance, the proposed development would likely be visually better than such garage at the location.

The agent spoke in support of the proposal. The points raised were as follows:-

- Thanked the case officer for the positive recommendation
- The applicants had given much thought regarding renovation or replacement of the existing dwelling, finally opting for renovation as they wished to retain the existing house, which was of considerable age and some historic interest, although it would be the more expensive option
- Had already spent time and money making the house fit for occupation so were disappointed with the comments from the IOM Natural History and Antiquarian Society which had not acknowledged these efforts, instead recommending purchase of the neighbouring property and extending into that
- The building has been two separate dwellings in separate ownership since the commencement of the planning system and were legally two separate properties
- Took exception with the comment "it appears that it is likely to solely be a less expensive or more convenient way of extending the house" than purchasing the neighbours' house, when the easiest and cheapest way of obtaining the accommodation the applicants desire would be to replace the existing. This was not what the applicants were seeking to do
- Took issue with the comment that the application proposed a two storey extension. The proposal was for a single storey extension with the garage to sit in front of the house. This would be behind the front elevation of Ballashamrock House
- The applicants request permission to continue to renovate the existing dwelling and replace an existing unsightly garage with something more attractive that would have no detrimental visual impact as the work would not be publically visible.
- The proposed works would allow for the retention of a building of considerable age and interest
- The previous owner had sought to obtain the adjoining farmhouse in order to convert both buildings into a single dwelling
- The applicants had discussed buying the farmhouse, but without success to date

The Members were broadly in support of the proposal, stating that the proposed pitched roofed garage was an improvement over the existing flat roofed structure, and acknowledged that the

important Quarterland Farm elevation would be maintained, and expressed that they understood the property was to be brought in line with modern needs.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following 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 garage shall only be used in association with the main dwelling house 'Ballashamrock House', Port Soderick Glen, Port Soderick, and for purposes incidental to the use of main dwelling house 'Ballashamrock House' as a single dwelling, for no commercial purposes and only in accordance with the internal layout as shown on the submitted Drawing No. 03 rev A received 16 July 2023 and being retained as such thereafter.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted. The dwelling is within an area not zoned for development and permission has been granted as an exception. The application does not propose to create separate units of accommodation within the site and has not been considered as such.

C 3. The existing trees marked for retention on the Outline Tree Protection Plan (Drawing No. TP-310522) shall be retained in accordance with the approved details. Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality.

C 4. Prior to the commencement of the development hereby approved, the protection measures detailed on the Tree Protection Plan (Drawing No. TP-310522), submitted in support of the application shall be fully installed and implemented and retained for the duration of the construction process, unless stated otherwise. Within the Construction Exclusion Zones identified on this drawing, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without prior written consent of the Department.

Reason: to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no 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

Reason: To control future development on the site.

Reason for approval:

Overall, it is considered that the proposal would also not result in adverse impacts on the character and quality of the site or surrounding landscape. The proposal would also not harm the use and enjoyment of the existing dwelling occupants and neighbouring properties, or adversely affect the surrounding protected trees. Therefore, the scheme is considered to comply with Housing Policies 15 and 16, and Environment Policies 1 and 3 of the Strategic Plan 2016.

INTERESTED PERSON STATUS

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

The Isle of Man Natural History & Antiquarian Society, 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 Policy.

Items No's 5.4 and 5.5 relate to the same property and so were considered together

<p>Item 5.4 Former Eastfield Mansion House Eastfield Douglas IM1 4AU</p> <p>PA23/00526/B</p>	<p>Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping</p> <p>Applicant : Care Developments Ltd Case Officer : Mr Paul Visigah Recommendation : Refused</p>
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And

<p>Item 5.5 Former Eastfield Mansion House Eastfield Douglas IM1 4AU</p> <p>PA23/00527/CON</p>	<p>Registered Building consent for demolition elements to PA 23/00526/B04.05</p> <p>Applicant : Care Developments Ltd Case Officer : Mr Paul Visigah Recommendation : Refused</p>
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The case officer reported on the matter, detailing the elements more specifically referred to in PA23/00527/CON which was considered first at the request of the agent's representative, and summarised the key issues as set out in both reports and with reference to the visual presentation. He further reported that the comment submitted by the Isle of Man Victorian Society with regard to PA23/00526/B had been misattributed to the Isle of Man Natural History and Antiquarian Society in his report, but the comment itself was included correctly, whilst updating the Members with regard to further comments submitted for PA23/00526/B and

PA23/00527/CON by the Isle of Man History and Antiquarian Society in that the initial comments did not come from them. The Officer further reported that the IOM Natural History and Antiquarian Society had also submitted objections to the proposal which had been received subsequent to the conclusion of his report and the issue of the Planning Committee Agenda.

The case officer stated that his key consideration was to Planning Policy Statement 1/01, regarding considerations over the removal of existing buildings. He felt that the existing buildings contributed positively to the street scene, that their condition was of sufficient standard to be brought back into use, but that no information had been submitted to demonstrate efforts made to restore the building or the cost of repairing and maintaining it in relation to its importance. He felt the building to be worthy of retention.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative for the agent spoke in support of PA23/00527/CON. The points raised were as follows:-

- While the IOM Victorian Society commented on the planning application rather than the Registered Building consent application, they did not oppose removal of the building
- The building had been much altered over the years and was not the best example of George Raby's house design extant
- Works taken to convert the building to a residential home have undermined any historical or architectural interest in the building, and made its conversion for a different use very difficult
- The additional bathrooms and stairwells have led to an odd internal layout which would not easily enable conversion to multiple or a single unit
- There had been a lack of maintenance while the building was vacant between 2017 and the applicant acquiring the property, which has led to structural issues including excessive damp on the top floor, structural cracking on the front external wall and internal load bearing wall, structural distress in the supporting roof timbers and excessive deflection in the dormers, purlins and valley rafters.
- Most of the floors are sloping and show signs of disrepair with the ends of timber joists having failed and completely disintegrated, along with insect attack and dry rot. Due to the decay of the lintels, their repair would involve the removal and replacement of the majority of the original walls and window head features, which result in the loss of a significant part of the existing building.
- Took issue with the officer's suggestion that the Structural Report sought to diminish the desirability of preserving or enhancing the existing building. The report is a professional assessment of the structural integrity of the building which clearly explained what would be needed to restore the building. Whilst the officer stated there was nothing within the document that precludes dedicated steps to restore and enhance the existing building, we cannot see what else could be said to demonstrate that the works would not preserve the building and that they are so considerable as to be economically prohibitive
- The applicant is an experienced developer and had looked at several options for the site from reinstatement as a care home or similar facility, apartments and redevelopment as houses, and found only the latter to work commercially. The applicant carried out an exercise to develop the property in line with the previous consent to give one very large property in this location. Several estate agents confirmed there would unlikely be demand for such a large property in this built up area where the likely price would be in excess of £ 1.75m, allowing for the extensive works required and reasonable standard developer margins.
- The case officer referred to the previous application for renovation in support of his objection to the loss of the building, stating it could be restored and put into productive use. We note that this application has not been taken up, we believe because the cost of doing so was economically prohibitive

- Should this application not be approved we can't see any alternative for the site and fear it would remain standing as is for the foreseeable future, which would not be in anyone's interest
- It may be beneficial for the Members to visit the site and in particular see inside the building before making a decision, so that the condition of the building may be appreciated and the submitted photographs and information be understood in context. The Planning Officer and Assistant Registered Buildings Officer are also welcome to attend as they may not have seen inside the building.

With regard to PA23/00527/CON, the Members indicated they were inclined to support the case officer's recommendation to refuse the application. While they did not like the existing additional structures to the rear of the building, they felt it important to retain the front façade. Mr Warren proposed a site visit be carried out in order to aid their deliberations, and this was seconded by Mrs Hughes. Following discussion and a vote, the Members agreed to carry out a site visit at a time and date to be agreed at the end of the meeting.

The case officer further reported with regard to PA23/00526/B specifically. He felt the building contributed visually to and was unique within the area, and was also one of the oldest buildings in the area. In his opinion, the submitted structural report supported retention of the existing building. The proposed design did not fit with character of the existing traditional properties in the area as a whole, would not have chimney stacks, were to be wider than the nearby traditional properties, had square windows and also had higher pitched roofs. He felt the proposal did not respect the dominant features on the existing neighbouring properties, and would overlook the neighbouring dwelling at the rear as it would introduce 20 new windows to the rear elevation directly overlooking existing properties and would be within 20m of same causing a detrimental and adverse impact on existing neighbours. He confirmed he had no concerns with regard to highways safety, and that a late representation had been received from the DEFA Arboricultural Officer detailing that they had no concerns regarding the proposed removal of the category C or U trees, but they had concerns regarding the potential impact of the development on the two large Lime trees flanking the entranceway. They recommended that an arboricultural impact assessment, tree protection plan and details of construction methods within RPA's are sought prior to determining the application.

The representative for the agent spoke in support of PA23/00526/B. The points raised were as follows:-

- The architect strenuously disagreed with the assessment of the Assistant Registered Buildings Officer and Planning Officer's Report.
- The architect's design statement sets out the detailed character assessment of the existing terraces in the locality, identified 17 characteristics of architectural styles in the nearby terraces, and how 14 of these had been incorporated into the proposed design
- The proposed design broke up the roofscape with lead capped dormers, centred over two storey projecting bays with coupled sash windows creating a sympathetic rhythm to the façade, similar to other terraces in the area. The verticality of the facade is broken up with a horizontal decorative string course which also formed the sills to first floor windows and, at the base of the façade, the terrace has a projecting plinth in painted render approximately 450mm from ground.
- The architect believes the resultant terrace was attractive and represented a contemporary interpretation of the best characteristics of the adjacent terraces
- The layout showed the new terrace in line with the existing building line of nos. 1 to 13, with No. 14 sitting slightly in front of this building line, allowing no. 14 Eastfield to book-end the existing terrace. The gap of 1m between No. 14 Eastfield and new house No. 5 helps transition from the very simple traditional design of the Eastfield terrace to the more contemporary detailed architectural design of the new terrace
- The removal of 12 grade c/low quality trees was recommended by the surveyor. These comprised 4 cabbage palms, 3 common hollies, 1 kapuka, 1 lawson cypress, 1 cherry and 2 common ash. The trees in question were not of any quality nor did they make a

contribution to the environment, and there was no objection to the loss of these trees by the Arboricultural Officer. The applicant proposes to replant 6 trees on the site.

- Accept that there is less than the prescribed distance between the rear of the property and the properties to the rear which face onto Hawarden Avenue. However, this is a relatively densely laid out part of the city where there are windows and buildings closer together than is recommended in the Residential Design Guide, which does include reference to such instances, stating at 7.5.6 "In dense urban areas, where there is already a level of mutual overlooking, a lesser standard may be acceptable". There exists a large, higher building to the rear of the Hawarden Avenue properties which has windows looking in their direction. Any development on this site will either retain this existing situation or result in a sizeable building in its place with a resultant impact on the properties behind. A smaller, lower development would be likely to result in something that would look out of place in a square with two and three storey buildings on each side. We suggest that it might be beneficial for the members to visit the site and in particular see inside the building before making a decision so that the condition of the building may be appreciated and the photographs and information provided in the application may be understood in context.

The Members noted that the development site lay within a Conservation Area, and as such should be carefully considered.

Mr Warren formally proposed a site visit with regard to PA23/00526/B be carried in out in order to aid their deliberations, which was seconded by Mrs Hughes. Following discussion and a vote, the Members agreed to carry out a site visit at a time and date to be agreed at the end of the meeting.

DECISION for PA23/00526/B and PA23/00527/CON

Following discussion, the Committee voted **unanimously** for such site visits, at a time and date to be established at the end of the meeting.

<p>Item 5.6 1, 2, 3 & 4 Georges Close Andreas Isle Of Man IM7 4HZ PA23/00884/C</p>	<p>Change of use of land from agricultural to residential gardens (retrospective) Applicant : Mrs Margaret Mary Dalziel Case Officer : Mr Paul Visigah Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

Mr Skelton and Mr Warren did not support the case officer’s recommendation as although the land would not be zoned for development and a revised Area Plan for the North had not yet been adopted by Tynwald. Mrs Hughes and Mr Young were in support of the case officer’s recommendation as the land was already in use as a garden.

In response to a question from the Principal Planner, the case officer reported that the applicant could have applied for a Certificate of Lawful Use as the works had been in place for more than 10 years, which could be demonstrated by photographic evidence. The Principal Planner advised the Members with regard to the planning process for Certificates of Lawful Use.

In response to a question from the Members, the case officer reported that the land had been initially owned by DoI, and that its application under PA 13/00601/C had been refused on 7th November 2013. The current applicants own the property and are applying for the change of use. He confirmed that the field boundary had not changed.

The Principal Planner advised the Members with regard to the process for Agricultural Grant Assistance, confirming that any land contained within any grant application is checked on a regular basis as a matter of course.

Whilst the members appreciated the application, it was felt that in terms of the previous decision at appeal to refuse the application, nothing in planning policy nor the area plan had since changed, and the application did not vary in any way. As such the proposal was not in keeping with policy sufficient to effectively overturn a previous decision.

Following discussion, the members, with the exception of Mrs Hughes, rejected the case officer's recommendation and determined to refuse the application. Mr Skelton proposed that the grounds for refusal be based on that for PA13/00601/C, as quoted within the case officer's report.

DECISION

The Committee, with the exception of Mrs Hughes, rejected the recommendation of the case officer and the application was **refused** subject to the following conditions.

R1. Due to the site location within an area not zoned for development on the 1982 Development Plan, it is considered that the garden extensions would harmfully erode an area of Manx countryside contrary to General Policy 3 and Environment Policy 1 of the Isle of Man Strategic Plan 2016, with insufficient over-riding justification having been demonstrated.

INTERESTED PERSON STATUS

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

6. Site Visits

The Committee agreed to make a site visit in relation to items 5.4 and 5.5 (PA23/00526/B and PA23/00527/CON respectively - former Eastfield Mansion House, Eastfield, Douglas, IM1 4AU) at 9.30am on Monday the 9th October 2023.

7. Section 13 Legal Agreements (If any)

The Members noted that no Section 13 Legal Agreements had been concluded since its last sitting

8. Any other business

8.1 Apologies in advance

Mr Skelton gave apologies in advance for the next meeting.

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 16th October 2023.

There was no further business and the meeting concluded at 11.48am

Confirmed a true record



 **Secretary to the
Planning Committee**



**Mr P Young
Acting Chair of the
Planning Committee**