



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, 26th February 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 12th February 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 11th March 2024.

PLANNING COMMITTEE Meeting, 26th February 2024
Schedule of planning applications

<p>Item 5.1 Land At Poyldooey Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274 Ramsey Isle Of Man</p> <p>PA22/00679/B Recommendation : Approve subject to Legal Agreement</p>	<p>Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access</p>
<p>Item 5.2 Crookall House (+ Surrounding Site) Demesne Road Douglas Isle Of Man IM1 3DX</p> <p>PA23/00291/B Recommendation : Permitted</p>	<p>The development proposes the construction of 133 new dwellings split across apartments, townhouses, small blocks of flats and a senior living block. In addition, a new scout hut/community pavilion, refurbishment and extension of Crookall House as office space, replacement existing sub-station and associated external landscaping, highways and drainage works.</p>
<p>Item 5.3 Rhennie Farm Main Road Dhoon Ramsey Isle Of Man IM7 1HL</p> <p>PA23/00780/B Recommendation : Permitted</p>	<p>Conversion of agricultural building to tourist accommodation</p>
<p>Item 5.4 Car Park And Park House Isle Of Man Business Park Douglas Isle Of Man IM2 2QZ</p> <p>PA23/00601/D Recommendation : Permitted</p>	<p>Erection of two digital advertising screens</p>
<p>Item 5.5 Eskadale King Edward Road Onchan Isle Of Man IM4 6AB</p> <p>PA23/00799/B Recommendation : Permitted</p>	<p>Demolish existing house and construct a replacement dwelling including new vehicular access for associated parking</p>
<p>Item 5.6 Kella Farm St Judes Road Sulby Isle Of Man IM7 2ET</p>	<p>Additional use to allow parking for one tractor unit and one trailer</p>

<p>PA24/00056/C Recommendation : Permitted</p>	
<p>Item 5.7 Land At Junction Of Fairway Drive And Claughbane Drive Ramsey Isle Of Man</p> <p>PA24/00033/B Recommendation : Permitted</p>	<p>Creation of Public Open Space and footpath</p>

PLANNING AUTHORITY AGENDA FOR 26th February 2024

Item 5.1

Proposal : Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access

Site Address : Land At Poylldooey
Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274
Ramsey
Isle Of Man

Applicant : Blythe Church Investments Holdings Ltd

Application No. : [22/00679/B](#)- click to view

Planning Officer : Mr Hamish Laird

RECOMMENDATION: To APPROVE the application subject to a legal agreement

Recommended Conditions and Notes (if any) once the required legal agreement has been entered into

C 1. The development within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-100-302 Rev. C, hereby permitted, shall be begun before the expiration of four years from the date of this permission.

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 development of the Spine Road within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-300-102 Rev. C, hereby permitted, shall be completed up to base course level for the entirety of its length including ironwork, the footways on the highway frontage; visibility splays; and, a site compound and car park have been constructed in accordance with the Construction Environment Management Plan (CEMP) required by Condition No. 14 prior to the first building of any residential units permitted by this planning permission.

Reason: In the interests of the proper development of the application site by providing a road connection between Auldyn Walk and Poyll Dooey Road at the earliest opportunity; and, to act as a flood defence barrier to the development proposed located on the south side of the Spine Road.

C 3. Prior to the commencement of development on Phase 1 of the site area, samples and details of the materials proposed to be used for the main walls and roofs of the dwellings, hereby permitted, shall be submitted to and approved in writing by DEFA Planning. The development shall be carried out in accordance with the approved details. For all other construction materials for the external surfaces of the dwellings such as rendering; window

and door frames; guttering and downpipes; the details outlined on the approved drawings for each dwelling type shall be adhered to.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 4. No excavated materials, building materials, plant or machinery associated with the Phase 1 development shall be stored on any part of the site area located to the north of the line of the Spine Road.

Reason: To safeguard components of habitats and wider ecological networks located to the north of the site including areas of Saltmarsh along the Sulby River; and, to protect priority species.

C 5. Before any part of the development hereby permitted is begun within the land outlined in red on drawing number 296-100-302 Rev. C, application for approval of the Reserved Matters of the layout, scale and appearance of the buildings and the landscaping of the site shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: This part of the application was submitted in outline with access approved and all other matters of layout, scale, appearance and landscaping reserved for future consideration (the Reserved Matters) in accordance with the provisions of Part 3 (1) (2) and (4) of Schedule 1, Part 3 of the Town and Country Planning (Development Procedure) Order 2019, or any Order revoking or re-enacting that Order.

C 6. No tree removal, site or vegetation clearance may take place until the ecological surveys requested in Condition 8 have been submitted to DEFA Planning and approved in writing and the mitigation recommendations signed off as part of the Landscape and Ecology Mitigation Plan (LEMP) required by condition 7 of this planning permission.

Reason: To ensure that adequate time is allowed for the site to be assessed in respect of its ecological, landscape and biodiversity value to be assessed by the ecological surveys required by condition 8 of this planning permission are evaluated and able to inform the preparation of the LEMP required by condition 7 of this planning permission.

C 7. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, a Landscape and Ecology Mitigation Plan (LEMP) shall be submitted to and approved in writing by DEFA Planning. This information shall include:

A. An annotated, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, sod banks, buildings, and view corridors out to the surroundings to the north incorporating the Poyll Dooley Nature Reserve up to the Sulby River where it runs to the north and east of the site between the White Bridge and the Spine Road access onto Poyll Dooley Road.

B. An annotated landscape and ecological impacts plan that provides details of the physical impacts of the proposals on the landscape and ecological features detailed in A above; and

C. Avoidance/mitigation/compensation/enhancement measures.

D. Timescale for implementation and ongoing management (minimum 10 years required). The plan should demonstrate how existing landscape and ecological value is being conserved

as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and, include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain.

E. The submitted details shall include all details of street lighting and how it would interface with the other requirements of the LEMP.

The LEMP shall apply to both the Full and Outline elements of the site (Phases 1 and 2) and any Reserved Matters applications for the site shall incorporate the approved Landscape and Ecology Mitigation Plan (LEMP). The development shall be carried out in accordance with the approved details.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

C 8. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, in addition and supplemental to the requirements of condition 6 of this planning permission, the following schedule of survey work shall be carried out and shall inform and be incorporated into the LEMP by way of mitigation as and where necessary. Such survey work shall include:

- Breeding and wintering bird surveys;
- Fungi surveys;
- Bat roost and activity surveys
- Invertebrate surveys;
- Schedule 7 and rare plant surveys;
- Common frog surveys;
- Common lizard surveys;
- Schedule 8 plant surveys.

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecology consultancy.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

C 9. The detailed drawings required to be submitted by Condition 5 (reserved matters) shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all public open space and green infrastructure, arboricultural method statement and tree protection plan to BS 2012:5387 to include any engineering details required for no-dig construction and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To enable DEFA Planning to consider whether adequate provision is being made for the matters referred to in the condition in the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 10. Prior to the commencement of any development across the application site (both Phases), for Phase 1 and the first Reserved Matters application to be submitted a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. The Reserved Matters application for the site shall incorporate the approved details and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To ensure that green infrastructure and public open space is delivered for the amenity of future residents in a timely manner in accordance with the approved Masterplan drawing number 296-300-100 Rev. F for the site.

C 11. As part of any application for Reserved Matters, the applicant shall provide a detailed schedule of all measures to be put in place for the protection of the Saltmarsh Area and the Sulby River. Such details shall include any required drawings to show how and where surface water is to be taken off site. This should not go through the Saltmarsh Area.

Reason: To ensure that adequate provision is made for the protection of the Saltmarsh habitat area on the Sulby River arising from the development. This is due to the Saltmarsh Area being the largest Blue Carbon sequestration site on the Island.

C 12. The application(s) for Reserved Matters to be submitted shall include details of a package of proposals to enhance public understanding and enjoyment of the areas of public open space to be created throughout the site in relation to the Sulby River and the adjoining Poyll Dooley Nature Reserve and the nearby saltmarsh environment. Such proposals shall include interpretation materials. The development shall be carried out in accordance with the approved details.

Reason: To provide public benefits in the form of interpretation and understanding of the site and surroundings with emphasis on the relations of the site to the Sulby Riverside, saltmarsh and Poyll Dooley Nature Reserve.

C 13. The first occupation of any dwelling in both Phase 1, and as part of any Reserved Matters submission(s) for Phase 2 shall not take place until the following works have been approved in writing by DEFA Planning and constructed and made available for use:

A. The street lighting for the spine road and cul-de-sacs and footpaths has been erected and is operational;

B. The car parking and other vehicle access facilities required for the dwellings by this permission has/have been completed;

C. The verge and service margins and vehicle crossing on the road frontage of any dwelling have been completed with the highway properly defined; and,

D. The street name-plates for the spine road and cul-de-sacs have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for traffic attracted to the site.

C 14. Notwithstanding the provisions of Schedule 1, Class A, of the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015, the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land where planning approval has previously been granted following an application, is expressly prohibited by this condition.

Reason: The erection of any such building or creation of a compound for the storage of plant, machinery, construction materials etc. shall be carried out in accordance with the provisions of Conditions 2; and, 11, parts d, e, and f, of this permission owing to the ecologically sensitive nature of the site and surroundings.

C 15. No retained tree, hedge or bank shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars as outlined in the submitted R007 Tree Survey by Manx Roots Tree Management Ref: 'Preliminary arboricultural impact assessment', dated 16th November, 2021. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 16. Prior to the commencement of the development hereby approved a tree protection scheme, arboricultural method statement and an arboricultural monitoring schedule shall be submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text which includes but is not limited to details of:

- a) The location of the trees to be retained and their canopy spreads;
- b) The location of a 'construction exclusion zone'
- c) The position of protective fencing and/or other protective measures required to prevent damage to retained trees.
- d) An appropriate specification for the protective measures proposed.
- e) A schedule of arboricultural monitoring.

The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

Reason: required prior to commencement 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 17. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Thereafter, all soft and hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 18. Prior to the commencement of any works on site, precise details of a finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. The detailed surface water drainage scheme with calculations must be provided showing the position of attenuation tanks/ponds behind the spine road and not within the flood area. The surface water system is to be designed to not surcharge in a 1 in 50 year event and the storage must be for a 1 in 100 year plus climate change event.

The surface water scheme shall be implemented in accordance with the submitted details before the development is used for the first time.

Reason: To prevent increased risk of flooding and to improve and protect water quality and ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding

C 19. Prior to the commencement of any works on site, details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. Such details shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

C 20. Prior to the commencement of any works on site, precise details of foul water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by DEFA Planning. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

C 21. Details of the flood embankment to be provided prior to starting any works on site are to be designed to current industry standards and best practice.

Reason: To minimise the potential impact of flooding and flood risk arising from the development both on-site and up and downstream of the site along the Sulby River.

C 22. The Culvert design under the flood embankment shall be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). This is subject to consent under the Flood Risk Management Act 2013, section 20.

Reason: To minimise the potential impact of flooding and flood risk arising from the development both on-site and up and downstream of the site along the Sulby River.

C 23. The detailed application for phase 2 must include a flood risk assessment that shows rate of flood water rise both tidal and fluvial, flood water velocity and depth. This area

contains children's play areas, light industrial units, pub/community area and it must be demonstrated how in time of flood, especially a fluvial flood, where there is no flood warning how people will be evacuated.

Reason: To ensure that the site is adequately drained and that the area can be evacuated safely before and during a flood.

C 24. The siting of the Public House/Community Facility as shown on drawing number 296-300-100 Rev. F - Masterplan for the site (stamped received and dated 20 March, 2023) is specifically excluded from this planning permission. The proposed siting of the Public House/Community Facility shall be submitted as part of an application(s) for Reserved Matters following agreement on its siting with DEFA Planning prior to submission.

Reason: In the interests of protecting neighbours residential amenities from visual intrusion and noise and light pollution arising from the operation of the facility.

C 25. Prior to the occupation of any dwellings, details of the addition of bat, bird and bee bricks to be installed as part of the development shall be submitted to and approved in writing by DEFA Planning prior to works commencing and the that development then carried out in accordance with these details. Thereafter, these features shall be permanently retained and maintained. Details should include the number, type and location of the bricks. Bat bricks should include types suitable for cavity and crevice dwelling species and in locations which facilitate the lifecycle of bats (locations to facilitate breeding and hibernating). Bird bricks should include types suitable for swift and house martin.

Reason: To ensure that the development has an acceptable impact on the environment.

C 26. No external lighting within any area of new or retained Public Open Space (other than in connection with any area of formal playspace such as the LAP, LEAP or NEAP) shall be installed except in accordance with a detailed external low level lighting scheme which complies with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (2023), which shall have been submitted to and approved in writing by the Planning Department.

Reason: To provide adequate safeguards for the ecological species existing on the site. (See Manx Bat Group Bat Activity Survey).

C 27. In respect of the highways layout, and design details, the development, hereby approved, shall be carried out in accordance with:

- a) Access and layout to accord with Drawing Nos. 296-300-100 rev F, 296-300-101 rev c; and, 296-300-102 rev c; Tetra Tech Drawing Site Access Option 2: Ghost Island General Arrangement and Visibility Splays 002 Rev P02.
- b) Bike and bin stores to accord with drawing for all dwelling house types.
- c) Travel Plan - no part of the development hereby approved shall be occupied prior to the implementation of the Tetra Tech Travel Plan 784-B030691 rev 03 May 2022 or those parts capable of being implemented prior to occupation and thereafter implemented to timetable contained therein and shall continue to be implemented for five years / as long as any part of the development is occupied.

Reason: In the interests of highway safety.

C 28. Prior to the commencement of development on any Phase of the development, hereby permitted, On any part of the area of land located to the south of the Spine Road

where topsoil, subsoil or overburden from the site is to be stored, measures to prevent such stored material and any pollutants or particulates arising therefrom, from washing into the Sulby River along with any runoff waters from the site, and the methods employed to control such run-off, shall be submitted to and approved in writing by DEFA Planning. Such measures shall be put in place prior to any storage of topsoil, subsoil or overburden first occurring, and shall thereafter be retained and maintained for the lifetime of the construction period of the development.

Reason: To ensure that adequate provision is made for the protection of the Saltmarsh habitat area; the marine environment of the Sulby River; and, the downstream Ramsey Bay Marine Nature Reserve, arising from the development from any material contained in suspension in the form of runoff from the site. This is due to the sensitive nature of the Saltmarsh Area which is the largest Blue Carbon sequestration site on the Island, and river bed being contaminated with waterborne pollutants, fines or particles in suspension from the site contained within any runoff waters.

C 29. In accordance with the requirements of conditions 4, 6, 7, 8, 10, 11, 14, 16 and 28, of this planning permission, the applicant shall provide the name(s) and details of a suitably qualified Ecological Clerk of Works who shall be employed to ensure that the required protection measures and survey work have all been undertaken, implemented and subsequently maintained at both the pre-development stages and subsequently for the lifetime of the construction phase of the development.

Reason: To ensure that the provisions of conditions 4, 6, 7, 8, 10, 11, 14, 16 and 28, of this planning permission, are adequately managed and monitored.

N 1. The Applicant is advised that new street adoption and works in the highway would require separate agreement with Highways under a s4 and s109(A) Highway Agreement after grant of any planning consent. On construction of the vehicular access, the existing road drainage must either be retained or an effective alternative scheme provided at the Applicant's / Developer's expense on a satisfactory arrangement being drawn up and agreed with the Highway Services' Drainage team. Other highway licences and / or temporary traffic management or road closures may be necessary on construction.

N 2. 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.

N 3. Informative Note: Post development, the applicant is advised that there should be no pumping or diversion of any water flows from the site into any adjoining watercourse without first obtaining permission from the DEFA Environmental Protection Unit. To do so would constitute an offence under the Water Pollution Act 1993.

Reason for approval:

Overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application accords with the provisions of the following relevant Policies in the Isle of Man Strategic Plan 2016, which are:

Chapter 4 - Strategic Objectives: STRP1, STRP2, STRP3, STRP4, STRP10, STRP11;
Chapter 5 - Island Spatial Strategy: SPP2, SPP3;
Chapter 6 - General Development Considerations: GEN2, GEN3, GEN4;
Chapter 7 - The Environment: ENV1, ENV3, ENV4, ENV5, ENV7, ENV10, ENV13, ENV22, ENV24, ENV28, ENV42;
Chapter 8 - Housing: H1, H2, H5;
Chapter 10 - Sport, Recreation, Open Space and Community Facilities: RP1, RP4, RP5; and, CP1, CP2, CP11;
Chapter 11 - Transport, Infrastructure and Utilities: TP1, TP2, TP3, TP4, TP5, TP6 and TP7.

and the advice contained in the Ramsey Local Plan (RLP) 1998; and, West Ramsey Development Framework (WRDF) 2004; and, is recommended for approval subject to the prior signing of a Section 13 Agreement.

Interested Person Status – Additional Persons

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 mentioned in Article 4.2:

Pooildhooie Limited, Dandara Group Head Office, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man, IM2 2SA

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

It is recommended that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Watersmeet, Westfield Drive, Ramsey, IM8 3ER
2 Belmont Villas, Jurby Road, Ramsey, IM8 3PF
West View, Westfield Drive, Ramsey, IM8 3ER
Pine View, Westfield Drive, Ramsey, IM8 3ER
River House, Riverside, Ramsey, IM8 3DA
47 Lezayre Park, Ramsey, IM8 2PT
26 Greenlands Avenue, Ramsey, IM8 2PE
6 Dreeym Ollay, Ramsey, IM8 2QA
16 Fairway Drive, Ramsey, IM8 2BB
Port Natal, Riverside, Ramsey, IM8 3DA
Wildlife Trust

The above persons, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

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)

Manx Utilities Drainage

Public Estates and Housing (DOI)

Manx National Heritage

Planning Officer's Report

22/00679/B - THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE BECAUSE IT PROPOSES A MAJOR DEVELOPMENT ON AN ALLOCATED SITE AND A SECTION 13 LEGAL AGREEMENT IS PROPOSED

REVISED REPORT

UPDATED 18th FEBRUARY, 2024

00.1 OFFICER SUMMARY ON CHANGES ON CHANGES TO SCHEME SINCE INITIALLY PRESENTED ON 15.01.24

It is confirmed that the following changes to the application put forward by the applicants since the 15/1/24 Meeting and subsequent 18/1/24 Members Site Visit, as previously reported are:

- o "Re-siting of the PH/CF to a position approx. 50.0m to the south of its previous location on land not forming part of any area of POS, and maintaining a line of mature trees to its rear between it and the river bank. The siting of the PH/CF can be covered by a condition.

- o The proposals now involve the provision of 5 x 3-bed Affordable Housing Units as part of Phase 1 (Full element of the application) subject to inclusion in any S13 Agreement.

0.02 OFFICER SUMMARY OF CONSULTEE RESPONSES AS PRESENTED VERBALLY AT PLANNING COMMITTEE 12.02.24

The updates presented at the Meeting are outlined in the published (as yet un-agreed) Minutes of the 12/2/24 Meeting. These are listed as follows:

Statutory Consultees:

- o Highways Drainage - (9/2/24) comments requested by the Case Officer following a meeting with the Highways Drainage Officer on 8/2/24;

- o DoI FMD (9/2/24) confirmed its objection to the development as reported in its comments on the application received (1/2/24).

- o Isle of Man Fire and Rescue Service submitted via FMD (9/2/24) confirmed that Pinzgauer Fire appliances no longer form part of their fleet of emergency vehicles;

- o The Climate Change Team (received 9/2/24) - objection maintained;

- o The Senior Marine Environment Officer (8/2/24) - DEFA Fisheries - objection maintained. The Fisheries response was from both Marine and Inland Fisheries.

Third parties:

o The Case Officer reported verbally that a resident (name given) who wishes all her previous letters of objection be taken into account, stating: "this is a nature reserve and wetland which by name should not be built upon".

Responses by the applicant to Consultee comments:

o In their submission dated 6/02/2024 Baca Architects believe that a Pinzgauer fire appliance would be able to access the site via either end of the spine road- since countered by response received from Isle of Man Fire and Rescue Service (9/2/24);

o Rebuttal of DoI FMD (1/2/24) comments by the applicants Specialist Flood Risk Advisors - HR Wallingford - received on 8/2/24 as contained in the Minutes of the 12/2/24 Meeting;

o Comments received from the applicants on 9/2/24 in response to the Fire and Rescue Service's advice that Pinzgauer Fire Appliances no longer form part of the Service's fleet of emergency vehicles, are outlined as follows:

"It was good to check regarding the vehicle's availability. When we submitted our proposals, these vehicles were part of the fleet!

Notwithstanding, the proposal was never dependent on the need for vehicles to access the site from Poyll Dooley Road. Please can you make the evacuation route available to Members.

The flood event that FMD refer to is very rare. A dry means of access and egress is provided in such circumstances. To reiterate all floor levels of the properties are located above the 1:200-year flood event and all bed spaces a further floor above. The road / flood defence also provides an additional level of protection.

Please can you ensure that members are aware of the measures taken to mitigate the effects of extreme flood events and that residents will be safe. This is all set out in detail in the FRA."

o Separately the applicant provided the following link (9/2/24) to a BBC News report from November, 2022, relating to Emergency Vehicles currently used by the IoM Fire and Rescue service:

<https://www.bbc.co.uk/news/world-europe-isle-of-man-63795924>

0.03 ADDITIONAL COMMENTS/REPRESENTATIONS RECEIVED FROM APPLICANTS AS AT 16.02.24

These can be found online in full below provides a summary of applicant's responses to issues raised;

Affordable Housing

Following a review of the proposals, the applicants have provided five affordable homes in phase 1 (detailed portion of the application). It was concluded in the committee report on 15th January 2024, that the applicant had been able to prove in viability terms that the provision of no affordable housing was considered acceptable by the planning department and Brett Woods, the Head of Commercial Public Estates and Housing Division.

Despite this through negotiations with the applicant, they have decided to provide five three bedroom homes in phase 1. This is being taken at a cost to the developer. We believe that

the provision of affordable housing for phase two should be agreed at the Reserved Matters stage, though it is the clients intention to provide affordable housing subject to a viability exercise for that phase.

Relocation of the Pub/Community Hub

The applicant has proposed to remove the pub from the suggested riverside location, closer to the proposed commercial aspects of the site. This is to address the concerns raised by the owner of River House in regards to the impact on their amenity, but also to remove it from the designated Public Open Space. This ensures that there is a reduced level of impact on residents amenity, but also removes it from the designated public open space.

Highways

In terms of the vertical curves, the proposals have been reviewed by the highways design team and they are happy with the safety of the design. We furthermore have had an independent road safety audit carried out on the scheme and the proposals have been considered acceptable by the independent road safety audit as well as the Highway Department. The highways officer who has sat in both committees has not raised any concerns regarding the design of the road. The suggestion that the road would need to be extended by 160m is unreasonable.

The gradient of the highway at the junction with the development to the west of the site is roughly 3.4% and to the east the site descends from 6.50m to 4.75m over roughly 145m. This is the a better gradient permissible for a wheelchair. The gradient was considered safe in the Road Safety Audit and the suggestion that this could be dangerous is misleading members purposefully.

Flood Risk

It has been accepted that the site has issues with flooding from the start and an expert design team has been formed for the application.

The site is accessible. Dry access is provided at all times. Even in a 1 in 200 flood event. These are shown in our plans. These events are extremely but the design anticipates this could happen and has planned for the resident's safety.

1. To reiterate all floor levels of the properties are located above the 1:200-year flood event and all bed spaces a further floor above.
2. The road / flood defence also provides an additional level of protection.
3. In a 1 in 200 year event the flood depth a Poyll Dooey Road would be 0.680mm. Whilst it has been indicated that the preference of the fire department would not be to gain access here. They have dry access to the east of the site via the old tramway cycle path and have a new fleet of Iveco all-terrain vehicles (since Nov 2022) that could access the city centre and our site during a flood.

Drainage

Proposed systems have been with the authority since December 2022 and despite this, the authority has never given a preferred option. To ensure that the systems are acceptable, a condition has been placed on the decision to provide details. Both systems proposed will work in regards to surface water drainage alongside the rest of the drainage and flooding strategy.

Road adoption

In terms of adoption, we will formally engage with the department following the granting of permission. As discussed in our committee meeting on 12th Feb 2024, this is not necessarily a concern for the planning committee. There is an element of commercial risk associated with this, but this is not a material planning consideration.

CEMP Condition Issue

As set out in the planning officer's report, the CEMP condition has had to be removed from the decision notice at the request of the Planning Department, not the applicant. This is due to the fact that the condition would have been unenforceable. This has been set out by the case officer and the Head of Development Management at Committee on 12th February. Due to the inability to enforce the condition, a requirement for all conditions, the CEMP has been removed by the planning officer.

We would like to remind members that when it was originally placed on the draft decision in January, we the applicant did not have any issues with its inclusion, but upon review agree with the justification for its removal.

Ecology

As set out in the Committee Report presented to Planning Committee on 15th January 2024, the baseline for assessing the impact of Ecology has to consider the lawful use of the site. The site is currently agricultural fields and though they are not in active use, they could easily default back to agricultural land without a planning application and could result in harm to the ecological position of the site.

We have had a list of surveys conditioned by the draft planning permission which will provide a detailed description of the ecological position of the site prior to works being undertaken. We have also committed to the provision of an Ecological Clerk to oversee the works.

Biodiversity Net Gain

As set out in the Manx National Heritage response, Biodiversity Net Gain is not a requirement for applications on the Isle of Man, only in England. Furthermore this requirement has only become statutory for Major Schemes submitted after 12 February 2024 in England.

Emergency Services

The applicant has supplied a plan showing how the safe evacuation of residents can occur in extreme flood events. This plan shows that emergency vehicles would be able to access the site and that the residents within the site will not have their homes flooded. We accept that some flooding may occur in gardens, but residents will be able to leave the site via the existing old railway public right of way to the south of the site.

Furthermore, if the entrances to the spine road are flooded, the chances are that the fire station would be flooded as well. Residents in an extreme flood event will be safe on the site and able to evacuate."

0.04 ADDITIONAL COMMENTS/REPRESENTATIONS RECIEVED AFTER 12.02.24 BUT BEFORE 19.02.24

These have been replicated in their entirety.

MANX WILDLIFE TRUST (14/2/24) - comments as follows:

"I have noted that Manx Wildlife Trust have been missed off the IPS list in relation to your Planning Officers' report concerning PA22/00679/B Land At Poylldooey Fields etc, which is disappointing given our numerous written objections over several years.

Also, MNH are incorrectly listed as non-IPS, however as a Statutory Consultee who has provided written evidence, they should be an IPS.

Please can you also confirm that the next iteration of your report for the Planning Committee on 26 Feb will no longer make reference to the incorrect assertion that the land, as designated agricultural land, is able to be cleared, ploughed and drained etc., as this is factually incorrect. The ploughing, draining or improvement of any habitat area would be a breach of Agricultural Cross Compliance as set by your own Department (reference: Statutory Management Conditions and Standards of Good Agricultural and Environmental Conditions). I note that Sophie Costain has provided a similar clarification, which is included within the latest iteration, however owing to the numerous changes, including the original wording still being present in the original, unedited part of your report, it would be possible for Members of the Planning Committee to read the original part of this lengthy report and come to the wrong conclusion."

The occupants of River House, Riverside, Ramsey (15/2/24) comment as follows:

"FOURTH OBJECTION ON BEHALF OF THE OWNERS OF RIVER HOUSE, RIVERSIDE, RAMSEY
1.0 Introduction

1.1 This submission is made on behalf of the owners of River House who have already made a submission on 30th June, 2022. Following the publication of the officer's report, we made a further representation on 12th January, 2024 to be considered at the planning committee meeting of 15th January, 2024. A further objection was made by us on 17th January, 2024.

1.2 Having attended the planning committee meeting on 12th February, 2024, we wish to make further representations following the additional information presented and comments made at the meeting. It is with regret that we find ourselves having to submit further comments, and fully appreciate that this is additional work for both the planning officer and the planning committee, who already have huge volumes of information to consider and process but feel that we have no alternative.

1.3 Part of the reason for the submission of continued comments on our part is that at each planning committee meeting, there is a further, amended officer's report and verbal amendments made which correct or change what is written in each report. The officer's report still contains errors and omissions which have not been corrected despite us raising them previously. We have not been notified of amended plans (showing the public house relocated) although this plan was shown to the Planning Committee at the meeting of 12.02.24 and we have not been able to see this online. This, together with the verbal changes in the officer's report has made it difficult to remain aware of what is being considered, not helped by the omission in the report of a list of plans and documents that are being approved, despite us having pointed this out after the issue of the first officer report. This all puts those with an interest in the application at a considerable disadvantage.

2.0 The proposed conditions

2.1 It has been difficult to follow the conditions which are being proposed as there were verbal updates at the meeting of 12.02.24 where we understand there were two conditions added which do not appear in the officer's report to the planning committee. No-one therefore had the opportunity to consider and comment on them.

2.2 The conditions require attention: as we have pointed out previously, the plan reference in C1 is incorrect.

2.3 C2 refers to the requirement for a CEMP in C14 but this condition has been removed and C14 relates to something else.

2.4 C7 requires ecological information: we would submit that this information is essential prior to the determination of the application. If the application is approved subject to this condition, how can the reserved matters application properly manage or control any adverse impact on ecology. If the applicant, and the decision maker do not know where the visually sensitive areas, distinctive trees, hedges, sod banks, building, corridors out onto the surrounding area, the ecological impacts and the physical impacts of the proposals on the landscape and ecological features identified - all of which are required to be shown on a plan after the application has been permitted, how can they possibly conclude that the development satisfies Environment Policies 4 and 7? This is further demonstrated by C8 which requires all manner of surveys which have clearly not been undertaken so the decision makers are not in possession of all of the facts they need to be confident that the development is in accordance with all of the relevant Strategic Plan policies.

2.5 C11 - again we are of the view that this information should be provided now, to ensure that a means of the protection of the salt marsh area will be physically possible and environmentally acceptable.

2.6 C24 in principle is welcome insofar as it precludes approval to the public house as shown but simply says that it should be shown on the reserved matters application details. This could mean that the public house is close to where it is currently shown. We consider that an amended drawing (which may well have been submitted as it was shown at the planning committee but we have not been able to locate this nor have been informed about it) should be prepared, circulated and available for comment so that all are confident that they know what is proposed and being approved.

2.7 We understand that the officer is recommending a condition requiring the submission of the name of the Ecological Clerk of Works to the Department as this was read out at the meeting of 12.02.24. With respect, such a condition would be meaningless and fail the test of necessity and relevance to planning as the Department knowing the name of the ecologist, without any control over the acceptability of such a person or any requirement for that person to be retained during the course of the construction, or indeed with any specified purpose, has no benefit to anyone.

3.0 The Planning Officer's report

3.1 The updated report refers in two places to the Flood Risk Management Team having withdrawn their objection (paragraphs 0.10 and 0.19). This was partly addressed verbally by the officer on 12.02.24 who accepted this was an error, but remains a serious oversight or misunderstanding by the Officer which requires more than just an update and correction. The officer states at paragraph 0.19 that "Given that the above surface and foul water strategy conditions area acceptable to MUA; and, that FMD has withdrawn its objection subject to its recommended conditions being imposed, it is considered that the proposed development is acceptable in land drainage and flood risk terms". If the perceived withdrawal of objection by FRM is such an important consideration as to persuade the officer that the development is acceptable, surely its actual maintained objection should carry equal weight and merit influence over his conclusion.

3.2 The first issue we raised in the previous representations was the land use designation of the site and the incorrect statements throughout the officer's report and repeated in the meeting, that the site was "allocated" and "allocated for mixed use". We would repeat that the site is not designated for development in its entirety and where it is, the development proposes residential and retail development on land designated for light industry. The continued statement that this is an "allocated site" and omission of any reference to the fact that residential development is proposed on land designated for light industry is misleading the Planning Committee and will undermine the credibility of any approval of this application. These errors, despite having been pointed out in previous correspondence, have not been corrected. The site is not designated for Mixed Use: it is designated on the Ramsey Local Plan as Residential and Light Industry.

3.3 The West Ramsey Development Framework is not considered to carry the same weight as the Ramsey Local Plan which was adopted by Tynwald. The WRDF we understand to be a statement of Departmental policy which aims to guide the development of a particular part of the Local Plan area. It does not supersede or replace the Local Plan but is supplementary guidance. It contains no Planning Circular reference nor any confirmation that it was approved by Tynwald as do the Ramsey Local Plan Written Statement and the Ramsey Local Plan Maps respectively.

3.4 If the WRDF is to be taken as the overriding policy guide for this site, then we would wonder why it has not been raised that the Framework requires the following which does not appear to have been completely addressed within the application:

- o All planning application should be accompanied by accurate tree surveys and there will be a presumption in favour of retaining and protecting all existing trees.
- o The area of salt marsh should not be disturbed and drainage arrangement should not adversely affect the hydrological context of either the salt marsh or the other areas of ecological interest adjoining the riders within the West Ramsey area
- o There should not be direct individual accesses onto this distributor road and it should be designed to restrict vehicle speeds in what will become a predominantly residential area
- o Other new development including the new distributor road should also be protected from tidal flooding
- o All flood protection measures will need to take account of the potential impact of surface water run off and drainage

4.0 Interested Person Status

4.1 Despite having originally been recommended for IPS, the officer stated at the meeting of 15th January, 2024 that he had changed his mind, having considered the provisions of the Department's Operational Policy and now recommends that none of the private individuals who submitted views should be entitled to it as none is within 20m of the site.

4.2 We fully accept that the Operational Policy refers only to those developments for which an Environmental Impact Assessment is automatically required which allows those not within 20m of the site to be considered for IPS, which was the case when the officer made his initial recommendation. However, in order for an Environmental Impact Assessment to be required, EP24 has to be triggered and this automatically means that the development is one of which will have a significant impact. We consider it unreasonable that people living close to the site but not within 20m should not be afforded IPS for a development of such significance and which is not in accordance with the development plan. River House is 40m from the site and close enough, we say to be materially affected by the development - in particular from the potential additional flood risk brought by the development.

4.3 It is also considered relevant that the site falls outside the settlement boundary on the draft Area Plan for the North and West.

5.0 Summary

5.1 We, and no doubt others, are very surprised and disappointed that the Department's recommendation is for this application to be permitted given the amount of legitimate objection to the proposal from statutory consultees and particularly on the basis of the incorrect statements and omissions from the officer's report. This approach is vastly different to the scrutiny being given by the Department to other current applications.

5.2 In addition, seldom is a contribution of less than the required 25% of affordable housing accepted by the Department and in current applications of scale elsewhere on the Island, the acceptability of those developments in relation to the relevant planning policies is being scrutinised in almost forensic detail whereas in this case, without what we would consider is essential information and in the face of objections from at least six Government departments, this application is still recommended for approval.

5.3 In my professional experience of being involved in planning on the Isle of Man, I have never witnessed so many statutory consultees objecting so strenuously to an application and it still being recommended for approval. The statutory consultees have no direct interest in the application itself, only the repercussions from it and their position is one which represents the public interest and adherence to national policy, obligations and legislation in their various areas of expertise and responsibility.

5.4 The officer's report still contains errors that have not been corrected or acknowledged which suggests that our previous representations have not even been read. There is an incorrect plan reference in C1, the report still refers to the Milntown application as on unallocated land, the site is not "allocated" as is referred to consistently throughout the report and it is not designated for Mixed Use. There is no list of approved plans and documents so no-one can be confident of what is actually being approved. The conditions change each time the application is presented to Planning Committee with further changes being made at each meeting.

5.5 Elsewhere and not far from this site, developments of a much smaller scale have been refused due to the perceived impact from flooding. There is opposition to the application from the Flood Risk Team as well as from Highway Drainage who indicate that the much welcomed spine road will not be publicly adopted, and yet the application is recommended for approval. It was commented at the meeting that the objection from FRM was on the basis of a policy which was not a planning policy however, the officer did not go on to confirm that Environment Policies 10 and 13 presume against developments which would be at or increase unacceptable risk of flooding and that these are material planning policies which are relevant to the application.

5.6 Increased flood risk is of particular concern to the owners of River House as they already experience flooding in unusually high tides and they remain concerned that the development will exacerbate this. Below is a photograph of the river only this week and it should be noted that this is not as high as it can be.

5.6 In terms of the impact of the development on ecology, there is opposition to the application from the Climate Change Team, from Ecosystems Policy Team and from Inland Fisheries Directorate and outwith Government, from Manx Wildlife Trust, all of whom have stated that there is insufficient information provided to demonstrate that the development will not have a harmful effect on the ecology of the area and yet the application is recommended for approval. If the professionals involved in each of these organisations is not satisfied that

there is sufficient information provided, how can a decision be reached that the development is acceptable? Conditions have been suggested which will require this information but once the approval is granted it will be too late if the required surveys do unearth protected or sensitive habitats or species which cannot be protected from harm as a result of the proposed and approved development. Planning decisions should not, in the words of the late Stephen Crow CB MA FRTPI FRICS FRGS, one of the Planning Inspectors for the Island at the time, give with one hand and take away with the other.

5.7 The statutory consultees have been criticised by the Planning Committee for submitting further comments late in the day. However it should be remembered that the planning officer's report is only published late on the Tuesday before the Planning Committee meeting the following Monday, leaving only a few days for the report to be digested, a response prepared and authorised and then submitted. If the officer's report acknowledged, properly reported and fully responded to the concerns which had been raised then perhaps these further responses would not have been deemed necessary. Certainly in our case, we feel that points we have raised have not been acknowledged or addressed and fundamental errors are still contained in the officer's report which we feel undermine his recommendation that this application should be approved.

5.8 It was noted that other than the representative of the Highway Services Division of Department for Infrastructure, none of the statutory consultees who attended the Planning Committee meeting on 12.02.24 was questioned by the members: the only question which was asked on the matter of ecology was about the submission of the name of the ecologist to the Department, a question directed at the applicant, no questions were put to the Government's ecological adviser.

5.9 We maintain the belief that this development should not be permitted and what is proposed would have a harmful impact on the environment and on the privacy and enjoyment of River House and would increase its risk of flooding. We would also ask that the Planning Committee grant Interested Person Status to the owners of River House who will be materially affected by this significant development, a good part of which is contrary to the land use designation of the development plan and the policies of the Strategic Plan."

0.05 OFFICER SUMMARY OF ISSUES SINCE 12.02.24

The issues outlined in the 12/2/24 report were discussed by Members at that Meeting, and updates (where relevant) are added below:

FLOODING

DoI FMD maintains its objection. The applicant has responded accordingly dated 16.02.24, these are online in full and a summary is provided above at 0.03.

HIGHWAY DESIGN, SAFETY AND THE QUESTION OF ADOPTION

The Highways Drainage Team advise that the existing roads either end of the Spine Road (SR) are predicted to flood now and even more in the future, this is not a valid reason to construct new ones which will increase the existing risk to road users, residents and emergency services. Officers note that the applicant has no control over the land to the east and west of the SR running across the site. To the east is the Audlyn Meadow residential development, the eastern arm of which the SR is intended to link up to; to the west, is Poyll Dooley Road which is Public Highway.

The applicant has advised of the Finished Floor Level's to the south of the SR (Phase 1) and that these would be above the level of the SR carriageway. They reiterate that all floor levels of the properties are located above the 1:200-year flood event and all bed spaces a further floor above. It is only where the SR level drops from its proposed height of 6.5m AOD in the area heading eastwards across the site towards Poyll Dooley Road where the carriageway level drops to 5.5m AOD, and then 4.5m AOD which is the height of the Poyll Dooley Road carriageway opposite the Pumping Station, that it is more likely to be subject to future flooding, which is outside of the red line.

When questioned by Members at the 12/2/24 Meeting, the applicant acknowledged that the DoI Highways Drainage Team may decide not to adopt the SR drainage arrangements. In that case, a Management Company would be formed which would be funded by fees levied on occupants of the new dwellings; business premises and PH/CF to ensure that the SR and its attendant/incorporated flood attenuation measures would be maintained for the lifetime of the development. It would in effect be a private road/flood defence structure, although it would be constructed to an adoptable standard.

AFFORDABLE HOUSING PROVISION

The applicant's offer of 5 x 3-bedroomed Affordable Housing Units (AHU's) as part of Phase 1, with any AHU's provided on Phase 2, to be subject of a Housing Viability Assessment, all of which would be secured by a S13 Agreement, is noted. Given the importance of securing the SR to facilitate the proposed development in terms of both access and flood risk mitigation, this offer, whilst not Policy H5 compliant (25% rate of AH provision) is acceptable in these particular circumstances. A Policy H5 compliant rate of 25% AHU provision for Phase 2 would be sought with any AHU's provided, secured by a S13 Agreement.

THE SITING OF THE PUBLIC HOUSE/COMMUNITY FACILITY (PH/CF)

The siting of the PH/CF has been revised as notified to Members at the 12/2/24 Meeting. This is considered to be acceptable as it would alleviate any potential for undue harm to the amenities of occupants of River House; and, Port Natal, Riverside, Ramsey, without causing undue harm to the amenities of occupants of the new dwellings on site, or existing nearby dwellings off-site. This has been agreed bearing in mind it is in the approval in principle element, which will be the subject of a reserved matters application. However there is a proposed condition (C24) taking out the originally proposed location and requiring the siting to be agreed as part of the reserved matters.

THE IMPACTS ON WILDLIFE AND HABITAT

The points raised by the MWT in their 14/2/24 comments are noted. The Case Officer's assertion that ploughing, draining, and hedge removal etc. of the site without consent at paragraph 7.11 of the 15/1/24 Report; and, paragraph 0.35 of the 12/2/24, was made in the context of planning legislation in that as per Section 6 (3) (c) of the Town and Country Planning Act 1999 'the use of land for purposes of agriculture' shall not be taken for the purpose of this Act to involve development. However it is acknowledged there are other consenting regimes that any landowner may need to comply with.

The various impacts as advised in the objections by the Ecosystems Policy Team (EPT); DEFA Forestry - the Arboricultural Officer (AO); DEFA Fisheries - Inland and Marine, are noted. They maintain their objections to the proposal, as do the Climate Change Team (CCT). Notwithstanding these objections, Officers have discussed conditions with these Teams (not CCT - their concerns were covered by Fisheries and the EPT) which, in the event of an approval being granted could be applied to the planning permission. These are proposed condition numbers: 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 26, 27 and 29.

The employment of an Ecological Clerk of Works (see C.29) to cover the requirements, implementation and monitoring of conditions 4, 6, 7, 8, 10, 11, 14, 16 and 27, of this planning permission reflects the concerns highlighted by the EPT, AO; Fisheries and CCT.

It is considered that the conditions proposed in terms of biodiversity, tree retention, landscaping and landscape management of the site as it develops, meet the six tests relating to conditions in that they are reasonable; necessary; relevant to the development proposed; relevant to planning; precise; and, enforceable. The applicant is agreeable to them. It is considered that the development proposed can be accommodated and the impacts of it in respect of biodiversity, can be successfully mitigated against.

IMPACT ON PUBLIC RIGHTS OF WAY (PROW)

There are no changes to report in respect of the comments made at paragraphs 0.48 and 0.49 of the 12/2/24 Report and as advised in the published minutes.

0.06 INTERESTED PARTY STATUS

There are no changes to report to the comments made at paragraphs 0.51 to 0.55 of the 12/2/24 Report and as advised in the published minutes.

0.07 RECOMMENDATION

The recommendation remains as one of approval in that overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application is recommended for approval subject to the prior signing of a Section 13 Agreement to secure:

In the Full element:

- o The provision of the Spine Road;
- o Off-Site Highway Improvement Works;

Open Space and Estate Management comprising:

- o The provision of the LAP and LEAP with their relevant play equipment;
- o The provision of a commuted sum for the maintenance costs for the LAP and LEAP;
- o The employment of an Ecological Clerk of Works as required by condition;

In the outline element:

- o That the Spine Road shall be completed prior to the implementation of the first of any approval of Reserved matters for the development of the outline element of the site;
- o A clause/mechanism to secure the provision of some on-site Affordable Housing;
- o The provision of the Commercial Units
- o The provision of the Public House/Community Facility including picnic area;
- o The provision of the shop/kiosks

Open Space and Estate Management comprising:

- o The provision of the NEAP with its relevant fully equipped play areas/courts/pitches /fencing and associated equipment;
- o Waymarking, signage and landscape interpretation boards along the Sulby Riverfront from the access onto Poyll Dooley Road in the east linking in with the Poyll Dooley Nature Reserve to the west;
- o The employment of an Ecological Clerk of Works as required by condition;

And subject to the a number of conditions, which having been updated in line with the various recommendations as advised in the Minutes of the 12/2/24, Meeting and in this Report, are outlined below but can be found in full at the beginning of this report:

CONDITIONS

1. Time Limit

2. Spine Road implementation
3. Samples and details of materials to be submitted
4. No materials to be stored north of the Spine Road
5. Submission of Reserved Matters for Phase 2
6. No tree removal or site clearance before ecological surveys
7. Landscape and Ecology Mitigation Plan (LEMP)
8. Surveys required for the LEMP
9. Additional details to be provided in reserved matters
10. Strategy to maintain GI and POS
11. Protection of Saltmarsh Area
12. Landscape interpretation
13. Street lights, car parks and street names
14. Remove PD for Construction compounds
15. Replacement trees and plants
16. Arboricultural method statement and an arboricultural monitoring schedule
17. Replace plants - standard 5 year condition
18. Surface water drainage strategy
19. Surface water management and maintenance scheme
20. Foul water drainage strategy
21. Details of the flood embankment
22. Culvert design
23. Phase 2 FRA
- 24 Exclude siting of the Public House/Community Facility
25. Bat, bird and bee bricks
26. Details of external lighting in open space
27. Highway layout and design
28. Construction condition
29. Ecological Clerk of Works condition

Informative Note:

Post development, the applicant is advised that there should be no pumping or diversion of any water flows from the site into any adjoining watercourse without first obtaining permission from the DEFA Environmental Protection Unit. To do so would constitute an offence under the Water Pollution Act 1993.

Informative Note: Boiler Ban Alert

Informative Note: Street adoption under s4 and s109(A)

THE FOLLOWING REPORTS REMAIN UNCHANGED SINCE ORIGINAL PUBLICATION

23/00679/B - THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE BECAUSE IT PROPOSES A MAJOR DEVELOPMENT ON AN ALLOCATED SITE AND A SECTION 13 LEGAL AGREEMENT IS PROPOSED

REVISED REPORT

UPDATED 2nd FEBRUARY, 2024

Members of the Planning Committee will recall that this item was originally presented to the Committee for consideration as Agenda Item 5.1 at the Meeting on 15th January, 2024. (Referred to hereon as the 15/1/24 Meeting). At the 15/1/24 Meeting, and as outlined in the Draft minutes of the Meeting, consideration of the application was deferred to enable Committee Members to conduct a Site Visit, which convened on Site at 10:00 on Thursday

18th January, 2023. The notification of the Site Meeting was advised at the end of the Committee Meeting immediately prior to its closure by the Committee Chairman.

Those in attendance considered that the main issues were:

- o Drainage
- o Affordable Housing provision
- o The siting of the PH/CF on a recognised area of Public Open Space; and, its relationship to the dwelling at River House, Riverside located on the opposite bank of the Sulby River
- o The extent of tree and hedgerow removal; and,
- o The impacts on wildlife;
- o Impact on Public Rights of Way;
- o Interested Party Status;

CONSULTATION RESPONSES

Following the publication of the Agenda and subsequent to the 15/1/24 Planning Committee Meeting, further consultation responses were and have been received from:

Ramsey Town Commissioners:

Manx Utilities Authority:

DoI Highways Drainage:

DoI Highways (Footpaths) Public of Way Manager:

DEFA Ecosystems Policy Officer:

DEFA Arboricultural Officer - Forestry, Amenity and Lands Directorate:

DEFA Inland Fisheries:

DoI Flood Risk Management Division (FMD):

DoI Public Estates and Housing Division:

These are in addition to those previously advised in précised form at Section 5 in the Officer Report to Planning Committee Meeting on 15/1/2024, and read as follows:

Ramsey Town Commissioners (9/1/2024) - Comments:

"Ramsey Town Commissioners have no objection to the amended plans/additional information."

Manx Utilities Authority (12/1/2024) - Comments:

"Please pass on my comments onto the applicant as they do need to be actioned especially ensuring the pump main is protected or diverted.

Both of the conditions below for surface water infrastructure appear fine with me as long as they are can enforceable before development work commences - although the development of a surface water strategy for phases 1 & 2 could be contradicted by the flood risk assessment. What is the situation if the applicant cannot develop such a workable scheme that meets with all MU, FMD & DOI Highways requirements, does this mean the development cannot commence?

From a MU perspective, the public adoption of the foul and/or surface water infrastructure will not be considered until we are totally satisfied that the proposals meet with our requirements."

DoI Highways Drainage (12/1/2024) - Comments:

"Surface Water Drainage

Paragraph 11.8.1 of the Strategic Plan states that:

"all new development must be capable of being drained of foul and surface water in a safe, convenient and environmentally acceptable manner."

The drawings do not include any surface water drainage details so the Applicant has not demonstrated how surface water runoff from the estate roads will be drained in a safe manner. Developing the site will undoubtedly increase the risk of flooding due to the introduction of impermeable areas and we cannot assess the risk without a detailed drainage design and supporting calculations. The Applicant has produced a Preliminary Drainage Assessment report No. FWM8791-RT002 R01-00, which does not appear to have been included with the planning application submission (see attached). Section 6.5 of the report "Next steps" states that:

"This report provides two options for stormwater drainage of the protected area and an approach for the unprotected area. The next step is for these approaches to be reviewed by the relevant stakeholders including Manx Utilities, the Department of Infrastructure and DEFA Fisheries Division.

Once the approaches for the protected area and the unprotected area are agreed, modelling should be carried out to develop the designs and provide information on flow rates, storage volumes and flow velocities. This information would then be used to prepare detailed designs for the drainage systems."

The Applicant has never approached us to discuss the options and as far as we are aware, no option has been agreed. Where the estate roads are to be offered for adoption under Section 4 of the Highway Act 1986, the DOI have determined that a detailed highway drainage design and calculations should be supplied for all developments at the detailed planning application stage so that the flood risk can be adequately assessed in line with the Strategic Plan. The Applicant has not mentioned the surface water drainage system that serves Greenlands Avenue and Lezayre Park that discharges into a watercourse within the development site (see plan attached).

Flood Risk Assessment and Applicant's Response to floodplain objection

Section 3 of the Response to floodplain objection "Site Location" states that:

"Planning Application 03/00790/B covers most of Zones 2 and 3 in the West Ramsey Development Framework. This is the area to the west of the site, outlined in yellow on Figure 3.1. Part of this site is in the floodplain of the Sulby River and includes a flood defence, indicated on Figure 3.1. The Planning Application has been approved and development is in progress. Development in Zone 2 including the spine road is complete. The design crest level of the flood defence is 6.35 m AD02. This level is above the maximum flood level including an allowance for climate change."

Planning Application 03/00790/B was approved in April 2006 and whilst the development has started, the flood defence bund has not been constructed and there is no guarantee that it will be. It is our understanding that flood modelling undertaken after the planning application was approved indicates that if the flood defence bund is constructed it would increase fluvial flooding around Auldryn Walk and the property Greenlands off Gardeners Lane.

Section 5.2 of the Response to floodplain objection "Approach to managing the flood risk" states that:

"The spine road connects with the raised defence in the development to the west of the site to provide a continuous line of flood protection."

As above, the raised defence has not been constructed and at present there will not be a continuous line of flood protection. To provide a continuous line of flood protection at a level of 6.50m AD02, the spine road would have to be extended westward for about 170m to a

point where it met Auldryn Meadow Drive. The existing road levels either side of the proposed spine road are 4.50m ADO2 to the east and around 5.30m ADO2 to the west. During future extreme tidal events it is predicted that these sections of road would be 1.50m ADO2 and 0.70m ADO2 below the tidal level of 6.01m ADO2 and emergency access to the development would not be possible. The estate road to the north of the spine road would be nearly 2.0m below the extreme tidal level. We would not advocate adopting new estate roads that are predicted to flood to these levels.

Section 4.1 of Flood Risk Assessment "Introduction" states that:

"The development itself including buildings and access routes is safe from flooding in present and future conditions (with climate change)."

The access routes are not safe from flooding (see above).

Recommendation: Due to the lack of surface water drainage details and calculations together with the extent of flooding predicted during extreme tidal events to parts of the estate roads, we recommend that our Highway Asset Management Division do not enter into a Section 4 adoption agreement if the application is approved."

DoI Highways (Footpaths) Public Rights of Way Manager (16/1/2024) Comments:

"I am writing to inform you that the Department has been made aware of a series of potential footpaths which would affect this planning application. I apologise I have not contacted you sooner as I mistakenly believed once the consultation period had finished I could not make representations. We received a request for several footpaths across Poyll Dooley fields to be dedicated under Section 88 of the Highways Act (presumed dedication) which would affect some areas of the proposed development. Any member of the public can request a route, if it has had unimpeded access for a period of 21 years, to become dedicated as a public right of way (PROW), and from consulting with past aerial imaging I am satisfied the routes proposed have been used since at least 2001. As a PROW the routes would not be able to be obstructed and a diversion would need to be applied for in conjunction with a planning application in order to have the routes moved.

I believe from consulting the application several sections of these paths will affect the areas to be built on. I have attached a rough mark-up of the locations. I must stress these have not been measured and have been plotted quickly over the plans to ensure there was something put forward to give the committee an idea of the locations, I am satisfied that while they may not be mm accurate, they reflect the extent to which the proposals interact with the application. Alongside this I have attached the accurate paths on our mapping background which will be used for the Orders. We are in the process of drafting Orders for this which the landowners and local authority have been informed of. Once these are drafted they will go out for public consultation for a period of 28 days, if any objections are received from notified parties then a public inquiry must be held, as such there may be a considerable period of time before these are dedicated. If work had started and these became PROW the work would need removing at the landowners expense. As such there are implications to the development to be considered."

DEFA Ecosystems Policy Officer (22/1/2024):

The Ecosystem Policy Team have gone through your report to the Planning Committee now in detail and have concerns about its apparent omissions and therefore its conclusions and recommendations. The concerns are listed below, as are our recommendations for the updating of the conditions. Given the complexity and sensitivity of the area, and taking into account the pressure that Planning is under to make decisions, we feel in this case, it requires

further consideration and engagement to ensure that this high profile development has been adequately and appropriately assessed.

Concerns regarding the Officer's report:

- o The Ecosystem Policy Team's objection appears to have been missed from the 'Representation Section' (Section 5) of your report, though certain limited elements of our objection are mentioned later on. As such, this appears to be selective, and is of general concern, as it presents a formal Departmental submission in an inaccurate way. This should be rectified.

- o The 'Benefits section' (7.1) of the report says that significant levels of ecological mitigation and landscaping have been proposed, but one element of the Ecosystem Policy objection (which, as noted, is not actually included in the report) is the lack of mitigation - The project ecological consultants, JBA, has recommended tree retention (which has not been done) and a CEMP, and the applicants are to undertake some replanting and other landscaping, but there are no details in the documentation on the planning portal of what this significant level of ecological mitigation would be or where it is to take place.

- o For example the applicants have provided no information about how they are going to mitigate their impacts upon the two red listed plant species of highest conservation concern which are also legally protected via inclusion on Schedule 7 of the Wildlife Act 1990. They don't seem to be intending to avoid building in the area where they are present which would be our definite preference (though details of exactly where the plants are located hasn't been provided) so therefore translocation will need to be considered, but where are they going to translocate to? It will have to be on site in an area that is to be protected and managed accordingly, unless they intend on doing this offsite in which case a S13 agreement will be required.

In addition, the Ecosystem Policy Team has provided detailed comments in its submission (also reproduced below) about the overall lack of survey effort to inform the mitigation requirements.

As such, it is difficult to see how the current levels of ecological mitigation can be considered as a benefit.

- o Development in some areas of the site is not in accordance with the land zonation but this is not acknowledged in the Report and therefore may not be adequately taken into account in the decision making process.

- o Section 7.16 states that "Officers have consulted with the Ecosystem Policy Officer with a view to formulating conditions that should be applied in the event of an approval being granted which would limit the impacts of the development on the site and surroundings." As discussed, this is not accurate, since we have not been consulted with in regards to conditions. However, we are taking the opportunity below to consult with you on the draft conditions.

- o Section 7.17 states that "It is considered that on balance, the proposed development is acceptable in terms of its potential for adverse impacts on the existing ecology and habitat of this statutorily unprotected, allocated site". The Ecosystem Policy Team would be interested in understanding how this was balance was determined, especially considering that the Ecosystem Policy Team do not believe that the correct balance has been struck, noting the other issues specified within this email. Is there a methodology for determining if and how economic benefits outweigh other issues?

o Section 8.02 indicates "There is a lot of pressure on environmental grounds from various bodies both within and outside Government for no development to take place and for the site to remain as a 'wild area' which may flood occasionally, and over time, it is likely to increase in its biodiversity offering. It is noted that the site could also be farmed (cattle/sheep grazing) as of now which would diminish its biodiversity value." We will make a couple of comments in response to this statement: Firstly, a well-managed sheep or cattle grazing regime would be of benefit to parts of this site, so this point appears invalid. Secondly, The Ecosystem Policy Team has never indicated a position for no development to take place, or that it would object in order for it to remain as a wild site. The Department tries to work cooperatively with developers to achieve balanced outcomes, based on appropriate survey, and in line with relevant legislative and policy requirements for environmental protection. As such, the basis for the objection was not the development in principle, apart from in the areas not zoned for residential development, but rather the specific issues noted in the submission, founded upon a professional assessment of the available information. Specifically;

- o the lack of appropriate ecological survey;
- o the largescale removal of habitat;
- o the impacts on protected and rare species;
- o the lack of ecological impact avoidance and mitigation;
- o the potential impact on the saltmarsh
- o lack of adherence to various policies within the Strategic Plan and the Isle of Man's Biodiversity Strategy.

The report therefore should be updated to accurately reflect the basis and arguments for our object.

o Further, and as previously discussed, DEFA Forestry's submission and objection appears to have been missed from the 'Representation Section' (Section 5) of your report and nowhere in the report is there mention of Forestry comments or tree removal at all; though Forestry have since sent in an additional response since the Committee sat on the 15th January. This is a major omission since the application includes 100% removal of 15 tree groups (of 26 surveyed on site, i.e. significantly more than half), including 100% removal of two category B tree groups. There is also to be proposed to be 13% removal of a category A tree group and a total of 13,772m² of canopy loss. Forestry Division policy indicates that this would constitute an objection on multiple bases, and noting again Forestry's objection has been omitted from the Planning portal.

o Tree removal is not listed as a dis-benefit of the scheme (Section 7.1) within the report, but new landscaping is listed as a benefit, although the level of landscaping, at least in terms of ecology (though arguably not from an amenity perspective), does not mitigate for the loss of the large areas of relatively undisturbed mature/maturing trees and dead wood, which are proven to have much higher ecological benefits than newly planted trees, as well as the removal of scrub, hedges and grassland.

Additionally, with the site plan as presented, and without reduction in the number of properties, there is simply no space on site in which to undertake more mitigation tree planting and habitat creation.

As such, it is not ecologically valid to present new landscaping as a benefit on this basis. Tree removal should also be listed as a dis-benefit within the report, with details of the level of tree removal proposed.

o In regards to Section 7.12 of the report, Environment Policy 7 would apply, since saltmarshes are a type of wetland, supported by Strategic Objective 3.3 (a).

o Section 7.26 states- "No development would benefit wildlife and the immediate environment but would offer no economic and social benefits to the people of Ramsey and the surrounding area." - We would argue that the area already brings great social benefits to the people of Ramsey, since it is located in easy walking distance of the centre, and therefore gives people easy access to a 'wild' natural space where they can walk alongside, appreciate and learn about the natural world. Access to nature has proven an important health and wellbeing benefit. This is an important point considering that the social benefits of developing the site seem to have been used as a basis for approving the application.

Amendments to Conditions:

C6 - The wording of draft C6 for a Landscape and Ecology Plan (notwithstanding our earlier comments about lack of mitigation planting) appears appropriate and the 'balance sheet' concept seems valid. However, the applicants have not undertaken sufficient ecological survey work in order to inform an appropriate ecological mitigation plan and there is no condition requiring them to do this further survey work. This is a significant failing of the proposal.

An additional condition is required to secure the following survey work, and for the outcome of this survey work to inform the Ecology Plan:

- o Breeding and wintering bird surveys;
- o Fungi surveys;
- o Bat roost and activity surveys
- o Invertebrate surveys;
- o Schedule 7 and rare plant surveys;
- o Common frog surveys;
- o Common lizard surveys;
- o Schedule 8 plant surveys.

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecological consultancy. This survey work would also need to be undertaken and the survey reports submitted to Planning for written approval prior to construction and enabling works taking place and should apply to the areas identified for full and outline approval. It should also be stipulated that if development has not commenced within 3 years of the date of these surveys, then the surveys will need to be repeated and the updated mitigation measures incorporated into the Ecology mitigation plan and CEMP.

However, the Ecosystem Policy Team has significant concerns with the principle of conditioning these ecological surveys rather than obtaining them prior to determination. The following summarises our concerns:

o The surveys are likely to identify areas of habitat that should be retained because it contains protected or red list species; e.g. we know that the JBA found two species of legally protected (listed on Schedule 7 of the Wildlife Act 1990) and red listed plants on site, but they did not indicate where. Listing on Schedule 7 of the Wildlife Act 1990 means that the plants are protected from being intentionally or recklessly picked, uprooted or destroyed, their red listing means they are of highest conservation concern and at high risk of extinction on the Isle of Man, they are therefore of national importance (see Environment Policy 4) and priority needs to be given to their retention in-situ as translocations often fail. However, if the application is approved, the applicant would not then be able to modify the layout of the site in order to take the ecological mitigation recommendations into account, unless they submitted a new Planning application for a variation to what has been approved? Another example would be if the roost surveys found a significant bat roost, or the breeding bird survey found barn owls breeding in a tree that is to be removed to place a house, they would not be able to move the house to retain the roost or nest site.

As a secondary question. If that example actually came up and a significant bat roost or red listed nesting species were found, would Planning find it reasonable for us to request an alteration to the layout, requiring a new Planning application?

o Though we can request that these surveys are undertaken prior to construction and enabling works (which would include prior to hedge and vegetation removal), we question the enforceability of this as a planning condition, because vegetation clearance does not constitute development. Surveys need to be undertaken before permission is granted, so that specific protection measures can be secured via condition. Surveys would also provide a basis for opening up a enforcement case against illegal activities, such as destruction of bat roosts, or lizards and their habitats, should the need arise.

o Can you include a condition which says that no tree removal, site or vegetation clearance may take place until the ecological surveys requested in Condition X have been submitted to Planning and approved in writing and the mitigation recommendations signed off as part of the Ecology Plan in C6?

This would need to apply to the area identified for full and outline approval.

o It is apparent that Environment Policies 4 and 5 cannot be applied if we don't know if and where species of international, national or local importance are found. The Ecosystem Policy Team therefore seeks clarification as to whether and how the application of these policies has been considered in this assessment, given that two Wildlife Act 1990 Schedule 7 plants which are also red listed plants of conservation concern, have been found on site. Environment Policy 4 therefore applies in this case but no mitigation proposals have been put forward for their protection.

As such, this approval is already contrary to Environment Policy 4 & 5 which state that no development will be permitted unless planning conditions or agreements sought to (a) minimise disturbance; (b) conserve and manage its ecological interest as far as possible; and (c) where damage is unavoidable, provide new or replacement habitats.

o Taking into account that the Ecosystem Policy Team do not agree with the JBAs Preliminary Ecological Appraisal because of a lack of survey effort and a lack of mitigation recommendations, one recommendation that they did make was - "following bat roost surveys, it may be necessary to draw up some mitigation measures, such as enhancing the adjacent nature reserve or nearby areas." - this must be decided on prior to determination because offsite mitigation would need to be secured via a condition for a S13 Planning Agreement. We do not believe this can be retrospectively applied.

o In response to the various ecological concerns raised during the consultation, it is stated multiple times in the Planning Committee report that "it (the land) remains as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, without any recourse to DEFA Planning". However, this does not accurately represent the situation on site or wider protections that are in place -tree felling licences would need to be obtained in order to fell the trees that make up the majority of the hedges, there are protections in place for habitats on agricultural land, and a grazing regime could be beneficial.

In particular, the above is stated in S7.10 of the report as an argument against getting further ecological survey, after which it states "The main benefit of surveys would be to inform the Reserved Matters development where the layout has not yet been fixed." However, this misses the point that the layout for the full approval is not yet fixed and only

will be when Planning permission is granted. So the layout can and should be influenced now by the presence of species and habitats of conservation value, and impacts avoided as a priority. This all needs to be informed by appropriate surveys.

There have been multiple examples of developers changing proposed layouts of full applications to take into account the results of ecological surveys, even applications for single dwellings where the impact on trees is much smaller, so I don't see why this wasn't even considered for this application.

Condition 9 is appropriate but it needs to go further, or an additional condition applied which requires the applicant to provide details with the reserved matters application of the measures to be put in place for the protection of the saltmarsh area and the river. Are there any drawings to show how and where surface water is to be taken off site? This should not go through the saltmarsh area.

C11 - This needs to be updated to include measures for the protection of biodiversity, such as:

- o Details of a suitably qualified Ecological Clerk of Works who will be appointed for duration of construction and enabling works. This should include the individual/companies name and details of exactly what their role will entail.
- o Incorporation of Precautionary Working Method Statements for breeding birds, roosting, commuting and feeding bats, protected and rare plants, rare invertebrates, common lizards, common frogs and fungi.
- o Measures to be put in place for the protection of the saltmarsh, Sulby River and the downstream Douglas Bay Marine Nature Reserve - prevention of pollution and sedimentation etc. - this must include phased soil stripping and vegetation clearance, as and when development progresses throughout the site, no wholesale removal.
- o Soft felling methodologies.
- o Construction exclusion areas and use of protective fencing.
- o Low level construction lighting regimes.
- o Responsible avoidance and eradication plans for Schedule 8 plants.
- o Details of compliance monitoring including who will be undertaking monitoring for compliance with the CEMP, how often inspections will take place, who they will report to, who will be responsible for undertaking corrective action and how soon after non-compliance is found will corrective action be taken.

C14 - The wording of this needs updating

- o Our preference is for the use of integrated bird, bat and bee bricks which can be substituted for normal building bricks, because they will last for the length of time that the building is standing and don't require upkeep. In comparison, external boxes won't last that long, will need upkeep and replacing. So it's not applicable to request details of this prior to occupation of dwellings, since by that point the bricks should already be installed. Additionally, swallow cups would need to be located inside of buildings so aren't really appropriate and bat bricks have been missed out of this condition but are required mitigation, in line with the recommendations made in the Manx Bat Group's Bat Activity Survey report.
- o The condition needs to be reworded to say that details of bat, bird and bee bricks to be installed as part of the development shall be submitted to and approved in writing by DEFA Planning prior to works commencing and that development then carried out in accordance with these details. Thereafter, these features shall be permanently retained and maintained. Details should include the number, type and location of the bricks. Bat bricks should include types suitable for cavity and crevice dwelling species and in locations which

facilitate the lifecycle of bats (locations to facilitate breeding and hibernating). Bird bricks should include types suitable for swift and house martin.

Additional Conditions:

- o I don't know if a specific condition is required for an Ecological Clerk of Works if the CEMP is specific in saying that one is to be appointed, but it may be advisable to emphasise the requirement for one.

- o No external lighting shall be installed except in accordance with a detailed external low level lighting scheme which complies with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (2023), which has been submitted to and approved in writing by the Planning Department.

Reason: To provide adequate safeguards for the ecological species existing on the site. (see Manx Bat Group Bat Activity Survey)

- o No retained tree, hedge or bank shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

- o Prior to the commencement of the development details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Department. The details should make provision for the regular reporting of continued compliance or any departure there from to the Department. The development thereafter shall be supervised in strict accordance with the approved details.

Reason: Required prior to the commencement of development in order that the Department may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

- o The standard tree condition should be applied - any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Thereafter, all soft and hard landscape works shall be permanently retained in accordance with the approved details.

We would finish by noting that in December 2022, members of Tynwald unanimously voted in agreement with the following motion:

That Tynwald acknowledges the global biodiversity and ecological crisis and recommits its support of the Island's 2015 Biodiversity Strategy, which aims to:

- o manage biodiversity changes to minimise loss of species and habitats;
- o maintain, restore and enhance native biodiversity; and
- o involve society in understanding, appreciating and safeguarding biodiversity.

The presentation of this application appears inconsistent with both established Planning Policy and the recent statements by Tynwald in relation to how the Island should be managing and protecting its biodiversity. It's up to us as Officers to ensure that the interpretation and balance of our policies and legislation is fully considered and reflects the will of Tynwald and the people of the Isle of Man.

DEFA Arboricultural Officer - Forestry, Amenity and Lands Directorate (17/1/24) - Comments:

The DEFA Arboricultural Officer raises an objection to the proposed development, on the grounds that:

The proposals involve the removal of multiple tree groups including 14 category C groups 2 large category B groups and the removal of 1 category A group. In total this results in a canopy cove loss of 13,772m².

In making Additional Comments, the Arboricultural Officer advises:

- o The proposal includes the removal of 1 Category A group (286m²) and the removal of 2 large category B groups (5574m²).
- o It is noted due to ash dieback, the site will naturally reduce its over all canopy cover.
- o The proposal includes a landscape plan which includes approximate location/numbers for replacement trees. Although there would be a net canopy loss in the short term, the mitigation planting would, if properly maintained, would likely equal the current canopy cover.
- o A tree protection plan, arboricultural method statement and arboricultural monitoring schedule, could be requested as a pre commencement condition.
- o The proposal shows the properties sited away from some of the large tree groups that could cause future conflicts to the potential residents.
- o

In the event that the application is approved, the Arboricultural Officer advises that the following condition be added to any permission that may be granted:

"Prior to the commencement of the development hereby approved a tree protection scheme, arboricultural method statement and an arboricultural monitoring schedule shall be submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text which includes but is not limited to details of:

- a) The location of the trees to be retained and their canopy spreads;
- b) The location of a 'construction exclusion zone'
- c) The position of protective fencing and/or other protective measures required to prevent damage to retained trees.
- d) An appropriate specification for the protective measures proposed.
- e) A schedule of arboricultural monitoring.

The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

Reason: required prior to commencement 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."

DEFA Inland Fisheries (15/1/2024) comments as follows:

"Although this response may be too late, I can advise that the two options on preliminary surface water drainage assessment has been reviewed.

We have doubts about the ability of these systems coping with a 1:50 year flood event, which would pose a risk to the nearby fishery environment.

Due to tidal range and groundwater levels, the performance of SuDS towards the dilution of pollutants is likely to become compromised. This is evident within the drainage report as storage is described as complex and must take into account rainfall and tidal events making this impossible to predict without models being carried out.

As such, DEFA Fisheries object to this proposal until modelling can provide clear results demonstrating no risk to the fishery environment, including from sediment loading."

DoI Flood Risk Management Division (FMD) 1/2/2024 - Comments: Oppose

"Suggested conditions:

1. The detailed surface water drainage with calculations must be provided showing the position of attenuation tanks/ponds behind the spine road and not within the flood area. The surface water system is to be design to not surcharge in a 1 in 50 year event and the storage must be for a 1 in 100 plus climate change event. This information to be provide and approved prior commencement on site.
2. Details of the flood embankment to be provided prior to starting on site to be design to current industry standards and best practice.
3. Culvert design under the flood embankment to be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). This is subject to consent under the Flood Risk Management Act 2013, section 20.
4. The detailed application for phase 2 must include a flood risk assessment that shows rate of flood water rise both tidal and fluvial, flood water velocity and depth. This area contains children's play areas, light industrial units, pub/community area it must be demonstration how in time of flood especial fluvial where there is no flood warning how people will evacuate.

Please note that the content of this memo has been completed by Officers from DOI Flood Risk Management in relation to the detailed planning application for the benefit of Officers of DEFA P&BC

Detailed comments

1. The flood management division objects to the proposed development on this site because development should not continue to be allowed on green field sites in areas of known flood risk. There should be no residential development on this greenfield site as the site is largely in a high risk flood zone (fluvial and tidal) no development other than water compatible should take place in this area.
2. The building on green field sites which flood or potential could flood is leaving a legacy for future generations to deal with. Defences can be constructed to standards set out and freeboard added however these will be overtopped at some point. This will mean more property and more lives at risk. For example Brechin in Scotland had new flood defence constructed in 2016 to a 1 in 200 fluvial standard these were breached in October 2023 when Storm Babet hit.

3. This site was originally zoned in 1980's policy and opinion in other jurisdictions has moved on. English planning policy in the National Planning Policy Framework advises development should be directed away from areas at greatest risk of flooding. This is same in other jurisdictions and is the position the Island is looking to move towards with policy and strategy documents currently being developed. The proposed development goes against the policy position of the leading independent chartered professional body for water and environmental professionals. The Chartered Institute of Water and Environmental Management policy position statement states "stronger policies are need to avoid new development in places that are currently or will become at high risk of flooding or coastal erosion" The Flood Planning Strategy and policy being developed for the Island will seek to follow this guidance to prevent flooding on greenfield land in flood zone or area that will become flood zones.

4. There are two culverts that will pass through the embankment. There is a no information on the culverts which should include detailed drawings showing long section, cross section, inlet and outlet details, etc. The culvert needs to be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). There are no flow calculations to support the application and demonstrate the capacity of the culvert. Generally we would ask to demonstrate the culvert can pass the 1 in 100 plus Climate change flow there must also be blockage scenarios and measures put in place encase of blockage.

5. The flood embankment will be critical infrastructure there has been no ground investigation and no design only trial pits undertaken in August 2021. What standard will the flood embankment be designed too, who will own the embankment and what will be the maintenance regime?

6. The drainage in the spine road is proposed to be laid under permeable paving and the invert level of the drainage system is 5.1mD02 (Page 17 of The HR Wallingford, Sulby Riverside Development Preliminary drainage assessment). This is 0.9m below the high tide level that has been provided how will the water be prevented from passing through the spine road into the site?

7. Appendix 4 of the Isle of Man Strategic Plan 2016 sets out the requirements for the flood risk assessment. Under other information (c) (snip below) it states the hydraulics of any drain or sewers existing or proposed on the site (during a flood event). This information has not been supplied and therefore the flood risk assessment is not complete. It is a great concern what will happen during a flood event with the surface water (sewers and watercourse) as the properties could be flooded from surface water which is tide locked during a flood event.

(f) A cross-section of the site indicating finished floor levels or road levels or other relevant levels relative to the source of flooding and to anticipated water levels and associated probabilities. Other information A.4.4 The following additional information may also be required:

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

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

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

(d) An estimate of the volume of water which would be displaced from the site for various flood level following development of the site.

(e) The potential impact of any displaced water on neighbouring or other locations which might be affected subsequent to development.

(f) The potential impact of any development on fluvial or coastal morphology and the likely longer-term stability and sustainability.

Mitigation Measures

A.4.5 Details of flood defence arrangements proposed must be provided and also an assessment of their behaviour in extreme events.

A.4.5.1 Any work on a watercourse, stream or a designated main river (and normally including the banks for a distance of 9m either side) requires the permission of the Department of Transport's Land Drainage Engineer in accordance with the Land Drainage Acts 1934.

8. The HR Wallingford, Sulby Riverside Development Preliminary drainage assessment does not use the Isle of Man standards for drainage design. In Manx sewers for adoption the sewers must be self-cleansing and must not surcharge for a 1 in 50 year event. The storage during a flood event should have the capacity for a 1 in 100 plus climate change event.

9. I have been in contact with the emergency services with regard to access during a flood event and have stated the depth of water could be up to 1 metre deep. The flood risk assessment should provide information on depth and velocity of flood water as this will also affect access in emergency situations.

a) The police state that "From a police perspective I can confirm we would have no ability to access in a flooding event through water - our vehicles being 'standard' and as such would be unable to pass water. In respect of the secondary entrance through a cycle path this would need to be looked at in more detail prior to being able to confirm"

b) The Fire and rescue service have said that a standard fire appliance would not have the ability to travel through flood waters of up to 1m in height.

c) The Ambulance service stated "From the ambulance side we wouldn't enter flood water due to the risks we can't see underneath. But if they did it would only be to the height of the sills of the vehicles which is less than 1ft of water "

The Emergency Services asked for more information on the cycle route to check suitability and if there would be chance to comment further on the application."

DoI Public Estates and Housing Division (1/2/2024) - Comments:

"Bearing in mind that both Phases fall within this application, then we would like to see a commitment for 25% in Phase 2 and that would temper the loss of a large proportion of AHU's in Phase 1 due to the viability issue. We would like to see 37 units overall, or more if possible, which would equate to 18% AHU delivery across phases 1 and 2."

THIRD PARTY REPRESENTATIONS

At the revised report drafting stage, further neighbour representations (which are précised below) were received from the occupants of:

47 Lezayre Park, Ramsey, (received 17/1/2024) pointing out that they have walked the site area daily on the 3 rather cold days preceding the Committee Site Visit. There are several species of plants already starting to bloom again and birds are now starting to become more active; and, that there is a stream running down this area which I had never seen before. This is on the nature reserve side hidden by grass and branches.

River House, Riverside, Ramsey (12/1/2024 received 17/1/2024) pointing out that:

- o The land designation on which the PH/CF is proposed to be sited lies in an area of Public Open Space which lies outside the land allocation area shown in the Ramsey Local Plan;
- o There is no justification for such a departure from the Development Plan discussed in the Officer's Report. This is contrary to Business Policy 5 and Recreation Policy 2 in the Strategic Plan;
- o There is no assessment in the officer's report on the amount of the different types of Public Open Space which is required by the development and how much is being provided on site and if there is any shortfall, how this will be provided.
- o Despite having originally been recommended for IPS, the officer stated at the meeting of 15th January, 2024 that he had changed his mind, having considered the provisions of the Department's Operational Policy and now recommends that none of the private individuals who submitted views should be entitled to it as none is within 20m of the site. We consider it unreasonable that people living close to the site but not within 20m should not be afforded IPS for a development of such significance and which is not in accordance with the development plan.
- o There is no reference to any specific assessment of EP 24 in the officer's report although it is referred to.
- o The site falls outside the settlement boundary on the draft Area Plan for the North and West;
- o There is inaccuracy in Drawings listed in proposed conditions 1 and 5;
- o The matters required by proposed condition 6 should have been provided prior to any decision being taken.
- o The information required by proposed condition 7 should be provided prior to the taking of any decision.

Watersmeet, Westfield Drive, Ramsey (20/1/2024)

I believe

1. It will have adverse effects on the wildlife of the Nature Reserve
2. It will create noise pollution for current residents and visitors to the Nature Reserve
3. It will ruin a beautiful green field site which so many residents enjoy
4. It will affect the already high water levels experienced by current properties on the waterfront
5. It will affect our riverside supporting wall and in turn our land
6. It will devalue our property, which has been on the market for a couple of years now and is not selling because buyers are concerned about the said development
7. The pub would take business away from already struggling public houses in the town
8. It will create further road congestion in an area of town that already struggles with congestion due to new estates on Gardeners Lane and the 3 schools.

Pooildhooie Limited, a company in the Dandara Group, is the owner of land which directly adjoins the site of the above planning application. (22/1/2024)

- o Our objection satisfies the relevant provisions of the DEFA Operational Policy in respect of Interested Person Status and accordingly we wish to be afforded IPS.

- o The development as proposed will have an unacceptable adverse impact upon our land because the dwellings proposed at the north west boundary of the application site are immediately adjacent to our land, which is allocated for residential development but is yet to be developed (see approved application PA 03/00790/B). The dwellings as now proposed are positioned too close to the site boundary, resulting in back gardens with a depth of as little as 6 metres. This is contrary to the Residential Design Guide's general requirement for a minimum of 20 metres between habitable rooms which face one another. This will prejudice the development of Pooildhooie Limited's site.
- o Our land (PA 03/00790/B) is allocated for residential development in the Ramsey Local Plan (and the emerging APNW) and benefits from an extant planning approval for roads, plots, drainage and the flood defence bund, but there is currently no certainty over when the site might be developed and therefore when the flood defence bund might be put in place.
- o The scheme proposes to develop new dwellings on land which is zoned for Light Industrial use. Strategic Policy 7 of the IoMSP;
- o The proposal is therefore contrary to SP7 and BP5 in the IoMSP;
- o The application fails to demonstrate how there is a need for housing in the North which is sufficient to outweigh the objectives of SP7 and BP5;
- o The application also proposes to locate a public house within an area which is designated as Public Open Space contrary to Recreation Policy 2 of the IoMSP;
- o The application includes a Feasibility Report which concludes that it is not viable to provide affordable housing. We do not wish to comment upon the detail of the report at this stage, but would point out that the applicant would be aware of the construction and infrastructure needs of the site when purchasing the land. We note that the Dandara scheme in Ballasalla has been referenced by other parties; that development includes a multi-million pound by-pass road with raised embankments, a bridge over the railway line and a large roundabout as well as affordable housing on-site and a financial contribution of over £1 million in lieu of affordable housing;

West View, Westfield Drive, Ramsey (23/1/2024)

1. In neither the RLP or the WRDF, is field 131273, where the new Public House is proposed to be sited, part of land zoned for development of any type. It is clear it is to be retained as public open space.
2. Part of the proposed residential development is on land zoned for light industrial use according to the RLP and the WRDF. Surely if land is zoned for a specific purpose it should not be used for another?
3. The issue of affordable housing has not been given appropriate weight. The Chief Minister advised Manx Radio that affordable housing was a priority for his administration given the current housing crisis on the Island. To allow the Developer not to build the requisite number of affordable homes in phase one, on the purported promise of doing something in phase two (which may never happen), gives the wrong impression, given the Islands, and particularly Ramsey's needs for more affordable housing now.
4. We still have concerns that any development may affect the flow of the Sulby river and the possible risk of damage to the riverbanks, gabions and garden walls on the opposite side.

These issues previously raised have not been dealt with effectively, and if damage occurs to our property, who is liable, the Developer, the Government, or us?

5. The issues about wildlife, biodiversity and nature have been well argued by others including Manx Wildlife Trust, however we would like to reiterate our strong feelings about the potential risk to flora and fauna on the development site. We are a UN Biosphere after all.

6. Whilst the planning officer gives no weight to the DAPNW, as it is not a publically agreed document it obviously outlined the direction of travel and the thinking of those responsible for it two years ago. That document showed that the area in question should remain as a public open space. The fact that it has not been ratified by now is in our opinion just a snapshot of the malaise within Government in general.

Pine View, Westfield Drive, Ramsey (24/1/2024)

I live opposite to Poylldooey and see the tide movement everyday. It seems amazing to me that anyone would even think of building on those fields as there are increasing risks of flooding. We have had be very high rainfall this winter and as the largest river on the Island, inevitably the Sulby River will carry even more water. These weather patterns are predicted to increase the temperature in the NW of Great Britain so it will only get worse with even greater flooding.

It is also amazing that permission to build is even considered so close to the nature reserve ASSI. There are few enough of these on the Island, which boasts a commitment to UNESCO Biosphere on the Isle of Man. I beg you to refuse the permission to build on these fields, which would lead to more people, bikes, dogs etc. disturbing the natural wildlife.

Port Natal, Riverside, Ramsey (28/1/2024)

The application will cause the loss or irreversible harm to priority habitats such as the saltmarsh and tree cover and result in the loss of protected and rare species that inhabit this.

Public Open Space.

Loss of significant social benefits of walking on a daily basis around this rare island habitat with its staggering biodiversity on display in this vital green space so close to an urban setting.

The proposed development will likely cause harm to the Manx Marine Nature Reserve during construction and forevermore following completion.

The application has been evaluated by the many professional consultees to the Planning Department on multiple occasions and found to be an unsustainable development contrary to the Strategic Plan.

The development will cause irreparable damage to one of the islands most important areas for biodiversity and therefore contrary to the aims of the Isle of Man 2015 Biodiversity Strategy?

The loss or damage of the saltmarsh would be in direct contravention of the Isle of Man Climate Change Action Plan 2022-23 which identifies the Saltmarsh as a priority carbon sequestering habitat.

The potential flooding issues that will be created by constructing the development with its many hard, impervious surfaces and the increased run-off that will no doubt be caused to the intertidal area and flood plain. No reassurances can be given by the developer that the overburdening of the floodplain with run-off will not cause future flooding of long established residential areas next to the river and harbour area.

This unique area should be given the utmost protection for the natural flood defence that it provides rather than causing its loss or irreparable harm.

Would any insurance underwriter be willing to provide protection for the new homes and businesses proposed when existing ones are either not able to get cover or it has become so cost prohibitive that it makes such cover unviable?

While this may not be a planning reason for objection, it is a very real reason that will be left for the existing residents of Ramsey, if the development is granted consent and therefore should form part of any deliberation over the proposal.

The proposed development with its increase in traffic and movement of people will spoil the quiet enjoyment of my property and no substantive mitigation can be provided to alter this fact.

The beautiful verdant outlook enjoyed from this property will also largely be destroyed, further exacerbating the adverse impact upon me as a direct neighbour and the unique character of the area.

The proposal to construct a public house in close proximity to my house would also have a lasting detrimental impact to the quiet enjoyment of my property.

There is quite clearly no need for such an establishment given the number of boarded up and derelict public houses presently in Ramsey.

The full contents of the representations received are available to view on the DEFA Planning website PA 22/00679/B. Any further representation received will be reported.

The following Sections of the Report have not changed from that Reported at the 15/1/24 Meeting. They are:

- 1.00 THE SITE
- 2.00 THE APPLICATION
- 3.00 PLANNING POLICIES
- 4.00 PLANNING HISTORY
- 5.00 REPRESENTATIONS - FROM STATUTORY CONSULTEES
- 6.00 REPRESENTATIONS FROM THIRD PARTIES (NEIGHBOURS)

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPROVAL IS SUBJECT TO A LEGAL AGREEMENT IN RESPECT OF THE AFFORDABLE HOUSING AND DUE TO THE OBJECTIONS TO THE APPLICATION INCLUDING THAT FROM THE LOCAL AUTHORITY

0.0 PREAMBLE

0.1 This application was considered by the Committee on 15th January 2024 and deferred for a site visit.

0.2 The Site visit was carried out on Thursday 18th January 2024.

0.3 During the site visit the location of the site's principal access for the Spine Road onto Poyll Dooley Road to the east; and, Audlyn Walk to the west were viewed by Members. Members toured the site and parts of the surrounding area viewing it from:

- Poyll Dooley Road zebra crossing;
- The public footpath/cycleway running along the sites southern boundary (old railway line);
- The west side of the site adjoining dwellings in Audlyn Walk;
- The road access into the eastern part of the site from Audlyn Walk;
- The White bridge (footbridge) across the Sulby River and the northern river bank immediately adjacent to it;
- From Poyll Dooley Nature Reserve and car park;
- From the public footpath network immediately adjacent to Poyll Dooley House and Barn;
- Poyll Dooley House and Barn - in relation to the 6 units in Phase 1 to be sited to the north of the Spine Road and adjoining the sites western boundary in this particular area;
- View south across the site towards the industrial units of the main part of the Phase 1 area from the footpath approx. 60.0m to the east of Poyll Dooley House's eastern access;
- The retained pond located off site to the north of the site boundary;
- The area of land on which the proposed PH/CF is to be sited (Phase 2 - Outline element), and from which the upper floor of the west elevation of River House, Riverside, was visible;
- The historic ferry crossing inlet and foreshore immediately to the north of the Sulby River comprising the area of protected saltmarsh habitat, located opposite River House on the west bank of the Sulby River in this particular location;
- View of the western part of the site and Sulby River from the southern riverbank; and, the areas of trees to be retained in the north west section of the site between the riverbank and the Spine Road;
- Views to the west of the site from the Sulby Riverside Pumphouse, Poyll Dooley Road;
- The site was also viewed from the grounds of River House, Riverside, Ramsey which is located on the north bank of the Sulby River and to the east of the site of the proposed Public House, with the occupant of River House in attendance;

0.4 During the site visit, Members observed the access points at the eastern and western ends of the proposed Spine Road which had been laid out by the applicant prior to the Site Meeting. Members queried:

- Whether the hedging/bank on the sites southern boundary would be removed or retained;
- The area on site where the division of the full element and outline elements of the application were to occur;
- The approximate position of the Spine Road running across the site band what tree and what areas of trees and shrubs were to be removed as well as those proposed to be retained. Members were assisted with a plan of the site drawn from the submitted Tree Survey on which the DEFA Ecosystems Policy Officer had annotated the various areas of trees

and shrubs proposed to be removed; the percentage removal of each such area; areas of trees and shrubs proposed to be retained; and, in cases of partial removal, the respective percentage proportions of removal and retention;

- The approximate position on site of the proposed commercial kiosks located on the north side of the Spine Road approx. 50.0m from the junction of the Spine Road with Poyll Dooley Road;

- The relationship of the site and development proposed thereon with both industrial and residential units on the southern side of the site boundary (old railway line - cycleway/footpath); and, the Dandara Homes development at Audlyn Walk immediately to the west and south-west of the new dwellings and Spine Road proposed for Phase 1 of the development;

0.5 Finally, Members were directed to view the site and the location of the PH/CF from the grounds of River House, Riverside, where the occupant pointed out the position and proximity of River House and the site of the PH/CF. In addition, the occupant pointed out the relative location of the 4-storey residential units, and commercial units, which would be located on the north side of the Spine Road. The occupant expressed concerns regarding the proximity of the PH/CF; the potential for noise and disturbance arising from activities carried on in and around the PH/CF; loss of outlook; and overlooking from the upper floors of the 4-storey housing units facing the site. Concerns were also expressed regarding the loss of trees and shrubs on site and whether the gorse hedge on the opposite riverbank would be retained.

0.6 Subsequent to the Committee Site Visit, the applicant has proposed the following by way of variation to the application:

- o Re-siting of the PH/CF to a position approx. 50.0m to the south of its previous location on land not forming part of any area of POS, and maintaining a line of mature trees to its rear between it and the river bank. The siting of the PH/CF can be covered by a condition.

- o The applicant has clarified that the proposals now involve the provision of 5 x 3-bed Affordable Housing Units (not 5 x 2-bed units) as part of Phase 1 (Full element of the application) subject to inclusion in any S13 Agreement. The applicant advises: "Though we appreciate that this is below the 25% requirement, we know that this is the absolute limit we can provide in phase 1."

0.7 The applicant has clarified the following points:

- o The Preliminary Drainage Assessment report No. FWM8791-RT002 R01-00 as referred to by DoI Highways Drainage in their consultee response was not originally submitted with the bulk of the application in May 2022, but it was submitted in December 22 and resubmitted in May 23, and forms part of the application.

- o Apart from the above document and those already submitted, there are no other flood related documents that form part of the application;

- o In response to the latest comments received from the Ecosystems Policy Officer - 22/1/24, the applicant advises that "our comments are being finalised, but the comments are similar to Ms Costain's previous comments so I believe our position is largely the same as previously."

- o In terms of open space provision in respect of what is required by Policy and what is proposed to be provided, the applicants advise:

Formal space required = 8,613m² Formal space provided = 5,798m²

Children's Play Space required	= 2,871 m2	Children's Play space provided	= 1,500 m2
Amenity Space required	= 3,828m2	Amenity Space provided	= 21,093m2
Total Space required	= 15,312 m2	Total Space provided	= 28,391m2

o With regard to the proposed commercial units, these are annotated on plan as flexible employment space, and amount to a floor-space of approx. 2,580m2. The shop kiosks on the north side and fronting onto the Spine Road amount to 56m2. The applicant has been advised that 'Commercial' Use is not a formal land-use on the Island. The applicant responded: "These uses will complement the offerings found in Ramsey town centre and will not harm the vitality of the Ramsey town centre. The offering is unlikely to provide a large amount of retail space, as the focus of the non-residential development is focused on uses falling under Part 2 of the Town and Country Planning (Use Classes) Order 2019. However, the kiosks measuring roughly 56m2 are not considered to affect the retail provision in Ramsey Town Centre. The provisions non-residential development within this site will provide a 21st century offering of workspace and commercial space with the detailed design forming part of the reserved matters application in future. This has been in the description of development since the start."

0.8 In a letter dated 2/2/2024, the applicant advises of the updates as follows:

" Sulby Riverside - Update to Council

Following the planning committee meeting on the 15th January and the subsequent site visit on the 18th January, we would like to formally submit updates to the proposed development at Sulby Riverside.

The amendments include the following:

- o We will provide five affordable three bedroom houses in phase one
- o We proposed to relocate the public house to the southern portion of the site outside of the designated public open space area as set out in the West Ramsey Development Framework.

We believe that these amendments improve the planning justification for the application and address key concerns which members of the planning committee and members of the public have had regarding the proposal.

We also wish to respond to specific comments raised by various consultees and committee members at this time.

In terms of affordable housing, the phase one elements include 78 new units of which 12 are 1-bedroom apartments.

Under the original submission a viability assessment had been carried out to show that due to the provision of Spine Road in Phase One that the provision of affordable housing in this phase was not deemed viable.

However during the committee meeting on the 15th January it was made clear by members that the provision of affordable housing was an essential need for residents of the north of the island.

As such we have proposed provide 5 affordable homes in phase one. These will be two-bedroom homes being sold at a fixed price of £185,000. (Subsequently clarified by the Case Officer with the applicant that these are 3-bedroom homes).

These will be provided for first time buyers who are on the register.

The total percentage of this is around 6.5% of the total number of homes in phase one being affordable. We have provided an updated viability assessment to prove the impact on viability. The fact is the provision of the public infrastructure in the form of the Spine Road will affect delivery of affordable housing in phase one this position has been agreed with Brett Woods, the head of affordable housing delivery on the Isle of Man.

We would like to remind members that further affordable housing is possible in the later phases of development however these will be subject to their own viability review closer to the time.

We hope that the provision move affordable homes on site alongside the much needed public infrastructure over the Spine Road will be viewed favourably by members.

Public House Relocation

We also have proposed to relocate the pub in the outline portion of the development.

As discussed on site we recognise that the location of the pub is within designated public open space. Though the provision of this community facility is not necessarily inconsistent with the aims of public open space, we respect the concerns of residents and members about the delivery of this in this designated area.

Though the location of the pub is within the outline application where sighting is yet to be fixed, we want members to know that we are committed to having the pub located outside this designated area.

We would happily agree to a planning condition which would ensure that the public open space designation will remain undeveloped as part of this permission.

In terms of road safety concerns were raised at the previous planning committee about whether or not the spine road and the existing estate road at the Dandara scheme would be safe.

Comments provided by the Highways Department show that relevant road safety reviews and road safety audits were carried out by an independent party during the course of the determination on that amendment were made particularly with the western side of the Spine Road where it connects with the existing estate road.

We agreed in March 2023 with Shelia Henley that the proposed development would provide dropped kerbs and tactile paving within the length of full height kerbs, taking care to avoid the hardstanding access and provide tactile paving only on the raised table between Plots 1 and 73 and that the road material between the Dandara Estate Road and the Spine Road wearing courses on the new sections of carriageway have a similar wet skid resistance to ensure that drivers in wet conditions will have the same level of grip.

These recommendations were made by an independent road safety expert and have been incorporated into our design for nearly a year.

Appropriate speed limits speed humps and traffic calming measures have been proposed as well as improved pedestrian crossings and footways to ensure easy access for wheelchair users and those suffering with sight issues is incorporated into the proposed design. The design of the road is also complied with the Manx Road design guidance. This has been confirmed by Richard Webster.

Flooding and Drainage

Concerns regarding the flooding position were raised during the meeting and subsequently from members.

We are clear in the fact that we know the site has flooding issues, and we have hired industry leading experts on this.

There were concerns regarding the bund which Dandara have failed to build, there could be a route for floodwater to enter the west side of the site south of the spine road during the most extreme events (1 in 200 years). A small amount of landscaping along the site boundary would mitigate this impact to our development.

The existing roads to which the Spine Road connects to the west and east of the site already flood. The development provides a level of flood protection that is greater than the level of protection to the east and west.

In terms of surface water drainage, three options were proposed which fit into the wider drainage scheme for the site. They were designed to facilitate adoption by Manx Utilities and DoI Highways.

The next steps should be to reach agreement on the approach and then provide the detailed highway drainage design and calculations that are required. The drainage options should be discussed and the preferred option should be selected including the adoption strategy.

The drainage details and calculations would then be provided. The adoption strategy should take account of the fact that proposed roads serving housing areas are above flood level and existing roads including Poyll Dooey Road are already at risk of flooding.

Furthermore, in terms of foul drainage concerns have been raised specifically regarding adoption and this will be done post permission. We will complete the required Section8 adoption agreements with Manx Utilities upon the granting of planning permission.

To summarise:

Affordable Housing:

- o Proposal: five affordable three-bedroom homes (as confirmed by the applicant 2/2/2024) at £185,000 for first-time buyers.
- o Updated viability assessment provided.
- o We are committed to viability reviews for later phases.

Public House Relocation:

- o Commitment to relocating pub outside designated public open space.

Road Safety:

- o Completed independent road safety reviews and audits.
- o Implemented recommended safety measures in compliance with Manx Road design.

Flooding and Drainage:

- o Engaged industry experts to address flooding.
- o Mitigated flood impact through landscaping.
- o Proposed three drainage options for wider scheme.
- o Intent to finalize drainage details post-agreement.

We appreciate your attention to these updates and remain open to further discussion. Thank you for your consideration."

0.9 As indicated at the beginning of this updated Report, Members considered that that subsequent to the site visit, the following points remained for further consideration:

SUMMARY OF ISSUES

- o Drainage;
- o Highway design, safety and the question of adoption;
- o Affordable Housing provision;
- o The siting of the PH/CF on a recognised area of Public Open Space;
- o The extent of tree and hedgerow removal; and,
- o The impacts on wildlife;
- o Impact on Public Rights of Way;
- o Interested Party Status;

DRAINAGE

0.10 Officers have discussed the application at some length with the representatives of the DoI Flood Risk Management Division (FMD). Subsequent to these discussion, FMD has raised no objection to the proposed development subject to the imposition of conditions as part of any planning permission that may be granted.

0.11 The conditions require:

- o The submission of a detailed surface water drainage scheme with calculations must be provided showing the position of attenuation tanks/ponds behind the spine road and not within the flood area. The surface water system is to be design to not surcharge in a 1 in 50 year event and the storage must be for a 1 in 100 plus climate change event;
- o Details of the flood embankment to be provided prior to starting on site to be design to current industry standards and best practice.
- o Culvert design under the flood embankment to be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). This is subject to consent under the Flood Risk Management Act 2013, section 20; and,
- o The detailed application for phase 2 must include a flood risk assessment that shows rate of flood water rise both tidal and fluvial, flood water velocity and depth. This area contains children's play areas, light industrial units, pub/community area it must be demonstration how in time of flood especial fluvial where there is no flood warning how people will evacuate."

Reason: To minimise the potential impact of flooding and flood risk arising from the development both on-site and up and downstream of the site along the Sulby River.

0.12 It is considered that these suggested conditions are acceptable and meet the tests for conditions which are that they should be necessary, relevant to the development, relevant to planning, reasonable, precise, and enforceable. On these grounds it is considered that the

proposed development is acceptable and accords with the provisions of Strategic Plan Policies ENV5, ENV10, ENV22 and ENV28.

0.13 The DoI Highways Drainage Team has commented on the proposals and has recommended that: "Due to the lack of surface water drainage details and calculations together with the extent of flooding predicted during extreme tidal events to parts of the estate roads, we recommend that our Highway Asset Management Division do not enter into a Section 4 adoption agreement if the application is approved." This stance is noted.

0.14 The applicant has commented (2/2/24) that:

"The next steps should be to reach agreement on the approach and then provide the detailed highway drainage design and calculations that are required. The drainage options should be discussed and the preferred option should be selected including the adoption strategy.

The drainage details and calculations would then be provided. The adoption strategy should take account of the fact that proposed roads serving housing areas are above flood level and existing roads including Poyll Dooey Road are already at risk of flooding.

Furthermore, in terms of foul drainage concerns have been raised specifically regarding adoption and this will be done post permission. We will complete the required Section8 adoption agreements with Manx Utilities upon the granting of planning permission.

0.15 It is noted that Manx Utilities Authority (MUA) considered that conditions advised by the Case Officer in an email dated 12/1/24 and which read:

Surface water drainage strategy

Prior to the commencement of any works on site, precise details of a finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. The surface water scheme shall be implemented in accordance with the submitted details before the development is used for the first time.

Reason: To prevent increased risk of flooding and to improve and protect water quality and ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

Surface water management and maintenance scheme

Prior to the commencement of any works on site, details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. Such details shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

Foul water drainage strategy

Prior to the commencement of any works on site, precise details of foul water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by DEFA Planning. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

should be applied to any planning permission that may be granted that requires

0.16 MUA advised that from their perspective: "the public adoption of the foul and/or surface water infrastructure will not be considered until we are totally satisfied that the proposals meet with our requirements.

0.17 MUA also advised that: "Both of the conditions below for surface water infrastructure appear fine with me as long as they are can enforceable before development work commences - although the development of a surface water strategy for phases 1 & 2 could be contradicted by the flood risk assessment. What is the situation if the applicant cannot develop such a workable scheme that meets with all MU, FMD & DOI Highways requirements, does this mean the development cannot commence?"

0.18 This is a possibility. However, it may be that the road and drainage system is not adopted, and would remain the responsibility of the developer, and/or any management company that it appointed and to which residents and businesses on the site of their scheme contributed to. The applicant considers that such details can be worked out and is willing to work with MUA and Highways Drainage to resolve such matters.

0.19 There is inevitably some uncertainty when precise drainage details are not offered as part of a scheme , nor would they be expected where part of the application is in outline, with access fixed at this stage (the Spine Road), and all other matters reserved for later consideration. Given that the above surface and foul water strategy conditions are acceptable to MUA; and, that FMD has withdrawn its objection subject to its recommended conditions being imposed, it is considered that the proposed development is acceptable in land drainage and flood risk terms. On balance, it is considered that the proposed development is acceptable in respect of land drainage.

HIGHWAY DESIGN, SAFETY AND THE QUESTION OF ADOPTION

0.20 The published minutes of the 15/1/24 Planning Committee Meeting, "in response to a question from the Members, the Case Officer confirmed that rescue vehicles should be able to access the area during periods of flooding." Furthermore, "In response to a question from the Members regarding the design of the spine road the DOI Highways representative confirmed that the design was in accordance with Manual for Manx Roads and at this current time they were satisfied with the proposed design but there would be a need for a road safety audit which could lead to amendments if necessary. Members commented that this design element would be better addressed at this stage rather than further design changes later, the Highways representative confirmed that it was not a high risk design likely to be changed significantly."

0.21 No further details have as yet been received in relation to the proposed highway design. The applicant has advised (in the letter dated 2/2/24) "that comments provided by the Highways Department show that relevant road safety reviews and road safety audits were carried out by an independent party during the course of the determination on that

amendment were made particularly with the western side of the Spine Road where it connects with the existing estate road."

0.22 The applicant also confirmed that: "We agreed in March 2023 with Shelia Henley that the proposed development would provide dropped kerbs and tactile paving within the length of full height kerbs, taking care to avoid the hardstanding access and provide tactile paving only on the raised table between Plots 1 and 73 and that the road material between the Dandara Estate Road and the Spine Road wearing courses on the new sections of carriageway have a similar wet skid resistance to ensure that drivers in wet conditions will have the same level of grip.

These recommendations were made by an independent road safety expert and have been incorporated into our design for nearly a year.

Appropriate speed limits speed humps and traffic calming measures have been proposed as well as improved pedestrian crossings and footways to ensure easy access for wheelchair users and those suffering with sight issues is incorporated into the proposed design. The design of the road is also complied with the Manx Road design guidance. This has been confirmed by Richard Webster."

0.23 Given the comments made by the Highways Representative made at the Committee Meeting, and the above assertions of the applicant, it is considered that any issues relating to highway design and safety - including pavements, walkways and cycleways - can be resolved at the final design stage. It is noted that the layout of the Spine Road, and roads emanating therefrom are not considered to be not a high risk design that would change significantly from that submitted. It is considered that further details can be agreed by the imposition of a condition(s) as part of any planning permission that may be granted. This accords with the provisions of Policies GEN2; T2, T4, T5, T6 and T8 in the Isle of Man Strategic Plan 2016.

AFFORDABLE HOUSING PROVISION

0.24 The applicant has reconsidered the subject of Affordable Housing (AH) provision in respect of the Full element of the proposals (Phase 1) and has offered to provide 5 x 3-bedroomed AH units on Phase 1. These would be secured via a S13 Agreement. Previously, the applicant had argued that the provision of any AH Units on Phase 1 would make the development unviable and had submitted an AH Viability Assessment to that effect. Recognising that AH provision is a significant issue, the applicant has decided to offer the above 5 AHU's. An updated AH Viability Assessment is to be provided, and the applicant advises that: "We are committed to viability reviews for later phases."

0.25 In response to this offer, DoI Public Estates and Housing Division (1/2/2024) has commented that they would like to see a commitment for 25% in Phase 2 which would temper the loss of a large proportion of AHU's in Phase 1 due to the viability issue. They further comment: "We would like to see 37 units overall, or more if possible, which would equate to 18% AHU delivery across phases 1 and 2."

0.26 Officers note that the provision of AHU's falls below the Strategic Plan Policy H5 requirement of 25% AHU's provision on developments of 8 units or more. Nevertheless, Officer's had previously accepted in their recommendation that the lack of any AHU's on Phase 1 was acceptable given the costs of installing the SR as an up-front requirement to enable the development to occur with the SR being installed in its entirety up to at least base course level as part of Phase 1 of the development. 78 dwellings are proposed in Phase 1 and 25% of that figure would amount to 19.5 AHU's. Whilst the provision of 5 AHU's means a deficit of 14.5AHU's across Phase 1 is not Policy H5 compliant, it is better than the previous

position of a complete lack of Phase 1 AHU provision. Officers consider that on balance, an under-provision of AHU's versus achieving the installation of the SR on which the entire development is presaged, is acceptable.

THE SITING OF THE PUBLIC HOUSE/COMMUNITY FACILITY ON A RECOGNISED AREA OF PUBLIC OPEN SPACE

0.27 The siting of the PH/CF on a recognised area of Public Open Space; and, its relationship to the dwelling at River House, Riverside located approx. 70.0m from the PH/CF site on the opposite bank of the Sulby River was discussed at the Member's Site Visit, where Members viewed the proposed site from the land in question itself, from the adjoining bank of the Sulby River; and, from the grounds of River House on the opposite riverbank to the site. Subsequently, Officers have had discussions with the applicant who has revised the location of the PH/CF site to an area on the site, which lies within the site allocation in the Ramsey Local Plan 1998 (See Map No. 2 (South)) in the published Local Plan to a location now shown as being outside the area of POS. It would now be approx. 150.0m from the nearest point with River House.

0.28 It is considered that this re-siting, albeit it is indicative as the PH/CF is located within the Outline (Phase 2) area of the plan, would improve the relationship between River House and the revised PH/CF site in that it would be screened from the Sulby River by a line of mature trees. It is also noted that that occupants of Port Natal, which is located approx. 180.0m from the original PH/CF site on the opposite bank of the Sulby to the south of River House in Riverside, Ramsey, have raised similar concerns regarding the impact of the PH/CF on their outlook, view and residential amenities. The approx. distance between Port Natal and the revised PH/CF site would be 230.0m. It is considered that the relationship of Port Natal with the original site of the PH/CF would also be improved as a result of its re-location. Whilst the relocation would take the PH/CF closer to the new residential properties on the development, it is considered that there would be sufficient distance between any of the dwellings on the site and the PH/CF for the residential amenities of their occupants to be largely unaffected by activities carried on and around the PH/CF.

0.29 It is considered that the site of the re-located PH/CF is, in principle, acceptable. Whilst it would not accord with the provisions of Business Policy 5 in the Strategic Plan, it would accord with General Policy 2, Environment Policies 4 and 5, and Recreation Policy 2, and would be acceptable in this revised location. The siting of the PH/CF can be controlled by a condition.

THE EXTENT OF TREE AND HEDGEROW REMOVAL AND THE IMPACTS ON WILDLIFE

0.30 As advised previously comments had been received from the Manx Wildlife Trust and from neighbours regarding these impacts objecting to the level of tree and hedgerow removal and the consequent impacts it would have on the character of the site and its relationship to the surrounding area; and, on wildlife. Since the 15/1/2024. Committee Meeting and the subsequent Committee Members Site Visit, further representations have been received from neighbours, the DEFA Arboricultural Officer (AO); and, the Ecosystems Policy Officer.

0.31 Neighbours concerns remain as previously expressed. The AO objects to the proposals on the grounds that it would involve the removal of multiple tree groups including 14 category C groups 2 large category B groups (5574m²), and the removal of 1 Category A group (286m²). In total this results in a canopy cove loss of 13,772m². However, the AO notes that there are exceptional circumstances which mean that this should not result in an objection to the application, and raises no objection to the proposals whilst further noting that due to ash dieback, the site will naturally reduce it's over all canopy cover. The AO

recommends that a condition requiring a tree protection plan, arboricultural method statement and arboricultural monitoring schedule, should be requested as a pre commencement condition to be attached to any permission that may be granted.

0.32 The Ecosystems Policy Officer (EPO) attended the Members Site Visit and was able to show Members an overlay of the site plans indicating the position on site and % coverage of hedgerow and tree removal that is likely to arise as a result of the proposed development. The EPO points out that the Ecosystems Policy Team's (EPT) objection to these proposals appears to have been missed from the 'Representations Section' of the 15/1/24, Officer Report to Planning Committee. This is correct and apologies are extended by the Case Officer for this error. The EPO points out that although certain limited elements of the EPT's objection are mentioned, this appears to be selective, and is of general concern, as it presents a formal Departmental submission in an inaccurate way. In drafting the original Committee Report the Case Officer took into account the EPT's concerns (along with those of others) at the "IMPACT ON BIODIVERSITY" section of the Report at paragraphs 7.11 - 7.18.

0.33 The EPO's latest comments received on 22/1/2024 are reported in full in this updated Report.

0.34 The EPT raises concerns that:

- o "The project ecological consultants, JBA, has recommended tree retention (which has not been done) and a CEMP, and the applicants are to undertake some replanting and other landscaping, but there are no details in the documentation on the planning portal of what this significant level of ecological mitigation would be or where it is to take place."

- o "the applicants have provided no information about how they are going to mitigate their impacts upon the two red listed plant species of highest conservation concern which are also legally protected via inclusion on Schedule 7 of the Wildlife Act 1990."

- o The EPT had not been consulted on draft conditions, and are taking such an opportunity to do so now;

- o The EPT does not believe that as advised in Section 7.17 of the original Report that "It is considered that on balance, the proposed development is acceptable in terms of its potential for adverse impacts on the existing ecology and habitat of this statutorily unprotected, allocated site", and whether there is there a methodology for determining if and how economic benefits outweigh other issues?

- o The EPT also advises that it "has never indicated a position for no development to take place, or that it would object in order for it to remain as a wild site."

- o "As such, the basis for the objection was not the development in principle, apart from in the areas not zoned for residential development, but rather the specific issues noted in the submission, founded upon a professional assessment of the available information. Specifically;

- o o the lack of appropriate ecological survey;

- o o the largescale removal of habitat;

- o o the impacts on protected and rare species;

- o o the lack of ecological impact avoidance and mitigation;

- o o the potential impact on the saltmarsh o lack of adherence to various policies within the Strategic Plan and the Isle of Man's Biodiversity Strategy.

The report therefore should be updated to accurately reflect the basis and arguments for our object.

0.35 At Section 8.02 the Report advised that: "There is a lot of pressure on environmental grounds from various bodies both within and outside Government for no development to take place and for the site to remain as a 'wild area' which may flood occasionally, and over time, it is likely to increase in its biodiversity offering. It is noted that the site could also be farmed (cattle/sheep grazing) as of now which would diminish its biodiversity value." The EPT point

out that "well-managed sheep or cattle grazing regime would be of benefit to parts of this site, so this point appears invalid"; and, that they have never indicated a position for no development to take place. As agriculture is the default land-use on the Island, it should be noted that this also includes ploughing, harrowing; planting and seeding of crops; draining (inserting mole-drains); maintaining ditches and channels, cutting back and removing hedges/hedgerows; removing trees (subject to a felling license being granted where necessary). In such an event, existing habitat on unprotected agricultural land would be lost.

0.36 The EPT With reference to tree removal, the EPT advises that this is a dis-benefit of the scheme, and further comments: "(Section 7.1) within the report, but new landscaping is listed as a benefit, although the level of landscaping, at least in terms of ecology (though arguably not from an amenity perspective), does not mitigate for the loss of the large areas of relatively undisturbed mature/maturing trees and dead wood, which are proven to have much higher ecological benefits than newly planted trees, as well as the removal of scrub, hedges and grassland.

Additionally, with the site plan as presented, and without reduction in the number of properties, there is simply no space on site in which to undertake more mitigation tree planting and habitat creation.

As such, it is not ecologically valid to present new landscaping as a benefit on this basis. Tree removal should also be listed as a dis-benefit within the report, with details of the level of tree removal proposed."

0.37 It is noted that the AO's comments were not received until 17/1/2024. Whilst they may have been sent in 2022, they were not received, and as a result were not recorded. Those that have been received have been noted and reported in full, and it is noted that the AO has in effect, raised no objection subject to a condition as advised in paragraph 0.32 above. It is also noted that the AO considers that: "Although there would be a net canopy loss in the short term, the mitigation planting would, if properly maintained, would likely equal the current canopy cover."

0.38 In all the above, the concerns raised by the EPT, Arboricultural Officer (AO), and earlier those of the Manx Wildlife Trust; the Climate Change Team; and, others, are noted and appreciated. It remains that the site could be grazed, ploughed over or otherwise improved for agricultural practises without recourse to DEFA Planning. The EPT's objection to the proposed development is again, noted and appreciated. Notwithstanding these and their earlier comments, the EPT has recommended a revisions to proposed conditions, plus a number of further conditions. It has again, emphasised that it has significant concerns with the principle of conditioning ecological surveys rather than obtaining them prior to determination. Nevertheless, the EPT recommends amendments to condition 6 for the Landscape and (Mitigation) Ecology Plan. An additional condition to "secure survey work, and for the outcome of this survey work to inform the Ecology Plan:

- Breeding and wintering bird surveys;
- Fungi surveys;
- Bat roost and activity surveys Invertebrate surveys;
- Schedule 7 and rare plant surveys;
- Common frog surveys;
- Common lizard surveys;
- Schedule 8 plant surveys.

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecological consultancy.

0.39 These requirements are covered in the wording of a new condition 8. This would inform the Landscape Ecology Mitigation Plan - LEMP, which is covered in the wording of proposed condition 7. Condition 6 requires that no tree removal, site or vegetation clearance may take place until the ecological surveys requested in Condition 8; and, the mitigation recommendations required by the Landscape and Ecology Mitigation Plan (LEMP) - condition 7 - have been signed off as part of this planning permission.

0.40 The EPT's requirement for a condition to protect the Salt Marsh area to show how and where surface water is to be taken off site, with the proviso that this should not go through the Saltmarsh Area, is rehearsed in condition 11.

0.41 The EPT's advice that a CEMP be conditioned (Construction Environment Management Plan) is noted, however, such conditions are difficult to enforce and it is considered that other conditions as well as existing powers which lie outside planning exist sufficient to ensure that the EPT's requirements are met as far as they reasonably can be. These include the following:

- o Incorporation of Precautionary Working Method Statements for breeding birds, roosting, commuting and feeding bats, protected and rare plants, rare invertebrates, common lizards, common frogs and fungi.
- o Measures to be put in place for the protection of the saltmarsh, Sulby River and the downstream Douglas Bay Marine Nature Reserve - prevention of pollution and sedimentation etc. - this must include phased soil stripping and vegetation clearance, as and when development progresses throughout the site, no wholesale removal.
- o Soft felling methodologies.
- o Construction exclusion areas and use of protective fencing.
- o Low level construction lighting regimes.
- o Responsible avoidance and eradication plans for Schedule 8 plants.

0.42 The requirements of the EPT in respect of the use of integrated bird, bat and bee bricks have been incorporated into condition 25.

0.43 In respect of additional conditions that the EPT advised in relation to:

- o No external lighting shall be installed except in accordance with a detailed external low level lighting scheme in order to safeguard Ecological Species;
- o That tree protection measures (such as those specified by the AO) be required with a detailed schedule of regular reporting to ensure compliance;
- o That the standard tree condition be applied requiring any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. With all hard and soft landscaping works thereafter being permanently maintained.

0.44 These have been incorporated into

- o condition 15 - standard tree condition
- o condition 16 requiring a tree protection scheme, arboricultural method statement and an arboricultural monitoring schedule;
- o condition 26 external lighting controls - this would only be applied to any area of new or retained Public Open Space (other than in connection with any area of formal playspace such as the LAP, LEAP or NEAP) otherwise it would preclude street lighting;

0.45 What has not been conditioned is the EPT's request for an Ecological Clerk of Works. This is considered to be unnecessary as there should be sufficient safeguards built into the requirements of the other conditions as mentioned above.

0.46 The EPT has further pointed out that in December, 2022, Tynwald unanimously voted to support the Islands Bio-diversity Strategy. However, it should also be noted that this application proposes development on an allocated site in the 1998 Ramsey Local Plan as advised in the WRDA Development Brief 2004.

0.47 There is clearly a conflict between the development proposed and the biodiversity character and natural balance of the sites flora and fauna. On balance, with regard to the implications that development would have for the biodiversity of the site, it is considered that the conditions proposed in terms of biodiversity, tree retention, landscaping and landscape management of the site as it develops, meet the six tests relating to conditions in that they are reasonable; necessary; relevant to the development proposed; relevant to planning; precise; and, enforceable. It is considered that the development proposed can be accommodated and the impacts of it in respect of biodiversity, can be successfully mitigated against.

PUBLIC RIGHTS OF WAY (PROW)

0.48 The comments received from the PROW Team are noted. There is a process ongoing under S.88 of the Highways Act to confirm established rights of way across the site. The PROW Team advise: "Any member of the public can request a route, if it has had unimpeded access for a period of 21 years, to become dedicated as a public right of way (PROW), and from consulting with past aerial imaging I am satisfied the routes proposed have been used since at least 2001. As a PROW the routes would not be able to be obstructed and a diversion would need to be applied for in conjunction with a planning application in order to have the routes moved."

0.49 The applicant has provided an indicative overlay of the footpath routes that the PROW Team is considering and overlain it onto the Masterplan layout for the development of the site, which indicates that such future footpath routes as those proposed could be accommodated. It is considered that such routes that may be approved by the PROW, subject to the statutory process, can be incorporated into the Masterplan layout and/or any subsequent approved layout for the site.

IPS - INTERESTED PARTY STATUS

0.45 At the 15/1/2024 Planning Committee Meeting, the Case Officer recommended that all those third parties who had written in on then application should be awarded third Interested Person Status (IPS). This was an error. Whilst those who had written in had expressed valid objections on planning grounds, owing to their location, they did not comply with the requirements of The Operational Policy on Interested Person Status (July 2021). The relevant part of this document reads:

1.0 DEFA OPERATIONAL POLICY - INTERESTED PERSON STATUS

0.51 In relation to the requirements of the document relating to: "Operational Policy on Interested Person Status July 2021", which outlines the criteria identifying Interested Person Status, the document describes Interested Person Status as:

"Interested Person Status will only be afforded to those persons who submit a written representation(s) which complies with ALL the criteria set out below.

A. Representations must clearly identify the land which the person making the representation owns or occupies and which they consider would be impacted on by the proposed development.

B. The land referred to in (A) above must be within 20 metres of the red line boundary of the application site, unless the proposed development exceeds the criteria set out in Appendix 5 of the Strategic Plan (2016) to automatically require an Environmental Impact Assessment. (See Section 4.2 Proximity to the Proposed Development (Criteria B)).

C. Representations must relate to the relevant issues set out below.

C1. For Planning Applications the relevant issues are:

o living conditions (including outlook, privacy, traffic, noise, light, dust and smell);

o land contamination, flood risk, highway safety and/or risk of crime; and/or

o prejudicing the use or development of adjoining land in accordance with the appropriate Area Plan."

"4.2 Proximity to the Proposed Development (Criteria B)

4.2.1 Applications for planning consent must include a site plan which shows the site edged in red (the red line boundary). It is accepted that a smaller development on a larger site may mean the actual works are some distance from neighbouring properties even if the red line boundary is not, and such issues should be considered in the application of Criteria D.

4.2.2 It is accepted that sometimes properties are only separated from the application site by a narrow strip of land, footpath or road. Although not set out in policy, 20 metres is often used as a general guide when assessing the potential for overlooking. The 20 metres referred to in the policy is intended to respond to these two issues. Further away than this it is anticipated that persons, groups or organisations will be deemed to have insufficient interest to be afforded Interested Person Status in relation to most applications.

4.2.3 The Isle of Man Strategic Plan (2016) sets out the circumstances in which an Environmental Impact Assessment is required as part of a planning application (Environment Policy 24 and Appendix 5)."

0.45 In relation to the requirements of an Environmental impact Assessment (EIA) as submitted with this application, Appendix 5 of the Strategic Plan 2016 reads as follows:

"The Need for EIA

A.5.2 It is proposed that the following types of development would require EIA in every case:

(j) Other projects

o Residential development of more than 30 homes and commercial development of more than 500sq metres outside identified settlements."

0.52 In this case, the site lies, apart from the originally proposed site for the PH/CF - which was to be on land comprising POS outside the allocated land area in the RLP - is to be sited on allocated land contained within the settlement boundary for Ramsey. The indicative site for the PH/CF is now proposed to be sited on land within the allocated land area in the RLP.

0.53 Given the above it is recommended that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the

requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Watersmeet, Westfield Drive, Ramsey, IM8 3ER
2 Belmont Villas, Jurby Road, Ramsey, IM8 3PF
West View, Westfield Drive, Ramsey, IM8 3ER
Pine View, Westfield Drive, Ramsey, IM8 3ER
River House, Riverside, Ramsey, IM8 3DA
47 Lezayre Park, Ramsey, IM8 2PT
26 Greenlands Avenue, Ramsey, IM8 2PE
6 Dreeym Ollay, Ramsey, IM8 2QA
16 Fairway Drive, Ramsey, IM8 2BB

and do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021). The Case Officer apologises to all third parties mistakenly listed previously as having IPS and for any inconvenience this may have caused.

0.54 A representation was received following the Committee Meeting from Pooldhooie Limited, (22/1/2024) a company in the Dandara Group, which is the owner of land which directly adjoins the site of the above planning application. The relationship of the land meets the 20.0m distance requirement outlined in Article 4.2: and Pooldhooie Limited should be granted Interested Person Status.

0.55 The recommendation remains as one of approval in that overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application is recommended for approval subject to the prior signing of a Section 13 Agreement to secure:

In the Full element:

- o The provision of the Spine Road;
 - o Off-Site Highway Improvement Works;
- Open Space and Estate Management comprising:
- o The provision of the LAP and LEAP with their relevant play equipment;
 - o The provision of a commuted sum for the maintenance costs for the LAP and LEAP;

In the outline element:

- o That the Spine Road shall be completed prior to the implementation of the first of any approval of Reserved matters for the development of the outline element of the site;
 - o A clause/mechanism to secure the provision of some on-site Affordable Housing;
 - o The provision of the Commercial Units
 - o The provision of the Public House/Community Facility including picnic area;
 - o The provision of the shop/kiosks
- Open Space and Estate Management comprising:
- o The provision of the NEAP with its relevant fully equipped play areas/courts/pitches /fencing and associated equipment;
 - o Waymarking, signage and landscape interpretation boards along the Sulby Riverfront from the access onto Poyll Dooley Road in the east linking in with the Poyll Dooley Nature Reserve to the west;

And subject to the following conditions, which having been updated in line with the various recommendations in this Report, are outlined in full:

CONDITIONS

1. The development within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-100-302 Rev. C, hereby permitted, shall be begun before the expiration of four years from the date of this permission.

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.

Spine Road implementation

2. The development of the Spine Road within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-300-102 Rev. C, hereby permitted, shall be completed up to base course level for the entirety of its length including ironwork, the footways on the highway frontage; visibility splays; and, a site compound and car park have been constructed in accordance with the Construction Environment Management Plan (CEMP) required by Condition No. 11 prior to the first building of any residential units permitted by this planning permission.

Reason: In the interests of the proper development of the application site by providing a road connection between Auldyn Walk and Poyll Dooey Road at the earliest opportunity; and, to act as a flood defence barrier to the development proposed located on the south side of the Spine Road.

Samples and details of materials to be submitted

3. Prior to the commencement of development on Phase 1 of the site area, samples and details of the materials proposed to be used for the main walls and roofs of the dwellings, hereby permitted, shall be submitted to and approved in writing by DEFA Planning. The development shall be carried out in accordance with the approved details. For all other construction materials for the external surfaces of the dwellings such as rendering; window and door frames; guttering and downpipes; the details outlined on the approved drawings for each dwelling type shall be adhered to.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

No materials to be stored North of the Spine Rd

4. No excavated materials, building materials, plant or machinery associated with the Phase 1 development shall be stored on any part of the site area located to the north of the line of the Spine Road.

Reason: To safeguard components of habitats and wider ecological networks located to the north of the site including areas of salt marsh along the Sulby River; and, to protect priority species.

Submission of Reserved Matters for Phase 2

5. Before any part of the development hereby permitted is begun within the land outlined in red on drawing number 296-100-302 Rev. C, application for approval of the Reserved Matters of the layout, scale and appearance of the buildings and the landscaping of the site shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: This part of the application was submitted in outline with access approved and all other matters of layout, scale, appearance and landscaping reserved for future consideration (the Reserved Matters) in accordance with the provisions of Part 3 (1) (2) and (4) of Schedule

1, Part 3 of the Town and Country Planning (Development Procedure) Order 2019, or any Order revoking or re-enacting that Order.

No tree removal or site clearance

6. No tree removal, site or vegetation clearance may take place until the ecological surveys requested in Condition 8 have been submitted to DEFA Planning and approved in writing and the mitigation recommendations signed off as part of the Landscape and Ecology Mitigation Plan (LEMP) required by condition 7 of this planning permission.

Reason: To ensure that adequate time is allowed for the site to be assessed in respect of its ecological, landscape and biodiversity value to be assessed by the ecological surveys required by condition 8 of this planning permission are evaluated and able to inform the preparation of the LEMP required by condition 7 of this planning permission.

Landscape Ecology Mitigation Plan - LEMP

7. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, a Landscape and Ecology Mitigation Plan (LEMP) shall be submitted to and approved in writing by DEFA Planning. This information shall include:

A. An annotated, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, sod banks, buildings, and view corridors out to the surroundings to the north incorporating the Poyll Dooey Nature Reserve up to the Sulby River where it runs to the north and east of the site between the White Bridge and the Spine Road access onto Poyll Dooey Road.

B. An annotated landscape and ecological impacts plan that provides details of the physical impacts of the proposals on the landscape and ecological features detailed in A above; and

C. Avoidance/mitigation/compensation/enhancement measures.

D. Timescale for implementation and ongoing management (minimum 10 years required).

The plan should demonstrate how existing landscape and ecological value is being conserved as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and, include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain. The LEMP shall apply to both the Full and Outline elements of the site (Phases 1 and 2) and any Reserved Matters applications for the site shall incorporate the approved Landscape and Ecology Mitigation Plan (LEMP). The development shall be carried out in accordance with the approved details.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

Surveys required for the LEMP

8. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, in addition and supplemental to the requirements of condition 6 of this planning permission, the following schedule of survey work shall be carried out and

shall inform and be incorporated into the LEMP by way of mitigation as and where necessary. Such survey work shall include:

- Breeding and wintering bird surveys;
- Fungi surveys;
- Bat roost and activity surveys Invertebrate surveys;
- Schedule 7 and rare plant surveys;
- Common frog surveys;
- Common lizard surveys;
- Schedule 8 plant surveys.

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecological consultancy.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

Additional details

9. The detailed drawings required to be submitted by Condition 5 (reserved matters) shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all public open space and green infrastructure, arboricultural method statement and tree protection plan to BS 2012:5387 to include any engineering details required for no-dig construction and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To enable DEFA Planning to consider whether adequate provision is being made for the matters referred to in the condition in the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

Strategy to maintain GI and POS

10. Prior to the commencement of any development across the application site (both Phases), for Phase 1 and the first Reserved Matters application to be submitted a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. The Reserved Matters application for the site shall incorporate the approved details and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To ensure that green infrastructure and public open space is delivered for the amenity of future residents in a timely manner in accordance with the approved Masterplan drawing number 296-300-100 Rev. F for the site.

Protection of Saltmarsh Area

11. As part of any application for Reserved Matters, the applicant shall provide a detailed schedule of all measures to be put in place for the protection of the Saltmarsh Area and the Sulby River. Such details shall include any required drawings to show how and where surface water is to be taken off site. This should not go through the Saltmarsh Area.

Reason: To ensure that adequate provision is made for the protection of the Saltmarsh habitat area on the Sulby River arising from the development. This is due to the Saltmarsh Area being the largest Blue Carbon sequestration site on the Island.

Landscape interpretation

12. The application(s) for Reserved Matters to be submitted shall include details of a package of proposals to enhance public understanding and enjoyment of the areas of public open space to be created throughout the site in relation to the Sulby River and the adjoining Poyll Dooley Nature Reserve and the nearby salt marsh environment. Such proposals shall include interpretation materials. The development shall be carried out in accordance with the approved details.

Reason: To provide public benefits in the form of interpretation and understanding of the site and surroundings with emphasis on the relations of the site to the Sulby Riverside, saltmarsh and Poyll Dooley Nature Reserve.

Street lights, car parks and street names

13. The first occupation of any dwelling in both Phase 1, and as part of any Reserved Matters submission(s) for Phase 2 shall not take place until the following works have been approved in writing by DEFA Planning and constructed and made available for use:

A. The street lighting for the spine road and cul-de-sacs and footpaths has been erected and is operational;

B. The car parking and other vehicle access facilities required for the dwellings by this permission has/have been completed;

C. The verge and service margins and vehicle crossing on the road frontage of any dwelling have been completed with the highway properly defined; and,

D. The street name-plates for the spine road and cul-de-sacs have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for traffic attracted to the site.

Construction Environment Management Plan

14. No development on any Phase of the Full and Outline elements of this permission shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by DEFA Planning. The CEMP, which shall apply to the whole of the site, shall include:

a. The timetable of the works

b. Details of any road closure;

c. The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials, and waste will be stored during the demolition and construction phases;

d. Areas on site where delivery vehicles and construction traffic will unload building materials, finished or unfinished products; parts, crates, packing materials, and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by DEFA Planning;

e. The means of enclosure of the site during construction works;

f. Details of wheel washing facilities and obligations, and measures to be employed to prevent egress of mud, water and other detritus onto the public and any non-adopted highways;

g. Photographic evidence of the condition of the adjacent public highway prior to commencement of any work;

- h. The steps and procedures to be implemented to minimise the creation of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development to include the recommended mitigation measures identified in Chapter 6 'Noise and Vibration' and Chapter 7 'Air Quality' of the submitted Environmental Statement.
- i. The employment of an Ecological Clerk of Works to ensure that the construction and enabling works outlined in the CEMP is carried out in accordance with the provisions of the LEMP as required by condition 6 of this permission for the period of construction for both Phases 1 and 2.
- j. Incorporation of Precautionary Working Method Statements for breeding birds, roosting, commuting and feeding bats, protected and rare plants, rare invertebrates, common lizards, common frogs and fungi.
- k. Measures to be put in place for the protection of the saltmarsh, Sulby River and the downstream Douglas Bay Marine Nature Reserve - prevention of pollution and sedimentation etc. - this must include phased soil stripping and vegetation clearance, as and when development progresses throughout the site, no wholesale removal.
- l. Soft felling methodologies.
- m. Construction exclusion areas and use of protective fencing.
- n. Low level construction lighting regimes.
- o. Responsible avoidance and eradication plans for Schedule 8 plants.
- q. Details of compliance monitoring including who will be undertaking monitoring for compliance with the CEMP, how often inspections will take place, who they will report to, who will be responsible for undertaking corrective action and how soon after non-compliance is found will corrective action be taken.

All construction works shall be carried out in accordance with the approved CEMP.

Reason: To minimise the impact on the highway network, nearby residential properties, the Sulby Riverside environment; the Poyll Dooey Nature Reserve; and, to ensure that the requirements of the LEMP accord with the implementation of the CEMP.

Remove PD for Construction compounds

15. Notwithstanding the provisions of Schedule 1, Class A, of the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015, the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land where planning approval has previously been granted following an application, is expressly prohibited by this condition.

Reason: The erection of any such building or creation of a compound for the storage of plant, machinery, construction materials etc. shall be carried out in accordance with the provisions of Conditions 2; and, 11, parts d, e, and f, of this permission owing to the ecologically sensitive nature of the site and surroundings.

Replacement trees and plants

16. No retained tree, hedge or bank shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

Arboricultural method statement and an arboricultural monitoring schedule

17. Prior to the commencement of the development hereby approved a tree protection scheme, arboricultural method statement and an arboricultural monitoring schedule shall be submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text which includes but is not limited to details of:

- a) The location of the trees to be retained and their canopy spreads;
- b) The location of a 'construction exclusion zone'
- c) The position of protective fencing and/or other protective measures required to prevent damage to retained trees.
- d) An appropriate specification for the protective measures proposed.
- e) A schedule of arboricultural monitoring.

The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

Reason: required prior to commencement 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.

Replace plants - standard 5 year condition

18. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Thereafter, all soft and hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

Surface water drainage strategy

19. Prior to the commencement of any works on site, precise details of a finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2 (outline element) of the scheme. The detailed surface water drainage scheme with calculations must be provided showing the position of attenuation tanks/ponds behind the spine road and not within the flood area. The surface water system is to be designed to not surcharge in a 1 in 50 year event and the storage must be for a 1 in 100 year plus climate change event.

The surface water scheme shall be implemented in accordance with the submitted details before the development is used for the first time.

Reason: To prevent increased risk of flooding and to improve and protect water quality and ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

Surface water management and maintenance scheme

20. Prior to the commencement of any works on site, details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by DEFA Planning for both the Phase 1 (full element) and Phase 2

(outline element) of the scheme. Such details shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

Foul water drainage strategy

21. Prior to the commencement of any works on site, precise details of foul water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by DEFA Planning. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

Details of the flood embankment

22. Details of the flood embankment to be provided prior to starting on site to be design to current industry standards and best practice.

Reason: To minimise the potential impact of flooding and flood risk arising from the development both on-site and up and downstream of the site along the Sulby River.

Culvert design

23. The Culvert design under the flood embankment shall be designed to CIRIA guide C786 (Culvert Screen and Outfall Manual). This is subject to consent under the Flood Risk Management Act 2013, section 20.

Reason: To minimise the potential impact of flooding and flood risk arising from the development both on-site and up and downstream of the site along the Sulby River.

Phase 2 FRA

24. The detailed application for phase 2 must include a flood risk assessment that shows rate of flood water rise both tidal and fluvial, flood water velocity and depth. This area contains children's play areas, light industrial units, pub/community area and it must be demonstrated how in time of flood, especially a fluvial flood, where there is no flood warning how people will be evacuated.

Reason: To ensure that the site is adequately drained and that the area can be evacuated safely before and during a flood.

Exclude siting of the Public House/Community Facility

25. The siting of the Public House/Community Facility as shown on drawing number 296-300-100 Rev. F - Masterplan for the site (stamped received and dated 20 March, 2023) is specifically excluded from this planning permission. The proposed siting of the Public House/Community Facility shall be submitted as part of an application(s) for Reserved Matters following agreement on its siting with DEFA Planning prior to submission.

Reason: In the interests of protecting neighbours residential amenities from visual intrusion and noise and light pollution arising from the operation of the facility.

Bat, bird and bee bricks

26. Prior to the occupation of any dwellings, details of the addition of bat, bird and bee bricks to be installed as part of the development shall be submitted to and approved in writing by DEFA Planning prior to works commencing and the that development then carried out in accordance with these details. Thereafter, these features shall be permanently retained and maintained. Details should include the number, type and location of the bricks. Bat bricks should include types suitable for cavity and crevice dwelling species and in locations which facilitate the lifecycle of bats (locations to facilitate breeding and hibernating). Bird bricks should include types suitable for swift and house martin.

Reason: To ensure that the development has an acceptable impact on the environment.

No external lighting to be installed without permission

27. No external lighting shall be installed except in accordance with a detailed external low level lighting scheme which complies with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (2023), which has been submitted to and approved in writing by the Planning Department.

Reason: To provide adequate safeguards for the ecological species existing on the site. (See Manx Bat Group Bat Activity Survey).

Highway layout and design

28. In respect of the highways layout, and design details, the development, hereby approved, shall be carried out in accordance with:

- a) Access and layout to accord with 296-300-100 rev F, 101 rev c and 102 rev, Tetra Tech Drawing Site Access Option 2: Ghost Island General Arrangement and Visibility Splays 002 Rev P02.
- b) Bike and bin stores to accord with drawing for all dwelling house types.
- c) Travel Plan not part of the development hereby approved shall be occupied prior to the implementation of the Tetra Tech Travel Plan 784-B030691 rev 03 May 2022 or those parts capable of being implemented prior to occupation and thereafter implemented to timetable contained therein and shall continue to be implemented for five years / as long as any part of the development is occupied.

Reason: In the interests of highway safety.

ORIGINAL OFFICER REPORT AS PRESENTED TO THE MEETING OF THE PLANNING COMMITTEE ON 15/1/2024 (see Agenda Item 5.1)

1.00 THE SITE

1.1 The application site comprises an area of approx. 8.55 ha of agricultural land interspersed with wooded areas, sod banks, hedgerows, a pond and grassland and is located to the south and west of the Sulby River where the river in running to the east curves in an arc northwards away from the site. The site is bounded to the south by the former Ramsey - Peel railway line, now a footpath/cycleway which bounds an area to the south of industrial units and some housing at Greenlands Avenue. To the north east is Poyll Dooley House and

Barn, whilst to the north between the site and the Sulby River is the non-statutory designated Poyll Dooey Nature Reserve. The land to the west of the site comprises the recently built Auldyn Meadow Housing development (Dandara Homes) where there is road access provision made up to the sites western boundary. Footpath access along the river frontage and to the footpath cycleway is derived from Poyll Dooey Road to the west, where there is a pedestrian crossing across the road. The western edge of the site lies within 500m of Ramsey Town Centre and the harbour side. A Public Right of Way runs across the site.

2.00 THE APPLICATION

2.1 The hybrid application (part full/part outline) seeks permission for the following: Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access

2.2 The site area comprises: "Land at Poylldooey, Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274, Ramsey, Isle Of Man".

2.3 The application is accompanied by full plans for the 'full' element of the application, a Masterplan (covering both the full and outline elements), and a range of documents indicating how the site is proposed to be developed. These documents also include an Environmental Impact Assessment which introduces the development proposals and addresses:

- o Alternatives and Design Evolution;
- o Methodology and Approach of the EIA;
- o Transport;
- o Noise and Vibration;
- o Air Quality;
- o Flood Risk;
- o Water Resources and Water Quality;
- o Socio-Economic Issues;
- o Greenhouse Gas Emissions;
- o Cumulative and Interactive Effects; and,
- o Residuals effects and Conclusions;

2.4 Other submitted documents include a Flood Risk Assessment and Management Plan containing proposed mitigation measures; and, Biodiversity and Protected Species Surveys comprising a preliminary Field Ecological Assessment; Bat Activity Survey; Greenhouse Gas Calculation; and Climate Change Resilience Risk Assessment. These details and documents propose mitigation measures including provisions for further survey work to inform the Reserved Matters stages of the outline element of the application.

3.00 PLANNING POLICIES

3.1 The site, as part of larger area, was first allocated for mixed use development in the Ramsey Local Plan 1982. In the Ramsey Local Plan (RLP) 1998, it was allocated for a mixture of light industrial development (mostly the eastern part) and residential on the western part of the application site and the site immediately to the west built on by Dandara at Auldyn Meadows. The site to the north of Auldyn Meadows, and west of the application site was consented for residential development on a plot by plot basis subject to it being protected by a 4.0m high bund from flooding from the Sulby River. This area has not been developed. In the West Ramsey Development Framework (WRDF) 2004, a public house/community facility was included in this document. The content, land allocations and Policies contained in the RLP; and, the WRDF are afforded substantial weight.

3.2 The Policies outlined in the Isle of Man Strategic Plan 2016 are of relevance and are listed below. The SP is the main development plan covering the island. It seeks to promote sustainable development such as that proposed on allocated sites taking into account access, appearance, landscaping layout, and scale siting, with policies relating to impacts on the character of the area and surroundings, flood risk, ecology, affordable housing community facilities and to constrain and protect areas of the Island which have visual, historic, landscape, and wildlife value and/or are constrained by flood risks issues. The Plan was first adopted in 2007, with the 2016 version being an update with minor changes. The Policies contained in the IOM SP 2016 are afforded full weight.

The relevant Policies in the Isle of Man Strategic Plan 2016 are:

Chapter 4 - Strategic Objectives: STRP1, STRP2, STRP3, STRP4, STRP10, STRP11;
Chapter 5 - Island Spatial Strategy: SPP2, SPP3;
Chapter 6 - General Development Considerations: GEN2, GEN3, GEN4;
Chapter 7 - The Environment: ENV1, ENV3, ENV4, ENV5, ENV7, ENV10, ENV13, ENV22, ENV24, ENV28, ENV42;
Chapter 8 - Housing: H1, H2, H5;
Chapter 10 - Sport, Recreation, Open Space and Community Facilities: RP1, RP4, RP5; and, CP1, CP2, CP11;
Chapter 11 - Transport, Infrastructure and Utilities: TP1, TP2, TP3, TP4, TP5, TP6 and TP7.

3.3 In June, 2022, a Draft Area Plan for the North and West (DAP) of the Island was published and comments on it sought. The plan promoted the deletion of the application site as an allocated site for development, with it being put forward as an area of 'Proposed Open Space'. No further work has been carried out on the DAP since publication and given that the proposed policies and allocations contained therein have not been the subject of public scrutiny, it is effectively for information only, and as a consequence, holds no weight.

3.4 In terms of Flood Risk, in 2017 the Isle of Man Government produced Indicative Flood Risk Maps for the Island which show parts of the northern and western areas of the site being at risk from River and Tidal flooding, where in the case of river flooding the extent of a flood with a 1% (1 in 100) chance of happening in any year is shown; and, in the case of flooding from the sea, the extent of a flood with a 0.5% (1 in 200) chance of happening in any year, is shown. In respect of the risk from surface water flooding, the site and immediate surroundings are shown as not being at risk from such events.

4.00 PLANNING HISTORY

4.1 In terms of planning history, the site was the subject of the following applications:

91/01487/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping land at Poylldooey - 91/01487/A - APPROVED at Appeal -1.1.94.

91/00575/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping, land at Poylldooey, Ramsey (amended) - 91/00575/A - REFUSED -1.1.94.

00/02041/A - Approval in principle for change of use of land for mixed purposes including, residential, commercial/retail, business park, industrial and car parking on Land off Gardeners Lane Poylldooey Ramsey - REFUSED -13.6.2001.

PA Refs: 01/01462/A for Approval in principle for residential and business park development; and 05/01191/A for Approval in principle for the erection of a manufacturing plant for the processing and packaging of medical foods including R & D and administration facilities - both

on Land off Gardeners Lane Poylldooey Ramsey, were respectively Withdrawn on 8/2/2005 and 19/12/2005.

DEVELOPMENT ON ADJOINING LAND

4.2 Adjoining the site to the west, the Dandara scheme at Auldyn Meadows PA 11/00990/B for 45 dwellings was consented in May, 2012. This site formed part of an originally larger area of land which extended to the north of Auldyn Meadows and was covered by PA 03/00790/B for "Residential estate development comprising of roads, plots, sewers, flood protection measures, drainage, public open space and layout for 26 semi-detached dwellings, 69 terraced dwellings, 42 apartments and 38 self-build plots. This was approved in April, 2006, however, the area of the site consented for residential development on a plot by plot basis was subject to it being protected by a 4.0m high bund from flooding from the Sulby River. As the applicant did not own all the land covered by the site area, this element of the proposals was not implemented.

5.00 REPRESENTATIONS - These are available to view in full on the DEFA Planning website under Ref: 22/00679/B.

5.1 Representations have been received from a number of Government bodies and from Manx Natural Heritage. DOI Highways and Ramsey Town Commissioners have both raised NO OBJECTION to the proposed development. DEFA Minerals has no comments to make. The Inland Fisheries manager requested more information which was received, however, no further comments were made. The Environmental Health Unit requests conditions restricting time limits for noisy operations and standard hours of work on the site.

5.2 The following raise objections to the proposals:

DEFA - Climate Change Transformation Team - strongly objects due to the impact on the Poyll Dooey saltmarsh - approximately 2.630 hectares - arising from its proximity to the development site. "Even though mitigation measures might be in place for flood prevention to the housing, this does not extend to protection of the river system from increased sedimentation and surface water flow rates (especially during the site clearing and construction phases). Given that this is an important habitat and so close to the site, a development of this sort would be detrimental to the ecosystem health of the saltmarsh and its ability to function as an important carbon store."

DoI Public Estates and Housing initially advised that 25% Affordable Housing provision should be secured via a S13 Agreement. DoI Housing was subsequently asked to comment on the submitted Affordable Housing Viability Assessment. Following discussions with the Public Estates and Housing Team, the following comments were received on 3/1/24:

"It is clear from the application that the cost of the Spine Road and much of the extraordinary costs for the infrastructure will be incurred during the currency of Phase 1, and if we are to consider any relaxation in the provision of affordable housing then even for cashflow purposes it would be during this phase that the Department may agree to a reduction in the 25% provision. As you state, once the phase 1 works are complete then it would be easier for the applicant to provide an acceptable number of affordable homes in Phase 2; accordingly, the Department would agree to flexibility in the timing of delivery of affordable homes but in view of the current FTB Register numbers and the waiting list for homes for rent in Ramsey and the North we see it as imperative that a site such as this should be capable of yielding at least a substantial proportion of the stipulated number of affordable homes.

Clause 5.4 in the Operational Policy on Section 13 Agreements states in the third para that 'It is important not to lose the opportunities to deliver affordable housing due to the timing of

developments and consequently if a development proposal suggests affordable housing is not viable at the current time, then consideration should be (given) to refusing the application and waiting until such time as it is viable'. It appears that this application, in part at least, is unviable but that the later phase when seen as a development entity in isolation will likely be viable. It would be better if the Section 13 could include a fixed number of dwellings for production after Phase 1 completion rather than on review in order that there is a degree of certainty. There is evident need in the region for affordable housing and that is this Department's principal concern when considering Section 13 Agreements."

DoI Flood Risk Management Division: The FRM Team do not support any construction on a greenfield site within a flood plain, a comment it re-iterates in subsequent correspondence. FMD are still waiting for the Draft FMD Policy Document to be approved as well as the completion of the new Flood Risk Maps (due February 2024) to support their Objection.

DoI Public Rights of Way (PROW): "I have received a request for several public rights of way to be presumed dedicated through uninterrupted use. We are processing the order to add them on the definitive map. But it may not be released before the planning committee meet. I have attached the map for your reference."

MNH - Has concerns about the loss of woodland habitat, wetland and hedgerows; the potential for flooding on and adjacent to an intertidal area and floodplain. Despite receipt of Ecology, Final report, October, 2022, MNH remain concerned about sediment entering the water course and potentially being deposited further downstream or across the saltmarsh, which is in the IOM Climate Change Action Plan 2022-23 identifies as priority carbon sequestering habitat. MNH "do not feel that the significant loss of the ecology as a result of this development CAN be addressed given that part of the application site supports habitat which is significant enough to have already met the criteria of an Area of Special Scientific Interest." Any further comments received will be reported.

MUA - 29/7/22 - commented: Manx Utilities will not be able to support this application as the applicant has failed to demonstrate how the development will be adequately drained with both foul and surface water. MUA has since been re-consulted - 15/12/23, and 8/1/24, and has raised no objection to the condition relating to the proposed foul and surface water drainage schemes.

6.00 REPRESENTATIONS

6.1 15 letters of representation have been received from local residents - all raise concerns regarding the proposals. 3 letters are from one local address; and, 3 representations are from the Manx Wildlife Trust. Concerns raised are summarised as:

- o Loss of wildlife area;
- o Adverse impact on animals, birdlife, wild plants and flowers from human and vehicular traffic movements;
- o Development would compromise the IoM's unique UNESCO Biosphere status;
- o Development would ruin the landscape;
- o Do not build on the flood plain - it will surely flood;
- o None of the land is designated as 'residential'. It is unacceptable to build on a Nature Reserve;

- o Poor design of new houses which are ugly, and out of character with their surroundings;
- o This area is becoming congested and will most certainly be a huge problem for traffic at the exit;
- o All new developments should be forced to build properties with solar panels, heat pumps etc. thereby making them as carbon neutral as possible;
- o Noise disturbance and light pollution from both the development and from events at the PH;
- o The use of the PH would adversely impact on wildlife from dog walkers and visitors frequenting the PH;
- o Disturbance from construction works;
- o Existing riverside residents have concerns about flooding as river overflows in to rear garden areas and existing river retaining walls need to be maintained;
- o Sending water back up river will inevitably lead to more flooding further up the Sulby river to landowners fields and houses;
- o A café would be more appropriate than a Public House;
- o Three pubs in Ramsey have recently closed is there a need for another one;
- o This application should be refused as the Government has designated the land in question as 'open space, or 'proposed open space', and none of the proposed development site falls within an area zoned for commercial or residential usage;
- o The pictures make this area look like a Spanish island but the reality is it is wet, cold Isle of Man where the rainfall is above the average and drainage is extremely poor;
- o There are over 5000 houses on this beautiful island that are not lived in, run down properties and brown field spaces which are more in keeping with small developments;
- o Coastal erosion is now a threat to our island, especially along the northern coast. Bad news for those in Laxey (given) the news about the landslide recently;
- o Local residents cannot afford to buy the houses on offer and there is no option of renting affordable housing;
- o Manx Wildlife Trust consider the site to be of national importance for biodiversity;
- o MWT object to the above planning application as the proposal will cause irreparable damage to one of our Island's most important areas for biodiversity, home to key species & priority habitats and a vital green space in an urban setting. The proposal does not constitute sustainable development as outlined in the Strategic Aim of the Strategic Plan. Furthermore, it will undoubtedly lead to net biodiversity loss, contrary to legislation and Government policy;
- o MWT considers that the proposal will cause irreparable damage to one of our Island's most important areas for biodiversity, home to key species & priority habitats and a vital green space in an urban setting. Furthermore, it will undoubtedly lead to net biodiversity loss, contrary to legislation and Government policy.

7.00 SUMMARY OF ISSUES

7.1 The section below highlights the benefits and dis-benefits of the proposed development:

Benefits of the scheme

- Development of an allocated Site in the Local Plan providing 205 dwellings, commercial and retail development; and, a PH/Community Facility for the benefit of Ramsey.
- Closest developable site to Ramsey Town Centre - easy walking/cycling distance of 500-600m.

- Provision of new Spine Road linking Poyll Dooley Road with Auldryn Walk and Gardeners Lane - allows link to the town centre without involving the A3. Also serves the Greenlands Ave and Lezayre Park residential developments.
- New Spine Road set at a level of between 5.0m and 6.5m AOD acting as a flood barrier for the residential development to the south of it and to existing development around the site to the south.
- New Spine Road set at a level of between 5.0m and 6.5m AOD acting as a flood barrier for the residential development to the south of it and to existing development around the site to the south.
- 5.4 Ha of Open space provision including a LAP, (Local Area for Play) LEAP (Local Equipped Area for Play) a NEAP (Neighbourhood Equipped Area for Play) and informal POS - secured via a S13 Agreement.
- Significant measures of biodiversity mitigation and landscaping are proposed and can be conditioned via a LEMP - Landscape Environment Management Plan.
- The staging and nature of how the development would be undertaken with priority given to the installation of the Spine Road would not result in a significant amount of increased sedimentation and surface water flow rates (particularly during the site clearing and construction phases).
- No highway safety concerns subject to conditions. New Bus Stop provided on Spine Road.
- The site and development can be delivered within a reasonable time-frame - 136 months.
- In addition to construction jobs, the development would create approx. 156 new jobs when complete and operational.
- Possibility of Affordable Housing provision at the Reserved Matters stage for the outline element with dwellings secured via a S13 Agreement.

Dis-benefits of the scheme

- Visual impacts - change to the character of the area. The development will appear as an extension of Ramsey into the open countryside.
- Flood risk issues - objection from DoI Flood Risk Team in respect of development in the floodplain being contrary to adopted Policy. Although, no comments on the FRA to substantiate their objection have been provided.
- Impact on Protected Species - objection from MNH and DEFA Ecosystems Policy Officer through loss of trees and habitat, and lack of submission of habitat and species surveys.
- Impact on the Sulby River and marine life in both the river and the sea - Objection from MNH, DEFA Ecosystems Policy Officer and DEFA Climate Change Team.

- No Affordable Housing Provision for Phase 1 as per Policy H5 - 25% of 78 dwellings = 19.5 AH units.
- The development would result in a significant amount of increased sedimentation and surface water flow rates (especially during the site clearing and construction phases).
- The development would be counter to several public rights of way to be presumed dedicated through uninterrupted use across the site. The PROW Team is processing an Order to add them on the definitive map.
- Impact on adjoining Poyll Dooey Nature Reserve from increased usage - dog walking etc.

7.2 The main issues are whether the development of the site in the manner proposed is acceptable in principle; the harm that would arise from the visual impact of the development; and, whether it would lead to an unacceptable increase in flood risk - both on site and downstream; whether the impact on biodiversity through loss of wildlife habitat, and impact on the river environment and marine life out in the Ramsey Bay would be acceptable. A further issue is whether the provision of no Affordable Housing, at least in the first Phase, would also be acceptable.

PRINCIPLE OF DEVELOPMENT

7.3 The site was allocated for mixed use development in the Ramsey Local Plan 1982, and in the Local Plan update of 1998. Map No. 2 (South) in the 1998 LP shows the majority of the site extending west as being allocated for Light Industrial Uses; and, the eastern part of the site to the south of Poyll Dooey House, allocated for residential uses. It is also shown on the Key Diagram in the West Ramsey Development Framework (WRDF) 2004 as comprising:

- 1 - The Ballachrink Mixed Industrial and Business Use Area (undeveloped);
- 2 - Medium/High Density Housing Area (Partly built out by the Dandara Audlyn Meadow Housing Scheme); and,
- 3 - Low Density Housing (Partly on the site of the PA 03/00790/B to the north of the Dandara site)

7.4 The Ramsey Local Plan 1998 remains in force as the development plan for the area and the land allocations within it remain relevant and pertinent. It has not been superseded. It sits under the Isle of Man Strategic Plan 2016 as the planning policy document guiding development for the Island - its policies are relevant and pertinent to the development proposed. The site, and the Poyll Dooey Nature Reserve to the north are shown in the June, 2022, Draft Area Plan (DAP) for the North and West of the Island as 'Open Space for Particular Purposes'. This document is a published draft which has not been tested publically, let alone adopted as planning policy by the Minister. Its content is 'aspirational' and holds little weight in the planning balance.

7.5 The application site comprises a number of agricultural fields separated by hedgerows and sod banks that have not been used for agricultural purposes (grazing or cropping) for a number of years. The site has benefitted from an ecological secondary succession whereby it has become a relatively diverse area and habitat for wildlife (flora and fauna). It does, however, remain as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, tomorrow without any recourse to

DEFA Planning. The fact that on the ground it has benefitted wildlife does not diminish its agricultural status or that it is allocated for development as outlined in the RLP 1998, and as per the contents of the WRDF. Given the above, the principle of development for the development as proposed is accepted. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP10, STRP11, SPP 2, SPP3, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

QUANTUM OF DEVELOPMENT RELATIVE TO ITS STATUS AS AN ALLOCATED SITE

7.6 Please see paragraphs 7.3 and 7.4 above. In favour of the application, the development would bring 205 new dwellings to the Ramsey area in a sustainable location within 500-600m of Ramsey Town Centre; it would be constructed over a period of approx. 136 months; and, would provide employment opportunities, both during the construction phase, and 156 jobs post development in the Industrial Units, Shop Kiosks; and, new Public House/Community Facility. It would provide open and recreational space that would promote Sulby riverside in this area which in conjunction with the PH would provide improved access and opportunities to enjoy the Riverside, Poyll Dooey Nature Reserve and to improve connectivity to the White Bridge (footbridge) over the Sulby River at the head of Gardeners Lane. This links the area with existing residential development on and around Jurby Road in the northern part of Ramsey. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP3, STRP4, STRP11, SPP2, ENV28, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

THE SPINE ROAD

7.7 It would also provide a Spine Road that would link Poyll Dooey Road to the east of the site with Auldryn Walk to the west where access to this adjoining development is facilitated and expected. The Spine Road would provide a link for the development; Auldryn Walk, and existing dwellings at Greenlands Avenue and Lezayre Park to the south of Auldryn Walk. There are no ransom strips affecting connectivity of the Spine Road. This would provide an alternative through route between these areas and Poyll Dooey Road by the Post Office Depot offering a direct link to Ramsey Town Centre that avoids the A3 Lezayre Road and Parliament Square. This would be most effective during periods of road closure on the A3 (TT fortnight and Manx GP etc.). (See IoM Strategic Plan 2016 Policies STRP10, RP5, TP2, TP5)

FLOOD MITIGATION MEASURES

7.8 The second aspect of implementing the new Spine Road is that it would be set at a level of between 5.0m and 6.5m AOD2 (Douglas) acting as a flood barrier for the new residential and commercial development to the south of it and to existing development around the site to the south. The applicants have provided an EIA and Flood Risk Assessment which indicates that despite part of the site being in a Flood Risk Area in respect of river and tidal flooding, the measures outlined in the FRA indicate that the 1% (1 in 100) chance of a case of river flooding any year; and, in the 0.5% (1 in 200) case of flooding from the sea, with a chance of happening in any year, would be avoided as a result of the flood protection measures that the scheme would provide. This would have the further benefit of adding protection from flooding for existing development to the south. This is shown in the Masterplan and such resilience to flooding is aided by the bulk of the new development being sited behind (to the south) of the Spine Road with the flats to the north of the Spine Road, being flood resilient with their living accommodation being raised on stilts. The same principle would apply to the new Public House/Community Facility whilst the Industrial Units located between the PH site and the Spine Road would be flood resilient, in that they would be designed to withstand flood events.

The flood mitigation measures proposed included in the design to ensure that the development is safe from flooding and there is no increase in flood risk, are:

- o A protected area in the south-west part of the site that contains most of the residential properties. The area is protected by the spine road and a road that connects to the developed area south of the site. The level of these roads is 6.50 m AD02, about 0.5 metres higher than the projected 0.5% flood level in the year 2120 of 6.01 m AD02;
- o Flood resilient residential and non-residential buildings outside the protected area with a typical minimum Finished Floor Levels of 6.65 m AD02, about 0.65 higher than the projected 0.5% flood level in the year 2120;
- o High level access to all residential properties with a minimum level of 6.50 m AD02, about 0.5 metres higher than the projected 0.5% flood level in the year 2120;
- o A landscaped floodplain flow path to improve fluvial flood flows across the floodplain north of the spine road and reduce fluvial flood levels.

7.9 DoI FMD has objected to the proposals on the grounds that it represents development in the floodplain. The FMD Team has commented that it has general areas of concern but is waiting for the Draft FMD Policy Document to be approved as well as the completion of their new Flood Risk Maps (due February 2024) to support their Objection. The FMD Team has raised no specific objection to the proposals other than the objection that that the scheme lies within the floodplain. In response to the floodplain objection from FMD, the applicants specialist advisers HR Wallingford produced a further document (dated 1/12/2022) outlining the threats proposed by the identified sources of flood risk - rivers and the sea - the approach to managing flood risk; and, the flood mitigation measures as part of a comprehensive Flood Risk Assessment received on 10/2/2023. This expands on the findings of the Flood Risk; and, Water Resources and Water Quality sections of the Environmental Statement; and the hydraulic modelling report (2022) produced by JBA Consulting, working in tandem with HR Wallingford. Both HR Wallingford and JBA Consulting are well regarded as Flood Risk Management experts who are leading practitioners in their respective fields in the UK, and abroad.

7.10 The evidence presented by both is considered to be reliable, acceptable, and the measures proposed, achievable in minimising the flood risk implications arising from the development. Further correspondence between the Case officer and FMD has garnered no constructive response. It is considered that the Flood Risk Measures prepared and proposed by both HR Wallingford and JBA Consulting in support of the application are acceptable, deliverable and when implemented should not lead to undue flood risk to the development, or to the increased risk of flooding beyond the site along the Sulby River, or in the Ramsey Harbour area. In this regard, the proposed development is policy compliant. (See IoM Strategic Plan 2016 Policies ENV5, ENV10, ENV22 and ENV28).

IMPACT ON BIODIVERSITY

7.11 As indicated in paragraph 7.5 above, the site comprises a number of agricultural fields separated by hedgerows and sod banks that have not been used for agricultural purposes (grazing or cropping) for a number of years. The site has benefitted from an ecological secondary succession whereby it has become a relatively diverse area and habitat for wildlife

(flora and fauna). It does, however, remain as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, tomorrow without any recourse to DEFA Planning. The fact that the current ground conditions have benefitted wildlife does not diminish its agricultural status or that it is allocated for development as outlined in the RLP 1998, and as per the contents of the WRDF. The site, adjoins the Poyll Dooley Nature Reserve to the north, and its wildlife and biodiversity qualities have benefitted from this proximity and by it not having been actively farmed or otherwise developed for a considerable number of years.

7.12 The comments received from the Flood Risk Team - which are silent on any biodiversity implications arising from the development - the Climate Change Team; the Ecosystems Policy Officer, Manx Natural Heritage; the Manx Wildlife Trust, and third parties, are all noted. The Climate Change Team and MNH have advised that the development would result in harm to the Sulby Riverside; River bed; and, to the bay beyond the harbour, particularly through the deposition of fines, sediment, and erosion, and from other material arising from on-site excavations, and storage of material which may then be subject to wind and rain erosion, weathering, and to run-off entering the river system with consequent harm to the riverbank/salt-marsh environment, with such material covering over the river bed and breeding areas for invertebrates, fish a, molluscs and shellfish. It is appreciated that as per the Climate Change Act 2011 Schedule, Section 6, the maximisation of carbon sequestration must be taken into account in the forthcoming amendments to the national policy directive or a development plan (i.e. Strategic Plan) by 2025, with this section of the Act expected to be commenced in 2024. However, it is noted that none of the approx. 2.63 Hectares of salt marsh or other protected habitat is contained within, or forms part of the site.

7.13 The Ecosystem Policy Officer has advised on 20th July, 2023, that "because of how sensitive the site and its surroundings are we really believe that pretty much all of the surveys really need to be done prior to determination, because there is no point approving something with set number of buildings, layout etc., or even approving something in principle, if development cannot be accommodated on site without extremely detrimental impacts to the ecology. The outcomes of the surveys are required to inform the layout of the site. Also the surveys will help to determine if development is appropriate on the site full-stop, which at the moment we do not believe it is."

7.14 Whilst the above comments are acknowledged, it is noted at both paragraphs 7.5 and 7.10 that whilst the site has become a relatively diverse area and habitat for wildlife (flora and fauna), it remains as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, without any recourse to DEFA Planning. The main benefit of surveys would be to inform the Reserved Matters development where the layout has not yet been fixed. The habitat comprising the site area covered by the full element of the application and SR would, anecdotally, appear to be at less risk from disruption through development, as they are closer to existing development, and further from the River, where the more ecologically sensitive areas lie. This is a balancing act. Does the ecology and habitat protection take precedence on a statutorily unprotected site, or does the development of the site in the manner proposed prevail on this allocated site within easy walking distance of Ramsey Town Centre, with as much environmental mitigation as possible secured by way of conditions to minimise the environmental impact, whilst being for the social and economic benefit of Ramsey. And, if refused, where would a development of this variety and scale go for the benefit of Ramsey and the northern part of the Island offering what it does to the populace in general, when an alternative development on unallocated land to the west has been ruled out, and another alternative development some distance away to the north of Ramsey has yet to be considered?

7.15 The main areas of excavation and construction on site would be the Spine Road itself, and on land to the south of the Spine Road. Development would occur in phases with the SR being the main objective of the first phase of the development - covered by the Full element of the application (Phase 1) - and it is considered that any storage or deposition of excavated material would be located to the south of the SR. The application is accompanied by an Environmental Impact Assessment (EIA) which - inter alia - covers aspects of the development such as those raised in the CCTT's and others concerns. The development of the site would occur in at least two phases with the first phase being the SR installation and the development of the Full element (Phase 1). It is unlikely that any excavation or storage of excavated material would occur north of the SR until the Phase 1 of the development has been completed. It is also considered that a CEMP - Construction Environment Management Plan should be conditioned which would cover both the Full and Outline elements of the development with possible revision at the Reserved Matters stage which would identify all measures to be taken to minimise any adverse impacts arising from deposition of fines, sediments, and erosion from material arising from on-site excavations, and its storage on the site. In addition, a LEMP - Landscape Environment Management Plan in conjunction with conditions requiring landscaping; the implementation of landscaping; and, biodiversity mitigation measures - should assist in minimising such impacts in respect of the development of the site; the impact of the development on adjoining land; the Poyll Dooey Nature Reserve; and, the salt marsh environment and river/marine environment beyond.

7.16 Officers have consulted with the Ecosystem Policy Officer with a view to formulating conditions that should be applied in the event of an approval being granted which would limit the impacts of the development on the site and surroundings. Clearly, the development of this allocated site in the manner proposed offers an imperfect solution. However, what solution would be perfect? No development would benefit wildlife and the immediate environment but would offer no economic and social benefits to the people of Ramsey and the surrounding area.

7.17 It is considered that on balance, the proposed development is acceptable in terms of its potential for adverse impacts on the existing ecology and habitat of this statutorily unprotected, allocated located site within easy walking distance of Ramsey Town Centre, with as much environmental mitigation as possible secured by way of conditions, including securing a CEMP; a LEMP; A Landscaping Scheme; Implementation of Landscaping, securing the addition of bee bricks and swallow cups to dwellings (on favourable elevations of dwellings away from opening windows) to minimise the environmental impact of the development.

7.18 This would accord with the allocation of the site in the Ramsey Local Plan 1998, as informed by the WRDA Development Brief 2004; and, the provisions of Policies STR2, STR4, STR5, GEN2, ENV3, ENV4, ENV5, ENV7, ENV13, ENV22, ENV24 and ENV42.

PUBLIC RIGHTS OF WAY

7.19 The DEFA Public Rights of Way Team (PROW) has advised that they have received a request for several public rights of way to be presumed dedicated through uninterrupted use across the site and is processing an Order to add them on the definitive map. The Order has yet to be confirmed. Rights of Way could be maintained across the site where they do not conflict with the proposed layout of the development, particularly in phase 1, and could be adjusted and incorporated into the outline layout at the Reserved Matters Stage. It is considered that the proposals by the PROW Team to confirm the Rights of Way would not preclude the development of the site.

LOCATION, DESIGN AND SCALE OF THE PROPOSED DWELLINGS - FULL ELEMENT

7.20 With regard to the design and visual impact of the proposed development, the submitted masterplan Drawing No. 296-300-100 (Rev. F) outlines how the site would be developed with the Spine Road running across the site in an east-west direction. The bulk of the built form of development would be to the south of the Spine Road, where it would relate to existing development on the south side of the former railway line and to the west at Audlyn Meadow. In respect of design features, the proposed dwellings for Phase 1 of the development, where Full PP is sought, are a mix of:

- o House Type A x 10 - 2-Storey Town House; 3B/5P - Terraced - located to south of Spine Road;
- o House Type B x 12 - 3-Storey Corner Apartments (1 per level); 1B/2P - located to S of SR and on corners of Streets 1, 2 and 3;
- o House Type C x 48 - 2-Storey Semi-Detached; 3B/5P - located S of SR - see Streets 1, 2, 3 and Crescent;
- o House Type D x 2 - 2-Storey Detached; 3B/5P - located S of SR - see Streets 1 and 3;
- o House Type E1 x 4 - 2-storey Town House; 3B/5P - located on Street 9 - N of SR;
- o House Type E2 x 2 - 2-storey Town House; 3B/5P - located on Street 9 - N of SR;

Total No. of Units = 78.

Total No. of Beds = 203

Total No. of Persons = 258

7.21 All Phase 1 dwellings would be capable of having Solar PV panels and Air Source Heat Pumps installed. Those dwellings with 1 or more car parking spaces would have 50% of their car spaces surfaced with a permeable finish - grass-crete.

7.22 It is considered that the scale, design and layout of the proposed development for Phase 1, to the south of the Spine Road; the relationship of the dwellings to each other, and adjoining development; the inclusion of the LAP and LEAP; and the ability to connect with Audlyn Meadows; Poyll Dooey Road via the Spine Road, and via footpath links to the south onto the footpath cycleway of the old railway line, would result in a form of development that was well related to and well-integrated into its surroundings, and is considered to be acceptable in these regards. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP3, STRP4, STRP11, SPP2, GEN2, ENV7, ENV10, ENV13, ENV22, ENV24, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

COMMENTS ON THE LACK OF AFFORDABLE HOUSING - SP POLICY H5

7.23 In terms of the western and northern parts of the application site which are the subject of the Outline Planning permission element of this application, the details of how the development is proposed to be laid out in respect of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access, are indicated on the submitted masterplan Drawing No. 296-300-100 (Rev. F). This outlines the flatted residential development on the north side of the Spine Road, and residential and commercial

development to the east side of Street 3 (including Streets 4-7); the commercial units and Public House and picnic area on the north side of Street 8; the NEAP (Neighbourhood Equipped Area for Play); and, the commercial units/kiosks on the north side of and with lay-by access onto the Spine Road. It is considered that as the line of the Spine Road is fixed, and that it would be installed prior to development on the outline application area commencing, that the indicative layout of the development proposed for this part of the site would be very likely to occur in the manner shown on the Masterplan, and as per the submitted house types for the residential units as per the Full part of the application. As this element of the proposals is less likely to be required to cross-subsidise the Spine Road because it should already be installed, the applicants have advised that they would be willing to accept a review clause in any S13 Agreement where the question of the provision of some Affordable Housing could be made within the outline application area. The starting point would be 25% of the approx. 127 Housing Units this area could provide (approx. 31.5 AH Units).

DESIGN AND VISUAL IMPACT - OUTLINE ELEMENT OF THE APPLICATION

7.24 This outline element of the application is considered to be acceptable because it would secure the development of the rest of the allocated Sulby Riverside site with the majority of the proposed residential development (127 of 205 new dwellings) most likely being reflective of the appearance, layout, and scale of those for the full element of the proposals, with access being fixed (Spine Road) at the outline stage. This element of the proposals would provide all of the 156 non-construction jobs within the Commercial Units/Shop Kiosks/Public House. It would also provide a NEAP, picnic area associated with the PH, retention of existing mature trees, and natural water storage/drainage areas close to the bend in the Sulby River which adjoins the sites NE boundary. (See SP Policies GEN2, and ENV1).

8.00 SUMMARY & CONCLUSION

8.01 The proposed development is on an allocated site in the 1998 Ramsey Local Plan as advised in the WRDA Development Brief 2004. The provision of a Spine Road underpins the development of this allocated site as was envisaged in these valid Policy Documents. The Draft Area Plan for the North and West (DAP) - published June 2022 - promoted the deletion of the application site as an allocated site for development, with it being put forward as an area of 'Proposed Open Space'. No further work has been carried out on the DAP since publication and given that the proposed policies and allocations contained therein have not been the subject of public scrutiny, it is effectively for information only, and as a consequence, holds no weight.

8.02 There is a lot of pressure on environmental grounds from various bodies both within and outside Government for no development to take place and for the site to remain as a 'wild area' which may flood occasionally, and over time, it is likely to increase in its biodiversity offering. However, this would need to be undertaken via a programme of active management which does not exist. It is noted that the site could also be farmed (cattle/sheep grazing) as of now which would diminish its biodiversity value. The environmental comments, are therefore, also based on the hope that the site will become an area of Open Space as outlined in the Draft Area Plan for the North and West (published June, 2022). However, as advised above, this Plan and its policy objectives remain as aspirations.

8.03 Against the retention of the site in its current state is that the proposals offer a unique development opportunity for Ramsey on allocated land that should not easily be dismissed when the flood risk issues are addressed in the EIS, Flood Risk Assessment and additional FR

documentation which is provided by a leading UK consultancy (who has informed the DoI in updating its Flood Risk Maps - to be published in 2024), with mitigation provided (Spine Road) amongst other things. It is unhelpful that constructive comments have not been forthcoming from DoI FMD.

8.04 The main conclusion of this Report is that if there is no Spine Road, the development in the manner proposed on this allocated site would not occur. The cost outlay in implementing the Spine Road means that Affordable Housing in Phase 1 will not be secured. In the IoM Governments publication "Operational Policy on Section 13 Agreements (2020)", Clause 5.4 reads:

"Where there is a longer anticipated build-time for a development (for example for larger housing estates) and it is accepted that a lower affordable housing contribution is acceptable, a requirement to reassess whether this can be increased prior to commencement of each phase may be included in the Section 13 Agreement. Nevertheless, where a development can only provide a reduced level of affordable housing due to viability issues this will weigh against the development in reaching a balanced decision as to whether it should receive planning approval."

8.05 The applicants have provided a viability argument that the cost of implementing the Spine Road up front obviates their ability to provide Affordable Housing on the Full, Phase 1 element of the proposals. This is accepted by Officers. The applicants have advised that they would be willing to accept a review clause in any S13 Agreement where the question of the provision of some Affordable Housing could be made within the outline application area. It is appreciated that the lack of AH 19.5 AH Units (25% of 78) on Phase 1 is significant and that it would make a difference in the Ramsey area and in the north of the Island as far as AH provision goes. In any review mechanism secured by the S13 Agreement for AH provision on the Outline Phase 2 element of the application, the starting point would be 25% of the approx. 127 Housing Units this would provide (approx. 31.5 AH Units). This would comply with the provisions of SP Policy H5. On balance, it is considered that given the sustainability argument for this allocated site - it is within easy walking distance of Ramsey Town Centre - and, that the SR would secure an alternative route from the new development on the site, and existing housing at Greenlands Avenue/Lezayre Park/Audlyn Walk to Ramsey Town Centre avoiding Parliament Square, these benefits to local people and road users, plus the flood alleviation measures that the Spine Road would provide, outweigh any concerns in respect of the lack of any AH provision within the Full element of the application.

8.06 It is considered that the proposals contained in this hybrid application offer an acceptable form of development that strikes a balance between benefitting Ramsey and the surrounding area in terms of housing and employment provision, community facilities and flood defence for both the site and existing development of land to the south in conjunction with open space and play space provision and achievable goals in relation to wildlife and habitat management. Members should also be mindful that the site off Lezayre Road to the west of Ramsey for 138 dwellings (PA 20/01080/B) was refused at appeal on 1/3/23; and, that the Hartford Homes site (PA23/00744/B) on the north side of Ramsey for up to 153 dwellings and Community Uses - some distance from the town centre - has yet to be considered. Therefore, this hybrid application which includes provision for up to 202 dwellings, at a sustainable location within easy walking distance of Ramsey Town Centre, would make a significant difference to Housing Supply and also to the Government's ultimate target for a 100,000 Island population.

9.00 RECOMMENDATION

Overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application is recommended for approval subject to the prior signing of a Section 13 Agreement to secure:

In the Full element:

- o The provision of the Spine Road;
 - o Off-Site Highway Improvement Works;
- Open Space and Estate Management comprising:
- o The provision of the LAP and LEAP with their relevant play equipment;
 - o The provision of a commuted sum for the maintenance costs for the LAP and LEAP;

In the outline element:

- o That the Spine Road shall be completed prior to the implementation of the first of any approval of Reserved matters for the development of the outline element of the site;
 - o A clause/mechanism to secure the provision of some on-site Affordable Housing;
 - o The provision of the Commercial Units
 - o The provision of the Public House/Community Facility including picnic area;
 - o The provision of the shop/kiosks
- Open Space and Estate Management comprising:
- o The provision of the NEAP with its relevant fully equipped play areas/courts/pitches /fencing and associated equipment;
 - o Waymarking, signage and landscape interpretation boards along the Sulby Riverfront from the access onto Poyll Dooey Road in the east linking in with the Poyll Dooey Nature Reserve to the west;

And subject to conditions.

10.0 INTERESTED PERSON STATUS

10.1 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.

10.2 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.

10.3 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 5.2

Proposal : The development proposes the construction of 133 new dwellings split across apartments, townhouses, small blocks of flats and a senior living block. In addition, a new scout hut/community pavilion, refurbishment and extension of Crookall House as office space, replacement existing sub-station and associated external landscaping, highways and drainage works.

Site Address : Crookall House (+ Surrounding Site)
Demesne Road
Douglas
Isle Of Man
IM1 3DX

Applicant : Mr Dane Harrop

Application No. : 23/00291/B- [click to view](#)

Head of Development Management : Mr S Butler

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of the development hereby approved, a schedule shall be submitted to and approved in writing by the Department setting out the phasing/timings of the development including the provision of the edging, surfacing, walls/boundary treatments, external furniture hard and soft landscaping (including play equipment), tree planting, habitat creation, refuse storage and other detail as shown on the relevant approved plans (or as amended by information required by other conditions attached to this notice) set out below. The development shall take place in accordance with the phasing/timings, unless otherwise required by other conditions attached to this notice, and retained as such thereafter. The relevant approved plans for the purposes of this condition are:

- o Proposed Retained and New Trees (0003 P02);
- o General Arrangement (0100 P08);
- o Proposed Levels (0101 P05);
- o Proposed Hardstandings and Surfaces (0102 P04);
- o Proposed Walls and Boundary Treatments (0103 P04);
- o Proposed External Furniture (0104 P05);
- o Proposed Active Travel Strategy (0106 P06)
- o Proposed Soft Landscaping Strategy (0107 P05);
- o Proposed Tree Strategy (0108 P04);

- o Proposed Wildlife Creation (0109 P04);
- o Proposed Adopted Plan (0010 P05)
- o Proposed Refuse Collection Strategy (0110 P04);
- o Proposed Amenity Area Types and Distribution (0111 P06); and
- o Proposed Parking Areas within the site (i.e. excluding those on Demesne Road) as shown on plan (0105 P05)

Reason: to ensure the provision of the various hard/soft landscaping and various equipment/facilities in accordance with the approved details.

C 3. Prior to the commencement of the development hereby approved, a schedule shall be submitted to and approved in writing by the Department setting out the phasing timing of the development including if any of the development is to be occupied in advance of any of the following works being in place:

- o visibility splay for Demesne Road access (Transport Assessment Plan 75001-P05);
- o visibility splay or Westmoreland Road access (Transport Assessment Plan 75001-P05); and
- o the onstreet parking on Demesne Road being reconfigured as shown on plan 0105 P05.

Reason: to ensure adequate parking in the interests of highway safety

C 4. Notwithstanding the provisions of the Town and Country (Permitted Development) Order 2012 (or any future replacement or alteration of that order) Schedule 1, Part 2 Class 16 (Fences, walls and gates) and Part 4, Class 39 (Fences, walls and gates) no fences, walls, gates or other means of enclosure shall be erected unless in accordance with the approved details of this approval.

Reason: the application is approved in part due to the quality of the public realm to be provided and also to prevent the erection of obstructions within visibility splays.

C 5. Prior to the commencement of the construction of any of the buildings hereby approved, the following samples for that building shall be made available on site for the approval of the Department: a 1m x 1m brickwork sample panel which shows the colour, texture, face bond and pointing; and a sample of the standing seam roofing. No works can start on any building until the Department has approved the samples for that building in writing. The development shall take place in accordance with the approved detail and the samples shall be available onsite during the construction of that building.

Reason: the quality of the brickwork and metal mansard roof/dormers will be fundamental to the proposal's contribution to the character of the townscape and street scene.

C 6. The commercial/retail space shown on the approved plans within Blocks B and C shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order) and no customers shall be permitted to remain within the buildings between the hours of 23:00 and 07:00 on any day:

- o Class 1.1 - Shops; and/or
- o Class 1.2 - Financial and professional services.

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details and to avoid unacceptable impacts on residential amenity.

C 7. The office space within Block D shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order):

- o Class 1.2 - Financial and professional services; and/or
- o Class 2.1 - Office.

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details

C 8. The Community Building/Scout Hut (Block F) shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order) and no amplified music may be used between the hours of 23:00 and 07:00 on any day:

- o Class 4.3(a) - assembly of persons for a social or community event or for religious worship) -

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details.

C 9. Unless otherwise set out in the schedules approved under conditions 2 or 3, prior to the occupation of any of the development hereby approved, the site access and layout shall be provided in accordance with the following drawings and retained as such thereafter :

- o General Arrangement (0100 P08)
- o Proposed Active Travel Strategy (0106 P06)
- o Proposed Adopted Plan (0010 P05)
- o Visibility Splays (Transport Assessment Plan 75001-P05)

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details and in the interests of highway safety and to facilitate sustainable transport by a variety of modes.

C 10. Prior to the occupation of any part of the development hereby any roads or footways which provide access to that building from the adjoining street and public highway on Demesne Road and Westmoreland Road shall be constructed in accordance with the approved plans Proposed Edgings and Levels (0101 P05) and General Arrangement (0100 P08).

Reason: to ensure streets are completed prior to occupation and satisfactory development of the site.

C 11. Unless otherwise set out in the schedule approved under condition 3, prior to the occupation of any of the development hereby approved, visibility splays for Demesne Road and Westmoreland Road accesses shall be provided as per approved plan Visibility Splays (Transport Assessment Plan 75001-P05) and retained thereafter.

Reason: in the interests of highway safety.

C 12. Unless otherwise set out in the schedule approved under condition 3, no part of the development hereby approved shall be occupied unless the onstreet parking on Demesne Road has been reconfigured as shown on plan 0105 P05.

Reason: to ensure that the development is not occupied until the offsite works have been carried out, in the interests of parking provision and the safety of the site accesses.

C 13. Unless otherwise set out in the schedules approved under conditions 2 or 3, prior to the occupation of any of the development hereby approved, visibility splays for internal site layout accesses and internal bend forward visibilities shall be provided as per approved plans 75001-P04, 75003-P02 and 75005-P01, and retained thereafter.

Reason: in the interests of highway safety.

C 14. Notwithstanding any approved details, no obstructions greater than 600mm above ground level can be located within the proposed visibility splays and bend forward visibilities.

Reason: in the interests of highway safety

C 15. Prior to the first occupation of any part of this development, any private drives, driveways and associated parking areas, non-residential hardstanding and associated parking areas which are to serve that part of the development must be properly consolidated and hard surfaced and drained and retained as such thereafter.

Reason: to ensure the drives parking and hardstandings are provided in accordance with the approved detail.

C 16. Prior to the occupation of any of the residential units hereby approved, sufficient secure covered cycle parking for non-garaged dwelling units to accommodate one space per bedroom shall be provided in accordance with details which have first been submitted to and approved in writing by the Department, and retained as such thereafter.

Reason: to ensure sufficient and adequate cycle parking is provided.

C 17. Prior to the occupation of any non-residential building hereby approved, cycle parking in the location as shown on plan Proposed Active Travel Strategy (0106 P006) shall be provided in accordance with details which have first been submitted to and approved in writing by the Department, and retained as such thereafter.

Reason: to ensure sufficient and adequate cycle parking is provided.

C 18. Prior to the occupation of the any part of this development hereby approved, the EV charging points which are intended to serve occupiers or visitors to that part shall be provided at the points as shown on the approved plan General Arrangement (0100 P08) in accordance with details which have first be submitted to and approved in writing by the Department, and shall be retained as such thereafter.

Reason: to ensure that the EV charging points are provided.

C 19. Prior to the occupation of any part of this development, details of the measures to be undertaken (including by whom and when) to implement the Framework Travel Plan (produced by Curtins - TP-003-P02 dated 06.03.23) in relation to that part shall be submitted to and approved in writing by the Department, and the measures shall be undertaken in accordance with the approved details.

Reason: to ensure that a travel plan is in place and implemented.

C 20. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise

defective during the construction phase due to events outside of the owner or applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 21. Prior to the commencement of the development hereby approved, the protective measures detailed in the Plans Proposed Existing Tree Works and Protection Plan (0002 P02) and Tree Protection Proposed Details (0004 P01), shall be fully installed and implemented and retained for the duration of the construction process.

Reason: To ensure that trees marked for retention are adequately protected, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 22. Prior to the commencement of the development hereby approved, details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Department. The details should make provision for the regular reporting of continued compliance or any departure there from to the Department. The development thereafter shall be supervised in strict accordance with the approved details.

Reason: Required prior to the commencement of development in order that the Department may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

C 23. Prior to the commencement of the development hereby approved, a detailed hard and soft landscaping plan, consulted on with a suitably qualified ecological consultancy, shall be submitted to and approved in writing by the Department. The plan shall include the following:

- o detail, including species lists, incorporation of native and other well-established species, and no use of invasive non-native species;
- o wildflower planting mix specifications, with use of a mix that is appropriate to the Isle of Man;
- o details about the wildlife swale garden, including a planting list appropriate to the Isle of Man;
- o a timescale for the implementation of the landscaping;
- o consideration of the maintenance of highway visibility splays; and
- o long-term soft landscaping maintenance regimes.

Reason: to ensure that the landscaping can be successfully adopted and maintained by Douglas Borough Council and to avoid impacts on highway safety, protected species and to comply with Strategic Plan General Policy 2(i) and Environment Policies 4 and 5. Planting and landscaping is usually, and understandably, one of the last things to take place on construction sites, but because of the level of tree removal, the applicants will need to consider if and where it would be possible to undertake tree planting earlier on in the process, in order to give the trees a longer time to establish and provide greater wildlife benefit.

C 24. Any trees or plants indicated on the approved planting/landscaping scheme which, within a period of five years from the date of planting, die, are removed or become seriously

damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: to ensure that adequate trees are provided within the site in the interests of visual amenity.

C 25. All landscaped areas outwith the curtilages of the dwellinghouses and shown on the approved drawing number 010 P05 in blue shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved.

Reason: In the interests of the character and appearance of the development and to ensure that public spaces are retained as such.

C 26. Prior to the commencement of the development hereby approved breeding bird and roosting bat assessments, by a suitable qualified ecological consultancy, shall be submitted to, approved in writing, by the Department. The assessments shall include internal and external inspections of the buildings, external inspections of the trees to be felled, as well as activity surveys across the site.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 27. Prior to the commencement of the development hereby approved an Ecological Mitigation Plan, written by a suitable qualified ecological consultancy, shall be submitted to and approved in writing by the Department. The development shall not be undertaken other than in accordance with the approved plan. The plan shall be informed by the surveys undertaken under condition 26 and include the following:

- o measures for the protection of existing landscape features, including the use of construction exclusion areas and protective fencing;
- o details about the timing of tree felling and building demolition;
- o requirements for pre-demolition checks for breeding birds and roosting bats, and steps that will be taken should bats or birds be found during works;
- o requirements for pre-felling checks for breeding birds and roosting bats, and steps that will be taken should bats or birds be found during works;
- o details of mitigation measures for bats and birds - including the number, type and location of a number of bat boxes/bricks across the site, as well as a timetable for installation;
- o details, including the type and location of bug hotels, as well as a timetable for installation.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5. As the MWT identified a number of potential roost features in the trees and buildings, some of the bat boxes will need to be put installed prior to tree felling and building demolition, in case any bats are found during works which need to be translocated.

C 28. Prior to the occupation of any part of the development hereby approved, a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023), shall be submitted to and approved by the Department. Lighting should be low level, directional and avoided on any trees and vegetation. Any lighting on site must them be undertaken as per this approved plan.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 29. Prior to the commencement of the development hereby approved, the results of a walkover assessment to identify any Schedule 8 species on site, and a responsible removal methodology for non-native invasive New Zealand privet and any other non-native species found during the walkover assessment, shall be submitted to and approved in writing by the Department. The development shall not be undertaken other than in accordance with the approved plan.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 30. The development hereby approved shall not be commenced until details have been provided to and improved in writing by the Department which set out either that the DHA considers there is no need for a replacement to the TETRA equipment sited within the application site or that they do consider a replacement is necessary and:

- o details of the replacement equipment and where it is to be sited;
- o a copy of the relevant approval (whether planning application or Development Order) that permits the proposal; and
- o a timeline for its implementation.

Reason: to ensure that adequate provision is made for TETRA in accordance with policy Telecommunications Proposal 1(d) of the Area Plan for the East.

C 31. Unless otherwise required by other conditions on this notice or to comply with Building Regulations, the development hereby approved shall be undertaken in accordance with the Energy Report produced by Troup Bywaters + Anders (dated February 2023) in relation to the points below, and the relevant provisions for each building shall be in place prior to the occupation of that building:

- o Section 6.0 Water Management - Parts 1 (Reducing Water Consumption) and 2 (Managing Water Consumption);
- o Section 10.0 Energy Conservation for Westmoreland - Part 10.1 (Refurbishment of the Crookall House), 10.2 (New Scout Hut/Community Pavilion) and 10.3 (New Residential Premises); and
- o Section 11.0 (Energy Efficiency Measures) - Part 11.1 (Lighting and lighting control) and 11.2 (Mechanical ventilation, heat recovery).

Reason: to ensure that the proposal is undertaken in accordance with the approved details, but that some elements (construction impacts) are not normally controlled by planning and some elements (SAP Rating) are controlled by other processes such as Building Regulations.

C 32. No building hereby approved shall be occupied unless any solar panels and air source shown for that building on the approved plans (the approved elevations or floor/roof plans Figure 1, "Site plan indicating all external M&E plant, relevant to external noise criteria" of the Energy Report produced by Troup Bywaters + Anders, dated February 2023) have been installed in accordance with details which have first been approved in writing by the Department. The submitted details shall, for air source heat pumps, include calculated cumulative sound output at the nearest residential window and details of any screening and show compliance with the document, "MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises" (Issue 1.3 Dated 2019). The solar panels and air source heat pumps shall be retained thereafter unless: for Solar Panels are replaced with panels which are not materially different in visual appearance (including colour and size); and, for ASHP, are replaced with pumps/screens

which are no bigger than the approved and have a sound output which is no higher than the approve.

Reason: To ensure that Solar Panels and Air Source Heat Pumps are provided, and are provided in such a way that does not have an unacceptable impact on residential amenity and to ensure he measures as set out in 12.0 Low / Zero Carbon (LZC) technologies - Part 12.1 Air Source Heat Pumps (ASHPs) and 12.2 (Photovoltaics) of the Energy Report are implemented.

C 33. Notwithstanding the approved plans , prior to the commencement of construction of block E1 details of the position and design of an external access door to the switch room shall be submitted to and approved in writing by the Department and the development shall be undertaken in accordance with the approved details.

Reason:

To ensure there is suitable access to the switchroom.

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:

Overall, while the proposal would provide an under provision of onsite parking spaces, it is considered the uses on this specific site; located within the settlement of Douglas; close to public transport links; good sustainable links; significant cycle provision; Travel Plan being implemented and with appropriately worded conditions and Section 13 Legal Agreement in place; it is considered the proposal would meet the overarching aims of the IOMSP which seeks to promote sustainable development and travel which seeks to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use and therefore complying with GP2, TP 1, 4, 6 & 7 and TP1 from Area Plan for East. Further, it is concluded the proposal would comply with the following Government Strategies; Net Zero Emissions by 2050, IoM Government's Active Travel Strategy and the Climate Change Bill 2020 which all seek to reduce car travel for more sustainable means of travel.

Interested Person Status – Additional Persons

The following have made material planning comments and so should be afforded Interested Person Status (IPS) under Article 4(1)(c) of the Development Procedure Order 2019 (DPO):

- o DOI Estates and Housing
- o DfE Business Agency
- o DHA (Communications Division)
- o CABO (Planning Policy)
- o Manx Utilities

- o DESC
- o Fire & Police

Manx Care are an arm's length organisation to the IOM Government, but their buildings are the responsibility of the DHSC and Manx Care are essentially leased them. If Manx Care were a Government Department then they would be afforded IPS as they have made comment on material planning issues. The Operational Policy on Interested Person Status arguably does not cover this situation, and so Planning Committee could be justified in stepping outside of the policy to consider Manx Care for IPS. On balance it is recommended that they afforded it under Article 4(1)(a) of the DPO.

The owner/occupiers of the following properties have identified land within 20m of the application site and explained how with reference to a relevant consideration (parking) the lawful use could be impacted by the development and so should be afforded IPS:

- o 34 Kensington Road
- o 42 Demesne Road
- o Flat 1, 40 Demesne Road (2 responses)
- o Flat 2 42 Demesne Road
- o Unit 1, The Warehouse, Demesne Road
- o 44 Westmoreland Road

The owner/occupiers of the following properties have not identified land within 20m of the application site and so should not be afforded IPS under Article 4(1)(a) of the DPO, in accordance with the Department's Published Operational Policy on IPS:

- o Alan Street (No. 16/Flat 1)
- o Ballabrooie Avenue (103)
- o Brighton Terrace (9, 10, 11, 12 and 16)
- o Demesne Road (No. 22/Flat 1, No. 32/Flat 1 and No. 33/Flat 4)
- o Derby Terrace, Central Promenade (No. 1/Apartment 6)
- o Eastfield (2)
- o Ellenbrook Farm, Braddan
- o Fairways Court Apartments (3)
- o Gardeners Lane, Ramsey (Ivy Cottage)
- o Glen Falcon Terrace (8)
- o Grosvenor Road (2, 3, 5, 6, 7 and No.1/Flat 2)
- o Hillside Avenue (93)
- o Ian Cannel Court (20)
- o Kensington Road (7, 19, 25 and 26)
- o Orry Street (3 and 12)
- o Peel Road, Lazy Hill (Barraughar)
- o Raphael Road (6)
- o St. Catherines Drive (6)
- o Tromode Park (Aingarh)
- o Westbourne Drive (1 and 31)
- o Western Avenue (26)
- o Westminster Drive (10)
- o Westmoreland Road (15 and 44)
- o Woodburn Square (24 and 36)

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPSOAL WOULD RESULT IN A DEVELEOPMENT OF 8 OR MORE RESIDENTIAL UNITS

1.0 THE SITE

1.1 The application site is the curtilages of a number of properties which include;

- o Nr 40, 42, 44, 46 & 48 Westmoreland Road (dwellings);
- o Crookall House (office) - former Jane Crookall maternity hospital;
- o Quickfit Supercentre (garage);
- o James Caine Carpet Showroom Units 1 and 2;
- o Unit A (industrial);
- o 1st Douglas Scout Group;
- o The Antiques Centre (retail);
- o The Former Ballacloan School (now demolished); and
- o Car park (26 spaces) originally associated with the hospital across the road.

1.2 The site equates to an area of approximately 1.4ha (3.4 acres), with Westmoreland Road to the north and west of the site and Demesne Road to the south. The ground levels of the site general fall, with an approximate level difference of 3.4m (measured from northeast boundary and southwest boundary).

1.3 To the northeast of the site is tennis/netball/basketball courts and a bowling green at Finch Hill Recreational Ground and the residential Victorian terraces which run along Demesne Road. To the south-eastern boundary across from Demesne Road are a number of retail, garaging, doggy day care and industrial uses. To the south-western boundary is the former Nurses Home which is currently been converted/extended to 37 apartments and café and beyond this is Henry Bloom Noble Primary School. To the north west of the site is the former Nobel's Hospital, which still accommodates health facilities, including a GP surgery Kensington Group Practice.

2.0 THE PROPOSAL

2.1 The application seeks approval of a mix of:

133 new dwellings split across apartments, townhouses, small blocks of flats and a senior living block

4 commercial units for retail/professional services - two in Block B (95 and 96 sqm) and two in Block C (95sqm each)

a new scout hut/community pavilion which will accommodate a large multi purpose hall for community uses in accordance with Class 4.3a which is 114 sq m in area along with offices, meeting rooms, toilets, kitchen, storage on the ground floor (footprint area 325 sq m)

refurbishment and extension of Crookall House as office space

replacement existing sub-station and

associated external landscaping, highways and drainage works.

2.2 It is noted that the commercial units were not explicitly referenced in the description provided on the application form (and so used on the site notice), however given the relatively small size of these, that they are clearly explained in the application details and that a significant number of comments have been received from local residents, it is not considered that anyone has been unduly disadvantaged by this. It is also noted that the changes to the uses proposed for these (and the community building) have been narrowed rather than expanded during the course of dealing with the application.

2.3 All of the existing buildings on the site, with the exception of Crookall House are proposed to be demolished. The application form indicates changes to levels but "N/A" in terms of method for importing/exporting material and a plan has been provided showing the difference between existing and proposed levels which is limited.

2.4 The applicant's Planning Statement and supporting plans, have broken the site into "Five Blocks" and for the ease of reference this report will replicate these five areas. These

"Blocks" are referred as "B, C, D, E & F". It is presumed "Block A" may be the former Nursing Home given it is the same applicants, albeit outside of the application site.

2.5 Within Block B and C these consist of two detached buildings (Block B1 & C1) which front onto Demesne Road which are five storeys in height with a Mansard roof design. These buildings will be primarily facing brick with GRC corncicing and with the fourth floor finished in standing seam sheeting including flat roofed dormers. At ground floor level of both blocks, each accommodate;

- o two units for a mix of uses including retail and offices,
- o entrance lobby for residential units above;
- o residents lounge;
- o refuses and cycle storage; and
- o other services/plant rooms.

The upper four floors of each block accommodates a total of 28 apartments (7 per floor - 4 one bed and 3 two bed units).

2.6 To the rear of each blocks B1 and C1, it is proposed for each to have two blocks (B2 & B3 and C2 & C3) which are three storeys in height and be primarily facing brick with GRC corncicing and roof finished in a grey tile. These will in total accommodate a total of 28 townhouses terraced properties, all of which are three bedroomed units. There are also two blocks of Apartments to the end of Block B2 and C3 which accommodate 6 one bed units. The residential units in Blocks B and C amount to 88 in total, 38 one bed, 24 two bed and 26 three bed.

2.7 Block D is the Crookall House which is proposed to be retained and extended to accommodate offices. The proposal would result in a total floor area of 2249sqm (existing 1827sqm). The main extension would be a second floor extension over the central section of the existing building. This second floor extension would be finished mainly in glazing to all elevations and with a flat, with parapet roof.

2.8 Block E is a detached is a five storey building with an additional basement level located to the western corner of the site, running along Westmoreland Road. The proposed building would have 45 apartments (11 x one bedroom and 34 x two bedroomed units). The building will have two lifts and two sets of stairs, one at each end of the building. The ground floor will have a cleaner's store and refuse store and the basement will accommodate a cycle store for cycles, mobility scooters and a garden store, tank room and switch room. The Affordable Housing Provision for this site is to be provided on site through the building and conveyance of the accommodation in Block E to the local authority for management as public sector housing, specifically Senior Living Accommodation within this block. The building will be brick with a standing seam roofing.

2.9 Block F is proposed to be a new community building located between Crookall House (to the northeast) and Block E (to the southwest) and located along Westmoreland Road. This building provides a replacement community facilities as the scheme involves the demolition of the existing scout hall. The building will accommodate a large multi purpose hall which is 114 sq m in area along with offices, meeting rooms, toilets, kitchen, storage on the ground floor (footprint area 325 sq m). The building will be accessed from Westmoreland Road. The building will be brick with a raised seam roof facing to the main roof which is pitched and a sedum roof to a flat roof section of the building.

2.10 Access and Parking

2.10.1 It is intended that primary access to the site will be via a one way system from Demesne Road alongside number 44 and looping through the site and existing onto Demesne

Road alongside access to the former nurses' home and between the central runs of town houses.

2.10.2 Car parking is being provided in the form of 89 car spaces and 241 bicycle parking spaces, comprising:

- o 17 spaces within Block E
- o 9 spaces to the rear of Block E
- o 8 dedicated spaces in front of the community building
- o 4 spaces within Crookall House
- o 12 spaces to the south of Crookall House (3 for the community building, 9 for Crookall House)
- o 10 parallel spaces to the north of the town house terraces
- o 26 spaces for the town houses within each curtilage
- o 3 retained spaces in the access alongside 44, Demesne Road

2.10.3 In addition there are 14 on street parking spaces in front of Blocks B and C which are publicly available. This is an increase of approximately four on street spaces over the existing. EV charging points will be provided throughout the site and the internal cycle storage will have power available for charging electric bicycles and mobility scooters. Cabling for EV charging will be provided throughout the site for potential future provision.

2.11 Open Space, Landscaping and Gardens

2.11.1 The proposal includes:

- o A village green between Crookall House and the new community building
- o A Children's play area alongside the Village Green
- o "Pocket parks" located on the corner between the former nurses' home and the new Block E and in the centre of the site at the end of the town house terraces: the area in front of Block E will have appropriate outdoor exercised equipment installed; the area alongside the former nurses' home will have a children's play area and landscaped seating area which will serve not only the proposed development but also the new apartments in the former nurses' home and the cafe/community hub provided in that building and close to the controlled pedestrian crossing point on Westmoreland Road
- o Landscaped spaces between the town houses in Blocks B2, B3, C2 and C3 including private gardens and balconies for the occupants
- o Roof terrace areas and private courtyard for Crookall House

2.11.2 The scheme will result in the loss of 31 trees (none registered) and proposes planting 155 new trees.

2.11.3 The application acknowledges that not all of the open space requirement can be met on site and a commuted sum to the local authority is proposed to address the shortfall.

2.12 Overall Approach

2.12.1 In support of the application and reasoning behind it and its aims, the applicant's Design Brief indicates;

"Westmoreland Village provides a contemporary take on the Victorian townscape that characterises Douglas, offering a different approach to the more traditionally styled developments elsewhere on the island. In addition, the unique location of Westmoreland Village, with its wealth of amenities and proximity to Douglas city centre, makes it the perfect opportunity to create an environment where daily active travel is a real possibility.

Westmoreland Village offers opportunities for an environmentally focussed new community to develop with the following key characteristics:

1. It is well-connected, with new and greatly enhanced existing pedestrian routes linking key neighbourhood facilities such as schools, health centres and bowling/sports facilities, as well as the new community facilities provided within the village, such as the new Scout/Community Hall.
2. A variety of new green spaces provide amenity for the new residents but also for the wider community including: garden court-yards, a pocket park, a village green, play areas, biodiverse water-based wildlife gardens and foraging/growing areas.
3. A place for all ages, with multi-generational opportunities for living, community events, meeting places and amenity space designed to bring people together.
4. A major increase in biodiversity, green and blue infrastructure and specific provision for wildlife.
5. Sustainability and environmentally conscious design is at the heart of the scheme, with a number of architectural, energy and landscaping strategies.
6. Active Travel and public transport links encouraging and enabling lower car ownership through provision of cycle/mobility scooter hubs, cycle storage, EV charging, improved links to nearby bus stops and shared spaces with pedestrian/ cyclist priority."

3.0 KEY DOCUMENTS / POLICY

3.1 Material Considerations

3.1.1 Section 10(4) of the Town and Country Planning Act states:

"In dealing with an application for planning approval... the Department shall have regard to -

- (a) The provisions of the development plan, so far as material to the application,
- (b) Any relevant statement of planning policy under section 3;
- (c) Such other considerations as may be specified for the purpose of this subsection in a development order or a development procedure order, so far as material to the application; and
- (d) All other material considerations."

3.2 Area Plan for the East 2020 (Development Plan)

3.2.1 The site is outside of the Douglas Town Centre Boundary but within the wider Douglas settlement boundary. It is mainly within an area recognised as being an area of "Mixed Use"; with a section (Cains Furniture) designated as "Predominately Residential" and a section of the former Jane Crookall Maternity Hospital (Crookall House) as a "Telecoms Site" site. It is not within a Conservation Area, although to the north and north east is Woodbourne Road Conservation Area. There are no Registered Buildings within the site. There are trees within the site some of which are individually registered. The site is not within a High Risk Flood Area.

3.2.2 The Written Statement of the Area Plan for the East identifies the "Mixed Use" designation as "DH001g" which also indicates a "Summary of Residential Land Provision" which indicates a "Notional Number of Dwellings" of 39 dwellings on the site. There is no site brief for the site, which means there are no site-specific requirements identified.

3.2.3 Section 9.11 relates to Development in areas of 'mixed use' and states,

"9.11.1 There are a number of areas of 'mixed use' outside of Douglas town centre. Some are identified by a site number on the Maps and others are not, for instance Village Walk in Onchan does not have a site number.

9.11.2 Development types within areas of mixed use generally comprise a variety of different but compatible uses. Appropriate new uses may include a mix of shops and some services (financial and professional), food and drink, office and light industry, research and development, tourist and residential uses, and other uses such as clinics or health centres, childcare or education, community facilities, and places of assembly and leisure. Uses which are not compatible with residential development will generally not be supported within the areas of mixed use".

3.2.4 Mixed Use Proposal 9 states; "In areas shown as Mixed Use outside of Douglas Town Centre, there will be a presumption to retain any existing open space, sports and recreation facilities which serve as assets for the community."

3.2.5 Residential Proposal 2 sets out DM considerations for residential proposals and is considered relevant to the current application which is predominantly residential. It states (in full):

"Applications in the East should be prepared taking into account the following matters (which may need to be presented in a masterplan):

- a. Scale of proposed development relevant to site size, location and setting;
- b. Existing green, grey and social infrastructure;
- c. Biodiversity (there should be no net qualitative loss);
- d. Phasing, layout, road access, parking and traffic circulation within the site;
- e. Need for public open space (formal and informal/amenity);
- f. Options for and access to public transport as part of an overall travel plan (meaning an appropriate long term management strategy that seeks to deliver sustainable transport objectives through action);
- g. Need for a Transport Assessment;
- h. Need for individual drainage masterplans or specific flood risk assessments (advice from Manx Utilities may be required)
- i. Need for landscaping - including areas of structural landscaping on larger sites;
- j. Need - as part of the development - for infrastructure service corridors;
- k. Need for archaeological evaluation and mitigation;

This is not an exhaustive list and is in addition to the normal legislative and policy guidance on matters to be taken into account when determining planning applications".

3.2.6 A number of other policies are relevant, including:

- o Natural Environment Proposal 1 - encourages the provision of Green Infrastructure
- o Urban Environment Recommendation 1 - reuse of brownfield sites
- o Sections 6.6 (Good Design) and 6.7 (Public Realm)
- o Urban Environment Proposal 3 - states; "Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area."
- o Transport Proposal 1 - states; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan."
- o Transport Proposal 2 - integrated transport networks
- o Utilities Proposals 1-5 - provision and phasing of services
- o Utilities Proposal 6 - Drainage
- o Telecommunications Proposal 1 - requirements for developments to consider provision, including
- o "d) Demonstrate that the proposal has taken into account radio networks in particular those used by the emergency services (TETRA)".

- o Open Space and Community Proposal 1 sets out the approach for neighbourhood centres, including community health services
- o Open Space and Community Proposal 2 sets out the approach for education centres

3.3 Isle of Man Strategic Plan 2016 (Development Plan)

3.3.1 The Strategic Plan takes its lead from the Government aims which include the pursuit of manageable and sustainable growth based on a diversified economy which is intended to raise the standard of living of the people of the Island and to provide the resources to sustain and develop public services. It also includes the protection and improvement of the quality of the environment such that it continues to be an asset for future generations.

3.3.2 The Strategic Aim is: "To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage."

3.3.3 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains a number of policies that are considered specifically material to the assessment of this current planning application. General Policy 2 sets out the broad 'Development Control' considerations and states in full: "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."

3.3.4 Other relevant policies are:

- o Strategic Policy 1 promotes reuse of sites and buildings, efficient use of sites and proposals being located to utilise existing infrastructure
- o Strategic Policy 2 promote development within existing settlements
- o Strategic Policy 3 seeks to protect or enhance the character of settlements

- o Strategic Policy 4 seeks, amongst other things, to avoid unacceptable environmental pollution or disturbance
- o Strategic Policy 5 promotes design and the use of design statements
- o Strategic Policy 9 directs retail to development in the first instance to existing centres (unless neighbourhood shops)
- o Strategic Policy 10 promotes an integrated transport network to minimise car journeys and encourage walking and public transport
- o Strategic Policy 11 sets out the housing target (5,100 net additional from 2011 to 2026)
- o Spatial Policy 1 states: "The Douglas urban area will remain the main employment and services centre for the Island."
- o General Policy 9 encourages public art
- o Environment Policy 36 protects views into and out of Conservation Areas
- o Environment Policies 40 and 41 deal with archaeology
- o 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."
- o Environment Policy 43 supports proposals which seek to regenerate run-down urban and rural areas.
- o Environment Policy 4 protects biodiversity, in particular protected species and designated sites
- o Housing Policy 1 sets out the overall housing target
- o Housing Policy 4 sets out the approach to delivering new houses, with an emphasis on this being within existing settlements
- o Housing Policy 5 states: "In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."
- o Housing Policy 18 seeks to prevent the loss of existing housing without firm proposals for replacements
- o There is no specific policy about accommodation standards for new flats, although Housing Policy 17 does provide guidance in relation to conversions of buildings to flats
- o Environment Policy 22 seek to protect residential amenity including in terms of odour, noise, light impacts
- o Business Policy 1 states: "The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan."
- o Business Policy 7 directs offices to zoned land within existing settlements in the first instance
- o Business Policy 8 relates to the design and parking provision for offices
- o Business Policy 9 supports retail within existing centres and requires Retail Impact Assessments for proposals over 500sqm new floor space measured externally
- o Business Policy 10 states: "Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5." (para 9.4.4 clarifies that large shop is 100sqm of floor space measured externally)
- o Recreation Policy 2 seeks to protect existing recreational amenity open space and facilities
- o Recreation Policy 3 states: "Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. New residential

development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan."

- o Recreation Policy 4 deals with the location and access to open space
- o Community Policy 1 encourages the provision of neighbourhood centres within residential development
- o Community Policy 2 encourages new community facilities in sustainable locations and reusing existing buildings/sites
- o Community Policy 3 protects existing community facilities
- o Community Policy 7 deals with designing out crime
- o Community Policy 10 relates to the requirements of fire fighting vehicles and access to water
- o Community Policy 11 relates to preventing the spread of fire
- o Transport Policy 1 encourages development close to existing transport links (all modes)
- o Transport Policy 4 deals with the design of highways
- o Transport Policy 6 clarifies that the needs of pedestrians should be given as much weight as the needs of other road users.
- o Transport Policy 7 and Appendix 7 set out the parking standards
- o Transport Policy 8 sets out the need for Transport Assessments for major development
- o Para 11.8.1 states, "All new development must be capable of being drained of foul and surface water in a safe, convenient, and environmentally acceptable manner"
- o Infrastructure Policy 5 requires water conservation and management measures
- o Energy Policy 5 requires energy statements for larger schemes

3.3.5 Environment Policy 24 (and appendix 5) set out when an Environmental Impact Assessment (EIA) is required, which includes larger residential development outside settlements and urban development projects (examples are given) - for the avoidance of doubt it is not considered that the proposal meets/exceeds these criteria nor is it considered that given the location and nature of the site and proposal that an EIA is required.

3.4 Design Guidance

3.4.1 The Residential Design Guide (July 2021) is capable of being a material consideration, although is not part of the Development Plan or a Planning Policy statement. It includes information relating to "Sustainable Construction" which includes a section of Climate Change.

3.4.2 The Manual for Manx Roads (MfMR) is published by the Isle of Man Government's Department of Infrastructure, to deliver their aims to:

- o to ensure the highway network enhances accessibility to goods and services and encourage a diversity of transport modes
- o to ensure the highway network provides for safe interactions between transport modes
- o to maintain a safe, inclusive and serviceable highway network"

3.4.3 It sets out design principles, processes and appropriate geometric and technical requirements for street design and public space for those involved in the planning, design, approval, construction and maintenance of highways and developments.

3.5 Other Government Strategies

3.5.1 Our Island Plan 2023 sets out a number of critical issues including: access to suitable and affordable housing, the critical issues in Health and Social Care; the need for a stronger and more diverse economy; improving infrastructure and protecting the environment; and increasing educational outcomes.

3.5.2 There are number of other plans/strategies that deal with issues in more detail and that are capable of being material considerations, in particular:

- o The Biodiversity Strategy (2015-2025) - includes seeking to achieve no net loss of biodiversity on development sites
- o IoM Government's Active Travel Strategy (2018 - 2021) - seeks to increase the number of people using more active modes of travel on a regular basis, i.e. walking and cycling.
- o The Economic Strategy (2022) - Seeks to create and fill an additional 5,000 new jobs by 2032 and further develop the infrastructure and services for an estimated population of 100,000 by 2037.
- o The Climate Change Action Plan (2022) - The Climate Change Plan contains the policies and proposals to reduce emissions over the next five years for each sector along with cross-cutting action to support the transition. This keeps us on track for the interim target of 35% reduction by 2030, 45% reduction by 2035 and net zero by 2050.

3.6 Climate Change Act 2021

3.5.1 The Climate Change Act has received Royal Assent; however, has not yet become an Act (Appointed Day Order has not yet been agreed for it to come into force) and therefore has only limited material planning weight. However, it does give a clear direction of travel. Further each topic outlined needs further work to specifically deal with that particular issue. All these matter will be considered in the relevant sections later in this report. The relevant topics in the Act are:

- "(i) the maximisation of carbon sequestration;
- (ii) the minimising of greenhouse gas emissions;
- (iii) the maintenance and restoration of ecosystems;
- (iv) biodiversity net gain;
- (v) the need for sustainable drainage systems; and
- (vi) the provision of active travel infrastructure; or
- (b) explain why consideration of one or more of those polices is not practicable in relation to the proposed development."

3.6.2 It should also be noted that from 1st January 2025 it will be illegal to install a fossil fuel heating system (including the installation of an oil tank or gas supply), in a new building. This applies to domestic and non-domestic new buildings, including an extension. If such development will not have completed the installation of the heating system proposed by the development before 1st January 2025, and it is a fossil fuel heating system, you will not be able to install it without being in breach of the Climate Change Act and therefore an amendment to your building control application to accommodate a non-fossil fuel system would be need; and if your alternative form of heating is to be an air source heat pump or ground source heat pump then there will be a requirement to re-apply for planning approval for that development. Furthermore, new build applications for Building Regulations Approval that contain a fossil fuel heating system will not be approved after 1st January 2024.

4.0 PLANNING HISTORY

4.1 While there are a number of planning applications associated with the existing buildings and uses within the application site; only one is considered relevant in the determination of the current application;

4.2 Construction of a car park, Garden Area, Nurses Home, Noble's Hospital, Westmoreland Road, Douglas - 87/01322/B - APPROVED. It appears this parking area was approved for use by the then Nobles Hospital on Westmoreland Road, rather than the Nurses

Home; which since it was originally constructed in 1953 has never had any dedicated parking associated with it.

4.3 A recent previous planning applications to the neighbouring site (Former Nurses Home) is considered relevant in the determination of this application;

4.4 Conversion and extension of nurses' home to provide 37 apartments and cafe with takeaway with associated car, motorcycle and bicycle parking and landscaping - 22/00254/B - APPROVED - This application included a Section 13 Legal Agreement which was agreed which states that provision of 9.25 units of affordable housing be provided on an alternative site or a commuted sum of £281,884.50 in lieu of same should such a scheme not be submitted within 5 years from the date of the approval (31.01.2023)

5.0 CONSULTATIONS

5.1 All consultations received can be viewed by the online planning web site. Below are either the summarised comments received or full final/most relevant comments;

5.2 Consultation Responses

5.2.1 Douglas Borough Council (Consultation 2.1 - 19.06.23) - supports proposal subject to, if shortfall in open space is identified a commuted sum is provided and that Highways and Ecology consultees are satisfied. Further comment (26.09.23, 09.11.23 and 19.12.23) indicate that they are willing to adopt the Senior Living Accommodation as public sector housing and also to adopt the open space (as amended in December) subject to minor amendments to planting. Further comments (10.01.23) made to clarify any purchase of Senior Living Accommodation would require internal approvals so could not be guaranteed. Further clarification was sought in relation to open space and there has been discussions in relation to this. It is understood that DBC are willing to adopt the relevant elements of onsite Public Open Space and to use any S.13 monies for offsite improvement, but confirmation of this is awaited at the time of writing the report.

5.2.3 DEFA Climate Change (Consultation 1 - 09.05.23) - supports proposal, notes reduction in need to travel and proposals for non fossil fuel heating.

5.2.4 DEFA Ecosystem Services (Consultation 3 - 19.05.23) - no objection to principle but requests more information in relation to tree removal, nesting birds, roosting bats and details of proposed habitat creation. Further comment (Consultation 3.1 - 05.10.23) which concludes no objection subject to four conditions (relating to further survey work, more details of mitigation - including planting - and details of lighting).

5.2.5 DEFA Registered Buildings Officer (Consultation 11 - 20.09.23) concluded, "Overall, we would consider that the quality of the brickwork and metal mansard roof/dormers will be fundamental to the proposal's contribution to the character of the townscape and street scene. We would therefore recommend that conditions be attached to any approval that requires a brickwork sample panel to be approved, and a sample of the standing seem roofing to be approved prior to those particular elements being commenced on site. We would not consider it necessary for these samples to be approved prior to any other works within the application being undertaken".

5.2.6 DEFA Forestry (Consultation 12 - 02.10.23) objected to the loss of trees and also indicated that the proposals for some of the trees to be retained may not be successful in the long term. Following negotiations and revisions, their final comments (Consultation 12.1 - 04.01.23) were that they maintained their objection on the grounds that: the proposed development including the removal of category A and category B trees; and the proposed

development including the removal of more than 50% of existing tree canopy cover from the site. They also states, "We do recognise the efforts made to revise the landscape plans to reduce the impact to T7 (beech) and G5 (sycamores). The changes made should ensure the retention of the trees for many years to come and will improve the aesthetics of the proposed development". Four conditions were suggested in the event of an approval.

5.2.7 DEFA Environmental Health were invited to comment and no comments have been received at the time of writing.

5.2.8 DOI Highways have commented several times, seeking more information/amendments. Their final comments (Consultation 4.3 - 14.12.23) concludes, "The applicant has addressed the majority of the previous comments and correspondences with Highway Services HDC on the updated proposals any minor alterations to the layout to address highway matters raised by Highway Services HDC can be conditioned and/or approved within S4/S104 works. The site sits in a sustainable location within Douglas centre and proposes a number of active travel mitigation, strategies and a contribution to reduce the reliance on private car use generated by the site" - 14 conditions and a contribution for offsite works (Rosemount Junction) are requested. Further comments on 05.01.24 and 08.01.24 made in relation to conditions/plan referencing.

5.2.9 It is noted that the site is relatively flat but that there will be some slope from the driveways onto the public highway and DOI (Highways) have commented and raised no concerns in relation to highways drainage and no separate comments or objections have been received from DOI Highways Drainage.

5.2.10 DOI Estates and Housing (Consultation 10 - 20.09.23) concluded, "The department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide affordable housing, based upon the usual calculation of 25% of the number of units approved within the application, together with the 9.25 affordable housing commitment made in respect of the Nurses Home site". On 19.02.24 further comments were received stating they are aware that the applicant has proposed that the 25% affordable units (plus the 9.25 carry over) be met by allocating block E, then data in relation to numbers on the first time buyers register and public sector rental register is provided. They request that a S13 be entered into for provided 25% plus 9.25 carry over from the nurse's home site.

5.2.11 Manx Utilities have commented in relation to three areas:

- o Drainage (Consultation 7 - 08.09.23) - no objection (satisfied with drainage strategy) subject to the drainage being built to an appropriate standard to be adopted. Further comment on 05.01.24 stated, "I have written to the Architect direct regarding entering into the Agreements etc. Manx Utilities are satisfied with the development in principle that it can be drained and built to adoptable standards, MU will also liaise with the engineers regarding the drainage post planning".

- o Water Supply (Consultation 7.1 - 03.01.24) - no concerns; and

- o Power (Consultation 15 - 09.01.24 and 16.01.24) - a number of points of detail raised and confirmed applicant's responses to these acceptable in principle, asked for more details in relation to an access door and meter boxes.

5.2.12 Manx Care (Consultation Response - 04.01.24) advised that there was a shortage of local GP places and spaces to provide more services, noting current capacity in area of c50 and anticipated resulting from development of c300. They asked if provision for additional space could be made within the development.

5.2.13 DESC (Consultation Response - 14 05.01.24) indicates a lack of provision at primary school age and outlines plans to provide additional classrooms to deal with existing capacity issues and also potential further plans at the Park Road site. Pressures at Secondary level could be addressed through expansion at St. Ninian's. These plans will all require treasury funding.

5.2.14 CABO (Planning Policy and Public Health) were invited to comment in relation to health and education provision but no comments have been received.

5.2.15 CABO Planning Policy (Consultation 6 - 05.09.23) did respond to a request for advice on the purpose of policies within the Area Plan in relation to Telecoms they noted comments received previously from DHA that the site provides some resilience to the TETRA network and if redeveloped then equipment may need to be moved.

5.2.16 The Case Officer contacted the Communications Division (Home Affairs) who advised (Consultation 8 - 05.09.23) that, "We would need a facility at that location. In the short term, it would be a considered risk to have nothing there, but long term we would want a foot print at that location / in the close vicinity".

5.2.17 The Fire Service (Consultation 9 - 20.09.23) advised no major concerns but needed more information, but made further comment (Consultation 9.1 - 01.10.23) that the developer had agreed to discuss the matters directly and were satisfied with that.

5.2.18 The Police were invited to comment responded (Consultation 16) on 22.01.23 and made comments in relation to the commercial units (although mainly in relation to the potential impacts of pubs/takeaways on residential amenity and those elements have since been withdrawn from the uses proposed for the units). They made further comments on 23.01.23 and raised concerns in relation to the layout of the site, lack of natural surveillance of outdoors spaces around the senior living block, the proximity of children's play space to the senior living block, insufficient parking, the potential for the "play on the way" space and some of the out-side space around the town houses to allow criminals to hide, the need for CCTV for the commercial units and questioned the height of the barrier for the roof terrace at the rear of Crookall House.

5.2.19 DfE Business Agency (Consultation 5 - 19.05.23) - supports the proposal, noting zoning and links to the Economic Strategy and the Built Environment Reform Programme. It also makes comments on wider issues such as climate change and active travel.

5.2.20 Manx National Heritage receive the weekly list of submitted applications and have made no comments in relation to this application.

5.3 Representations

5.3.1 Comments have been received from:

- o Alan Street (No. 16/Flat 1)
- o Ballabrooie Avenue (103)
- o Brighton Terrace (9, 10, 11, 12 and 16)
- o Demesne Road (No. 22/Flat 1, No. 32/Flat 1, No. 40/Flat 1, No. 42/Flat 2, No. 33/Flat 4 and Unit 1)
- o Derby Terrace, Central Promenade (No. 1/Apartment 6)
- o Eastfield (2)
- o Ellenbrook Farm, Braddan
- o Fairways Court Apartments (3)
- o Gardeners Lane, Ramsey (Ivy Cottage)

- o Glen Falcon Terrace (8)
- o Grosvenor Road (2, 3, 5, 6, 7 and No.1/Flat 2)
- o Hillside Avenue (93)
- o Ian Cannel Court (20)
- o Kensington Road (7, 19, 25, 26 and 34)
- o Orry Street (3 and 12)
- o Peel Road, Lazy Hill (Barraughar)
- o Raphael Road (6)
- o St. Catherines Drive (6)
- o Tromode Park (Aingarh)
- o Westbourne Drive (1 and 31)
- o Western Avenue (26)
- o Westminster Drive (10)
- o Westmoreland Road (15 and 44)
- o Woodburn Square (24 and 36)

5.3.2 The main issues raised include:

- o Lack of parking (including questions around the relevance of the 20 minute neighbourhood in a smaller City like Douglas), concerns around congestion/safety (especially in relation to school children), impact on existing businesses and lack of provision for new occupants, questions whether overreliance on bicycles and if realistic
- o Lack of social infrastructure (Doctors, Dentist, School) and green infrastructure (including open space for future occupants) - proposals don't address existing local needs and don't provide for new occupants
- o Lack of open space/gardens/privacy for future occupants
- o Proposal is overdevelopment (especially when seen cumulatively with 22/00254/B) in terms of size/height/density of development - contrary to local plan, and also impact of design/size of buildings is unsympathetic to character of area and may negatively impact outlook/light of nearby properties

5.3.3 Some representations also made points including:

- o Area is mixed use and proposal should reflect that
- o Whether site is actually a 'true' brownfield site
- o Support in principle for redevelopment/housing in Douglas
- o Concerns around housing/tenancy mix (too small/too much rental)
- o Concerns around refuse collection
- o Non-material planning matters (e.g. cost to government, approach to consultation etc.)

6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- o principle of development;
- o potential private amenity for future occupants;
- o public open space provision;
- o affordable housing provision;
- o community facilities - including health and education
- o potential impact upon amenities to the street scene;
- o heritage (adjacent Conservation Area and Archaeology);
- o potential impact upon neighbouring amenities;
- o potential impact upon highway safety/parking provision;
- o utilities (potential drainage/flooding issues, water/electricity supply);
- o fire;
- o energy/water/sustainable construction;

- o biodiversity; and
- o other Matters (including community safety, public art, phasing).

6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 The policy framework outlined previously in this report is clearly supportive of the regeneration of this previously developed site within Douglas for a predominantly residential mixed use scheme, which contributes towards a number of policy outcomes - new homes in sustainable locations (reducing the need to travel), making best use of land, delivering against the housing target and wider aspirations in the Island Plan and Economic Strategy to make provision for population growth.

6.2.2 As stated earlier in this report, the majority of the application site is located within a wider area of land that is designated as "Mixed Use", with a small section designated as "Predominately Residential" and "Telecoms Site" under the Area Plan for the East.

6.2.3 In terms of residential development, retail, office and community facilities the Isle of Man Strategic Plan (IOMSP) fundamental aims are to encourage sustainable development. The Isle of Man Strategic Plan has been adopted (June 2007 & 1st April 2016). Within this document Strategic Policies 1 & 2 require that new development (including dwellings, offices, retail etc) should be located within existing sustainable settlements. Furthermore, Strategic Policy 1 seeks any development to 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".

6.2.4 In relation to housing need, more recently the update to the Isle of Man Strategic Plan 2016 has been undertaken and adopted, which identified that a total of 2,440 new dwellings is required to be provided between the years of 2011 to 2026 in the east of the Island alone. Given Douglas is regarded as the main employment and services centre for the Island, it is reasonable to consider the majority of these dwellings are likely to be provided in and around Douglas. This view and housing numbers are reinforced by the adoption of the Area Plan for the East 2020, which has designated sites in and around Douglas for various development uses, including housing numbers outlined in the IOMSP. It should be noted that the "Our Island Plan" is seeking to increase the Island population to 100,000. The IOMSP does not being produced and adopted before the recently approved "Our Island Plan". Further Areas Plan will need to be undertaken to account for these additional housing requirements to help meet the 100,000 population aim.

6.2.5 In terms of the proposed retail and office elements of the scheme, it is noted that the site is outside the Douglas Town Centre boundary, although is within the Douglas settlement. Proposed are 4 commercial units for retail/professional services - two in Block B (95 and 96 sqm) and two in Block C (95sqm each). The Planning Statement indicates that the site currently includes an industrial/retail unit on Demesne Road with 900 sqm of floorspace and antique shop/store with 342 sqm of floorspace so will result in a nett reduction to the current situation (although in practical terms could provide an opportunity for lower order goods and services, although of course this cannot be relied upon). The Strategic Plan suggests 100sqm as floor space for neighbourhood shops, however this case is slightly unusual being a sizeable provision of new housing within an existing city, outside but close to the town centre and with an existing of retail already on the site. On balance it is considered that the scale/type of retail is appropriate.

6.2.6 It is also noted that the office element is to be achieved through the refurbishment of an existing office building with some increase in floor area (the building is to be retained, refurbished and extended to accommodate offices with ancillary facilities - a total of 2,249 sq m of floor space compared with the existing of 1,827) and is considered acceptable on that basis and the points mentioned previously.

6.2.7 In relation to the "Telecoms Designation" the applicant has advised that they have had discussions with DHA who have conducted various investigations and have located a potential relocation position on a government building close to the site. This is not finalised but is being looked at. For this reason, they are not able to provide details around timelines for the relocation, but have confirmed they would have no objection to a Grampian Condition requiring detail/approval/timeline to be in place prior to commencement and understand the implications this may have for us with regards to the implementation of a potential approval.

6.2.8 Although the proposal will result in the loss of the existing buildings on site, there will be a nett increase in homes on the site. The Scout Hut community facility will be replaced by an improved multi purpose building.

6.2.9 The fact the site is identified as being within a "Mixed Use" and "Predominantly Residential" and it is situated in a central and sustainable urban location, with good access to shops, services, jobs and public transport. The proposal would also make effective use of previously used land. In these regards, the proposal is considered to be particularly sustainable and these factors support the case for the redevelopment of the site. There are no reasons why, in a strategic sense, the principle of development on the site is inappropriate. The acceptability of the proposal should therefore turn on the consideration of the more detailed planning issues, which are dealt with in the subsequent sections.

6.3 POTENTIAL PRIVATE AMENITY FOR FUTURE OCCUPANTS

6.3.1 As outlined within Housing Policy 17 each dwelling needs to have a "pleasant clear outlook, particularly from the principal rooms". Further, General Policy 2 (h) indicates that development; "Provides satisfactory amenity standards in itself...". In this case the majority of the proposed new dwellings/apartments meet this by having their primary living spaces (i.e. living rooms) having outlooks to their rear gardens/landscaped areas of POS/townhouse courtyards and therefore having clear and pleasant outlooks and no concerns is raised from this respect.

6.3.2 The only element that does raise some concerns are those townhouses (Blocks B2, B3, C2 & C3) which are closest to the two, five storey blocks (B1 & C1). Being located immediately to the rear of the two Blocks does give rise to overbearing concerns and/or impact of direct light. Certainly, if the townhouses existed today and the application sought to build the two five storey blocks, the Department would refuse the application. However, that is not the case. These properties will not have direct sunlight in the morning periods but potential from noon onwards. The primary living accommodation is also located at first floor level. The outlooks are of the rear yards which are private for each dwelling, but also have views over the shared landscaped "Townhouses Courtyard" areas which are located between Blocks B2 & B3 and C2 & C3. This is to encourage a more neighbourhood engagement between residents.

6.3.3 The townhouses also have an element of being overlooking from the upper floor apartments within the five storey blocks, which have direct views over the "Townhouses Courtyard" areas. Due to the orientation of the town houses and apartments, it is unlikely there would be any significantly direct overlooking into the windows of the dwellings themselves, albeit angled views would be achievable. However, there is a sizeable level of overlooking of the rear external areas. However, the approach taken isn't the "norm" where

it has become standard to fence off rear gardens with 1.8m, which provide privacy, but not necessary encourage neighbour engagement. This scheme is seeking the reverse. Therefore in the context of the overall approach to the development, it is considered that the level of overlooking and shared space is acceptable. Each of the town houses and apartment have access to secure cycle spaces and bin storage.

6.3.4 The "Senior Living" accommodation main primary living accommodation all have clear and pleasant outlooks either towards Westmoreland Road or within the landscaped areas within the site. There is also outdoor private space for the occupants of this accommodation, including outdoor senior outdoor exercise equipment and also the immediately adjacent POS areas. This accommodation also have mobility scooters charging points, cycle provision, underground car parking and communal bin storage.

6.3.5 Overall, the amenity standards for future occupants for a number of the townhouses, apartments & Senior Living Accommodation in the main would have a "clear and pleasant" outlooks and with the new landscaping, courtyards areas, open space and variety of play areas and the overall design approach/layout of the site will create a pleasant place to live. However, as mention some of the townhouse are not be affordable the same level of amenity as others, given their proximity to the rear of the two five storey blocks and light levels are no ideal and do weight against the proposal.

6.3.6 However; even with these concerns, which namely affect 4 dwellings out of the total 133 dwellings, it is considered the application would sufficiently comply with Housing Policy 17 and General Policy 2 (h) and would create a pleasant and high quality place to live.

6.4 OPEN SPACE PROVISION

6.4.1 Recreation Policy 3 indicates that new residential development of ten or more dwellings must make provision for formal (e.g. playing pitches), children's play and amenity space in accordance with the standards specified in Appendix 6 of the IOMSP. The appendix clarifies that all open space must be of sufficient size and design to be usable by the public. This means that not all undeveloped parts of a site can be classed as open space, and small patches of landscaping, whilst welcomed, are not public open space. Similarly the communal areas designed for residents of the scheme are an important feature, some form of external space provision is important for all residential developments, but is not Public Open Space as in located, designed and managed to encourage use by wider members of the public.

6.4.2 The standards in appendix 6 include different levels for 1, 2 and 3+ bedroom properties and are based on standards per 1000 population (not per 1000 children), drawing on the long established guidance from Fields In Trust and have been applied accordingly. However, the applicant has proposed that the Senior Living element of the proposal should not be included in the requirement for children's play space, and accordingly that the senior living outdoor facility be categorised as amenity space not children's play space. The linear play on the way open space does raise some concerns when considered against Fields in Trust Guidance but it is understood that Douglas Borough Council consider this to be an appropriate design.

6.4.3 The applicants have also highlighted existing areas of POS and amenity areas and their distance from the centre of the site;

- o Playing fields (play area, multi-sport pitch, netball courts and hard play area) - Henry Bloom Noble School (200 to 300m away);
- o Children's Play area and football/baseball facilities - Adjacent to Family Library (300m to 400m away);
- o Bowling green - Kensington Road (less than 100m away);
- o Basketball courts - Kensington Road (less than 100m away);

- o Douglas lane Tennis Club - Kensington Road (100m to 200m away);
- o Multi games sport pitches - Kensington Road (100m to 200m away); and
- o Allotments - St Catherine's Drive (300m to 400m away).

6.4.4 The site is also within 750m of Derby Square (park), 600m from Woodbourne Square (park), 1.8km from Nobel's Park (park with play/sport facilities), 1.3km from Douglas Golf Club, 1.1km Villa Marina (entertainment and outside area) and 950m from Loch Promenade.

6.4.5 The above results in the development providing the following sqm amounts (with shortfall against standards in brackets) - Formal 0 (4,815), children's play 360 (1098) and amenity 1968 (2140). A commuted sum of £73,221 is proposed to address the shortfall which it is understood could potentially be used to upgrade play facilities on nearby existing play grounds and formal sports provision at Nobles Park (which, given its size and prominence, has a much wider catchment than adjacent housing and so is considered reasonable).

6.4.6 Accordingly, for the reasons outlined it is considered the part provision of POS on site and with a commuted sum payment in lieu of the shortfall in POS it is considered the proposal would comply with Recreation Policy 3. The S13 will need to ensure this is the case. It is understood that DBC are willing to adopt the relevant elements of onsite Public Open Space and to use any S.13 monies for offsite improvement, but confirmation of this is awaited.

6.5 AFFORDABLE HOUSING PROVISION

6.5.1 Housing Policy 5 of the Strategic Plan indicates that the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more. Given submission proposed 133 residential units this equates to 33.25 affordable housing units. However, there is also the need to provide an additional 9.25 units from the recently approved Nurses' Home development, required through the Section 13 Agreement for that planning approval. Therefore a total of 42.5 units affordable housing units are required. The applicants have provisionally agreed with Douglas Borough Council that the Senior Living Accommodation (Block E) which has 45 units within would be offered to the Local Authority for local authority housing. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided.

6.5.2 Accordingly, it is considered the proposal would fully comply with Housing Policy 5.

6.6 COMMUNITY FACILITIES - including health and education

6.6.1 The concerns raised by local residents and the comments from Manx Care and DESC are noted.

The applicant has provided additional information in response to this in the revised planning statement.

6.6.2 The applicant has highlighted an application for 144 houses proposed at Poortown in Peel (13/91289/B), where the inspector outlined that growing demand in these services is not a reason for disallowing a development, and that its rather the reverse. The below is an extract taken from the Inspectors report for that project where similar issues were raised. This is noted, but pre-dates much of the existing policy framework (including the Area Plan and Economic Strategy) and so it is considered that this previous decision is not a reason not to consider these issues or to automatically reach the same conclusion.

6.6.3 It is noted that the Area Plan includes:

- o Open Space and Community Proposal 1; "Areas for residential growth identified in this Plan must take account of the needs for neighbourhood centres which will protect sufficient space for community health services and other social facilities. These could be provided within existing development, identified sites or on Strategic Reserves as part of an overall master planned approach"; and
- o Open Space and Community Proposal 2 indicates land needed for education centres will be protected and need for new schools will take into account the suitability of land on the Strategic Reserves.

6.6.4 The key points seem to be:

- o There is currently insufficient education and health care provision in the area, but the capacity of schools/education is taken at the current point in time and things could change (could get better or worse)
- o The make-up of the residential units may mean that the impact on education provision is less than may otherwise be the case (as argued by the applicant) however the reverse could be argued in terms of health care)
- o The Strategic Plan and wider policy framework (Island Plan/Economic Strategy) encourage more housing/infrastructure for population growth and so investment in more school/education places could reasonable be seen as part of that requirement.
- o The Area Plan encourages the potential provision of health facilities within neighbourhood centres (as one of a number of approaches) and education on existing/allocated sites
- o DESC are working on plans to increase this, and can potentially do so within existing sites/allocations.
- o It is unclear of the approach in terms of health care provision, but space constraints on existing premises.
- o There is no specific requirement for provision of health facilities on this site and the reuse of previously developed land contributes to wider objectives
- o The applicant argues that health and education providers have difficulties with staffing and are therefore supportive of the proposal (although it is noted this is not in the formal responses)

6.6.5 In terms of education it could be argued the site will have less impact, the policy framework directs new provision to existing sites/allocations and plans have been identified. It is therefore considered that there is no unacceptable impact in terms of educational provision.

6.6.6 Healthcare is more difficult, as the policies do outline the potential for sites to include provision within neighbourhood centres and space issues have been identified. This therefore weighs against the proposal. However, there is no specific provision for this site to provide facilities and no published strategy has been identified in the consultation response which identifies this site as being where new facilities are required/should be provided. It is therefore considered that this is not, in itself, an automatic reason for refusal but rather something to be considered as part of the planning balance.

6.6.7 It is also important to consider that the application proposes to replace the existing Scout building which is in a poor condition, with a new Scout Hall/Community Hall which is 100sqm larger than the existing as part of the development.

6.7 POTENTIAL IMPACTS UPON THE VISUAL AMENITIES OF THE STREET SCENE (General Policy 2, Strategic Policy 5, Environment Policy 42 & 43 of the IOMSP, Urban Environment Proposal 3 of the Area Plan for the East and Residential Design Guide)

6.7.1 The proposed building given the level of development and being surrounding by public highways and public vantage points, will result in the development being apparent; albeit certain street views will only see certain parts, rather than the whole development as one. These public views would be in a number of locations, namely;

- o Westmoreland Road to the north, northeast and south west of site;
- o Demesne Road to the south and east of site;
- o Kensington Road to the north and north east of site; and
- o Public Open Space / Bowling Green to the east of site;

6.7.2 The applicants within their Design and Access Statement have outlined the reasoning for the proposals from a design perspective by stating;

"Scale

The scheme takes the datum of the Former Nurses Home as the highest point to the site at six storeys. The site then slopes upwards to the North-East to the Victorian terrace on Demesne Road at 4 storeys. The massing on Demesne road responds to these datums providing 4 storeys. On the Westmoreland Road side, the Senior Living Block responds to the Former Nurses Home in its massing, stepping down to ensure prominence remains on the Former Nurses Home. Crookall House has been extended at roof level to create an open-plan office - improving functionality and also to respond to the scale of the proposed buildings at the site boundary. Within the site, buildings such as townhouses, the small blocks of flats and Scout Hut/Community Pavilion are more diminutive in scale.

External Appearance

The external appearance of the buildings have been designed to reflect their surroundings, whilst being contemporary in appearance. Similar to the surrounding buildings, interest has been added to facades using shadow and relief through the use of cornices, recessed panels and animating the roof lines through parapets and dormers.

Materiality

The materiality of buff bricks has been selected to reflect the buff brickwork of the Former Nurses Home, for its durability and low maintenance and to give the appearance of a unified neighbourhood. Crookall House remains in render as existing. Roofs are in grey tile and grey raised seam to complement the grey slate roofs of the surrounding area."

Westmoreland Road

6.7.3 From Westmoreland Road to the north and northeast the main elements apparent from public views are the northern elevation of Crookall House (Block D), Scout Hall/Community Pavilion (Block F) and the Senior Living accommodation (Block E).

6.7.4 The existing Crookall House which is an existing single/two storey building will be retained; albeit an additional storey would be added to the central core of the building running from the front to rear elevations which would have a more contemporary design and finish. The footprint and form of the building will remain similar to the existing, albeit as mentioned the additional storey will increase the mass and scale of the building. This will be apparent from public views along Westmoreland Road. The retention of existing mature tree along the northern boundary of the site (10 trees) will in the summer/spring months reduce the visual impact, albeit not totally screen views of the upper floor extension. Clearly Autumn/winter periods these proposal will become more apparent. The additional storey is flat roofed in construction; as is the existing building, but will be finished in a mixture of large sections of glazing and a dark coloured curtain glazing with solid infill panels. The existing finish of the building will be replaced with a painted render system and all existing windows replaced with aluminium windows. Overall, while the proposal increase the height/scale of the existing building, and therefore be more apparent within the street scene it is considered

the proposed works will modernise the existing building appropriately, while also retaining the existing Crookall House building.

6.7.5 To west of Crookall House it is proposed to have landscaped gardens as well as retained mature trees (total of 10 in this area fronting onto Westmoreland Road), the new Scout Hall/Community Pavilion (Block F) and the Senior Living accommodation (Block E). These latter two buildings replace two pairs of semi-detached properties, a detached house and a car park. Accordingly, there is an existing level of built development along this section of Westmoreland Road. Without question the proposal will increase the level of built development and mass of development, especially given the proposed six storey Senior Living building. This will sit to the northwest corner of the site, opposite to Health Centre. Currently, this area, given the car park is a low level form of development, has an openness feel to this part of the street scene. The proposal would change this with the introduction of this six storey building. It would be located approximately 8m to the northern boundary of the site and 19.9m western boundary of the site, both along Westmoreland Road. This block is set back from the front elevation of the former nurse's home building and a landscaped garden area/wildflower garden is proposed on the corner, which will help mitigate the visual impact of built development and retain an element of openness; however, this sections of the development results in one of the major street scene changes.

6.7.6 The proposed Scout Hall/Community Pavilion being single storey in nature (appears two storey to northwest elevation), being set back from Westmoreland Road (approximately 13m into site), replacing an existing two storey dwellings and given its design, proportion, form and finishes, all raise no concerns and it is considered it will site well within the street scene, namely Westmoreland Road.

6.7.7 Overall in terms of the visual impacts from public views from Westmoreland Road it is accepted that the proposal will increase the level of built development along the northern boundary of the site which fronts onto Westmoreland Road. However, it is not considered the scale, proportion, forms, design and finishes of the buildings proposed would have an adverse visual impact to warrant a refusal.

Demesne Road

6.7.8 From Demesne Road to the southwest boundary of the site, the main elements apparent from public views are the two five storey blocks (retail/apartments - Blocks B and C). These replace the existing James Caine building (two storey), the Antiques Centre (two storey) and the former Ballacloan School (recently demolished). The proposed front elevation of the two blocks would follow that of the Victorian terrace along Demesne Road to the northeast of the site, with a slight forward projection (1.5m) of the southern gable end of the former Nurses Home. There will be elements of the residential town houses set behind Block B and D when viewing from various places along Demesne Road; however, the main and overriding change to the street scene is the proposed two five storey buildings, especially as each have an overall width of 42.7m (total build width of 85.4m) and as the site frontage along Demesne Road is approximately 124m. Accordingly, the mass and scale of the proposed two blocks will dramatically change the character and appearance along this section of Demesne Road. The two buildings are finishes with high quality architectural bricks with integrated cills; echoing the Victorian coping of the adjacent terrace. The roof which has a Mansard roof style with flush vertically promotion dormers are finished with raised seam metal sheets in a complimentary tone to the grey slates that define the roofscape of Douglas.

6.7.9 In terms of the sites context in this location, Demesne Road is generally made up of three and half storey (dormers within roof space) Victorian Terraces to both sides. However, there is a change in character and appearance of the buildings at the application site and to the opposite side of Demesne Road, where there is a mixture of more industrial style of

buildings/larger retail buildings and until recent a school. These are generally single to two storey in height. In relation to the application site, certainly the buildings remains have little or no architectural interest nor do the buildings opposite the site, which as mentioned have a more industrial appearance. This view is reinforced by the fact the Conservation boundary stops immediately adjacent to the northeast boundary of the site, stopping at the last end terrace along Demesne (Nr 44).

6.7.10 As outlined the two blocks which front on Demesne Road are substantial in size and will be the two largest buildings in the area/street scene; similar to the Nurses Home building. In this respect the applicants comment;

"4.6.3 The visual character of this part of the city is very mixed in terms of size, height, mass, finish, age and style with no dominant type other than when one passes down Demesne Road. The site as it exists comprises buildings of limited architectural, historical or social merit and with no obvious connectivity to each other, resulting in a very disjointed character and contributing little to the appearance of this part of the city. It is considered therefore to be highly appropriate to create a new sense of place unique to this part of the town whilst at the same time making the best use of the site as is encouraged by Strategic Policy 1."

6.7.11 Overall, while the two blocks will significantly change this section of Demesne Road, namely the scale, mass and height of the two blocks, it is considered the high quality design approach, finishes and existing built form on the site which is not of significant quality; would overall represent a significant visual improvement to this area of Demesne Road, while also not having an adverse visual impact upon the character of the surrounding landscape or townscape and respects the site and surroundings; all in accordance with the outline planning policies, and namely General Policy 2.

Kensington Road

6.7.12 From Kensington Road to the northeast the main elements apparent from public views are the northern and northeast elevations of Crookall House (Block D) and more distance views of Block B and C. In relation to the visual impact, the comments made within paragraph 6.8.3 are again relevant. The main element apparent would be the additional floor to Crookall House, namely views over the tennis/basketball courts from Kensington Road. Again the existing building will increase in mass with the new floors, but again it is not considered the works proposed would result in a significant adverse impact upon the visual amenities of the street scene to warrant a refusal. The two larger blocks rear elevations may also be apparent from Kensington Road; however, given the distance from such views and given the design approach and quality of the development, again there are no significant concerns from these public views of the development.

Public Open Space / Bowling Green

6.7.13 To the north east of the site is the Public Open Space (POS)/Bowling Green as well as public footpaths which run through the area. The main publically viewable aspects of the scheme would again be the works to Crookall House and the northern most three storey town houses and apartments (Block C3) and beyond Blocks B & C. Again there will be an impact upon the mass and scale of the development proposed along the northeast boundary of the site. However, the distance of the new built forms of the above buildings from the adjacent public views within the adjacent POS area and the scale of the proposed development is such that it is not considered there would be any significant impact upon the visual amenities of the POS/bowling green/basketball court or adversely affect their uses.

Conclusion on visual impacts upon street scenes

6.7.14 It is clear from the applicants statements that their approach to create; "a new sense of place unique to this part of the town" has been realised. The Department would agree

with the approach taken. The size of the overall site and with the adjoining former Nurses Home (currently being converted/extended) with similar finishes, design and mass/scale, will create a new community in terms of its character, appearance and overall design approach.

6.7.15 It is accepted that the existing building on the site have limited architectural interest and cannot be said to benefit the visual appearance of the street scenes that they sit within, the exception of Crookall House which is proposed to be retained/extended.

6.7.16 While design can be subjective, it is considered in this case the proposal is of a significant quality in terms of design approach and finishes proposed to be used, which nod in the main to the former Nurses Home in places, but also more contemporary approach.

6.7.17 Overall, the proposed scheme would be beneficial to the existing building and would respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and further does not affect adversely the character of the surrounding landscape or townscape. Accordingly, the proposal would comply with General Policy 2 in these respects.

6.8 IMPACT UPON ADJACENT CONSERVATION AREA (Environment Policy 36 of the IOMSP);

6.8.1 To the north and east of the site boundaries is Woodbourne Road Conservation Area, which runs along Demesne Road up to the eastern boundary and along Kensington Road to the northern boundary of the site. Accordingly, Environment Policy 36 needs consideration which indicates that where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area. There are two key views from the Conservation Area, firstly, when looking from Demesne Road and the second from Kensington Road.

6.8.2 The comments from the Assistant Registered Buildings Officer (within representation section of this report) deals with both viewpoints. From Demesne Road the officer considered the proposals would "represent a significant increase in massing and scale when compared to the existing buildings on the site..." and "...consider the fact that the proposed buildings generally follow the building line of the terrace to be positive...". However, given the overall design and the linear form of the street, and the spacing of over 13 metres between the existing terrace and proposed buildings, the officer judged that the proposals would not detrimentally affect important views into and out of the Conservation Area. In terms of Kensington Road the officer notes; "the increase in massing of the proposals to be modest, and the mix of materials to break up this massing in such a manner that we would consider the development will not detrimentally affect views into and out of the conservation area from this viewpoint."

6.8.3 The applicants in relation to this matter comment;

"No such views are identified in the CA Appraisal but the presence of and approach to the Demesne Road terraces has been considered, with the new buildings on the northern side of Demesne Road framing the entrance to these terraces which are acknowledged in the Appraisal as being "buildings which have massing and form which is more overpowering but with striking quality of architecture which encloses and frames the roadways as well as the rhythm of bay windows, gable peaks, window formats which emphasises the vertical form but gives coherence to these groups of buildings".

6.8.4 And

"The proposed buildings, not only those which front Demesne Road but also the rear terraces of townhouses, replicate this rhythm and the arrangement of windows reinforces the verticality of the new structures, following the architectural direction of the existing Victorian buildings further along the road. There is a clear break through the retention of the vehicular access alongside number 44 between the proposed buildings and the existing terraces which visually separates the two elements in the street scene.

Whilst the proposed buildings are taller than and different from the Conservation Area terraces alongside we believe that they are acceptable as neighbours and maintain and reinforce the character and importance of the Conservation Area and therefore satisfy Environment Policy 36."

6.8.5 The comments made by both parties are noted and it is considered that while the increase of mass, scale by the proposed buildings on site would be more apparent from the Conservation Area in question; it is considered that the high quality design and finishes would ensure the proposals would not detrimentally affect important views into and out of the Conservation Area and therefore comply with Environment Policy 36.

6.9 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES (General Policy 2 of the IOMSP and Residential Design Guide)

6.9.1 General Policy 2 (g) seeks development not to adversely affect the amenity of local residents, which generally relate to loss of light/overlooking and/or overbearing impacts upon outlooks.

6.9.2 The closest neighbouring residential properties to the site are;

- o Nr 33 Demesne Road - located to the east of the site approximately 24.3m to the north-eastern corner of Block C1, measured from front bay windows of Nr 33.
- o Nr 44 Demesne Road - located to the northeast of the site approximately 13.5m to the north-eastern gable elevation of Block C1, measured from blank gable end wall of Nr 44. Block C3 (town houses) are located 15.5m from the gable end elevation of Nr 44.
- o Nr 35 Kensington Road - located to the north of the site approximately 31.4m to the proposed upper floor extension to Crookall House, measured from front elevation/windows of Nr 35. The existing Crookall building not proposed to be increased in height is located approximately 29.8m from Nr 35.
- o Skelmersdale, Westmoreland Road - located to the northwest of the site approximately 39.3m to the proposed upper floor extension to Crookall House, measured from front elevation/windows of Skelmersdale.
- o Ar-Tigh, Westmoreland Road - located to the northwest of the site approximately 38.5m to the proposed upper floor extension to Crookall House, measured from front elevation/windows of Ar-Tigh (understood to be flats).

6.9.3 In terms of the physical works, the main potential impact is the increase in the height of the buildings on the site and the roof extension to Crookall House. However, given their design/finish, and especially given the distances and the orientation/siting of the buildings to these closest neighbouring properties; it is not considered the proposals would not have a significant impacts upon neighbouring amenities, namely loss of light, overbearing impacts upon outlooks and/or loss of privacy through overlooking, to warrant a refusal.

6.9.4 The proposal will give raise to a greater level of comings and goings by residents of the new apartments/dwellings, retail units, scout/community hall and additional officers (Crookall House). In terms of the traffic the Transport Assessment indicates that they consider that the existing uses on the site could generate in the region of 65-67 two way trips in the AM and PM peak periods. This excluded traffic associated with the school which no longer existed, but would have had an impact on traffic at school drop off and pick off times.

6.9.5 The proposed development the Transport Assessment considers that the uses could generate in the region of 91-97 two way trips in the AM and PM peak periods. This translates to one additional vehicle on the highway network every 2mins. Accordingly, while the above data was collected to consider the impact on the highway network, it is also useful to understand the comings and goings of traffic and the potential impact upon neighbouring properties in the surrounding area. It is considered that the level of general disturbances by the additional traffic is not significant (i.e. one additional vehicle every 2mins). The Transport Assessment also indicates that as there is a reduction in car parking space on the site (from 110 to 89) then this in turn would;

"...demonstrated that there could be a minor increase in traffic on the surrounding highway network, however this is based upon a robust interpretation of the development proposals and has not accounted for trips associated with the previous education uses. When considering the existing and proposed car parking spaces on site, the development impact can be considered negative or at least neutral."

6.9.6 Furthermore, the sites central location within Douglas and given the existing uses on site, which arguably could have a greater level of noise impacts (industrial units).

6.9.7 The refurbished office space is not considered to pose an issue to local amenity (either residents outside the site or future residents of the site itself). The flexible commercial space was originally proposed to include food & drink and hot food take away but these elements have been removed. What is now proposed is shops and professional services, neither of which raise concerns. The Scout Hut could be used for wider community/leisure activities that may have an impact (for example dance lessons or concerts with amplified music) but some control/protection could be provided by attaching conditions.

6.9.8 Overall, the proposals are not considered to cause such impacts as would warrant a refusal on this ground and the proposal is considered to comply with the relevant policies, including GP2, EP22 and the Residential Design Guide in this respect.

6.10 POTENTIAL IMPACT UPON HIGHWAY SAFETY/PARKING PROVISION (Strategic Policy 10, General Policy 2, Transport Policy 1, 4, 6 & 7 and Transport Proposal 1)

Parking provision

6.10.1 The impact upon existing on-street parking is arguably one of the main concerns with the proposal, especially with local residents who understandably are concerned that the development would have an adverse impact upon existing on street parking which local residents rely on in a number of cases, particularly to more traditional properties in the area which have no off road parking spaces of their own.

6.10.2 The Planning Statements indicates that the current site provides the following level of parking associated with the various buildings/uses;

"5 dwellings with in excess of two spaces each

Crookall House (offices) 1,827 sq m net floor space with 15 parking spaces immediately adjacent or within the site

Ballacloan Primary School (now demolished) with 884 sq m of floor area and 36 spaces (shared with Crookall House)

Three industrial units to the rear of the dwellings on Westmoreland Road which cumulatively have an external floor area of approximately 1,1205 sq m and approximately 5 spaces
Industrial/retail unit on Demesne Road with 900 sq of floorspace and 7 designated parking spaces in front of the building

Antique shop/store with 342 sq m of floorspace and up to 6 spaces available although unmarked

The scout hall with 235 sq m of footprint and 15 spaces

An area between the houses and the industrial units, accessed from the existing car park alongside the former nurses' home and

A car park originally associated with the hospital across the road, which sits on the corner of Westmoreland Road and which currently accommodates approximately 26 vehicles although this is not as approved in the application which amended the access from Westmoreland Road and which provided a route straight through the car park to Demesne Road (see Planning History below 3.10)."

6.10.3 In relation to the IOMSP Parking standards the following parking standards are generally sought for the proposed development/uses;

- o Typical dwelling 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling;
- o Apartments 1 space for 1 bedroom; 2 spaces for 2 or more bedrooms;
- o Residential Terrace 2 spaces per unit, if not within curtilage then located as close to units as possible without compromising residential amenity;
- o 1 space for every 50 square metres of nett floor space;
- o Neighbourhood shops spaces for staff, customers, and service vehicles will be required;
- o Assembly and leisure 1 space per 15 square metres gross floor space; and
- o Sheltered Housing 1 space per 3 units.

6.10.4 Highway Services in their initial comments (01.06.23) helpfully broke down the require amount of parking sought by the IOMSP Paring Standards and the amount of parking spaces actually provided within the site. In summary 89 car spaces and 241 bicycle parking spaces are to be provided, including:

- o 17 spaces within Block E
- o 9 spaces to the rear of Block E
- o 8 dedicated spaces in front of the community building
- o 4 spaces within Crookall House
- o 12 spaces to the south of Crookall House (3 for the community building, 9 for Crookall House)
- o 10 parallel spaces to the north of the town house terraces
- o 26 spaces for the town houses within each curtilage
- o 3 retained spaces in the access alongside 44, Demesne Road

6.10.5 The applicant's statement also notes, "In addition there are 14 on street parking spaces in front of Blocks B and C which are publicly available. This is an increase of approximately four on street spaces over the existing as a section of the road has double yellow lines to prevent people parking in front of the James Caine unit accesses and the access to the antique shop and school".

6.10.6 Overall, there is a significant shortfall in parking spaces accordingly to the IOMSP Parking Standards which generally would require 214 off road parking spaces. Accordingly, this element of the proposal could be considered to be contrary to the IOM Parking standards and potentially weights against the application.

6.10.7 In response, the main thrust of the applicant's argument in the under provision of the site is the sustainable location of the site and meets aims of Government Policies and aims in terms of Climate Change Act and Active Travel. Furthermore, the applicants have indicated that they have approached the "20 minute neighbourhood" and "15 minute city" which is a relatively recent concept in urban planning. The applicants Planning Statement comments;

"4.1 The proposed development complies with the land use designation as Mixed Use and much of it is within one of the areas of the capital city which is identified as being a priority for regeneration. Appropriate new uses are stated as including a mix of shops and some services (financial and professional), food and drink, office and light industry, research and development, tourist and residential uses, and other uses such as clinics or health centres, childcare or education, community facilities, and places of assembly and leisure. Uses which are not compatible with residential development will generally not be supported within the areas of mixed use. What is proposed incorporates a mix of some of these as well as the provision of and enhancement of community facilities, public open space which does not presently exist on the site and improvement of the pedestrian and cycle access to existing recreational facilities on Westmoreland Road.

4.2 There are increasing calls for planning to promote more sustainable and inclusive settlements, including the "20 minute neighbourhood" and "15 minute city" which both place people at the heart of place making decisions as well as less reliance on private transport. The general philosophy is to have a mixed use settlement which integrates rather than segregates different uses so that people are not isolated from their places of work and leisure but more than people live amongst social, leisure, retail and employment land use and areas remain vibrant and used 24 hours a day and 7 days a week and where people can easily, conveniently and safely walk or cycle between their places of work and residence as well as to their recreation and social facilities. This is reflected in the emerging Area Plans on the Island which are designating much of the settlement centres as Mixed Use where previously they would have been more clinically separated into Office, Retail, Residential, Tourism etc, leading not only to multiple uses in individual buildings and areas but also flexibility in terms of being able to change between different uses, also seen in the recent Town and Country Planning (Change of Use)(Development)(No 2) Order 2019 which, although Schedule 2 is not applicable to this site, illustrates a move towards more flexibility in the use of core parts of our settlements.

4.3 This development embraces the 20 minute neighbourhood/15 minute city principle in providing a range of facilities and arrangement which invites non residents into the site whether to use its facilities or pass through it en route to somewhere else and where a balance has been struck between providing adequate car parking whilst not having the development visually dominated by cars and where pedestrians can safely and conveniently pass through and within the site and where ramps and minimal steps and well lit. It provides a variety of living multigenerational living opportunities, accommodating single persons, families and older people."

6.10.8 While the "20 minute neighbourhood/15 minute city" is a recent concept in urban planning (initially started in Portland USA in 2006) there are no specific Government Policy or Strategy which specifically refers to this approach. However, the general aims of this is for sustainable development would appear to meet/be similar to the overarching aims of the IOMSP and certainly a direction of travel of urban planning which can already been observed from the Area Plan for the East, which sought new built development, including new residential designations of land taking into account the Active Travel Strategy which overarching principles are to: enable more active travel by creating a safe, convenient and effective active travel network for people to use; and encourage and promote a shift of choice to active travel modes for everyday functional trips.

6.10.9 Furthermore, Transport Proposal 1 of the Area Plan for the East requires; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan."

6.10.10 The IOM Strategic Plan Strategic Policy 1 seeks development to be located to utilise existing and planned infrastructure, facilities and services and Strategic Policy 10 seeks new development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement. Further Transport Policy 1 (IOMSP) which seeks that new development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes. The preamble to this policy is paragraph 11.2.3 which states that to meet environmental objectives new development should where possible be located and planned so as to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use. This proposal would achieve these aims/policies; arguably resulting in one of the most sustainable developments on the Island, within the main service centre.

6.10.11 The IOMSP Parking Standards does also indicate that; "These standards may be relaxed where development ... (d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality."

6.10.12 In terms of relaxation as indicated above, the proposal could comply; albeit the requirement does still require the applicants to demonstrate a reduced level of parking will not result in unacceptable on street parking in the locality. This is difficult to demonstrate. On street parking (Westmoreland Road, Demesne Road, Allan Street, Hillside Avenue and Upper Church Street) in the locality is in high demand during the day (health services/residents/local businesses and school drop off & pickups) and during the evening (residents). All the local roads have Parking Permit systems in place; for this very reason, parking is in high demand. Generally, the Department would seek a parking survey been undertaken for a suitable period; however, in this case there would appear to be little point, given it is accepted by the Department and the applicants that on-street parking is in high demand throughout the day and night, so it is considered this is unlikely to be demonstrated in this location.

6.10.13 Accordingly, in terms of evidence of the sites "sustainable location" the application includes a Transport Assessment and within it considers the suitability of the site for the following modes of travel: Pedestrian Accessibility, Accessibility by Cycle; and Accessibility by Public Transport.

Pedestrian Accessibility

6.10.14 In relation to pedestrian accessibility the Transport Assessment indicates that the guidance (Chartered Institution of Highways and Transportation - 'Guidelines for Providing for Journeys on Foot') indicates that for up to 200 metres is the desirable distance, up to 400 metres is an acceptable distance and 800 metres is the preferred maximum distance for walking to Town Centres. Journeys for Commuting/School/Sightseeing, 500 metres is the desirable distance, up to 100 metres is an acceptable distance and 2000 metres is the preferred maximum distance. Finally, trips Elsewhere/Local Services 400 metres is the desirable distance, up to 800 metres is an acceptable distance and 1200 metres is the preferred maximum distance.

6.10.15 Regarding to the site and the distances outlined above, the site is within 400/500m (5mins walk) of "The Terrace" on Bucks Road which has a variety of convenience stores, including a Co-Op store and Robinsons, a Pharmacy, Butchers, various retail outlets and restaurants/takeaways. There are also two dental Practices within closes Proximity (opposite Woodbourne Square). To the South of "The Terrace" and further south of Bucks Road is further shops/facilities, which are 250m (3mins walk) from the site which include newsagents,

off-licenses, convenience stores, bars/restaurants and takeaways. IN relation to Stand Street the site is located approximately 600m (7min walk) from the Strand Shopping Centre and approximately 900m from the main entrance of M&S.

6.10.16 Educational facilities such as Henry Bloom Noble Primary School (approx. 100m - 1 min walk) and the Family Library (260m - 3min walk) are within closes proximity. Further Kensington Group Practice (GP surgery) are located approximately 170m (2min walk).

6.10.17 The Transport Assessment also comments that;

"5.2.6 Whilst it has been demonstrated that there is a wealth of facilities within an 800m walk distance from the site, it is Curtins view that some prospective site users would be willing to walk further than this. Within a 2,000m walking catchment lies the industrial uses in the Pulrose area. This area also includes several large leisure uses such as the National Sports Centre, swimming pools, gymnastics facilities amongst many others. South of the site is a large Tesco Superstore which includes the typical supermarket facilities; ATMs, photoboosts, recycling and food counters etc. Loch Promenade is also accessible within this catchment.

6.10.18 In conclusion to pedestrian accessibility the Transport Assessment comments;

"5.2.7 In summary, in light of the site's location close to existing facilities, it has been demonstrated that the site is highly accessible for pedestrians. Given the pre-existing residential, retail and employment areas surrounding the proposed development site there are established pedestrian links which benefit from well-maintained footways, with suitable widths, and crossing facilities complete with dropped kerbs."

6.10.19 The Department would agree the site is within good pedestrian accessibility of a number of services, shops, schools and employment opportunities and therefore this aspect weights in favour of the proposal.

Accessibility by Cycle

6.10.20 The next element the Transport Assessment considered is accessibility by cycling. The proposal would provide a total of 241 cycle parking spaces though out the site. In assessing acceptable distances, it is understood that the applicants have utilised the Department for Transport's (DfT - UK) 'Cycling and Walking Investment Strategy' (April 2017) which sets out that two thirds of personal trips are within 5 miles (8 kilometres), which is an achievable distance to cycle for most people. The UK Development for the Environment publication [1996] 'PPG13: A Guide to Better Practice' states that the bicycle is an ideal mode of transport for journeys under 8.0 kilometres. UK PPG13 [March 2001] provides advice associated with cycle trips and states that cycling "has clear potential to substitute for short car trips, particularly those under 5.0 kilometres, and to form part of a longer journey by public transport."

6.10.21 The applicants on this matters have commented;

"An 8km cycling catchment has been considered to review the accessibility of the development site from a cycling perspective. The catchment extends as far as Baldrine in the north, Crosby to the west, Newtown to the south and to the IoM coastline to the east ... In the vicinity of the site, the majority of roads are relatively flat and operate with speed limits of 20- 30mph, therefore providing an environment conducive for on-road cyclists."

6.10.22 Both walking (as commented on previously) and cycle methods of travel falls in line with the Governments "Active Travel Plan" which seeks to enable more active travel by creating a safe, convenient and effective active travel network for people to use and

encourage and promote a shift of choice to active travel modes for everyday functional trips. In the Isle of Man, 24% of the greenhouse gas emissions come from transport and the Active Travel in conjunction with the Net Zero 2050 seek people to be able to choose a more active form of travel and significantly reduce emissions. Active travel is defined as walking or cycling (including the use of electric bicycles) as an alternative to using motorised transport such as cars, buses, and motorcycles to make every day journeys. The aim also reduces, congestion, increasing opportunities to socialise, saving people money, health benefits and improving better places for people to live (better environment etc).

6.10.23 It is clear from the proposal submitted, that the site from a cycling perspective is within a good location in terms of the number of good quality cycle spaces within the site and within good location in terms of distance to a number of services and would meet the aims of various Government Strategies and Planning Policies by providing good provision and encourage future residents/staff/visitors to and from the site to utilise such provision rather than private motor vehicle. This element weights in favour of the development.

Accessibility by Public Transport

6.10.24 With regards to accessibility by public transport there are bus stops near to the site (fronting the Former Nurses Home building on Westmoreland Road). These bus stops (4B & 13) all run from the site to Lord Street Bus Station and in the other direction the bus services 13/14 runs up to Cooil Road (IOM Business Park) and then return to Douglas, while the 4B Services travels to Peel and then back to Douglas. These services are limited and not especially regular hours and limited on Saturdays and no Sunday/Public Holiday services. However, it should be noted that main bus routes are located on Circular Road and Bucks Road which are all within less than 5mins walk away and provided access throughout the IOM. Highway Services have also raised this issue, namely whether a S13 Legal Agreement could be undertaken which ensures additional bus routes are undertaken. This is not within the remits of planning to achieve. However, the applicants have been in discussion with Bus Vannin who have made the following comments (within Planning Statement);

"2.12.3 The applicant has been in discussion with Bus Vannin, Department for Infrastructure in respect of the provision of bus services and it has been confirmed that they would consider adding Westmoreland Village as a loop to the service going down Buck's Road (taking a right turn along Kensington Road, left onto Westmoreland Road and then left again onto Circular Road and onto Prospect Hill.

6.10.25 Accordingly, while the Department cannot ensure this occurs, it is clearly a possible option that has been considered and could be undertaken. Arguably, the greater the population in an area the greater public transport links that are found. Accordingly, with the additional housing, offices and retails units on this site, the likelihood for a greater number of buses/stops in such area.

6.10.26 In relation to traffic generation the Transport Assessment indicates that the existing uses on the site they would generate between 65 - 67 two-way trips, whereas the proposed uses are considered to generate between 91 - 97 two-way trips respectively. Accordingly, the net increase against extant uses is between 26 - 30 two-way trips, equating to one additional vehicle on the highway network every two minutes. Highway Services have considered this assessment to be; "a robust interpretation since it excludes any 'netting off' of any trips previously associated with the school uses on site."

6.10.27 The conclusion of the Transport Assessment indicates;

"It is not considered the proposed development would have a material impact on the surrounding highway network. A TRICS assessment has demonstrated that there could be a

minor increase in traffic on the surrounding highway network, however this is based upon a robust interpretation of the development proposals and has not accounted for trips associated with the previous education uses. When considering the existing and proposed car parking spaces on site, the development impact can be considered negative or at least neutral."

6.10.28 Highway Services have considered the vehicle generation element of the proposal and the impact upon the local highway network and raise no objection.

Conclusion parking provision/highway safety

6.10.29 As outlined previously, the potential impact upon existing on street parking is arguably one of the major aspects of the proposal and the major concerns for a number of local residents. There are clear parking standards within the IOMSP which the proposal would not meet; however, within the IOMSP there are a number of policies which seek a reduction in private car usage as well as further Government Strategies (Climate Change Act, Active Travel, Area Plan for the East) which seek more sustainable forms of transport (i.e. cycle, walk etc). The planning process generally does not control the occupants of a building or whether they have their own vehicles, as a person has the freedom to purchase vehicular should they wish. Certainly, if all residents in the development had two or more vehicles each and then parked in the site/surrounding area, then this would cause significant impact on the existing on-street parking in the area.

6.10.30 Overall, the proposed uses of the site will likely result in additional parking requirements to the site and on-street parking in the area. How much by is very difficult to determine.

6.10.31 The Transport Assessment argues at 7.6.22 - 7.6.23 that;

"There is mounting documentation published since the 2016 Strategic Plan that both encourages and requires (through law) a reduction in emissions. A key way to achieve this is to reduce reliance on the private car in suitably accessible locations, and one of the most effective ways to do this would be through the provision of lower numbers of car parking ... The adopted Parking Standards allow for certain relaxations in the case that sites are highly accessible. It is considered this approach should be adopted for the proposed development site given its proximity to the centre of Douglas."

6.10.32 It is clear the direction of travel is to reduce the reliance on private motor vehicles for more sustainable forms of travel, from an general environment & health point of views and to reduce emissions. The applicants have made the argument that if all the parking requirements were provided on site, this would result in a poor environment for residents/visitors to live/use, as all landscaping areas would be used for parking or by providing all the parking spaces, this would likely discourage person/s from using more sustainable travel methods. These are reasonable arguments.

6.10.33 It is noted that Highway Services have considered the application in detail both from a highway safety point of view, traffic generation and parking provision standpoint. Their comments are in full via the website and raise no objection subject to conditions/legal agreement. Significant weight is attached to this.

6.10.34 Perhaps, the underlining point is the sites sustainable location being closer to services, shops, employment, facilities, public transport links and walkable distance into Douglas Town Centre, with all of the above being under 10mins walk from the site or less. Douglas is the main settlement and the most sustainable location on the IOM. Accordingly, for these reasons it is considered while there will be a potential impact upon parking in the locality, it is considered in this case the benefits of the proposal to develop this brownfield site

and conversion of the Crookall House building all outweigh the concern of lack of car parking provision on the site, especially given the alternative means of travel to and from the site which do not rely on private car.

6.10.35 In conclusion; on balance, while the proposal would provide an under provision of onsite parking spaces, it is considered the uses on this specific site; located within the settlement of Douglas; close to public transport links; good sustainable links; significant cycle provision and with appropriately worded conditions; it is considered the proposal would meet the overarching aims of the IOMSP which seeks to promote sustainable development and travel which seeks to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use and therefore complying with GP2, TP 1, 4, 6 & 7 and TP1 from Area Plan for East. Further, it is concluded the proposal would comply with the following Government Strategies; Net Zero Emissions by 2050, IoM Government's Active Travel Strategy and the Climate Change Bill 2020 which all seek to reduce car travel for more sustainable means of travel.

6.11 UTILITIES

Flooding/Drainage

6.11.1 The applicants have submitted a Flood Risk Assessment as part of their submission, given a small section of the site is at risk from "Flood Risk - Surface Water" albeit at a lower risk. The area is along the northern boundary of the site along the existing roadway which runs between the former school site and Nr 44 Demesne Road. There is further "Flood Risk - Surface Water" to the western corner of the site; albeit outside the site on Westmoreland Road. There is no further areas of "Flood Risk" within the site. There is no "Tidal or River Flooding" at this site.

6.11.2 The Flood Risk Assessment concludes;

"The assessment has undertaken a review and quantified the risk of flooding from all sources, and concludes the following risk to and from the site as follows:

- o Fluvial and Tidal flooding to the site - NONE
- o Surface water flooding to the site - VERY LOW
- o Surface water flooding from the site - VERY LOW
- o Reservoir flooding to the site - VERY LOW
- o Groundwater flooding to the site - NONE
- o Public Sewers and Drainage flooding to the site -LOW
- o Historic Flooding - NONE This assessment concludes that no further mitigation is required for any sources of flood risk identified."

6.11.3 Section 5.3 (Surface Water Flooding from the Site Mitigation) makes various recommendations and the assessment indicates that In respect to surface water flooding from the site, post-development, a Surface Water Drainage Strategy has been developed as part of the accompanying documents for a planning submission. Surface Water Calculations have been provided and drainage sections

6.11.4 Manx utilities Drainage have considered the drainage information and have raised no objection, subject to further agreements with themselves and the applicants which sit outside the planning remit.

Water and Electricity Supply

6.11.5 Manx Utilities raise no objection in relation to water or electricity supply (a number of queries were raised which have been responded to). A condition would be appropriate to address concerns in relation to an external access door, and the request for more detail on

meter boxes would be a matter between the applicant and Manx Utilities and not normally something planning would control.

6.12 FIRE PROVISION

6.12.1 Given no objection being received by the Fire and Rescue Service the Department is content that the proposal provides proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes and as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.

6.12.2 It should be noted however the Department (planning) is not the experts in this field and that a Building Regulations will consider this in detail. Part of the Building Regulations is that the relevant Building Control Authority (in this case Douglas Borough Council) will seek comments from the IOM Fire and Rescue Service who will provide recommendations and Building Control will make the final decision.

6.13 ENERGY/ SUSTAINABLE CONSTRUCTION

6.13.1 As outlined earlier in this report since the previous application being approved the Climate Change Act has received Royal assent, albeit it is not yet in force and therefore has little planning weight; although it does give a clear direction of travel. The submission does appear to cover the other points raised by the Act. Further, the recently approved Residential Design Guide 2021 does include "Sustainable Construction" section which does include a number of aspects including, construction materials, building design and climate change resilience. Further Energy Policy 5 of the IOMSP indicated that proposals for more than 5 dwellings or 100 square metres of other development should include Energy Impact Assessment. The applicants have provided this, which aims is to achieve high standards following a "fabric first" approach to prioritise energy conservation.

6.13.2 This assessment outlines the various energy designs that have been incorporated into each of the buildings proposed. This include; highly insulated double or triple glazed units; Thermal insulation applied to existing wall and roof areas; Heating via Air Source Heat Pumps serving radiators; Photovoltaics providing "embedded" energy generation; New highly insulated and air-tight building fabric (windows, roofs, walls, floor); High efficacy LED lighting throughout; Passive ventilation via opening windows; Domestic water heating in each flat via heat pump water cylinder; and Space heating via electric panel heaters. PV panels for embedded electricity generation are proposed on all buildings, including the Scouts Hut/Community Pavilion, Crookall House and all residential buildings.

6.13.3 Further, on all apartment buildings separate PV arrays will be provided to serve the landlord systems and be connected directly to each apartment (providing PV to each apartment will significantly improve the SAP rating of each flat).

6.13.4 Each townhouse will be provided with a dedicated air-source heat pump (ASHP) for space and water heating, located within its associated rear garden area, suitable screened to provide appropriate acoustic and aesthetic screening. Each apartment would be well insulated and have a relatively small proportion of external façade, water heating is the predominant heating demand. Therefore, the domestic hot water services in each apartment will utilise a heat pump water storage tank, consisting of a cylinder of circa 200 to 300ltr, with an integral ASHP. The ASHP is ducted to outside, absorbing heat from the external air. Crookall House will have a dedicated array of ASHPs to provide space heating, with radiators in each room. The Scout Hut/Community Pavilion will have a dedicated heat pump for space heating.

6.13.5 The proposals have also been designed to minimise water consumption and reduce the estimated water load.

6.13.6 Overall, it is considered the proposal from an energy efficiency perspective would comply with the aims of Energy Policy 5 and the Residential Design Guide and the direction of travel of the Climate Change Act.

6.13.7 Details of Heat Pumps and Assessment of noise has been provided, although this provides an initial assessment and indicates final details may change. It indicates assessment has been undertaken to meet the requirements of 'Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises'. References are made to screening but details of this are not specified. It is considered that sufficient information has been provided to determine the application, although if approved further details would be required and could be conditioned.

6.14 BIODIVERSITY AND TREES

6.14.1 In terms of biodiversity on the site the application, the applicants have submitted a Preliminary Ecological Appraisal Report as part of the submission. This noted that Birds found during the survey included BoCCIOM Red List species Herring Gull, Amber List species House Sparrow and Green List species Blackbird and Jackdaw. There was evidence of nesting and likely roosting/sheltering birds on some of the buildings that are proposed to be demolished or have been already since the report was carried out. Trees within private gardens and Elder scrub have the potential to be used by a range of nesting birds. There are 37 records of bats within 500m of the site, most of which are of low numbers of Common Pipistrelle. Although there are records of evidence of roosting, no active roosts have been identified in within 500m of the site. The site is within 500m of the riparian woodland of the River Douglas and there is moderate habitat connectivity with this habitat through lines of roadside trees and suburban gardens. It is possible that the site is used by foraging bats and also by roosting bats which may forage within the site and nearby wooded areas. No invertebrates were found during the survey, but this is likely to be due to the weather conditions. No rare or scarce plants were found during the survey, and it is not anticipated that any would be exist in an urban site of this nature.

6.14.2 It should be noted that the complete demolition of free-standing buildings within the site does not constitute development and therefore the impact by the demolition and impact upon any habitat has little material planning consideration. However, the Wildlife Act still applies for the protection of Protected Species and their habitats which falls outside the planning remit.

6.14.3 Environment Policy 4 indicates that development will not be permitted which would adversely affect: (a) species and habitats of international importance or (b) species and habitats of national importance.

6.14.4 In terms of loss of trees, there would be a total of 31 trees presently within the site which are within the gardens of the residential properties on Westmoreland Road and will be removed to facilitate the erection of the elderly persons' block and the creation of the community building and children's play facilities alongside Crookall House. None of these are Registered Trees (RTs). 155 new trees are to be planted - approximately 5 trees for each one removed. The Ecosystem Policy Team have indicated that they consider a greater emphasis should go towards designing the site in order to retain vegetation, because of its existing value to wildlife, and because of the amount of time it will take for mitigation planting to grow provide maximum wildlife benefit. In response the applicants have commented; "As highlighted at our meeting on 23rd September 2022 with Charles Harrison and yourself, we have retained all the significant registered trees on the site, with only garden trees which are under the large block E footprint being scheduled for removal. These garden trees are of limited value in terms of their species, being predominantly Sycamore and with many having been substantially pruned back to allow light into the adjacent gardens. Of the 46 trees on

the existing site, 15 are proposed to be retained so it is indeed a numerical majority that is proposed to be removed, but the most important and impactful trees (from a visual and ecological perspective) have been retained, these being the Registered trees. The trees that are proposed to be removed would be replaced on a 5-to-1 basis with 155 new trees. The new trees are of 23 different species, many picked from the list of trees native to the Isle of Man, with the majority being semi-mature specimens of 25-30cm girth and 6.00m tall at planting. The design team have tried very hard to come up with options to retain all the trees on site, but we could not find a workable solution with the size of footprint of the affordable housing block E. We feel that the efforts made to make space for new trees and their specification will lead to a much improved green infrastructure on the site going forward and will ultimately provide maximum wildlife benefit, particularly when taken with the other habitat types to be created."

6.17.4 The applicants have also confirmed that;

"Since the planning application was submitted some further work has been done on developing the soft landscaping in more detail. The team would like to suggest that this presented as part of the soft landscaping in more detail. The team would like to suggest that this is presents as part of the agreed strategy for all wildlife habitat enhancements following the updated surveys and submitted to discharge a pre-commencement condition."

6.17.4 While the loss of the trees is regrettable, it is considered that in the medium/longer terms the amount of trees and landscaping proposed within the site would result in an overall benefit given the amount and also given the majority of the site has no trees/landscaping, being more industrial in appearance/use. It is noted that the trees proposed to be retained, namely around Crookall House are from a visual perspective more important to retain and are proposed to be. In particular it is noted that the layout has been revised (particularly in relation to the open space and footpath near to the scout hut) to take on board concerns from the tree team, and so it is considered that where trees are identified for retention there is a realistic prospect that this will be successful.

6.17.5 Whilst the tress will result in loss of habitats, it is considered again considered that in the medium/longer terms the amount of new proposals and retention of some, will ensure habitats will be available on the site. Further, with more immediate features such as Bug Hotels, bird and bat boxes (should be conditioned) this is consider appropriate mitigation. With appropriate conditions in place it is considered the proposal would comply with Environment Policy 4 and General Policy 2 of the IOMSP and the Residential Design Guide.

6.18 OTHER MATTERS - Community Safety, public art, phasing etc.

6.18.1 The other matters raised by the policy framework are noted and no issues have been identified that would warrant a refusal (although conditions may be appropriate in relation to some points such as phasing). The lack of public art is noted, but not in itself considered reason for refusal. The points raised by the police are noted, and arguably some elements of the design in terms of the location of public open space are not ideal. However these are not considered sufficient reason for refusal. In terms of CCTV, there are provisions for the installation of this (on completed developments) under schedule 1, Class 41 of the Town and Country Planning (Permitted Development) Order 2012. In terms of the safety barrier, this would be considered at the Building Control Stage - noting that it is for the applicant to ensure that what they put forward at planning is capable of complying with Building Regulations and, if it is not, they may need to apply for either a Minor Change or new approval.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1 It is recommended that any approval be subject to a legal agreement for the matters below, some of which will require the agreement to also be signed by Douglas Borough Council and the Department of Infrastructure.

7.2 Public Open Space is to be provided as shown on approved plans (unless otherwise required by condition - noting DBC's and Ecology's requests for more detail on planting) and offered to Douglas Borough Council for a nominal amount, Douglas Borough Council will adopt and maintain in accordance with approved plans thereafter. The applicant is to pay a commuted sum in lieu of POS shortfall of £73,221 and Douglas Borough Council spends this on new/improved Public Open Space which (having regard to the intended catchment area for that type of open space) might be used by residents of the site. It is understood that DBC are willing to adopt the relevant elements of onsite Public Open Space and to use any S.13 monies for offsite improvement, but confirmation of this is awaited.

7.3 In relation to affordable housing provision the applicant has accepted that a requirement of 45 units within the Senior Living Accommodation (Block E) which would be offered to the Local Authority for local authority housing. It is understood this is acceptable to Douglas Borough Council, the applicant and Public Estates and Housing Division (DOI) - although DBC note internal approvals would be required to proceed if and when units are offered to them. Therefore, the S.13 would require the provision of at least 42.5 affordable units within the site and if the proposed delivery method is not successful (e.g. Douglas do not go ahead with the purchase) other options, including commuted sum could be used.

7.4 Transport - a £40,000 contribution for DOI to deliver pedestrian improvements at the Rosemount signal junction secure, and commitment from DOI to deliver those improvements within 10 years of the payment being made.

8.0 CONCLUSION

8.1 Many of the objections and concerns from the public and also in relation to policy issues relate to whether or not the proposal is over development of the site. A lesser level of development would reduce or perhaps remove many of the potential concerns around social/green/grey infrastructure, scale of buildings and so forth. However, this must be balanced against the wider policy drivers to deliver new housing in sustainable locations, and also to make most efficient use of sites that are developed.

8.2 Against the scheme are issues including the outlooks for some of the dwellings to the rear of the two five storey blocks, the loss of trees/existing habitats, lack of on-site parking and health care capacity concerns. These factors potentially go against the application.

8.3 However, a balance needs to be taken and whether the positives of developing the site sufficient outweigh these concerns or not. In favour the site is designated for mixed use/predominately residential and this proposal for residential, retail, community facilities and office uses, would all comply with this designation and fit well within this area of Douglas, which is the main settlement for housing, services, education, shops, employment & public transport and the most sustainable town on the IOM. The aims of the IOM Strategic Plan and the Area Plan for the East both promote sustainable developments which can utilise existing services and have good transport links. Clearly, therefore the principle of developing the site for the proposed uses weighs in favour of the application. Further, the proposal to redevelopment an existing brownfields site which has limited architectural interest and some uses not especially the most appropriate uses (i.e. industrial), with a well design and high quality scheme, all weighs significantly in favour of the development.

8.4 In conclusion; on balance, for the reasons indicated with this report it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the East 2020. Further, it is concluded the proposal would comply with the following Government Strategies; Net Zero Emissions by 2050, IoM Government's Active Travel Strategy and the Climate Change Bill 2020 which all seek to reduce car travel for more sustainable means of travel.

8.5 The planning application is recommended for an approved subject to a number of conditions and a legal agreement.

8.6 It should be noted that there are some points which have been sought for conditioning by consultees which have not been recommended for conditions, including:

- DOI Highways - Construction Environmental Management Plan (CEMP) - some powers exist and sit with Environmental Health and Highways, planning enforcement is often not the best tool to enforce the requirements of a CEMP and it can lead to expectations from residents that are difficult to meet;
- DOI Highways - Driveway gradients - the approved plans have levels and the development must be built in accordance with the plans so a separate condition is not required; and
- the original Manx Utilities (Drainage) response sought conditions in relation to agreements etc. but later response clarifies direct contact has been made and they are content and so no conditions are proposed in this regard. MU (Power) sought details of an access door (which has been conditioned) and also meter boxes, which has not been conditioned (not normally part of the planning consideration) and would be a matter for the developer to speak to MU directly.

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 26th February 2024

Item 5.3

Proposal : Conversion of agricultural building to tourist accommodation
Site Address : Rhennie Farm
Main Road
Dhoon
Ramsey
Isle Of Man
IM7 1HL
Applicant : Mr Stephen Worts
Application No. : 23/00780/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. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning 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 off-street parking and turning of vehicles in the interests of highway safety.

C 4. Prior to the occupation of the development hereby approved, the passing places detailed on drwg. no. AI(04)102 RevC shall be provided and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

C 5. The 3 no. self-catered tourist accommodation units shall be used solely for this purpose and shall not be used as independent dwellinghouses. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: The application does not propose to create independent units of accommodation within the site and has not been considered as such.

Reason for approval:

The proposed development is considered to provide a high standard of self-catered tourist accommodation in a generally sustainable location to the benefit of boosting the Island's available tourist accommodation which conforms with the aims and objectives of the Isle of Man Visitor Economy Strategy 2022-2032, whilst improving the visual amenities of the site without detriment to the wider landscape. The proposals are therefore considered to be acceptable and in general compliance with Strategy Policies 1 and 5, General Policies 2 and 3, Environment Policies 1, 2 and 16, Housing Policy 11 and Business Policies 11, 12 and 14 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

It is recommended that Interested Persons Status be granted to the following Government Departments:

Visit Isle of Man

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE PLANNING COMMITTEE DUE TO NON-COMPLIANCE WITH THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The application site relates to a portion of the Rhennie farm, Dhoon, agricultural holding comprising 2 no. disused barns, one of which comprises an aged brick structure in good condition whilst the other consists of an open side timber barn; labelled as barns 1 and 2. An addition barn, 'barn 3', immediate abuts the application site to the south, whilst the principal farmhouse and its associated curtilage border the site to the north; neither of which are subject to this application.

1.2 The site is situated on noticeably lower ground than the area of land to the immediate west, however the application site is generally level in terms of topography. It is noted that 2 no. shipping containers are present within the site, with the principal brick barn currently being used for domestic storage purposes.

1.3 The site further includes the private vehicular access which extends westward from the Ramsey Road at a distance of circa. 300m. The site is bounded by open fields associated with the agricultural holding on all sides. Given the site's topography on noticeably lower ground than land to the west/north-west/south-west, whilst being sited circa. 300m from the principal highway, the existing site is not particularly if at all visible from any public vantage point and is therefore well secluded.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the conversion of an existing brick built agricultural barn to self-catered tourist accommodation, comprising a 1x1-bed unit and 2x2-bed units. The proposals would include new fenestration openings on the rear elevation, the re-rendering of the building and replacement of the corrugated metal roof with grey roof tiles, together with replacement fenestration to existing window/door openings.

2.2 An existing open sided timber barn is also proposed for demolition, with a new dual pitched open sided timber clad storage building proposed to the immediate north of the retained converted barn. New gravel hardstanding and dedicated parking, together with block paving around the perimeter of the barn is also proposed, together with new passing places along the access route to the site.

3.0 PLANNING HISTORY

3.1 None of relevance.

4.0 PLANNING POLICY

4.1 The application site falls within an area of countryside that is not designated for development in the 1982 Development Plan. The site is not within a Conservation Area or an area at risk of flooding but does fall 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 in the countryside will only be permitted 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

Housing Policy

- 11 Extension or alteration to traditional styled properties in the countryside

Business Policy

- 11 Sustainable tourism development in the countryside and reuse of rural buildings
- 12 Conversion of redundant buildings in the countryside to tourist use
- 14 Barn conversions for tourist use in rural areas to be encouraged, subject to compliance with other Development Plan policies

5.0 REPRESENTATIONS

5.1 Garff Commissioners - No objections (10.08.23)

5.2 Highways Services - Previous Highways response dated 16/08/2023 requested a number of revisions to the proposal in order to meet the relevant standards in both visibility and parking. The revised and additions provided have addressed all issues raised by Highways.

Previously, visibility splays were drawn to stopping sight distance calculations, rather than the Manual for Manx Roads minimum requirements. A revised visibility splay drawing has provided splays to the MfMR standards. To the right on exit, around the long bend at the glen, visibility of 90m to the nearside edge of carriageway has been provided wholly within

the carriageway. This is sufficient for 85th vehicle speeds up to 40mph, which is a realistic approach speed around this bend. Further visibility across the tram stop and café area can be gained due to its low level position, this may be impeded by obstructions such as trees and infrastructure but will provide additional visibility further to the 90m.

To the left on exit, visibility of 160m to the nearside edge has been provided, also wholly within the highway. This is the highest minimum requirement listed in MFMR and will be suitable for approach speeds at this location. The splay has not shown that the nearside edge of carriageway is visible for the entirety of the approach, but from the drawing provided it is accepted that any approaching vehicles in the opposing carriageway (during an overtaking move for example) will be visible. The visibility from the access in both directions is acceptable to Highways.

Details of surface water drainage proposals have not been provided. As the access joins the highway at a downhill gradient and there is soft landscaping to be removed, there is a higher chance of water runoff being discharged onto the highway. A suitable drainage solution should be provided and approved by Highway Services Drainage Team.

The alteration to the highway, in the form of extending an access, will require a Section 109(A) Highway Agreement to be made post planning consent.

Further to the previous Highways response, the applicant has now provided an additional passing place along the access road approx. halfway from the junction and the original first passing place. The additional passing place now means that there is sufficient opportunity and intervisibility for approaching vehicles to manoeuvre off the lane and not onto soft landscaping.

Further internal details have been provided of the site and building layout. Six parking spaces have been provided for the tourist accommodation building. With one one-bed unit and two two-bed units, the provision of six parking spaces is sufficient to meet the demands of the use. The applicant should also consider installing an electric vehicle charging point in order to support the islands sustainable transport goals. Bicycle parking has been provided within the covered storage barn giving six spaces. This meets the minimum required parking standard.

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, including visibility splays, to accord to drawing No. al(04)190 and 0117_al(05)_102. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent. (12.10.23)

5.3 Highways Drainage - Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. The applicant's contractor has confirmed his proposal for managing the surface water on the drive which satisfies our comment above. (15.01.24)

[officer note - confirmation provided that the passing places will consist of permeable hardsurfacing. Surface water will be monitored during construction and a drain will be installed to discharge into the River Dhoon if necessary.]

5.4 Environmental Protection Officer - With regard to PA 23/00780/B please can the following information be confirmed by the applicant or agent;

Type of foul water treatment and discharge method;

Sewage treatment works;

- If it is connected to a drainage ditch or watercourse a discharge license will be required. Further information including the application form can be found at; <https://www.gov.im/about-the-government/departments/environmentfood-and-agriculture/environment-directorate/environmental-protectionunit/river-water-quality/discharge-licenses/>
- If the discharge is connected to a soak-away; percolation tests will need to be carried out in accordance with Building Regulations.

Septic tank

- The effluent from a septic tank cannot be discharged into a watercourse.
- If the discharge is connected to a drainage field/soak-away; percolation tests will need to be carried out in accordance with Building Regulations. (21.07.23)

5.5 Visit Isle of Man - This comment has been provided by Officers from within the Visit Isle of Man Agency and as such, should be considered as Officer comment only and, therefore, not the view or official position of the Visit Agency Board, or political members of the Department for Enterprise.

The Our Island Our Future Visitor Accommodation Transformation Strategy 2022-2032, endorsed by Tynwald in May 2022, includes a Visitor Accommodation Transformation Action Programme that seeks to develop 500 new and transformed hotel and serviced accommodation bedrooms and 500 new units of distinctive, contemporary, eco-friendly non-serviced accommodation to support visitor number growth over the next 10 years.

The planning application submitted shows three units designed for occupancy for two - three guests. Well-designed rural accommodation is important to support the strategy and ensure the Island has a diverse accommodation stock to respond to visitor requirements. The development of these units at Rhennie Farm could support the growth in group accommodation on the Island.

For the reasons set out above, Visit Agency Officers have no objection to this proposal. (14.02.24)

5.6 Manx Utilities Authority - No response received at the time of writing.

5.7 Department of Enterprise - No response received at the time of writing.

5.8 Forestry Officer - No response received at the time of writing.

6.0 ASSESSMENT

6.1 The site falls outside of a defined settlement boundary within the open countryside and is therefore not specifically designated for any form of development. The proposals relate to the conversion of a redundant agricultural building to self-contained tourist accommodation, the principle of which accords with the exceptions to development in the countryside in accordance with General Policy 3 (b) where such building/s are deemed to be of architectural, historic or of social value and interest. Likewise, exception (h) of General Policy 3 also allows for development which is required in relation to the interpretation of the countryside, its wildlife or heritage.

6.2 Furthermore, support is provided in additional sections and policies of the Strategic Plan for the creation of new tourism related development in the countryside with respect to Business Policies 11, 12 and 14. Business Policy 11 states that there may be situations where

existing rural building could be converted to tourist use, provided there would be compliance with the stipulations set out in Environment Policy 16, which states the following:

"The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:

- a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
- b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
- c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
- d) there would not be unacceptable implications in terms of traffic generation;
- e) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and
- f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site."

6.3 Business Policy 12 further adds that permission will generally be given for the conversion of redundant buildings in the countryside to tourist use providing that the development complies with the policies set out in paragraph 8.10. - Housing Policy 11. Likewise, Business Policy 14 states that tourism development may be permitted in rural areas provided that it complies with the policies in the Plan. Farmhouse accommodation or quality self-catering units in barn conversions and making use of rural activities will be encouraged but must comply with General Policy 3 and Business Policies 11 and 12.

6.4 Housing Policy 11, as referenced above, provides the following criteria which is deemed to be of material relevance:

"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."

6.5 In the case of the current building, it is clear that it is no longer used for agricultural purposes and is therefore redundant in this sense, whilst currently being used for domestic storage purposes. Likewise, the building appears to be in fairly good condition and is of a solid, brick built construction and therefore capable for conversion. The proposed change of use of the building would also not require any physical extension or substantial building works, whilst utilising the same fenestration openings with additional modest fenestration proposed on the rear elevation and a single additional window on the front elevation. The

proposals would however include the installation of a new roof utilising grey roof tiles to replace the existing corrugated metal roof with corresponding rear rooflights.

6.6 Notwithstanding the above it is accepted that the building is not of any particular architectural or historic merit, although it is of substantial construction and not wholly unattractive from a visual perspective whilst likely dating from the early to mid-20th century. That being said, it would be difficult to argue that the conversion of the building would technical qualify from a purely planning policy perspective when assessed against the stipulations of Environment Policy 16 and Housing Policy 11 insofar as the building is not considered to be of any significant architectural or historic merit.

6.7 Nevertheless, there are additional material planning considerations which must be taken into account with regard to the assessment of the proposals. In particular, one of the core objectives of the Isle of Man Visitor Economy Strategy 2022-2032 is to develop 500 new and transformed hotel and serviced accommodation bedrooms over the strategy period, and specifically notes and considers that the Isle of Man is lagging behind their competitor island, coastal and rural destinations in terms of the quality and choice of visitor accommodation offered.

6.8 Indeed, one of the actions of the strategy is to 'work to achieve a planning policy approach that can give positive consideration to proposals for well-designed, eco-friendly coastal and rural visitor accommodation, whilst protecting the natural environment and areas of high scenic value and avoiding any adverse climate change impact'. At present, the Strategic Plan 2016 relies upon and makes reference to the outdated Tourism Strategy 2004 - 2008 Fit for the Future Department of Tourism and Leisure April 2004. This position is further clarified and endorsed by Visit Isle of Man who, with respect to the proposals, noted that:

"The Our Island Our Future Visitor Accommodation Transformation Strategy 2022-2032, endorsed by Tynwald in May 2022, includes a Visitor Accommodation Transformation Action Programme that seeks to develop 500 new and transformed hotel and serviced accommodation bedrooms and 500 new units of distinctive, contemporary, eco-friendly non-serviced accommodation to support visitor number growth over the next 10 years.

The planning application submitted shows three units designed for occupancy for two - three guests. Well-designed rural accommodation is important to support the strategy and ensure the Island has a diverse accommodation stock to respond to visitor requirements. The development of these units at Rhennie Farm could support the growth in group accommodation on the Island."

On this basis, it is considered that significant material weight should therefore be placed upon the most recent Visitor Economy Strategy in tandem with relevant policies from the Strategic Plan.

6.9 In addition to the above, whilst the site is located in the countryside and fairly well secluded, it is situated within close proximity to the main Ramsey Road which provides quick road links to Laxey and Douglas to the south and Ramsey to the north. The site is also situated circa. 400 from the Dhoon Glen Manx Electric Railway (MER) tram stop which operates seasonably between March and September. A bus stop in continuous use providing north and southbound services is also situated on the main road next to the tram stop. On this basis, the site is considered to be reasonably sustainable for a countryside location whereby occupants of the tourist accommodation would not necessarily be wholly reliant on a car, which further weighs in favour of the proposed scheme.

6.10 From a design and visual impact perspective, the proposals would only necessitate some additional fenestration openings and a replacement roof, with replacement fenestration and internal works to facilitate the change of use. The proposals would further result in the loss of the additional open sided timber barn, whilst including the erection of a 3.9m timber clad covered storage building adjacent (directly north) of the retained barn in the location of the existing shipping containers. The new structure would comprise a dual-pitched roof and open sided on the eastern elevation, and include provision for cycle storage to further encourage active travel in connection with the wider proposals. Finally, the proposals would include the reinstatement of a gravelled surface within the site, block paving around the perimeter of the existing/converted barn, the creation of 6 no. parking spaces and general site clearance.

6.11 Such works would undoubtedly result in a visual improvement of the site, particularly through the tidying up and general site clearance, removal of the timber barn and overall reduction in built footprint, together with improving the visual appearance of the retained barn following conversion. Likewise, given the relatively isolated and secluded nature of the site, such development would pose no material impact upon wider landscape views or indeed key public vantage points from the main road. Whilst no landscaping has been included with the proposals, it is recognised that the entirety of the site is already hardsurfaced with mature vegetation bounding the site to the west, east and north. Given the nominal site area and nature of the works, it is not considered that there would be realistic opportunities for meaningful landscaping to be incorporated into the scheme and therefore further details in this respect would not be required.

6.12 On the basis, of the above, the proposals are on balance considered to be acceptable by providing additional self-catered visitor accommodation in a generally sustainable location, whilst improving the visual appearance of the site without a material impact upon the character and appearance of the wider landscape. The proposals have been endorsed by Visit Isle of Man who note that the proposals would deliver 3 additional self-catered tourist units to add to the Island's offering, which responds to the aims and objectives of the most recently published and adopted Visitor Economy Strategy in 2022.

6.13 No concerns have been raised over the proposals by Highway Services on the basis of updated plans showing dedicated passing places to be created along the access route from the main road, with Highways Drainage also confirming they have no objections to the proposals due to the proposed use of permeable hardsurfacing in respect of the new passing places.

6.14 Comments received in relation to foul and surface water drainage from the Environment Protection Unit are noted. However, it is recognised that existing drainage systems are in place to manage surface water drainage in respect to the barns, with the soakaways to be upgraded as necessary to accommodate the proposed change of use including the discharge of treated foul water from the Biodisc. Further information would be sought, including percolations tests as and if required, at the Building Regulations stage.

7.0 CONCLUSION

7.1 The proposed development is considered to provide a high standard of self-catered tourist accommodation in a generally sustainable location to the benefit of boosting the Island's available tourist accommodation which conforms with the aims and objectives of the Isle of Man Visitor Economy Strategy 2022-2032, whilst improving the visual amenities of the site without detriment to the wider landscape. The proposals are therefore considered to be acceptable and in general compliance with Strategy Policies 1 and 5, General Policies 2 and 3, Environment Policies 1, 2 and 16, Housing Policy 11 and Business Policies 11, 12 and 14 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

Item 5.4

Proposal : **Erection of two digital advertising screens**
Site Address : **Car Park And Park House**
 Isle Of Man Business Park
 Douglas
 Isle Of Man
 IM2 2QZ
Applicant : **Lanz Investments Limited**
Application No. : **23/00601/D- 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. The advertisement(s) hereby granted consent shall be begun before the expiration of four years from the date of this notice.

Reason: To avoid the accumulation of unimplemented advertisement consents.

C 2. There shall be no moving images or special effects of any kind during the time that any message is displayed, including noise, smell, smoke, animation, flashing, scrolling, three-dimensional, intermittent or video elements.

Reason: In the interests of amenity and road safety

C 3. The transition between successive displays shall be instantaneous (the complete screen shall change in 0.1 seconds or less). There shall be no visual effects between different displays, including swiping or other animated transition methods.

Reason: In the interests of amenity and road safety.

C 4. The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited, and the advertisements shall not include the display of interactive messages.

Reason: In the interests of amenity and road safety.

C 5. The signboard shall incorporate a mechanism to ensure that, in the event of a breakdown, the display will default to a blank black screen, with no flashing error message or pixilation.

Reason: In the interests of amenity and road safety.

C 6. The screen shall at all times be fitted with a light sensor, to adjust the brightness of the display to changes in ambient light levels. At no time shall the luminance of the display exceed the thresholds contained within the Institute of Lighting Professionals guidance document PLG05 (The Brightness of Illuminated Advertisements 2015) or any subsequent

amendment/replacement of that guidance (set at 600cd/m² for daylight and 300cd/m² for hours of darkness).

Reason: In the interests of amenity and road safety.

C 7. The display shall be turned off and replaced by a blank black screen between the hours of 11pm and 7am daily.

Reason: In the interests of the character of the streetscene and protect neighbouring residential amenities.

C 8. The visibility splay(s) identified on drawing 306/002b; shall be provided in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

Reason for approval:

The application is recommended for approval as it is considered the proposed digital signs would not harm the character of the area or the highway network or public or private amenities and would comply with General Policy 2, General Policy 6 a,b,c; and General Policy 7 subject to the appropriate worded conditions.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY

1.0 THE SITE

1.1 The application site is the curtilage of a strip of land measuring 17.5m in width and a depth of 3.4m which runs parallel with the A6 road which runs through the IOM Business Park from Vicarage Road to the roundabout at Cooil Road. The site is immediately to the south of the access to small cluster of commercial buildings, nurse, shop, pub/restaurant and car sales garage. Within the applicants ownership is Park House (current under extension/renovation) and the car park.

1.2 Currently the strip of land in question accommodates low level landscaping.

2.0 THE PROPOSAL

2.1 The application seeks approval for two digital advertising screens which are free-standing outdoor Digital LED media display measuring a screen size of 3.5m wide and 2.1m high. The total height of screens and post with they are attached to would result in the top of the screen being 3.1m above ground level. The two signs are set at an angle to the road.

2.2 The applicants have confirmed the screen would not contain moving images (video) or animation that could compromise Highway safety but will be a static slides and would be switched off between 11pm and 7am daily.

2.3 It should be noted that the proposal was initially for a single larger screen. Concerns were raised by the Department of the size of the screen (5m x 3m). Following discussions, an amendment was made for two smaller individual screens. A further amendment of the two screens were made following concerns of visibility splays by Highway Services. Accordingly the current proposal for two smaller signs were re-submitted and position altered slightly, to ensure visibly splays of 2.4m x 43m can be achieved when exiting the site looking right (towards roundabout).

3.0 PLANNING POLICY

3.1 The application site is within an area designated as 'Industrial' under the Area Plan for the East 2020. The site is not within a conservation area nor are there any registered trees or groups of trees in the area. The site is not identified as being at flood risk.

3.2 The Control of Advertisements Regulations 2013 make it clear that the only considerations which can be applied to applications made under them are in the interests of amenity and public safety. In the case of amenity, such things as the general characteristics of the area need to be taken into account along with the presence of any features of historic, architectural, cultural or similar interest and the public safety should consider the safety of any person using a road, railway, tramway, harbour or aerodrome including the obscuration of any traffic sign or similar.

3.3 Within the adopted Isle of Man Strategic Plan 2016, the following policies are considered to be relevant in the determination of this application:

3.4 Paragraph 6.6.2 (Advertisements) of the Strategic Plan notes that well designed and sensitively sited advertisements can contribute positively to the character of a building or area and can help the public, whilst those which are too bright, over large or poorly sited may endanger highway safety by distraction and may, individually or cumulatively, detract from amenity by intrusion, clutter, visual confusion or by masking features of interest.

3.5 General Policy 6 states that "Within our town and villages, the display of external advertisements will be permitted on the site or building to which they relate provided they:

- (a) are of a high standard of design and material and relate well to the building and site on which they are to be displayed;
- (b) are in keeping with and do not detract from the surrounding area;
- (c) are located so as not to cause highway safety hazard."

3.6 General Policy 7 states that "Within our towns and villages, the display of external advertisements on sites or buildings other than those to which they relate will not generally be permitted."

3.7 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."

3.8 Regulation 5(3) of the Town and Country Planning (Control of Advertisements) Regulations 2013 reads as follows:

"Unless it appears to the Department to be required in the interests of amenity or public safety, an express consent for the display of advertisements must not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed".

4.0 PLANNING HISTORY

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

4.3 It would also be pertinent to consider previous planning applications for the same form of advertising media signage installed within and around the Douglas area;

4.1 22/00115/D - Installation of a digital advertising display - 5 South Quay, Douglas. Approved.

4.2 20/01481/D - Replacement of an existing large static illuminated advertising signage with a large freestanding Digital Media LED advertising sign. Junction of Pulrose Road And Peel Road, Hills Meadow Douglas. Approved.

4.3 20/00500/D - Installation of digital signboard, 22 - 24 Ridgeway Street. Approved at Appeal, "For the above reasons, I consider that the appeal should be allowed, and that express consent should be granted. At the inquiry, there was agreement between the Planning Authority and the Appellants that, if express consent were to be granted, it would be appropriate to impose a number of conditions, many of which had previously be suggested by Highway Services in the interests of road safety, or were otherwise necessary in the interests of amenity. I concur that such conditions should be imposed".

4.4 16/00949/D - Erection of a digital advertisement board. 44 Strand Street, Douglas. Approved at Appeal (30/05/17). The inspector approved a digital display screen measuring 1.9m high by 2.6m wide and 11.4 centimetres in frame depth, installed at first floor level. The sign would be of a non-flashing type and its level of illumination and hours of operation controlled by planning conditions.

4.5 16/01024/D - Installation of a digital sign (retrospective) Skanco Court, Cooil Road. Douglas. Approved. This sign is fixed to the south-eastern flank wall of Skanco Court, facing the access road to the Spring Valley Industrial Estate. It consists of a liquid crystal display (LCD) panel within a black frame, mounted about 3m above ground level. The panel has a height of about 1.5m and a width of about 6.1m. It shows static, coloured images, which change in a continuous cycle, with each image remaining on the screen for a few seconds.

4.6 12/00604/D - Erection of illuminated signage Sea Terminal Building, Victoria Pier, Douglas. Approved. The inspector concluded "there would be no material harm to visual amenity and that the character and the overall appearance of the Conservation Area would each be preserved" in accordance with General Policy 6 and Environment Policy 7.

5.0 REPRESENTATIONS

5.1 Braddan Commissioners have objected (24.01.2023) on the following grounds;

"With reference to the application below, the Commissioners wished to object to this application as they felt that the illuminated sign would cause light pollution. They felt it would be unneighbourly to residential homes opposite the site and had concerns that the visibility displays would be impacted as vehicles exiting the car park would be unable to see lights from cars approaching from the right."

5.2 Highways Services have commented (24.05.2023);

"Highway Services HDC have reviewed the updated information for application 23/00601/D dated 22 Dec 2023 online and provide the following comments:

1. The revised signs positions are likely to hamper vehicular access visibility onto the A6.
2. The applicant needs to demonstrate a minimum 2.4m X 43m visibility splay from the Park House access looking right onto the A6 and this splay being clear of obstructions. It is likely that the original sign position would need to be reinstated for the proposals.
3. Once the visibility splay is satisfactory, the conditions advised on the HDC comments dated 24 May 2023 should be attached to permission.

Therefore, the applicant needs to address the above comments before HDC will not oppose the application."

5.2.1 Following additional information Highway Services commented (25.01.2024):

"Highway Services HDC have reviewed the updated information for planning application 23/00601/D dated 23 Jan 2024 online and provide the following comments:

1. The layout plan is now acceptable taking into my comments on the 22 Dec 2023. Therefore, HDC do not oppose (DNOC) the application subject to the conditions requested on the 24 May 2023 by HDC attached to permission."

5.2.2 It should be noted that the conditions suggested by Highway Services have been included.

6.0 ASSESSMENT

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

- (i) the principle of the signage (GP6a) & (GP7);
- (ii) visual impact on the character of the area (GP6b & Gp2bc);
- (iii) impact on highways (Gp6c & Gp2h); and
- (iv) potential impact upon neighbouring amenities (Gp2g).

(i) the principle of the signage

6.2 The Strategic Plan is explicitly clear through its policies (GP6&7) in how it expects applications for advertisements to be considered. In that those adverts should relate to the specific uses of the building to which they are attached. Advertisements that are not related to the land or building to which they are generally attached are considered not acceptable. The rationale is to prevent an unwarranted proliferation of adverts that could compromise the appearance and attractiveness of the town and villages. However, these policies can only be applied within the parameters of the legislation as noted above and so are limited to impacts in terms of amenity and public safety.

6.3 In applying the above, the complex nature of these types of applications and the emergence of digital advertising that has previously been approved at appeal are relevant and explored below.

6.4 With regard to the digital sign permitted on Falcon House, Ridgeway Street, that sat within a conservation area, the inspector approved the application at appeal and gave weight, in their report at paragraph 21; "I attach weight to the fact that a sensor incorporated in the proposed digital sign would facilitate control of the brilliance of the illumination from time to time, in line with the ambient level of lighting in the surrounding area. Furthermore, the proposed digital signboard could be subject to a condition requiring that it be switched off late at night. The existing illuminated sign is not subject to either of these controls. I consider that, having regard to these benefits, the replacement of the existing illuminated signboard with the proposed digital sign would make a positive contribution to the character and appearance of the Conservation Area".

6.5 Turning to the digital advertisement board located on the building 44 Strand Street (para.4.3) at first floor level. The inspector, in their report at paragraph 41, deviated from the planning policies (GP6&7) on the basis, the proposed signage would not appear out of keeping in this modern, highly commercial context and the sign would be a 'state-of-the-art' unit in common use elsewhere and would thus comply with GP6. The inspector further notes at paragraph 42, "I note that GP7 is framed in general terms and imposes no absolute prohibition on signs unrelated to the host building. At the same time GP7 appears to be in some conflict with the prevailing Regulation 5 of the Control of Advertisement Regulations". And at paragraph 43; "the proposed digital board would replace an existing, lawful conventional, fixed advertisement in essentially the same position. By displaying a variety of images, it would tend to reduce proliferation of signage elsewhere. These factors mitigate any potential net impact the sign would have".

6.6 With regard to the Skanco appeal (para. 4.4) the inspector, in the report at paragraph 13 surmised; "General Policy 7 of the Strategic Plan indicates that, in settlements, the display of advertisements on sites or buildings to which they do not relate will not generally be permitted. This provides a basis for the refusal of consent for a proliferation of advertisements that have no particular relationship to the area in which they would be located, and plainly serves the interests of amenity. However, in my view, it provides no basis for the imposition of a condition limiting the subject matter of an advertisement for which express consent has been granted, contrary to Regulation 5(3) of the Control of Advertisement Regulations 2013".

6.7 Turning to GP7 and the previous considerations concerning the conflict with the Regulation 5(3) of the Control of Advertisement Regulations 2013, whilst the content of the sign will not necessarily relate to the building/commercial properties in the area (albeit it could), it has previously been interpreted that express consent has already been granted and the policy is not written in absolute terms and a degree of leniency in the past has been allowed. In this case the proposal would have a neutral impact on this basis of relevancy of content to the building, it would be seen against the backdrop and adjacent to a commercial area set within the IOM Business Park.

6.8 To sum up the above paragraphs and the previous interpretations of GP6&7 based on previous decisions; the proposed digital display screens as previously considered is deemed as high quality digital display media and would be considered acceptable to the first part of GP6(a) parts (b&c) will be discussed separately.

6.9 On the basis of the above the principle of using a digital display media signage is deemed acceptable to General Policy 6(a) and GP7 on this site, particularly given its proximity to the small cluster of commercial business and being within IOM Business Park.

(ii) visual impact of the proposed signage

6.10 It must be remembered that the proposed digital signs will only be apparent when travelling immediately past the site. It would not be apparent from any distance views, only in the immediate area.

6.11 As mentioned the proposed signs would be read against the backdrop the small cluster of commercial business and recently extended office building (applicant's ownership) and being within IOM Business Park. Accordingly, while this type of signage is not especially common on the IOM, it is not unique to places in the adjacent Isles.

6.12 The size of the screen of the signs (3.5m wide and 2.1m high) would be not be significant in scale to the overall frontage of the site. It is noted that there are signs along this stretch of the A6 close to the application site, namely the car sales garages which have a number of taller signs, albeit these are not digital signs. Accordingly, advertisement signs are not an uncommon feature in the immediate area.

6.13 Weight is given to the fact the sign will be limited in its hours of operation and would be switched off between 11pm and 7am daily, displaying a black screen which would be in keeping with the finish colour of the building. It is further noted there has not been any objections from neighbouring properties to the proposal and on balance, in this instance, the proposal would be applicable to GP6b and Gp2 b&c.

(iii) Impact on highways

6.14 The main aspect to this proposal is of safety of the users of the highways (pedestrian footpath and carriageway) who may be viewing the proposed sign. It is noted that Highway Services do not object to the application now the application has been amended nor do they consider the proposed signage and media is hazardous to the use of the highway. They do however seek a number of conditions limiting the media or images and brightness levels, essentially no brighter than the street lighting. On this basis and as there is no objection from highways, it is considered the proposal would comply with General Policy 6(c) & Gp2h and would not cause a highway safety hazard.

(iv) Potential impact upon neighbouring amenities

6.15 The two closest properties to the application site are Nr 1 & 2 Ballacottier Meadow which are to the east and south east of the proposed signs. Nr 1 is located immediately opposite the signs, located approximately 34m from the closest point of one of the signs. Between the signage and Nr 1 is the A6 road, a landscaped strip (including hedgerow) and the estate road of Ballacottier Meadow. There is also street light (on Ballacottier Meadow) located immediately in the line of sight of Nr 1 to the signs. There are also two street lights along the A6 road in proximity to the proposed signs. In relation to this property it is considered; the distance between the windows of this property and the signage, positions of existing street lighting and conditions attached to any approval, especially hours of operation and brightness, will all ensure there is no significant impacts to warrant a refusal.

6.16 The second property Nr 2 is located approximately 21.5m from the closest sign. This property does not directly look towards the site, rather the views from any windows would be angled views. The windows of Nr 2 look directly towards the street light along Ballacottier Meadow. Given the orientation, distance and again the conditions proposed to be attached, it is considered there would be no significant impact to warrant a refusal.

6.17 Overall, it is considered the proposal would comply with General Policy Gp2g and not have a significant adverse impacts upon neighbouring residential amenities.

7.0 CONCLUSION

7.1 For the above reasons, the application is recommended for approval as it is considered the proposed digital signs would not harm the character of the area or the highway network or public or private amenities and would comply with General Policy 2, General Policy 6 a,b,c; and General Policy 7 subject to the appropriate worded conditions.

7.2 It is recommend the Advertisement Consent Application is approved.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Control of Advertisements) Regulations 2013, 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) Persons to whom notice has been given under regulation 10(3)(a)(i)
- (d) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material;
- (e) The Highways Division of the Department;
- (f) The Ports Division of the Department;
- (g) The operator of the railway or tramway; and
- (h) 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 above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 26th February 2024

Item 5.5

Proposal : Demolish existing house and construct a replacement dwelling including new vehicular access for associated parking

Site Address : Eskadale
King Edward Road
Onchan
Isle Of Man
IM4 6AB

Applicant : Mr Richard Kelly

Application No. : 23/00799/B- [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. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 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), no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans (300/021a). Such areas shall not be used for any purpose other than the parking and turning 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 off-street parking and turning of vehicles in the interests of highway safety.

C 5. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use.

Reason: To provide adequate off-street parking.

C 6. No development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of the retention of existing landscaping and new planting showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the kennel extension, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species

Reason: To ensure the provision of an appropriate landscape setting to the development

C 7. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 8. Prior to the commencement of the development hereby approved, the protective measures detailed in the Existing site plan (Drawing number 300/002), prepared Wilson Consulting and submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process.

Reason: To ensure that trees marked for retention are adequately protected, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 9. No development shall commence until a bat survey has been submitted to and approved in writing by the Department. The bat survey shall identify impacts on bat species together with mitigation, where appropriate, including a timetable for its implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the bats.

C 10. The visibility splay(s) identified on drawing 300/020a; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050; mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 11. Notwithstanding the details of the non-fossil fuel energy/heating systems as shown on drawing 300/020a, prior to the commencement of any works detailed drawing/s showing the location of any external non-fossil fuel energy/heating systems shall be submitted to and

approved in writing by the Department, including specifications of such systems and these approved systems shall be completed prior to the occupation of the dwelling and retained thereafter.

Reason: To ensure compliance with the Climate Change Act

C 12. 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 13. Prior to the occupation of the dwelling the Flood Risk Assessment findings and conclusion as outlined in Section 10 and drawing 100 (BB Consulting) shall be fully adhered to and retained thereafter.

Reason: In the interest of flood risk.

Reason for approval:

It is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan 2016 and Area Plan for the East 2020.

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 these do relate to planning considerations:

Flood Management Division (DOI)

Planning Officer's Report

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

1.0 SITE

1.1 The application site is the residential curtilage of Eskadale, a two storey detached dwelling located on the western side of King Edward Road in Lonan/Onchan.

1.2 Immediately to the east boundary of the application site is the Manx Electric Railway lines which runs parallel to the eastern boundary of the site. To the north and west of the site is Bibaloe Beg Road which joins the A2 further west of the site. Along Bibaloe Beg Road are a handful of detached dwellings and a large farm holding.

1.3 The application site dwelling is bounded by hedging and mature trees on all sides. Travelling along King Edward Road the existing dwelling is visible, albeit only the upper floor of the property and only in part given the vegetation which runs along the boundaries of the site. The northern elevations of the property are more public visible being apparent from the Bibaloe Beg Road, as the dwelling northern elevations runs immediately along or near to the Bibaloe Beg Road.

1.4 The application site dwelling follows a similar form of a 'Arts and Craft' property incorporating a mixture of non-traditional materials incorporated in a mock Tudor boarding at upper floors, red brickwork at lower levels, including the use of decorative stonework and sandstone in places at ground floor level. The roof of the main dwelling is finished in a diamond shaped red roof tile. Additions have been undertaken in the past including an attached rear single storey garage (northern elevation) which has a painted render finish and slate roof and an uPVC conservatory to the west elevation.

1.5 A watercourse runs from the northern boundary of the site, parallel with the eastern boundary of the site to the southernmost boundary of the site.

2.0 PROPOSAL

2.1 This application seeks approval for the demolition of an existing house and construct a replacement dwelling including new vehicular access for associated parking.

2.2 The proposed new dwelling would be a two storey dwelling. The dwelling would have a flat roof, rectangular in form with a very contemporary style, with a mixture of external finishes; including painted white/dark grey render, natural stone, vertical/horizontal timber cladding, timber frame projecting 150mm from walls, dark grey frame to windows, frameless glass balustrade and timber doors and garage door.

2.3 The existing dwelling (Eskadale) has an overall area of 256m² set over two storeys (7m in height). The residential curtilage of the property equates to approximately of 0.71 hectares (1.76 acres), that is relatively flat and is surrounded by mature trees, with an open aspect from the house to the central garden area to the south.

2.4 The applicants agents has outlined the development brief of the proposed development;

"The Brief from the Applicant was relatively straightforward, with the principal parameters being:-

- a) The house needs to be extremely energy efficient, specifically having very high levels of thermal insulation and low levels of air leakage, to maximise the opportunities to use of renewable energy sources
- b) It must take full advantage of the mature, south-facing, garden, and capture natural light throughout, whilst protecting the existing trees, none of which should be removed as a consequence of the proposals
- c) The house must sit comfortably in its context, blending in with its rural Manx surroundings, rather than standing out
- d) The individual rooms and spaces within the house, whilst not numerous, need to be spacious
- e) The external spaces are as important as the internal spaces; the use of both, and moving between them, needs to be as seamless as possible, and there must be a tangible connection to nature"

2.5 The proposed dwelling would be heated by PV solar panels on the roof of the property and Air Source Heat pumps.

3.0 DEPARTMENT POLICIES

3.1 The application site is within an area of Areas Containing Registered Trees not designated for development under the Area Plan for the East 2020. The site is not within a Conservation Area nor is the property Registered.

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 Environmental Policy 1: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.4 Housing Policy 12 states: "The replacement of an existing dwelling in the countryside will generally be permitted unless:

(a) the existing building has lost its residential use by abandonment; or

(b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

(i) the structural condition of the building;

(ii) the period of non-residential use(2) or non-use in excess of ten years;

(iii) evidence of intervening use; and

(iv) evidence of intention, or otherwise, to abandon."

3.5 Housing Policy 14 states: "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."

3.6 Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside

4.0 PLANNING HISTORY

4.1 There are a number of previous planning applications in association with the site; however, only the following is considered relevant in the assessment and determination of this application:

4.2 Erection of a replacement dwelling - 14/01187/B - APPROVED. This application replicated application 09/01722/B. The planning officer at that time commented;

"The proposed building would be larger in terms of floor area than the existing dwelling, representing an increase of around 70% and would not represent a traditional dwelling as outlined under Planning Circular 3/91. As such, the acceptability of the proposal needs to be assessed against the second paragraph of the policy. This states that 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.

It is judged that the proposed dwelling represents a single coherent dwelling, which is considered to be of high quality design. The design of the new dwelling takes account of the style of the existing dwelling and arguably improves upon to create a high quality dwelling that takes influence from the arts and crafts movement."

4.2.1 The Planning Committee accepted the recommendation of the officer and approved the application.

4.3 Erection of a detached garage/store and amendments to vehicular access - 11/00204/B - APPROVED.

4.4 Erection of a replacement dwelling - 09/01722/B - APPROVED. The planning officer for this application concluded;

"The existing dwelling has had a number of extensions and other alterations that have diluted the quality of its appearance. In that respect the proposed dwelling represents a single coherent dwelling, which is considered to be of high quality design. It takes account of the style of the existing dwelling and arguably improves upon that to create a high quality dwelling that takes clear influence from the arts and crafts movement. Given this is considered that the proposal represents the replacement of an existing dwelling of poor form with one of more traditional character. It is therefore concluded that the proposal is acceptable as exception in accordance with the second paragraph of Housing Policy 14."

4.4.1 The Planning Committee accepted the recommendation of the officer and approved the application.

5.0 REPRESENTATIONS

Full detailed comments can be viewed on the planning website. The final comments received are listed below.

5.1 Garff Commissioners make the following comments (18.09.2023);

"A Member expressed concern with the style of the proposed dwelling which they felt was inappropriate for this rural location. It was noted that the visual impact of the building would be mitigated by the current level of vegetation. The consensus reached was that the proposals were acceptable under the terms of HP14. No Objection."

5.2 Highway Services make the following comments (09.01.2024):

"Previous Highway response dated 04/08/2023 requested the increase in internal size of the garage to fulfil the MfMR standards. All other aspects were acceptable. The revision provided now match the required standards.

Accordingly, Highways DC have no objection to the proposal. The applicant is advised that a Section 109(A) Highway agreement is required for the creation of an access onto the highway."

5.3 The Ecosystem Policy Officer (DEFA) comments (07.02.2022);

"Due to the age, condition and location of this property, immediately adjacent to Groudle Glen Wildlife Site, the Ecosystem Policy Team believe that there is potential for a legally protected bat roost to be present, which would be destroyed by the demolition."

5.3.1 And

"In order to comply with Environment Policy 4 and 5 of the Isle of Man Strategic Plan and the Wildlife Act 1990, the Ecosystem Policy Team request that a preliminary assessment for roosting bats is undertaken on the dwelling by a suitably qualified ecological consultant.

A report detailing the findings of the preliminary assessment and any additional surveys, alongside appropriate avoidance and mitigation measures, to ensure that bats are protected during and after development, should be submitted to Planning prior to determination of the application."

5.4 Manx National Heritage comment (26.4.2023);

"The proposed development site is surrounded by trees. It is not clear from the application if any trees are to be removed or what protection is to be put into place in order to protect remaining trees prior to works commencing.

We would ask that a bat survey be undertaken in order to establish if bats are present in the area as some older trees would provide ideal bat roost/maternity sites.

Depending on the time of year we would also ask that a full nesting bird survey be undertaken, also prior to works commencing."

5.5 Inland Fisheries (DEFA) comment (22.08.2023);

"I can confirm that DEFA, fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. As the proposed works are in close proximity to the watercourse, precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river.

During a visit to the site it was noted that a watercourse runs through the site, this includes a culvert. Any works on the watercourse or culvert would require a Section 18 consent from DEFA Fisheries."

5.6 Flood Risk Management Division (DOI) comment (14.02.2024);

"Should the application be permitted FRM suggest conditioning the findings of the FRA dated 4th December 2023 - in particular section 10."

5.7 Forestry, Amenity and Lands Directorate (DEFA) comment 09.01.2024;

"The information provided shows no trees for removal on the site and there for the directorate does not object to this proposal. As there are existing trees in close proximity to the proposed development we would recommend the following conditions". Two tree related Conditions are listed within condition section of this report.

6.0 ASSESSMENT

6.0.1 The main issues are; the principle of the demolition of the existing dwelling; the potential visual impact of the development upon the landscape; impact upon neighbouring amenities; flood issues and ecology/tree issues.

The principle of the demolition of the existing dwelling

6.1.1 As outline within Housing Policy 12 and for this site, the starting point is to access whether the existing dwelling is of architectural or historic interest and is capable of renovation. It is noted the characteristics of the existing dwelling within section 2.4 of this report, not traditionally Manx in design, rather having a more Arts and Craft design. The property from certain public viewpoints (King Edward Road Bibaloe Beg Road) is an attractive property, albeit in need of repair/maintenance, with only limited visibility of it. However, as outlined in previous planning applications a number of more inappropriate extensions and additions have been undertaken which have "diluted the

quality of its appearance". It is also noted that two previous applications to demolish the dwelling have been approved since the adoption of the IOM Strategic Plan. The site is not within a Conservation Area and discussions with the former Registered Building Officer during pre-application discussions confirmed that the building did not warrant registration.

6.1.2 Accordingly, there is currently no new information or policy which are sufficient to go against the proposed previous conclusions of the Department that the dwelling should be retained, rather its replacements is acceptable and comply with HP12.

Potential visual impact of the development upon the landscape and individual dwelling

6.2.1 As outlined within paragraph 2.3 of this report, the existing dwelling is apparent from certain public locations; albeit due to mature landscaping it is well screen from the King Edward Road, which arguably is where the dwelling would be publically view from most; albeit as outlined there are more public views from Bibaloe Beg Road.

6.2.2 In terms of the applicants brief, it is outlined within the planning statement that; "It was immediately apparent from the initial site visit that it would not be possible to accommodate either the Applicant's spatial Brief requirements nor their desire to maximise the use of renewable energy sources within the existing house; it is simply not large enough for the former, and its construction would make the latter unviable, both in terms of impact on the existing house and financially.

However, it was also clear that any replacement dwelling should be located in a similar position to the existing house, to maximise the southerly aspect and views into the extensive garden, as proposed under the Approved Planning Application 14/01187/B; that would also accord with one of the overarching principles of Housing Policy 14, that the replacement dwelling should generally be sited on the footprint of the existing."

6.2.3 The existing property is not Manx vernacular in design or appearance; rather having an "Arts and Craft" appearance. However, it is still relevant to consider HP 14 requires consideration.

6.2.4 In terms of the size increase the proposed replacement dwelling would have a total floor area of approximately 458sqm. This includes the integral double garage 40sqm in size. The existing dwelling has a total floor area of approximately 250sqm. Accordingly, the proposed dwelling this equates to a percentage increase of approximately 83%. The proposal is above the generally permitted 50% threshold as stated within HP 14.

6.2.5 For information the replacement dwelling approved under applications PA 14/01187/B & 09/01722/B (both had same replacement dwelling) equated in having a floor area of 440sqm (71% increase). It should be noted between these two approvals was a standalone application PA 11/00204/B for a detached garage/store, which had a floor area of 50sqm. Accordingly, the overall built development on the site would have been greater if the replacement dwelling and detached garage were undertaken, compared to the current application which incorporates the garaging within the dwelling.

6.2.6 The applicant's agent in support of the application in relation to HP 14 comments; "A design was therefore developed based on the previously-Approved footprint of 220m² so that, like its predecessor, this dwelling would not have any impact on the existing trees. In order to accommodate the spatial requirements of the Brief, the entire building was made two-storey but the dwelling's massing has been substantially reduced when viewed from the primary public viewpoint along King Edward Road, when compared to both the existing and previously approved dwellings. The proposed dwelling has a length along that elevation of 11.8m, and a height of 6.0m, compared to an existing length of 13.4m

and height of 7.0m, and the previously-Approved length of 22.0m and height of 9.0m. The reduction in visual impact when comparing the existing and proposed dwellings can be seen in the submitted photomontages that illustrate the existing and proposed views from both the North and South on King Edward Road. Again, this is in accordance with another of the overarching principles of Housing Policy 14, that a replacement dwelling in excess of 50% larger than an existing dwelling may be considered acceptable if, by its design and siting, there would be less visual impact than existing."

6.2.7 Accordingly, the main thrust of the applicants view that the dwelling complies with HP14 is that it would have; "where, by its design or siting, there would be less visual impact."

6.2.8 From King Edward Road it is agreed this proposal would potentially have "less visual impact" given the reduction in the width of built development (eastern elevation) running parallel along the King Edward Road, given it having a reduced width and reduction in height over the existing dwelling. The increase in the width of the northern (see par 6.2.8) and southern elevation does have the potential to increase the visual impact; albeit, the use of materials and also given the level of mature landscaping, including mature trees to the south and north of the site are such that the dwelling would not be significant apparent from these views. While vegetation can be removed, in this case it is perhaps unlikely given the landscaping forms a natural buffer from the main highway and tram railway lines and therefore offer a barrier against noise and also provides privacy.

6.2.9 Arguably, there is a greater visual impact from the north of the site (Bibaloe Beg Road), given the dwelling's width from this viewpoint is slightly greater than the existing, but mainly as this section of the new dwelling is full two storeys, compared to the existing which was part single and part two storey. It is noted the new dwelling is setback from the Bibaloe Beg Road, which does reduce the potential visual impact, as well as improving highway safety (currently the garage block obstructs views along the highway, being set on a slight bend in the road).

6.2.10 Overall, arguably there will be public views where the dwelling will have less visual impact, while other public views the proposal will have a greater visual impact. Accordingly, any decision maker should be aware of this. A landscaping condition should be attached to any approval for any additional planting that may be added, but also a plan indicating what existing landscaping is to be retained. A condition for the external finishes of the dwelling should also be required.

6.2.11 HP14 does indicated that permission may be granted for buildings of innovative, modern design where this is of high quality, and would not result in adverse visual impact and in terms of the proportion, form and appearance of the proposal. The proposal is very contemporary in design, with a flat roof and a use of large sections of glazing to the south elevation (garden elevation) and use of a variation of mainly traditional materials, albeit set within the very contemporary design. It is also consider the dwelling is also innovative of a modern design and of high quality.

6.2.12 While more horizontal in overall form, the dwelling has been clearly designed to sit into the site taking account of the views of the large southern gardens within the site, which are open lawned areas which are surrounded by significant woodlands around. The applicants also indicate that the design takes into account of orientation and tracking of the sun, immediate neighbouring properties and existing trees and natural landscaping features on this site.

6.2.13 Housing Policy 14 indicates that the new building should generally be sited on the "footprint" of the existing. In this case the majority of the new dwelling does site on the existing footprint. Overall, the principle of the new footprint is acceptable.

6.2.14 It is also perhaps important to note the variation of designs of properties along this area of King Edwards Road/Groudle Glen. While the number of dwellings is only a handful, they range from Manx vernacular, "Art Deco", "Arts and Craft" and the neighbouring property immediately to the north of the site is a pitched roof timber clad chalet style property with sections of glazing. Accordingly, there is a clear difference in styles of properties; albeit low in number, which is a clear evolution of the properties designs within fairly close proximity to the site. Accordingly, this new contemporary designed dwelling would add to this varied form of development along this area of Kind Edward Road and in keeping with the character of differing of styles. The proposal also needs to ensure it would not adversely affect the countryside as required by EP1. While the proposal is larger than the existing dwelling; it is considered for the reason indicated previously, but also given the high quality design, appropriately pallet of finishes, low profile form, dwellings orientation/siting on the site and the woodland setting of the site (would be retained); the proposal would not adversely affect the countryside and comply with EP1.

6.3 Impact upon neighbouring amenities

6.3.1 The neighbouring property to the north of the site; on the opposite side of the Bibaloe Beg Road, is Riverside Barn, which side gable elevation faces towards the application site. Within this gable elevation are three windows. Accordingly, to the approved drawings for Riverside Barn (PA 10/00337/B) the ground floor are secondary windows serving a primary habitable room (open plan dining/lounger/kitchen) and the third window at the upper floor (void in roof space) again serves this same primary habitable room

6.3.2 In relation to overlooking there are proposed to be seven new windows within the northern elevation of the new dwelling. It should be noted there are currently eight windows within the existing northern elevation, accordingly, there is one less window within the new dwelling. It should be noted that the proposed new seven windows are serving habitable (bedrooms/studio) and non-habitable rooms (en-suite). Arguable this is an improvement over the existing situation, given the existing dwellings windows serve primary habitable rooms (living room, kitchen diner) and also habitable (bedrooms) and no habitable rooms (store, hallway & toilet). Primary habitable rooms are likely to be used more and therefore there is a greater likelihood of potential overlooking from these rooms towards neighbouring properties. The reduction by the proposal will improve this situation in terms of potential overlooking. It is also noted that the majority of these new windows would not have direct views into the neighbouring property widows, given the orientation between the two properties. The closest window within the new dwelling (1st floor bedroom window) are approximately 15m apart to the gable elevation window of Riverside Barn. The windows of the new dwelling within the north elevation will overlook the front driveway of Riverside Barn; albeit this is the existing situation, arguably to a greater degree. Furthermore, the front area of Riverside Barn is open in nature and public views from the Bibaloe Beg Road are already achievable.

6.3.3 Overall, it is considered for the reasons outlined, the proposed dwelling would not have an unacceptable impact through overlooking.

6.4 Flood matters

6.4.1 Currently a watercourse runs through the entire length of the site, generally along the eastern boundary of the site. The watercourse is culverted which runs approximately the length of the eastern boundary of the existing dwelling.

6.4.2 The Flood Risk Management Division (FMD) has considered the application and the applicants have submitted details from qualified consultants to deal with the potential issue of flooding.

6.4.3 As outlined in the representation following the submitted information the FMD have no objection to the application.

6.5 Ecology/tree matters

6.5.1 In relation to trees, while there are Registered trees within the site and any others which meet the criteria would require a tree felling licence, the proposal does not seek any tree removal. The design of the dwelling has purposely being sited to ensure existing trees are not damaged/require to be removed. As outline by the Forestry, Amenity and Lands Directorate they have no objection to the application subject to the conditions, which are agreed and are proposed.

6.5.2 Regarding ecology, namely protection of bats, a condition should be attached which require a bat survey be undertaken prior to the demolition of the dwelling and should bat be found appropriate measure be undertaken. Further, should bats be found present on the site/within dwelling then bat boxes should be installed within the site/on new dwelling.

7.0 CONCLUSION

7.1 In conclusion, while the new dwelling has the potential to decrease the visual impact from certain viewpoints, is also has the likelihood of increasing the potential visual impact from certain viewpoints, as outlined within this report. The proposal would result in a larger dwelling than the existing; albeit the design, finishes, lower profile roof/form, siting and the retention of the existing woodland surrounding the majority of the site; all do help to reduce the visual impact of the proposed larger dwelling.

7.1.2 Further, for the reasons indicated within paragraphs 6.2.1 to 6.2.14 of this report, it is considered the proposal would not harm the character or appearance of the site or landscape of the area. This is important as the requirements of Environment Policy 1 which indicate that the countryside should be protect for its own sake and that development that would adversely affect the countryside should not be allowed. From these policies Housing Policy 14 was introduced to help control the re-development of existing sites in the countryside. The pre-ambule of HP14 indicates that; "It is important that replacement dwellings should relate closely to the buildings they replace in terms of siting and size, that the resulting visual impact is appropriate for the countryside...". Again it is considered the resulting development would not harm the character and quality of the landscape which is arguable the most important consideration. It is considered the resulting development would result in a well-designed and high quality development which should be supported and encouraged, especially as the visual impacts are not considered significant or adverse.

7.1.3 For the reason indicated within this report, it is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan. It is recommended that the application be approved.

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 26th February 2024

Item 5.6

Proposal : Additional use to allow parking for one tractor unit and one trailer

Site Address : Kella Farm
St Judes Road
Sulby
Isle Of Man
IM7 2ET

Applicant : Taylor Specialist Transport Limited

Application No. : 24/00056/C- [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. 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 the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan having no significant impacts upon public or private amenities.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site includes the farm access lane and a small section of the existing farmyard of Kella Farm, a holding situated to the west of the A17 Sulby to St. Jude's Road and to the north of Sulby village. Access to the site is from the A17 via an existing lane. The overall holding has a complex of buildings centred on the farmyard, including a farmhouse and a range of farm buildings, mainly large span modern farm buildings. Of the 6 barns which are within the site, 5 are parallel to each other running in a northerly direction away from the farmhouse/yard.

1.2 The farmyard sits to the northeast of a small group of dwellings - West Kella, Shear and Kellaway which are accessed by Kella Road which runs south to the A3 TT course alongside Kella Close. Access to the farmyard is via one of two routes - one to the south of the yard and past Kella Farm farmhouse, the other via a newer access to the north of the yard and some 240m to the north of the other access. This has low gate pillars which are set back from the road such as to provide visibility in both directions onto the St. Jude's Road.

2.0 THE PROPOSAL

2.1 The application seeks approval for the additional use of a section of the farm yard to allow parking for one tractor unit and one trailer.

2.2 The applicant advises that the proposal is to allow the parking of a HGV crane truck and trailer. They advise that a larger section of the farm yard (including this section) was previously approved for the parking for up to 12 trucks, but this lapses some years ago.

3.0 PLANNING POLICY AND STATUS

3.1 The site lies within an area of open space on the Town and Country Planning (Development Plan) Order 1982, but lies outside, but adjacent to an area of High Landscape Value and Scenic Significance. The existing farmhouse and barns to the south of the site do lie within an area of Woodland.

3.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains three policies that are considered specifically material to the assessment of the planning application

3.3 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

(e) location-dependent development in connection with the working of minerals or the provision of necessary services;

(f) building and engineering operations which are essential for the conduct of agriculture or forestry;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.4 Environment Policy 1 states: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 Environment Policy 15 states: "Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to

outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, 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.

Only in exceptional circumstances will buildings be permitted in exposed or isolated areas or close to public highways and in all such cases will be subject to appropriate landscaping. The nature and materials of construction must also be appropriate to the purposes for which it is intended.

Where new agricultural buildings are proposed next to or close to existing residential properties, care must be taken to ensure that there is no unacceptable adverse impact through any activity, although it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape."

4.0 PLANNING HISTORY

4.1 The previous planning applications are considered relevant in the assessment and determination of this application:

4.2 Change of use of part farm yard and three bays of agricultural shed for agricultural storage and the storage of portakabin type structures, containers, construction machinery and haulage vehicles - 14/01164/C - APPROVED (30.01.2015) subject to the following condition:

"C 2. The use hereby approved shall be for a limited period of 4 years from the date of this approval and on (or before) the expiry of this approval the use shall be discontinued and the land/building(s) be used only for agricultural purposes.

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

4.3 Change of use of storage space for disused farm machinery to parking space for haulage vehicles and part shed from agricultural / miscellaneous storage to miscellaneous storage (retrospective) -11/01708/C - APPROVED subject to the following condition:

"C 2. This approved use may continue until 1st September, 2013 whereupon, if a further planning permission extending the permission has not been obtained, the use must cease and the site be used only for agricultural purposes."

This application has now expired and it is understood the applicant will be submitting a new application seeking to extend the period.

5.0 REPRESENTATIONS

5.1 Lezayre Parish Commissioners support the application (02.02.2024) commenting: "Approved unanimous - Subject to the site being suitable for the applicant's RTLC requirements."

5.2 Highway Services comment (19.01.2024); "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking."

6.0 ASSESSMENT

6.1 As outlined with the planning history of the site, temporary permission have been granted for much greater areas of space for the parking of non-agricultural vehicles within the site than what is currently proposed which is essential a single parking spaces for the HGV crane and trailer. The Farm holding which as outlined previously has a number of barns and farms yards is significant in size. It is consider the area of parking proposed by this application would equate to an insignificant amount of the over farm holding, which have little or no impact upon the operation of the agricultural activity. In support of this view are comments from the previous application (14/01164/C) where the then applicant (different applicants now, albeit owner of the farm holding) stated;

"The vast majority of land covered by this application is wholly open; it is therefore not appropriate for the "undercover" storage of agricultural machinery, bales, grain, other fodder and open bagged fertiliser. As with agricultural machinery however, when not in use, some of the more specialist construction machinery and vehicles are better served having some undercover protection form the Island's towns salt sea air. The fact that there is a need for the use of part of a farmyard for this purpose is due to the continuing non-availability of space for such use elsewhere in the North of the Island."

6.2 The applicant at that time also indicated:

"...This arrangement enables some flexibility / diversity of use in line with agricultural policy and generates some additional income largely for land which was otherwise used for disused agricultural machinery."

6.3 Accordingly, in this case it is considered the use of the land in question is acceptable. Of course where a greater level of the site be sought for the parking of non-agricultural vehicles then this would need to be considered further with a future application.

6.4 Visiting the area it is noted that the roadside landscaping and around the site is well established and views of the agricultural barns are not especially apparent from public views, namely the St Judes Road to the east of the site. Accordingly, given the roadside boundary landscaping, the distance the site is from the highway and landscaping to the east and south of the farm holding it is not considered the parking of the HGV crane especially raises a significant concern in terms of the visual impacts.

6.5 St. Jude's Road which is that from which the vehicles would gain access to the site is a public highway which is relatively well used. The existing access from the site onto this highway provides good visibility, particularly from the height of an HGV cab. As such it is not considered that there is a road safety impact from the proposed development. Highway Services have raised no objection.

7.0 RECOMMENDATION

7.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan having no significant impacts upon public or private amenities and therefore it is recommended that the application be approved.

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.

Item 5.7

Proposal : Creation of Public Open Space and footpath
Site Address : Land At Junction Of Fairway Drive And
Claughbane Drive
Ramsey
Isle Of Man
Applicant : Hartford Homes
Application No. : 24/00033/B- [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. 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 take place until full details of soft/hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft/hard landscaping works include details of new fencing and planting showing, type, size and position of each around the new hardstanding area. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the hardstanding. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 3. Ecology Vannin's Management Recommendations as outlined within the submitted Planning Statement (page 5) shall be fully adhered to and maintained as such thereafter.

Reason: in the interest of biodiversity of the site.

C 4. Prior to the commencement of any works to the hardstanding and footpaths, detailed drawings shall be submitted which demonstrates no surface water runoff onto the public highway would occur and this approved scheme shall be fully implemented with the approved details prior to the use of the site as Public Open Space and retained thereafter.

Reason; In the interests of surface water run off

C 5. Prior to the commencement of any works to the hardstanding and footpaths, details of the bench to be installed shall be submitted and approved in writing by the Department and be installed prior to the use of the site as Public Open Space and retained thereafter.

Reason: to provide an additional amenity provision within the site

Reason for approval:

The proposed works which seek approval and which fall outside the Permitted Development Order; namely the creation of Public Open Space, forming a hardstanding area (with landscaping/fencing around), making the existing informal footpath into a formal footpath and the installation of a bench, are all considered acceptable and would have no significant impacts upon public or private amenities and comply with GP2 and Recreation Policy 2.

Interested Person Status – Additional Persons

As outline planning approval for which is being considered relates to the;

- o change of the site to Public Open Space;
- o forming a hardstanding area;
- o making the existing informal footpath into a formal footpath; and
- o the installation of a bench.

As outlined the provision of recycling bins on the site (whether on the hardstanding area or any other part of the site) would fall under the Permitted Development Order and therefore not a matter under consideration. The representations received relate to a number of concerns, particularly the provision of recycling bins/the use of the site for recycling and the potential noise/vermin and highway issues relating to persons using the recycling provision. However, these are not material planning considerations that can be considered by this planning application as the recycling element of the proposal and the potential impacts of such use, can be approved under the Permitted Development Order and are not being considered as part of this planning application.

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):

- o Arbory, 3 Brookfield Terrace, Ramsey
- o The Holly, 4 Brookfield Terrace, Ramsey
- o Pendle, 5 Brookfield Avenue, Ramsey
- o 13 Fairways Drive, Ramsey
- o 21 Fairways Drive, Ramsey
- o 11 Fairways Drive, Ramsey
- o 6 Cloughbane Drive, Ramsey

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 and as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy.

- o 3 Kneale Court, Cloughbane Drive, Ramsey
- o Flat 1, Pavilion Apartments Block A, Fairway Drive, Ramsey
- o 1 Kneale Court, Cloughbane Drive, Ramsey
- o Flat 6, Pavilion Apartments Block A, Fairway Drive, Ramsey
- o On Behalf Of Greenside Apartments Limited, Flat 3, Greenside Court, Brookfield Avenue, Ramsey
- o Kwinana, 3 Brookfield Avenue, Ramsey
- o Flat 10, Pavilion Apartments Block B, Fairway Drive

As they do not refer to the relevant issues in accordance with paragraph 2C of the Policy.

Planning Officer's Report

THE APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE GIVEN THE NUMBER OF OBJECTION RECEIVED, BUT IS RECOMMENDED FOR APPROVAL.

1.0 THE APPLICATION SITE

1.1 The application site is a parcel of land located on a corner plot located to the northwest of the junction of Fairway Drive and Cloughbane Drive within Ramsey.

1.2 The site is to the east of the 'Pavilions', which is comprises of two blocks of residential apartments. To the north of the site is Greenside Court which is a single building comprises of eight residential apartments. To the east and south of the site are individual dwellings.

1.3 The site fronts directly onto the public footpaths along Fairway Drive and Cloughbane Drive, where the land is generally level with the footpath. However, the site does slope from the central part of the site to the north western corner of the site. The site has been landscaped in the past, especially to the norther/wester parts of the site and an informal footpath has been created which runs thru from Brookfield Crescent to Fairway Drive.

2.0 PLANNING HISTORY

2.1 The application site and adjoining land has been the subject of a number of previous planning applications that have resulted in the erection of residential apartments on the adjoining land (formally Nrs 1 and 2 Fairway Drive) and the planting of trees on the application site which has been retained as open space; albeit not public open space. Of these previous planning applications it is considered specifically material to the assessment of this current planning application:

2.2 Planning application 00/00826/C sought approval for the change of use of open space to garden of 1 Fairway Drive. This was approved before the development of Nrs 1 and 2 Fairway Drive which essentially made way for the 'Pavilions' apartment buildings that are in place today. Condition no. 3 of the approval of 00/00826/C stated:

"No approval is granted to the erection of any structures on the site (including walls and fences)."

2.3 Planning application 01/884/B sought approval for the erection of two apartment blocks housing 15 apartments on the 'Pavilions' site (i.e. formally Nrs 1 and 2 Fairway Drive). Following this initial approval a subsequent application 03/1745/B sought approval for the elevational amendments to the two apartment blocks, previously approved through PA 01/884/B. Both application resulted in the current application site being open space/landscaped area.

2.4 Planning application 08/00051/R sought approval for the erection of a fence around the boundaries of the application site. This was refused for the following grounds;

"R 1. By reason of its extent and appearance the visual impact of the fencing on the surrounding properties and overall townscape is unacceptable. As such the development is contrary to the provisions of General Policy 2 of the Isle of Man Strategic Plan 2007.

R 2. By reason of its extent, positioning and size the fencing would unacceptable reduce visibility for vehicles turning out of Fairway Drive onto Cloughbane Drive. As such the development would be contrary to the interests of highway safety and therefore General Policy 2 of the Isle of Man Strategic Plan 2007.

R 3. By reason that the fencing would change the appearance of the application site and effectively prevent general access or use of the application site it is concluded that the development is inappropriate and therefore contrary to the provisions of Recreation Policy 2 of the Isle of Man Strategic Plan 2007."

2.5 Planning application 09/01153/B sought approval for the erection of a block of 12 garage units with landscaping and screening. This was refused on the following grounds;

"R 1. It is considered that the piece of land referred to in this application creates a "breathing space", the development of which would remove an area of open space which was included in the original layouts for the apartment development, and contributes to the visual amenity and openness of the street scene and provides for garden/amenities for adjacent residents. The loss of this land would result in a loss of open space to the detriment of current residents of the area, therefore would be contrary to Policy R/R/P3 of the Ramsey Local Plan (Planning Circular 2/99), Environment Policy 42 and General Policy 2 of the Isle of Man Strategic Plan (June 2007)."

3.0 THE PROPOSAL

3.1 Full planning approval is now sought for the creation of Public Open Space and footpath.

3.2 In terms of the reasoning and what is proposed the applicant's state;
"To formalise the public access to the area, the applicant approached Ramsey Town Commissioners to see if they would consider adopted the area and maintaining it as part of their portfolio of public open space throughout the town. This proposal was tabled with the commissioners and was accepted subject to some elements of additional works being undertaken. This planning application is seeking approval for the elements of work which the Commissioners have requested, namely:

- o Installing a 2m wide footpath, which formalises an existing track,
- o Providing a bench seat partially along the footpath.
- o Installing a hardstanding for recycling bins
- o Forming a section of drop kerbing to allow recycling bins to be collected."

4.0 PLANNING POLICY

4.1 In terms of land use planning the application site is not designated for any site specific purpose and is located within a wider area of land designated as predominantly residential under the Ramsey Local Plan Order 1998. There are no policies within Planning Circular 2/99, which constitutes the written statement to be read in conjunction with the local plan, that are considered specifically material to the assessment of this current planning application.

4.2 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:

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 Recreation Policy 2 states: "Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and
- (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area."

4.5 Climate Change Act 2021 - "AN ACT to set a target year of 2050 and to make provision for the setting of interim targets for the reduction of greenhouse gas emissions; to make provision about the mitigation of climate change and the enhancement of natural carbon storage; to impose climate change duties on public bodies; to make provision for energy generation and energy use and for the reduction and recycling of waste; and for connected purposes."

4.5.1 The Act has received Royal Assent (14th December 2021) but has not yet had an appointed day order and therefore has not yet been adopted. However, it gives a clear direction steer on matters relating to Climate Change and how the IOM will adopt to meet the aims to reduce greenhouse gas emissions. In this case it is important to note that "recycling of waste" form part of the aims.

4.6 TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) ORDER 2012 - "Class 12 Street furniture

Operations by or on behalf of a public body consisting of the erection or construction, or the maintenance, improvement or other alteration, in a highway or other road or any public place of any of the following structures

- (a) lamp standards;
- (b) information kiosks;
- (c) public shelters;
- (d) public seats;
- (e) traffic signs;
- (f) signposts;
- (g) public drinking fountains;
- (h) refuse bins or baskets;
- (i) raised paving, pillars, walls, rails, fences and barriers for safeguarding persons using the highway.

In this Class "traffic sign" has the same meaning as in section 15(1) of the Road Traffic Regulation Act 1985"

5.0 REPRESENTATIONS

5.1 Highway Services (DOI) comment ();

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking due to the attraction of local trips likely to come by non-motorised travel. A S109 highway agreement will be required for the proposed dropped kerb for the bins access."

5.2 Highways Drainage (DOI) comment (22.01.24);

"Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.

Recommendation: The applicant should demonstrate compliance with the clauses above as there are no details of levels in relation to the highway in the application?"

5.3 Ecosystem Policy Officer (DEFA) comments (06.02.24);

"The Ecosystem Policy Team are very supportive of this application, which, if managed in line with Ecology Vannin's Management Recommendations, contained on page 5 of Hartford Home's Planning Statement, should provide a space for wildlife to thrive as well as a space that can be enjoyed and appreciated by the local population.

In order to ensure the ecology of the area is maintained and enhanced the Ecosystem Policy Team recommend that a condition is secured for the area to be managed in line with Ecology Vannin's Management Recommendations."

5.4 Written representations objecting to the application have been received from the following properties. It should be noted the majority if not all have no objection of the land being used as Public Open Space, rather concerns of the recycling area element of the proposal. Full details of the submission can be viewed via the planning on-line website.

- o Arbory, 3 Brookfield Terrace, Ramsey (27.01.2024);
- o On Behalf Of Greenside Apartments Limited, Flat 3, Greenside Court, Brookfield Avenue, Ramsey (02.02.24);
- o Flat 6, Pavilion Apartments Block A, Fairway Drive, Ramsey (05.02.24);
- o Flat 1, Pavilion Apartments Block A, Fairway Drive, Ramsey (29.01.24);
- o 1 Kneale Court, Cloughbane Drive, Ramsey (01.02.24);
- o 3 Kneale Court, Cloughbane Drive, Ramsey (28.01.2024);
- o The Holly, 4 Brookfield Terrace, Ramsey (06.02.24);
- o Pendle, 5 Brookfield Avenue, Ramsey (05.02.24);
- o Kwinana, 3 Brookfield Avenue, Ramsey (16.02.24);
- o 13 Fairways Drive, Ramsey (15.02.2024);
- o 21 Fairways Drive, Ramsey (13.02.2024);
- o Dormy, 11 Fairways Drive, Ramsey (13.02.2024);
- o 6 Cloughbane Drive, Ramsey (12.02.2024); and
- o Flat 10, Pavilion Apartments Block B, Fairway Drive (13.02.2024).

5.5 Summarised comments of the objections are listed below;

- o Strongly object to the installation of a hardstanding for recycling bins together with a dropped kerb to allow bins to be collected;
- o Recycling station would be totally inappropriate for this situation
- o Recycling bins could attract vermin;

- o Recycling bins could impact wildlife within the site;
- o No consultation with local residents;
- o Highway safety concerns due to parking created by the recycling provision;
- o No evidence for the need of a recycling hub;
- o A recycling hub is totally inappropriate for a predominately residential area;
- o Ramsey is already well catered for recycling at Station Road (Shoprite car park) and at the Civic Amenity site (Bride Road);
- o The noise and debris from the bottle banks crashing spilling and smashing all hours will be very loud;
- o Danger from broken glass;
- o There are vehicles parked along both sides of the road so that there is only room for one car to travel in any direction at any one time as it is;
- o Four dwellings opposite the site are not shown on plans;
- o It seems counterintuitive that Hartford have employed people to give best advice in how to create a wildlife haven and then when they have gone to the Commissioners with the project have decided to add a storage area for bins in the middle of what they describe as an oasis;
- o detrimental to the residents enjoyment of their environment and property and bring with it problems of vermin infestation, noise, parking issues and litter pollution;
- o No provision for any lay-by;
- o Ramsey Commissioners could use the swimming pool car for recycling purposes instead;
- o Increase in volume of traffic in area;
- o Concerns site will become unsightly as is the case at the recycling area at Shoprite car park;
- o Noise generated by emptying the bins;
- o This area of Cloughbane Drive regularly floods;
- o Concerns of large lorries travelling past my home to empty bins;
- o Possible devalue of properties in and around the area of the recycling;
- o Taking up a plot in a Bio diversity area rubbish bins seems odd to me as Rubbish is bound to be dropped in the friendly wild flower area;
- o No provision of dog foul receptacles;
- o Apartments overlook the site and will impact our peaceful enjoyment of our property;
- o The proposal site is the last remaining of these green spaces and now that the trees have matured it has created a pleasing entrance to Cloughbane;
- o It is unlikely that siting these bins here would increase recycling;
- o The pictures used in the applicant's letter do not reflect the current level of parking in the area, particularly at weekends when most people would take their rubbish to the recycling bins;
- o The Ecology Vannin report does not recommend a tarmac footpath but suggests a mown grass strip to provide a walkway through the area; and
- o As a local resident I am happy to take recycling to the existing facilities as do our neighbours.

6.0 ASSESSMENT

6.1 The main issues to be considered in the assessment of this application are; the principle of the proposed uses on the site, the potential impact of the proposed development upon the visual amenities of the street scene; the potential impacts upon neighbouring amenities; highway safety matters; and biodiversity matters.

6.2 The principle of the proposed uses on the site

6.2.1 In terms of using the site from private open space to public open space, raise no concerns and will be of benefit for residents especially in the immediate area. It is also noted

that a number of person objecting to the application did support the principle of the site being used as Public Open Space.

6.2.2 Clearly the main concerns of the application centres on the proposed hardstanding, which in turn provides provision for recycling bins on the site. This hardstanding area measures 4m x 3m (12sqm). It should be noted the dropping of the kerb does not require planning approval as this responsibility is of Department of Infrastructure. Therefore this element does not form part of the planning application.

6.2.3 Furthermore, as outlined under the Permitted Development Order, once the site has been adopted by the Local Authority (who are defined as a public body) they are able to undertake a number of works in the site, including; "refuse bins or baskets". Accordingly this is why the application is not seeking permission for the physical bins onsite as the Permitted Development Order already allows them on site. The Order does not define a size, design or type of; "refuse bins or baskets"; and the Department has previously taken the stance that the provision of recycling bins fall within this Permitted Development Order. One example being Sea Cliff Road in Onchan, where the Local Authority installed a number of recycling bins without the need for planning permission. Where the application be approved and the site transfer to public ownership, the Local Authority could place the recycling bins on the existing grassed areas adjacent to the public footpath in a similar location to where the hardstanding is being proposed.

6.2.4 The Department did enquiry following the submission of the application, including for the hardstanding area and concerns of local residents in terms of why this site was chosen and the need, as justification for the hardstanding was still needed. The applicants commented (13.02.24);

"Hartford Homes have been working with Ramsey Town Commissioners to create the Public Open Space in this planning application.

I asked for the inclusion of an area for recycling as we need as a nation to increase recycling rates and commit to our net zero targets.

In order to increase recycling rates, it needs to be easy and straightforward for people to recycle. This location on the one way into and out of the Cloughbane housing estate means that people have to pass it as they go into and come out of the estate. This site was chosen with 10 other potential sites across Ramsey where there is an open space and people are "funnelled" past the area.

The plan is to have a number of recycling points across Ramsey making it easy and straightforward for people to recycle.

The current plan is for one additional recycling point to be introduced in 2024-25 in Ramsey but it is not planned to be in this location.

The frequency of emptying the receptacle will be dependant upon use, as they need to be emptied on a regular basis to ensure that the are never over full as this is when litter and mess are created.

The plan for this site would be for paper, glass, cans and possibly plastic bottles but this could vary and could in the future include cardboard. Glass still forms a significant part of the waste stream, and it would be ideal to recycle it at this location.

Ramsey Town Commissioners are very keen that this area is as pleasant as possible and appropriate planting could be used to aid in the screening of the recycling area. A 4 foot high timber fence should be installed prior to the recycling station becoming operational to allow any planting to mature.

There is only the Station Road Car Park recycling area in Ramsey and the Northern Civic Amenity site in Lezayre."

6.2.4 As outlined by the applicants and the Climate Change Act there is an overarching aim by the IOM Government (all public bodies) to increase recycling rates and commit to our net zero targets. It is a reasonable argument that is accepted, that the greater number of recycling stations in convenient locations near to the source of the recycling waste i.e. residential properties, will only likely increase the level of recycling to an area.

6.2.5 It is noted that currently within the settlement of Ramsey, there is only a single recycling station, that being at Shoprite Car Park. An additional one can be found at the northern Civic Amenity Site which is approximately 3km from the centre of Ramsey, within the Parish of Lezayre. For comparison Douglas has eight recycling stations, Peel has five, Port Erin has four, and Castletown has three (figures taken from "recylenow" website). Accordingly, given Ramsey is the second largest town on the Island there does appear to be an under provision of recycling stations within its boundaries, this is compared to other settlements listed. Accordingly, as outlined by the Commissioners, they are trying to address this and meet the aims of the Climate Change Act by providing additional recycling stations.

6.2.6 Accordingly, in terms of the principle of the creation of a hardstanding area of 12sqm within the proposed Public Open Space, for the provision of a recycling storage, it is considered an acceptable use in terms of land use. Further, the principle of the use of the majority of the site for Public Open Space would be of benefit overall for local residents and should be supported.

6.3 The potential impact of the proposed development upon the visual amenities of the street scene

6.3.1 Again the majority of the works proposed raise no concerns and would be of benefit to the site and the street scene. The main issues again centres of the hardstanding. Again it needs to be noted that this application does not consider the provision of the bins on the site and/or their appearance.

6.3.2 Since the initial submission the applicants have indicated they would be happy for a condition to be added for 4ft (1.2m) fencing around the hardstanding and landscaping planted around to reduce the visual impact. It is considered this landscaping/fencing would be apparent given the relative small scale nature of it in relation to the rest of the site. It is not considered the proposal would have a significant detrimental impact within the street scene to warrant a refusal. Furthermore, the hardstanding itself will not have a significant visual impact given its low level form of development.

6.4 The potential impacts upon neighbouring amenities

6.4.1 In terms of impact neighbouring amenities, the majority of the concerns raised by local residents relates to the physical bins being stored on the site and the impact upon residential amenities by glass being emptied into the recycling bins and then collected by the recycling wagon and the noise this will cause and vermin may be attracted to the bins. However; while the concerns are reasonable, the bins are not a matter for this planning application to consider, for the reason outlined previously. A Local Authority can install bins on any public land or highway they wish. As outlined previously, once the land is transferred to public ownership the applicants could place the recycling bins on the grass verges of the site,

without the need for any hardstanding if they so wished under the provision of the Permitted Development Order.

6.4.2 For information the hardstanding area would be located approximately;

- o Between 17.5m and 40m from Nrs 1 to 4 Kneale Court, Cloughbane Drive, to the east;
- o A minimum distance of 23.5m from the southern elevation of Greenside Court which is to the northwest;
- o A minimum distance of 35.5m from the east elevation of "The Pavilions" (northern most block) which is to the west;
- o 57m from Nr 2 Cloughbane Drive to the southeast; and
- o 75m from Nr 1 Cloughbane Drive to the southwest.

6.4.3 Overall, the use of the site as Public Open Space and for the proposals which are under consideration for this application, are not considered to have any significant impacts upon residential amenities to warrant a refusal.

6.5 Highway safety matters

6.5.1 In relation to the works under consideration for this planning application which fall outside the Permitted Development Order or fall under other Highway Legislation, it is noted that Highway Services have considered the application and the potential highway safety matters and raised no objection. Accordingly, being the experts in these matters the Department is comfortable that the proposal would not have any adverse impacts upon highway safety.

6.6 Biodiversity matters.

6.6.1 The works do not proposal to alter at the majority of the site, with the existing landscaping/tree planting being retained and unaltered. The Ecosystem Policy Officer has considered the application and raised no concerns, subject to the Ecology Vannin's Management Recommendations being undertaken. This can be conditioned.

6.7 Other Matters

6.7.1 In relation to the comment from Highway Services Drainage (DOI) the applicants comment;

"I can confirm the following:

- o The proposed footpath will be chambered to drain directly to the soft landscaping either side, so will not impact on highway drainage.
- o The proposed hardstanding for the recycling area will be chambered to drain directly to the soft landscaping within which it is set, so will not impact on highway drainage."

6.7.2 It is considered that the scheme can be implemented without resulting in any surface water runoff onto the highway. A condition could be attached which seeks additional details.

7.0 CONCLUSION

7.1 Overall, the proposed works which are sought for approval and which fall outside the Permitted Development Order, namely the creation of Public Open Space, former a hardstanding area (with landscaping around), making the existing informal footpath into a more formal footpath and the installation of a bench are all considered acceptable and would have no significant impacts upon public or private amenities and comply with GP2 and Recreation Policy 2.

7.2 It is recommended the planning application is approved.

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.