



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, 7th May 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 22ND April 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 20th May 2024.

PLANNING COMMITTEE Meeting, 7th May 2024
Schedule of planning applications

<p>Item 5.1 Land Adjacent To Ginger Hall Hotel Ballamanagh Road Sulby Isle Of Man</p> <p>PA22/01112/B Recommendation : Permitted</p>	<p>Construction of 7 bungalows and 5 garages, including vehicular access</p>
<p>Item 5.2 15 Mountain View Ballaugh Isle Of Man IM7 5EP</p> <p>PA23/01476/C Recommendation : Permitted</p>	<p>Additional use of existing annex into tourist accommodation</p>
<p>Item 5.3 8 The Crofts Castletown Isle Of Man IM9 1LW</p> <p>PA24/00160/B Recommendation : Refused</p>	<p>Install frameless balustrade system to existing balcony</p>
<p>Item 5.4 Tregellis House Westmoreland Road Douglas Isle Of Man IM1 4AD</p> <p>PA24/00210/C Recommendation : Permitted</p>	<p>Change of use from a dance studio to a doggy dare care</p>
<p>Item 5.5 The Old House - Reef House College Green / Douglas Street Castletown Isle Of Man IM9 1BE</p> <p>PA24/00029/B Recommendation : Permitted</p>	<p>Erection of a detached triple garage with garden wall / gate</p>
<p>Item 5.6 Cronk Moar Cottage & Part Field 330698 Dalby Isle Of Man IM5 3BW</p> <p>PA22/01563/B Recommendation : Permitted</p>	<p>Alterations and extensions to dwelling and creation of a track with improved visibility</p>
<p>Item 5.7 Unit 15 The Old Airfield Braust Andreas Isle Of Man IM7 4JB</p> <p>PA24/00377/B Recommendation : Permitted</p>	<p>Commercial vehicle storage shed and associated parking spaces</p>

<p>Item 5.8 Field 434509 Swallows Rest Bayrauyr Road St Marks Isle Of Man IM9 3AT</p> <p>PA23/00718/B Recommendation : Refused</p>	<p>Erection of agricultural barn building</p>
<p>Item 5.9 11 Athol Street Douglas Isle Of Man IM1 1LD</p> <p>PA23/01329/B Recommendation : Permitted</p>	<p>Refurbish interior of building to provide independent office suites on each floor up to Second Floor, create duplex apartment at Third Floor level and utilising defunct water and lift room, and flat roof adjacent, and change street facade using render and cornice detailing</p>
<p>Item 5.10 11 Athol Street Douglas Isle Of Man IM1 1LD</p> <p>PA23/01337/CON Recommendation : Permitted</p>	<p>Registered Building consent for demolition elements to PA 23/01329/B</p>
<p>Item 5.11 St Ninians Church Grounds Ballaquayle Road Douglas Isle Of Man IM2 4BY</p> <p>PA24/00358/C Recommendation : Permitted</p>	<p>Additional use of site as a Food festival with associated facilities and craft market for the period 27th May 2024 set up to the 8th June 2024</p>

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.1

Proposal : Construction of 7 bungalows and 5 garages, including vehicular access

Site Address : Land Adjacent To
Ginger Hall Hotel
Ballamanagh Road
Sulby
Isle Of Man

Applicant : Mr Frank Sweeney

Application No. : [22/01112/B](#)- click to view

Planning Officer : Toby Cowell

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the occupation of any dwelling the garage, car parking and manoeuvring areas shall be provided and remain free from obstruction thereafter.

Reason: To ensure that the strategic plan car parking standards are provided.

C 3. Prior to the occupation of the hereby approved dwellings on Plot 1 to 6 the access as shown on drwg. no. 000.01 RevB must be completed in accordance with this approved plan. Furthermore, visibility splays of 2.4 metres by 90 metres in both directions are required to be provided by this access serving Plots 1 to 6 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 4. Prior to the occupation of the hereby approved dwelling on Plot 7 the access as shown on drwg. no. 000.01 RevB must be completed in accordance with this approved plan. Furthermore, visibility splays as shown on drwg. no. 000.01 RevB are required to be provided 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 5. Prior to the commencement of development, including construction and enabling works, details of protective fencing and construction exclusion zones with respect to all retained trees and boundary vegetation during construction works shall be submitted to the Department for approval in writing. All works must then be undertaken in strict accordance with the approved details.

Reason: To safeguard retained trees and in the interests of biodiversity.

C 6. All hard and soft landscaping, including all bat and bird bricks/boxes to be installed on site, shall be undertaken in full accordance with the approved landscaping scheme, namely dwrg. no. 000.02 RevB. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of biodiversity and to ensure the delivery of an appropriate landscaping scheme.

C 7. No permanent outdoor lighting shall be installed until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/12 on Bats and Artificial Lighting (2023), has been submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

Reason for approval:

The proposed development is considered to amount to an efficient redevelopment of a vacant site which is designated for development, whilst constituting a high quality of design and layout without detriment to the visual amenities of the locality. The proposals are further deemed to be acceptable with respect to highway safety, flood risk and ecological matters. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 4, General Policy 2, Environment Policies 10 and 42 and Transport Policies 4 and 7 of the Isle of Man Strategic Plan (2016).

Interested Person Status – Additional Persons

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

Manx Utilities Authority
Department of Infrastructure Flood Risk Management Division

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

41 Carrick Park, Sulby
The Shop, Sulby Bridge, Sulby

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

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

Isle of Man Friends of the Earth, The Green Centre, Chester Street Centre, Douglas

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

Planning Officer's Report

THIS APPLICATION HAS BEEN BROUGHT TO PLANNING COMMITTEE FOR DETERMINATION DUE TO THE PROPOSALS HAVING THE POTENTIAL TO BE IN CONFLICT WITH THE DEVELOPMENT PLAN AND GIVEN THE SITE'S PLANNING HISTORY

1.0 THE SITE

1.1 The application relates to land adjacent to the Ginger Hall Hotel, Ballamanagh Road, Sulby. The site is located to the eastern edge of the village of Sulby. The site is currently only accessed from River Meadowland, a rural lane passing along the south side of the village. The entrance to the site is from the north side of the lane, not far from the junction with Ginger Hall corner.

1.2 The site is bounded on its north side by the rear of a row of detached bungalows on Carrick Park. On the east side, the site extends to the west side of the A3 main road and then tapers inwards where it adjoins the Ginger Hall Hotel and its car park. To the south is River Meadowland Lane. On the west side, the site adjoins the rear of two detached houses on a small residential cul-de-sac to the west.

1.3 The site has an area of approximately 0.55 hectares (ha) and is broadly square shaped although it tapers inwards on its south east side. The site is undeveloped land and is mostly overgrown. There are a number of trees and bushes along the west boundary. The site falls in a north westerly direction towards the rear of the houses on Carrick Park. There is a low fence on the north side and the site is relatively open to the rear of the properties on Carrick Park. There is a drainage ditch on the inside of this north western perimeter of the site which then runs underneath the A3 main road to the east. On the east side, next to the Ginger Hall Hotel, there is a high fence. On the south side, next to River Meadowland Lane, is a roadside lane with a field gate where the access to the development will be located.

2.0 THE PROPOSAL

2.1 The application seeks approval for erection of a development of seven detached dwellings with associated garages. The properties are mainly single storey detached bungalows, Plots 1 to 5 each having a similar styles two bedroom properties, the exception would be Plot 7 which would have the same footprint and height, but include two dormer windows within the rear elevation. Plot 6 is a smaller two bedroomed single storey detached bungalow. Plots 1 to 6 would all be served by a new tarmac road which forms a cul-de sac. This new road accesses directly onto the Lezayre Road (A3). Plot 7 would not be served by this cul-de-sac and would have its individual access onto the Ballamanagh Road, which is an existing access (southern boundary) which was created for previous housing schemes on this site, where the majority of dwelling would have used this access. All the dwellings except the smaller dwelling on Plot 6, together with Plot 7 would have a single detached garage.

2.2 The proposals effectively comprise a resubmission of an almost identical scheme previously approved at appeal in 2018 (PA 17/000462/B). The only change being the removal of the detached garage for plot 7 and replacement with a smaller shed for the storage of bicycles and other domestic paraphernalia. Additional information and clarification has also been provided to satisfy previous highways and drainage/flooding concerns.

3.0 PLANNING HISTORY

3.1 The following previous planning applications are considered relevant in the assessment and determination of this application:-

3.2 22/00826/NTU - Sought permission to vary condition 1 of PA 17/00462/B to extend the period of commencing development by a further 2 years. This application was not pursued and therefore no decision was issued.

3.3 17/00462/B - Construction of 7 bungalows and 6 garages, including vehicular access. Following an initial recommendation for approval by the case officer and ratified by the planning committee, the application was subject to a third party appeal. Whilst the Inspector recommended that the appeal be allowed and planning permission refused on highway safety grounds, the Minister concluded that the proposals would not be unacceptable on such grounds, particularly in the context of support having been provided by Highway Services. The appeal was subsequently dismissed and planning permission was granted in July 2018.

3.4 14/01198/B - Erection of a development of five detached dwellings with associated garages. The application was approved.

3.5 13/91035/B - application for erection of five detached dwellings with associated garages. The application was refused at appeal for the following reasons:

1. The proposal is contrary to General Policy 2(b) of the Isle of Man Strategic Plan 2007 in that the proposed development, by reason of its cramped and contrived layout, would have a materially harmful effect on the character and appearance of the site and its surroundings.

2. The proposal is contrary to General Policy 2(h) of the Isle of Man Strategic Plan 2007 in that the proposed development, by reason of the inadequately of visibility to the south west, would not be served by a safe and convenient access and thereby would be detrimental to the interest of highway safety.

3.6 12/01125/B - application for six dwellings refused in January 2013. The grounds for refusal were:

1. That the development would result in a cramped and awkward layout that fails to provide adequate levels of amenity space and insufficient space for any landscape buffer.

2. Insufficient visibility at the access to serve 6 dwellings 2.4m x 36m is required.

3.7 11/00155/B - approval granted in 2011 for four dwellings.

3.8 09/00504/B - application refused at appeal in 2010 for four plots.

3.9 99/02118/B - approval granted in 2006 for two bungalows.

3.10 95/01092/A - approval in principle granted at appeal in 1996 for two plots.

3.11 91/00838/A - approval in principle refused for five plots.

3.12 90/01993/A - approval in principle refused for plot layout.

3.13 89/00755/A - approval in principle granted for dwelling and annex.

3.14 88/01528/A - approval in principle refused for four dwellings.

4.0 PLANNING POLICY

4.1 The land is zoned under the Sulby Local Plan Order 1998 as being 'Predominately Residential Use & Woodland'. The site is not within a Conservation Area, nor is it within an area zoned as High Landscape Value or Coastal Value and Scenic Significance.

4.2 Due to the site's location, land use designation and the type of development proposed, the following Planning Policies from the Isle of Man Strategic Plan 2016 and Sulby Local Plan 1998 are relevant when determining the application:

Strategic Policy

- 1 Development to make the best use of resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 5 Design and visual impact

Spatial Policy

- 4 Development in Remaining Villages

General Policy

- 2 General Development Considerations

Environment Policy

- 10 Development and flood risk
- 42 Designed to respect the character and identity of the locality

Housing Policy

- 1 Housing need

Transport Policy

- 4 Highway safety
- 7 Parking

4.3 Sulby Local Plan (NO.2) Order 1998 - Development Brief states:

"3.15. It is recommended that the development of this area shall be undertaken in accordance with the following brief.

1. The residential development of this area shall be limited to two single storey dwellings with plot boundaries designed to allow the maximisation of car parking space for use by the hotel.
2. Any future development proposals shall ensure the retention of the existing trees along the boundary with the Claddagh Road. (B8).
3. Vehicular access for any residential development shall be from the B8.
4. Any development proposals whether for detached houses or hotel car park, shall include a landscaping buffer along the boundaries of the property.
5. The dwellings must be connected to the main foul sewer and no tree planting should be introduced over any part of the foul sewer which crosses the site."

5.0 REPRESENTATIONS

5.1 Lezayre Parish Commissioners - With reference to the above planning application, the Commissioners met on site last month with Mr Cowin, Flood Risk Manager, Chris (drainage engineer) along with concerned residents and Mr Johnston MHK. A discussion took place regarding how the drainage of water from the site and surrounding areas could be improved to prevent flooding into the adjacent properties in Carrick Park.

Mr Cowin agreed to go away and come up with a suitable plan/solution that could be created to improve the drainage of water in the ditch away from the site. This would be communicated to the site owner, Mr Sweeney.

Mr Cowin did show us a plan that showed the level of the application site to be approximately 600mm higher than the adjacent property. Currently the site is at similar level to that of the top of the ditch. My Commissioners were very surprised to see the change in site levels, shown on this drawing. From previous planning applications for this site, drawings have not demonstrated this.

After calling the architect to this application he advised that the drawing we refer to was prepared and shows an indicative level of the site. He also explained that the profile shown on this plan is the site/land profile for the previous approved application for this site 17/00462/B (now lapsed).

My Commissioners were not aware of this proposed profile to the site and would like to request that the applicant submit a plan that shows several cross sections through the site to indicate the site levels, so that the site can be properly understood.

We further understand that Mr Cowin (DOI Flood Risk Manager) and Chris (drainage engineer) are in contact with Mr Sweeney suggesting the best way for the water to be taken away from the site, hopefully reducing the risk of flooding to the neighbouring properties in Carrick Park and the site itself.

The Commissioners will support these suggestions and hope that the planning application will only be approved, once the full details are agreed by the applicant Mr Sweeney and the flood team.

The Commissioners also wish to state that the owner or any future owner of this site should bear the cost to improve the drainage of water from the ditch on this site, to alleviate flooding to nearby properties. (30.03.23)

5.2 Highway Services - Previous Highways response dated 11/10/2022 requested a number of alterations to the layout in order to comply with current standards, including clarification to visibility extents, adjustment to the tactile location, driveway and cycle parking revisions to Plot 6, and provision of a road safety audit.

The audit produced a number of problems identified with the design. The designers response has adequately addressed the problems raised, with either solutions included or rationale for the choice provided. The proposal has now included an upgrade to the bus stop facility along the A3. Previously there was provision of a flag stop. The revised plans have now added Kassel kerbs to aide pedestrians on and off the bus, and a bus shelter off the pavement. The location of the bus stop has been moved further along the A3 and poses as a visibility obstruction for those emerging from the new junction access (as raised in Problem 3). The new junction only serves six dwellings, and the bus stop being in a rural location would likely see infrequent use. Whilst it is possible that the two movements could happen simultaneously, there is a reduced likelihood, and in such an event the vehicle driver would be discouraged from emerging due to visibility being so restricted.

There have been adjustments to the visibility splays provided from the two junctions. From the priority junction at the estate entrance, there has only been a minor alignment change that has taken the splay further out of the land surrounding the Ginger Hall. From the 'Junctions Plan' submitted, it is shown that the splays are contained within the highway (carriageway or footway) or redline boundary.

The visibility from the single dwelling access has also be adjusted. The entirety the splays are now contained within the redline boundary or the highway. As a result, there has been a reduction in achievable visibility to the right on exit from 23m to 19.5m, and a step-out of the left visibility further into the carriageway. The Claddagh Road is rural and narrower than a main route, with few dwellings and accesses served off it. As a result, vehicles will likely be travelling further away from the edge of carriageway. Despite the reduction, the arrangement still reflects an improvement to the access geometry and provides for a single dwelling onto a road with expected light volume of traffic. The visibility for this access is acceptable to Highways.

The pedestrian crossing provided at the junction bellmouth has been moved further towards the development and away from the edge of carriageway, as requested by Highways. Whilst taken away slightly from the pedestrian desire line along the roadside (as the audit highlighted) it will provide a safer access for mobility/visually impaired users to get from the shared use area to the pavement.

The alteration to the highway, in the form of creating a new junction, will require a Section 109(A) Highway Agreement to be made post planning consent.

Alterations have been made to Plot 6 in order to provide the sufficient minimum depth for a driveway. A shelter has been placed in the rear garden for the storage of bicycles. Whilst this is a slightly inconvenient location, the requirement has been met and is accepted.

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 access arrangements, including visibility splays, to accord to Drawings No. 040 Rev A, 000.01 Rev B and 000.02 Rev B. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent. (05.12.23)

5.3 Manx Utilities Authority - The applicant is advised to enter into a section 8 adoption agreement with Manx Utilities which will detail the extent of the foul and surface water infrastructure that is proposed to be offered for public adoption. The S8 agreement must be prepared in accordance with Manx Sewers for adoption.

Existing public foul sewers cross the site; whilst the development proposals show a protected strip between the houses and the existing sewer on the site, the developer must ensure the sewer is fully protected during all construction works and that any manhole covers are not covered with construction debris.

Drainage communication fees are applicable for each plot connected to the public sewers.

No surface water will be permitted to be discharged into any foul or combined drainage systems on this development. (06.03.24)

5.4 DEFA Biodiversity - The Ecosystem Policy Team can confirm that the Manx Wildlife Trust's Protected Species Preliminary Assessment report for Land Adjacent to the Ginger Hall Hotel dated April 2021, is all in order and a suitable level of assessment has been undertaken.

Since the MWT wrote the report, there looks to have been a change to the plans which means that 2 of the mature trees identified as having potential bat roost features are now to be removed, rather than 1 (Trees 1 & 3 in the MWTs report), therefore additional mitigation may be required from that which is suggested, but this will need to be determined by an ecologist during the pre-felling bat assessments.

In order to ensure that an appropriate level of ecological mitigation is put in place on site, we request that the following conditions are secured on approval:

- o An ecological mitigation plan must be provided to Planning for written approval prior to any works, including site clearance and tree felling, from taking place. This mitigation plan should include the following:
 - o Details of the pre-felling bat inspections to be undertaken by a suitably qualified ecological consultancy, prior the felling of mature trees, and the additional measures that are to be taken should bats or evidence of bats be found.
 - o The timescale, specification and location of the bat box/boxes to be erected on a retained tree/s prior to the felling of any mature trees or the removal of branches from any mature trees.
 - o Reasonable Avoidance Measures for bats, birds, lizards and frogs, to ensure that wildlife is protected during site clearance and construction.
 - o The timescales, specifications and methodology for the creation of the wildflower areas. A S13 agreement may also need to be included to deal with the ongoing management of these areas.
 - o Measures to be taken to prevent excessive runoff into, or pollution of, the drainage ditch along the north of the site.
 - o Measures to be taken to prevent damage to any retained trees and boundary vegetation during construction. The works must then be undertaken in strict accordance with these details.
 - o The bat and bird bricks/boxes must be installed on the properties as per the details contained in the Landscaping Site Plan (Drawing no. 000.02 A) and the various plot elevation drawings.
 - o The hedge and tree landscaping must be undertaken as per the details contained in the Landscaping Site Plan (Drawing no. 000.02 A).
 - o No external lighting to be installed unless a low level lighting plan, adhering to best practise for Bats (BCT Guidance on bats an artificial lighting) has been submitted to Planning for written approval. (30.09.22)

5.5 Flood Risk Management - We have now had chance to review the drawings and calculations that have been sent through and we are satisfied that the 600mm diameter culvert is sufficient for the 1 in 100 plus climate change event. The details for the inlet and out must be provided in the subsequent flood risk management Act 2013 Section 20 application for works. We will ask for this detail to be conditioned. All design must be carried out to CIRIA guide C786 Culvert Screen and Outfall Manual. One thing our operations division has mentioned is that the reason there are 3 x 225mm diameter pipes is that they could not fit in anything larger due to the 6" cast iron water main. It may prove difficult to install the 600mm diameter pipe so this might be worth investigating. Due to the proposed culvert being shallow we would recommend concrete protection above. (20.11.23)

5.6 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 Department is waiting for, in due course, detailed design information of the road and drainage on site.

5.7 DEFA Fisheries - This planning application has been checked by Fisheries Officers. I can confirm that DEFA Fisheries have no concerns in relation to this development from a fisheries perspective. This is due to the nature of the nearby watercourse (ditch) which is not known to contain fish populations.

We ask that 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. Also, due to the size of the development, planning ahead to attenuate runoff (taking sediment out of solution) be accounted for while the site remains clear stripped, especially during winter.

5.8 Three letters of private representation have been received providing comments on the application, full details of which can be found on the online planning file. The following provides a summary of their comments only:

- Of the two lower pipes in the ditch, the right hand side pipe is a 225mm diameter pipe which was installed in 2002 by the Department of Highways and if it is kept clear of debris, it works to suit the job it is designed to do; this task must be carried out by the purchasers of plots 3, 4 and 5;
- The second lower pipe (on the left hand side of the ditch), is a 'stub' pipe and is only about 600mm long; this pipe discharges into a 200 year 'French Drain' located on a neighbours land and it is not certain that it would be able to cope with additional storm water;
- In extreme conditions, there is heavy runoff water from the adjacent hills and this can cause standing water on the proposed development;
- The application documentation does not appear to include either an arboricultural or an ecological report;
- These are serious omissions and the application cannot properly be assessed without detailed submissions on the issues of tree loss and associated carbon release, carbon sequestration in mitigation, biodiversity net loss or gain;
- The applicant's agent's letter refers to the earlier application 17/00462/B, stating that the mitigation plan meets recommendations of Manx Wildlife Trust and the Ecosystems Policy Team, citing a report by Manx Wildlife Trust supposedly supporting the application, and claiming that the Biodiversity Team have 'indicated' that the report satisfies their requirements. There is no evidence of this in the documents to substantiate any of these statements;
- Expectations regarding carbon sequestration and biodiversity loss and gain have moved on significantly since the original application was submitted five years ago. An up-to-date arboricultural and ecological reassessment must be included for this application to be appropriately considered. As it stands it is fundamentally flawed.
- All of the bungalows will be fitted with 'Photovoltaic (PV) solar panels on their individual roofs. The main consideration with these installations to ensure is that the piece of equipment that converts the DC from the panels to AC (inverter) is adequately screened by an earthed metal screen (known as a Faraday cage);
- Should this not occur, serious interference will cause issues to surrounding properties - i.e. TV reception, WiFi reception, FM and AM radio reception and H/F radio reception on the bands up to about 10 Mhz;
- A reputable installer would be aware of the issues with the inverter and would install it so as to not cause interference; when the homes are built and this issue not dealt with, it will be too late, so the planners should be made aware of this potential problem.

6.0 ASSESSMENT

6.1 The principle of development has already been established through the previous grant of planning permission under PA 17/00462/B which is effectively identical to the current scheme under considered. The provision of 7 no. dwellings on site, whilst contrary to the site's development brief in the Sulby Local Plan, has previously been considered and found acceptable by the case officer for the previous application, the planning committee and the appointed Inspector. In the absence of any change to adopted planning policy which relates to Sulby, namely the Strategic Plan 2016 and the Sulby Local Plan 1998; it is considered that the principle of redeveloping the site to provide 7 no. dwellings remains acceptable.

6.2 Likewise, the general design, form and layout of the proposed scheme is effectively unchanged from the previous scheme, with the exception of the removal of the detached garage serving Plot 7 and erection of a smaller shed for storage purposes in its stead. On this basis, and in the absence of any change to adopted planning policy, the proposals are considered to remain appropriate from a design and visual impact perspective.

6.3 The submission has been accompanied by a full schedule of materials to be used in the external finishes of each dwelling. The dwellings would be finished in a combination of painted render, brick slips and varying shades of cedar cladding boards, together with blue black fibre cement roofing slates. The external finishes, particularly in the context of an enclosed modern micro-estate adjacent to an existing residential estate, are considered to be appropriate in this instance.

6.4 In terms of landscaping, the submission is accompanied by a comprehensive scheme, the context of which has been found acceptable by the Ecosystems Policy Officer, and includes substantial additional tree and hedging planting, together with areas of wildflowers planting in the public domain. Likewise, the proposals include the location and specification of bird and bat boxes to be installed within the site; which includes on the dwellings themselves where appropriate together with a retained tree in the southern corner of the site.

6.5 Notwithstanding the level of information provided with the submission, further detail has been sought from the Ecosystems Policy Officer with respect to appropriate levels of ecological mitigation following the required tree removal, particularly in relation to birds and bats, together with further details relating to the protection of retained trees during construction. Upon review of the level of information provided with the submission, it is noted that full details of bird and bat boxes have been provided, including their specification and location, together with a comprehensive seed mix for each of the proposed wildflower areas. Likewise, the request for details of pre-felling bat inspections would effectively fall within the request for details of 'reasonable avoidance measures' for wildlife.

6.6 With respect to highways matters, additional information in relation to visibility splays has been provided, together with a Stage 1 Road Safety Audit and responses to each of the issues previously identified by Highways. Moreover, further details in relation to a new bus stop have been provided, together with the new store for Plot 6 to provide adequate bicycle storage. Highway Services have confirmed they are now content with the proposals and conclude that it would pose no significant road safety or highway network efficiency issues, subject to the attachment of appropriately worded conditions.

6.7 A final issue for consideration relates to drainage and flooding matters. It is noted that a condition requiring the submission of full details pursuant to design and construction of surface water drainage was added to the decision notice for the previous application at the Inspector's initial recommendation. With respect to the current application, upon submission of new drawings and calculations relating to the culvert, Flood Risk Management have confirmed that they are satisfied with the supplied information however the detail for the inlet and outlet must be supplied as part of a Section 20 works application under the Flood Risk Management Act 2013. They have also requested such details to be conditioned, however it is not clear whether this request relates to any forthcoming planning decision or in relation to the Section 20 application.

6.8 The agent has provided the following response in this regard:

"In correspondence with the authority it was noted that matters controlled under separate legislation — including detailed drainage design — are established not to constitute a material consideration under §10 of the Town and Country Planning Act 1999 (in this respect, the

authority has powers under §20 of the Flood Risk Management Act 2013). Whilst the possibility of conditioning detailed drainage matters was discussed, it is the applicant's preference to avoid pre-commencement delays and to address such details at this stage.

The proposed surface water attenuation is devised to control flows, originating from within the site, entering the existing watercourse (a drainage ditch on the site's northwest edge). This ditch drains northwards until it reaches the highway, however the manner in which it discharges is inadequately provided for at present (which would be the case notwithstanding any proposal for the site's development); pipes installed by the relevant authority in recent years appear not to serve the intended purpose for which they were installed.

In the preparation of their design, Burroughs Stewart Associates have undertaken calculations in accordance with the requirements of CIRIA Culvert, Screen and Outfall Manual (C786F), as cited by the Flood Risk Division. A culvert is proposed to be installed below the highway, replacing those pipes previously installed, so that the watercourse may freely discharge. We consider the foregoing to accord with the Flood Management Division's detail requirements. Having received confirmation of their satisfaction, we hereby formally submit the same for inclusion on the application's file."

6.9 Officers are in agreement that the provision of further details pursuant to drainage by way of a planning condition would not be necessary and would be sufficiently covered as part of a Section 20 application. Therefore, it is not considered that additional detail would need to be provided as part of the planning process, with both Flood Risk Management and Manx Utilities Authority noted as being content in principle with the proposals from a drainage and flooding perspective.

6.10 Issues raised in relation to PV solar panels and ensuring that they are correctly installed are noted, however such matters are not a material planning consideration and fall outwith of the planning process.

7.0 CONCLUSION

7.1 The proposed development is considered to amount to an efficient redevelopment of a vacant site which is designated for development, whilst constituting a high quality of design and layout without detriment to the visual amenities of the locality. The proposals are further deemed to be acceptable with respect to highway safety, flood risk and ecological matters. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 4, General Policy 2, Environment Policies 10 and 42 and Transport Policies 4 and 7 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.2

Proposal : Additional use of existing annex into tourist accommodation
Site Address : 15 Mountain View
Ballaugh
Isle Of Man
IM7 5EP
Applicant : Mr & Mrs John Ball
Application No. : 23/01476/C- [click to view](#)
Planning Officer : 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 proposed use hereby approved shall be used only for family and friends of those occupying the main dwelling as ancillary accommodation or as additional self contained tourist accommodation. The tourist accommodation shall not be occupied as an independent dwelling unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

C 3. The additional tourist 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: To ensure that the development is only used and occupied as short let holiday accommodation as the creation of a separate unit of independent accommodation would require further assessment as to its acceptability.

Reason for approval:

The proposed development is considered to be acceptable in principle in an area zoned for 'predominantly residential' purposes, without detriment to the character or visual amenity of the immediate locality or the amenities of surrounding residential properties. The proposals are also not considered to result in a material impact upon the safety and capacity of the local highway network. The application is therefore considered to comply with Strategy Policy 1, Spatial Policy 4, General Policy 2, Environment Policy 42, Business Policy 13 and Transport Policies 4 and 7 of the Strategy Plan (2016).

Interested Person Status – Additional Persons

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site relates to the detached bungalow of 15 Mountain View, Ballaugh and its associated curtilage. The property has previously been altered and extended by way of conversion of the previous rear outbuilding and erection of a link extension to the main dwelling to form an ancillary annex. The property includes an integral garage with parking for 2 vehicles, with additional parking available for a further 2 vehicles immediately in front on the driveway. The site benefits from private amenity space in the form of a patio to either side of the property, together with a front lawned area.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the additional use of the rear annexe for tourist purposes. The submitted plans note that a single car parking space for the front of the garage would be reserved for guests of the tourist accommodation, whilst a portion of the enclosed patio area to the rear of the garage would also be reserved for guests of the accommodation. The annexe is noted as being served by an external doorway onto the patio area to the immediate west of the dwelling, with the annexe already served by a kitchen, en-suite bedroom and lounge area. No external changes are required to facilitate the additional use of the annexe as proposed.

3.0 PLANNING HISTORY

3.1 13/91101/B - Alteration and conversion of existing store and erection of link extension to form ancillary living accommodation - Permitted

4.0 PLANNING POLICY

4.1 The application site is located within the named settlement of Ballaugh as identified in the Strategic Plan (2016). The application site is within an area recognised as being within predominantly residential use under the IOM Development Plan Order 1982. The site is not within a Conservation Area.

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

- 4 Development in remaining villages

General Policy

- 2 General Development Considerations

Environment Policy

- 42 Designed to respect the character and identity of the locality

Business Policy

13 Use of private residential properties as tourist accommodation

Transport Policy

4 Highway safety

7 Parking

Paragraph 9.5.8 states:

"The use of existing private residential properties as tourist accommodation may be acceptable if it can be demonstrated that it will not compromise the amenities of any neighbouring residents."

5.0 REPRESENTATIONS

5.1 Ballaugh Parish Commissioners - no comments received at the time of writing.

5.2 Highways Services - considers the proposals would have no significant negative impact upon highway safety, network functionality and/or parking, as there is adequate parking off-street for the proposals and the existing dwelling on the site. (29.12.23)

6.0 ASSESSMENT

6.1 The site falls within an area zoned for 'predominantly residential' purposes where the principle of residential related development is acceptable. Business Policy 14 states that permission will generally be granted for the use of private residential properties as tourist accommodation providing it can be demonstrated that such use would not compromise the amenities of neighbouring residents.

6.2 In this instance, the site comprises existing living accommodation within the main dwelling, which would retain its existing residential use as an ancillary annexe with the proposals seeking for the addition of tourist use. Whilst no information has been provided as to the nature and frequency of such use, the present level of accommodation is modest and does not involve any additional built development to facilitate the additional use. The main concern lies in the potential to cause disruptions to the immediate and adjoining neighbouring properties. In terms of differentiating a tourist and a permanent resident it is often difficult to define how each would behave. As a tourist, a person may be out a lot of the time, but may also have a greater number of late nights and be disruptive on return. On the other hand, permanent residents may be at home more, and could be more likely to invite friends or family over for dinner or parties that may be noisy. In general the majority of people tend to behave well and raise no concerns, although there will always be a percentage that may not behave. However as this is attached to the main dwelling and shares a garden and parking area these concerns are diminished.

6.3. Given the small scale nature of the property, its proposed additional use for tourist purposes is not considered to result in a material impact upon the residential amenities of the adjoining properties. Likewise, no objections have been raised by Highways Services, with adequate parking provision noted within the site for both the residential and tourist uses. The additional use of the property for tourist purposes is further unlikely to result in a material impact upon the safety and capacity of the immediate road network.

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable in principle in an area zoned for 'predominantly residential' purposes, without detriment to the character or visual amenity of the immediate locality or the amenities of surrounding residential properties. The proposals are also not considered to result in a material impact upon the safety and capacity of the local highway network. The application is therefore considered to comply with Strategy Policy 1, Spatial Policy 4, General Policy 2, Environment Policy 42, Business Policy 13 and

Transport Policies 4 and 7 of the Strategy Plan (2016). The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.3

Proposal : Install frameless balustrade system to existing balcony
Site Address : 8 The Crofts
Castletown
Isle Of Man
IM9 1LW
Applicant : Mr Matthew Warren
Application No. : 24/00160/B- [click to view](#)
Planning Officer : Vanessa Porter

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Whilst there may be a certain degree of existing overlooking due to the terraced nature of the properties, the fact that the proposed balcony is at first floor, coupled with how close the proposal is to the boundary of No.6 The Crofts creates an overbearing overlooking impact, to the detriment of the enjoyment of No.6 The Crofts rear garden above and beyond what is already in place. As such the proposal is contrary to General Policy 2g and in turn the Residential Design Guidance 2021.

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 not mentioned in Article 4(2):

No 6. The Crofts as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE APPLICANT IS A MEMBER OF THE PLANNING DEPARTMENT

THE APPLICATION SITE

1.1 The application site is within the curtilage of 8 The Crofts, Castletown which is a mid-terrace, three storey property situated to the North East of The Crofts.

1.2 To the rear of the property is an existing flat roofed extension.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a frameless balustrade system to the existing first floor extension. The frameless balustrade will measure 4.603m by 2.168m, with an overall height of 1.1m.

PLANNING HISTORY

3.1 There are two previous applications which are relevant to the assessment of this application;

PA07/01508/B - Replace existing rear ground and first floor patio and side windows with French doors and tilt and turn side windows - Permitted.

PA14/01073/B - Installation of replacement windows and door to front elevation and windows to second floor level on rear elevation - Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Predominantly Residential" under the Area Plan for the South, Map 5 - Castletown. The site isn't within a Flood Risk Zone but is within a Conservation Area.

4.2 Given the nature of the of the land designation and the property being within a Conservation Area, Section 18(4) of the Town and Country Planning Act (1999) is the most relevant in the assessment of this application. Followed by paragraph 7.29.2 and Environment Policy 35 of the Isle of Man Strategic Plan, which set out development in Conservation Areas will only be permitted where they preserve or enhance the character and appearance of the area.

4.3 Also relevant in the assessment of this application is The Residential Design Guide (2021) which is a breakdown of General Policy 2 and lends advice on the impact of balconies on neighbouring properties.

REPRESENTATIONS

5.1 The following representations can be found in full online;

5.2 Highway Services have considered the proposal and state, "No Highways Interest." (26.02.24)

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

5.4 The Manx Wildlife Trust have written in to state that there is potential for avoidable bird strikes for several birds and they are recommending the glass be opaque. (19.03.24)

5.5 The owner/occupier of 6 The Crofts have written in to state they are worried about overlooking and overbearing impact. (7.03.24)

ASSESSMENT

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

- Section 18(4) test / character and appearance (GP2 & EP35)
- Neighbouring amenity (GP2, g)

6.2 SECTION 18(4) TEST / CHARACTER AND APPEARANCE

6.2.1 Due to the proposed works being in a Conservation Area it is necessary to test the application under section 18(4) of the Town and Country Act (1999), see section 4.2 of this report, on whether the works preserve or enhance the Conservation Area.

6.2.3 When looking at the proposal generally roof terraces and glass balustrades are not a typical feature within a Conservation Area, whilst this is the case, the proposed works within this application are situated within the rear of the property away from a general public vantage point. Whilst views of the proposal will be awarded of the proposed balustrade, it is unlikely that this would cause harm to the character and appearance of the Conservation Area

or the overall streetscene and as such from this point of view the proposal would pass the Section 18(4) test and comply with the relevant parts of General Policy 2 and Environment Policy 35 of the Isle of Man Strategic Plan.

6.3 NEIGHBOURING AMENITY

6.3.1 The main consideration in this assessment is the impact of the proposed balcony on the neighbouring property. In the first instance there is potential that there will be overlooking to both properties either side, Kenmure to the West of the site and No.6, The Crofts to the East of the site, whilst this is the case, the overlooking to No.6, The Crofts due to location of the flat roof would have more of an impact.

6.3.2 it is relevant to note that the use of the flat roof without the balustrade as additional living space, would not be an operational development/material change of use, as such the main factor that is looked at within this assessment is whether the additional of a balustrade would create further/additional impact to the neighbouring properties.

6.3.3 Looking back at the history of the site, PA07/01508/B is relevant in that, the photos provided show a concrete balustrade surrounding the flat roofed area. This is then followed by PA14/01073/B which shows the removal of the balustrade and the replacement roof. This means at some point between the applications the storm damage and the replacement roof were done.

6.3.4 When noting this and the comments raised from the neighbouring property, the balustrade hasn't been in place for a very long time.

6.3.5 Balconies have the potential to create an actual and perceived overlooking impact to neighbouring properties, which would ultimately create an overbearing impact, especially in terraced properties such as the application site. This is especially noted in the Residential Design Guidance which states that, "In most instances, roof terraces on terraced or semi-detached properties are unlikely to be acceptable."

6.3.6 A site visit was undertaken with regards to the neighbouring property, which showed that the rear garden of No.6 The Crofts is dominated by the flat roofed extension. With the majority of the space being able to be viewed if the balustrade is in place. Whilst there is the potential that the flat roof can be used as a balcony without the balustrade, the likelihood that the owners/occupants would go to the edge of the flat roof would be minimal, with the proposed balustrade resulting in a new level of disturbance to the neighbouring properties.

6.3.7 There is also the potential that if situated within the furthest corner to the flat roof that views back into the upper floor of the property is viewable.

6.3.8 What could also be seen from the site visit, is that the boundary wall between the properties is low, which means that if you are standing in either garden views are awarded over, whilst there vegetation between the properties, this does mean there is a certain amount of overlooking already available to both properties. There is also the fact that if situated at the French doors the occupants can see the upper half of No.6 The Crofts garden.

6.3.9 The main issue is that currently the likelihood of the flat roof being used is minimal, as such any possible overbearing impact to the proposal would be minimal, the addition of a balustrade which means the likelihood of the flat roof being used raises drastically, this also will mean that the overbearing feeling to the No.6 The Crofts will raise drastically with the perceived and actual overlooking being above and beyond what is currently in place. This will ultimately have a harmful impact upon the rear garden of No.6 The Crofts

6.3.10 Whilst a 1.8m high privacy wall of some sort could be added to the elevation to No.6 The Crofts the fact is that, that would add an overbearing impact to No.6 The Crofts, with the potential due to the location of the rear gardens, that additional loss of light might occur. The addition of a privacy screen would also not lessen the overbearing impact to the neighbouring property.

CONCLUSION

7.1 Overall whilst it is noted that the balcony was in use previously, a long time period has gone past. Whilst there may be a certain degree of overlooking due to the terraced nature of the properties, the fact that the proposed balcony is at first floor, coupled with how close the proposal is to the boundary of No.6 The Crofts creates an overbearing and actual/ perceived impact to the enjoyment of No.6 The Crofts rear garden above and beyond what is already in place. As such the proposal is recommended for refusal.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.4

Proposal : Change of use from a dance studio to a doggy dare care
Site Address : Tregellis House
Westmoreland Road
Douglas
Isle Of Man
IM1 4AD
Applicant : VOSH
Application No. : 24/00210/C- click to view
Principal Planning Officer : Belinda Fettis

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use of the building for canine day care hereby approved shall accommodate no more than 45 dogs at any one time.

Reason: In the interest of protecting the amenity of the neighbouring properties in accordance with General Policy 2 of the Isle of Man Strategic Plan 2016.

C 3. The use of the building for canine day care hereby approved shall;

- Operate between the hours of 08:00 and 18:00 Monday to Friday.
- No customers or canines shall be allowed in the building outside of these hours.
- No dogs shall be kept onsite overnight.

Reason: In the interests of the amenity of neighbouring residents in accordance with General Policy 2 and Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

Reason for approval:

Notwithstanding that the building is presently not in use, it's recent use is relevant, the proposed use, doggy day care, represents a reduction in operational hours and days of activity to the previous use and although in a predominantly residential area the building has been in commercial use for many years and is within a group of commercial business units. The proposal adequately meets the relevant criterion of General Policy 2 of the Isle of Man Strategic Plan 2016. Overall as a result of the reduced hours of operation, the proposal is likely to be less disruptive to residential amenity and have a neutral impact on associated businesses and unlikely to result in an adverse impact.

Interested Person Status – Additional Persons

INTERESTED PERSON STATUS

It is recommended that the following persons should be given Interested Person Status on the basis that they have made written submissions and 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 6(4):

Objects

- Owner/occupier of 74 Allan Street Douglas Isle Of Man IM1 3DR
 - Owner/occupier of Happy Days Motors Westmoreland Road Douglas Isle Of Man IM1 4AQ
-

Planning Officer's Report

THE APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE BECAUSE IT IS A DEPARTURE FROM THE LOCAL PLAN LAND DESIGNATIONS

1. THE APPLICATION SITE

1.1. The application site relates to a two storey building known as Tregellis House which occupies a corner plot adjacent to Allan Street and Westmoreland Road Douglas. The curtilage of the application site is the footprint of the building. The use of the building has been commercial business for many years, the last change of use being to a dance studio. Although the business unit is adjacent to other business units, it is in a predominately residential area.

1.2. The rear elevation of the building is approximately 4.7m from the side elevation of a dwelling house, separated by an alleyway that leads off Allan Street. The side elevation is separated from a block of flats on Allan Street and a linear strip of car parking abutting Allan Street. The front elevation is separated from dwellings by the wider Westmoreland Road. The west side elevation abuts the adjacent business unit.

2. THE PROPOSAL

2.1. This application seeks approval for a change of use from the existing dance studio to doggy day care; (Use class 4.4) to canine day care (Sui Genius); Town and Country Planning (Use Classes) Order 2019.

2.2. No physical changes to the building are proposed.

2.3. The doggy day care is operated by the established business 'Paw Patrol'. Paw Patrol presently operates from premises on Demesne Road (planning approval granted at planning committee in 2018).

2.4. The operational activity is summarised below; details of the operational activity are provided within the submitted planning statement (12.03.2024) and a later email (08.04.2024) in response to highway services comments.

- a) Opening 5 days a week Monday to Friday from 08:00hours to 18:00hours.
- b) Sessions offered are full day (08:00-18:00), school days (09:00-16:00) and half days (08:00-13:00).
- c) There are 5 trained staff of which 4 walk to work.
- d) Number of dogs on site fluctuates throughout the day dependent on bookings but would be up to 50.

3. PLANNING HISTORY

- 3.1. 13/91062/B Conversion of former kitchen/bathroom shop to a dance studio, installation of window and door to replace existing store door. Permitted.
- 3.2. 04/02426/C Change of use from show room to salon and beauty studio. Permitted.
- 3.3. PA 98/01808/C Change of use of retail unit to Motorcycle garage for sale, repairs and servicing. Permitted.
- 3.4. PA 98/00651/C Change of use of retail unit for car sales. Permitted.

4. PLANNING POLICY

- 4.1. The Strategic Plan identifies the application site as being centrally located within a predominantly residential area.
- 4.2. There is no specific policy relating to businesses operating within residential areas nor change of use of commercial premises within residential areas, or for doggy day care.
- 4.3. General Policy 2 relates to development that accords with the land use designation, which the application does not, hence the departure, however in the absence of specific policy there are elements of General Policy 2 that are relevant to any assessment of a planning application and as such are considered within the assessment section of this report.
- 4.4. Development should not adversely affect the amenity of local residents (g);
- 4.5. Provides satisfactory amenity standards, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space (h);
- 4.6. Does not have an unacceptable effect on road safety or traffic flows on the local highways (i);
- 4.7. Can be provided with all necessary services (j);
- 4.8. Does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan (k);
- 4.9. Also of consideration is Chapter 9 of the Strategic Plan, Policy 1 which encourages the growth of business employment throughout the island. Policy 9 states that new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas will be supported.

5. REPRESENTATIONS

- 5.1. The following is a summary of the representations received; the comments can be read in full on the Government website.
- 5.2. The Department of Infrastructure (DOI) Highways Division: (04.04.2024) Additional information was requested in the form operational detail and parking assessment because of concerns regarding parking and potential impact upon the categorised local distributor road (Westmoreland Road) and that this impact could be more harmful than categorised access road (Demesne Road). (19.04.2024) Having considered the applicants' additional information (08.04.2024) Highways stated that they do not oppose.
- 5.3. Douglas Borough Council: (27.03.2024) Additional information was requested in the form of where waste and recycling bins would be stored. (18.04.2024) Having considered the

information discussed with the applicant, that waste and recycling will be kept inside the building the Waste Manager Refuse and Recycling manager was satisfied and no objections are raised.

5.4. Comments have been received and the principle planning issues raised are summarised as follows; the full comments can be read online: -

- o Highways impact from increased traffic flow at peak times;
- o Parking problems in the area;
- o Noise is a problem at the present business premises.
- o Safety of children attending nearby schools

6. ASSESSMENT

6.1. PRINCIPLE

6.1.1. The application relates to a two storey building with existing and historic commercial business use adjacent to other commercial business units. However the land is within an area designated as predominantly residential in the local plan. There is no policy indicating where the use of doggy day care should take place and no restriction on where a Sui Generis use should be. As such the principal of the change of use is acceptable subject to full considerations of other relevant considerations.

6.1.2. Concerns have been raised regarding the level of associated activity of customer parking, business parking, noise and cleanliness, and whether the potential impacts could have an adverse impact upon the amenity of nearby businesses and residents, particularly those on Allan Street.

6.1.3. Consideration is given to the fact that this is an existing business in the area, there are other businesses nearby, including a school, all of which will have peak arrival and departure times.

6.2. PARKING AND HARM TO ADJACENT BUSINESS AND RESIDENTIAL PROPERTIES

6.2.1. In assessing how the proposal may affect the surrounding area, consideration should be given to the amenity of existing buildings and residential areas and the compatibility of the proposed use with existing uses within the area and those within the locality.

6.2.2. The surrounding area is identified as predominantly residential, however the application site is adjacent to a group of businesses outside administration roles that generate their own levels of noise and customer activity. The site is well placed to be accessed by foot, bus and there are a number of disc restricted and permit only parking areas within the vicinity of the application site designed to protect residents parking.

6.2.3. Areas of Douglas comprise a dense population where business properties live side by side with residential properties, and parking is at a premium. Unless the customers of a business are online, parking for customers and staff appears generally problematic in the area.

6.2.4. The applicant states that the majority of customers walk to the doggy day care facility. Whether on foot or by car staff have a system to ensure that the exchange of dogs between customer and staff is as swift as possible. On occasion groups of dogs are taken out and the applicant has secured a parking space for that vehicle.

6.2.5. The applicant is proposing a new use for the site but is operating the same business in a building that is a 3 minutes' walk away. The case could be made that the business would be operating within the same quadrangle that comprises business units along its north, west and south side and residential units along its east site.

6.2.6. From the information submitted regarding the booking options, peak times for customer activity will be between 08:00 and 09:00, and later on at 13:00, 16:00 and 18:00. The numbers of dogs is not fixed daily because it is subject to fluctuation however there are regular customers and the planning statement says that the first and second floors are likely to accommodate 25 dogs each, therefore the number of dogs could be anywhere between 30-50 at its peak. The applicant has faced increased demand and this is one of the reasons for seeking an increased number and increased space.

6.2.7. Allan Street is a one way street therefore congestion might arise by a delay leaving Allan Street to enter Westmoreland Road, or parking up along Allan Street. The junctions are marked with double yellow lines and parking restrictions apply along Allan Street. Similar traffic flow and parking restrictions are in place on neighbouring streets. As such it is problematic for any vehicle to access the businesses yet the businesses exist.

6.2.8. Comments have been received suggesting that people park as close to a business as possible and take the gamble of being caught on double yellow lines. Whilst this may or may not be the case, it is not a matter that can be controlled by a planning condition and it is not a reason for refusal.

6.2.9. The applicant states that a parking space has been secured for one vehicle, however that space is not associated within the curtilage of the application site and cannot be conditioned, therefore it is immaterial.

6.2.10. Appendix 7 of the Strategic plan acknowledges that town centre locations are restricted in their provision of parking because of the density of the built environment. Therefore given the location it can be accepted that parking is not provided and use of the service is either by foot or at the users' discretion. Human nature is to park as close as possible but if that is not possible, the user might go elsewhere and this is a risk the applicant takes.

6.2.11. PLANNING BALANCE

6.2.12. In weighing up the planning balance, I consider that the proposal does not introduce anything new to the area, it is simply moving specific location within the business units available close to its existing operation; taking the parking issues with it. Parking issues are highlighted by the applicant and residents as existing. Highways considered in depth the issues surrounding the site included a review of incidents and found no record of public issues along Allan Street. In the event that issues arose, traffic wardens could focus on this area to enforce the restrictions. As such no new harm is introduced.

6.3. NOISE

6.3.1. The present operational use is within Use Class 4.4 and the planning approval restricted the use to dance studio therefore requiring a planning application for any change. The hours of activity and associated noise levels for the dance studio were generally accepted for twelve hours between the times of 09:00-21:00hours on any day of the week and conditioned as such.

6.3.2. The proposed use has no specific class and is therefore a Sui Generis use. The hours of activity and associated noise are stated to be between 08:00-18:00hours Monday to Friday, a total of ten hours, two hours less than presently allowed and two days less.

6.3.3. The applicant has planning permission to operate on a Saturday from its present premises however the applicant states that this option has not been used and is not perceived necessary in the future. Moreover it has not been requested as part of this planning application.

6.3.4. In respect of dogs barking and this being a nuisance, except for arrival and departure, the dogs are where it would be in the interests of those working within the building to keep dogs sufficiently entertained or rested so that they are not constantly barking. The internal layout of the building is such that except for going up the stairs, the dogs will be in areas away towards the road. In comparison with their present premises Tregillis House is stated as having better insulation therefore sound reduction by virtue of the thickness of the walls, double glazing and double insulated floor between the ground and first floor.

6.3.5. Evidence of construction is not submitted therefore opinion is based on visual observation. The assumption is that the business unit building occupying the corner on Demesne Road is single brick and has minimal insulation. Tregillis House visually appears to be of a higher standard and double brick. Tregillis House is adjacent to a busier, therefore noisier road, and generally improved insulation would be included to protect the interior from road traffic noise.

6.3.6. The applicant and resident make points about the construction of the buildings and noise levels. However, the consideration for this application is not whether the proposed use would result in less noise from the use than its existing location, but is whether the proposed use of Tregillis could have a greater impact than its existing approved use. Furthermore noise disturbance could come from the activity of getting in and out of vehicles and entering and leaving the building.

6.3.7. PLANNING BALANCE

6.3.8. On balance, taking account of the reduced operational hours and days of activity, the proposed use is overall likely to reduce noise disruption, particularly during evenings when the majority of householders are at home. As such the use could result in a comparable positive impact and unlikely result in an adverse impact.

6.4. RESIDENTIAL AMENITY

6.4.1. Although closed the last and present use has been a dance studio for which the presumption is made that music would have been played, instruction called out, and some attendees requiring a parking place for the duration of the class.

6.4.2. For the proposed use of day care for dogs, the presumption is made that the activities within would include verbal instruction and most likely barking. The site is a corner planning unit with the main entrance designated on Allan Street. Some dogs would be brought by car requiring a parking place to drop off and collect the dog and more people would probably walk down the Allan Street with their dog than do now.

6.4.3. Opposite the entrance is a block of flats separated from the site by the road, paving and parking. North, behind the site, is an end terrace dwelling house. Adjacent, to the east and northwards are business premises. Opposite to the south are residential properties and adjacent a school.

6.4.4. There are double yellow lines around the junction of Allan Street and Westmoreland Road and residents parking restrictions on Allan Street.

6.4.5. Concerns have been raised regarding how the business will be kept clean and the storage of waste. The applicant has satisfied the waste department in respect of waste storage. The methods for keeping the interior hygienically clean are matters for the business and relevant legislation, not the subject of this planning application. If the business is found to be polluting the streets the business can be taken to task by the relevant department. The level of cleanliness nor method of cleaning is not a reason for refusal.

7. CONCLUSION

7.1. Given the above none of the concerns result in reasons for refusal and all are existing issues that cannot be resolved by this application. If the operation of the business were to cause harm through inappropriate traffic and parking, or noise levels these issues could be dealt with separately. Taking account of the previous use and operational activity, this proposal is overall a reduction in activity at the site.

8. RECOMMENDATION

8.1. It is recommended that the planning application be permitted subject to conditions.

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.

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.5

Proposal : **Erection of a detached triple garage with garden wall / gate**
Site Address : **The Old House - Reef House**
College Green / Douglas Street
Castletown
Isle Of Man
IM9 1BE
Applicant : **Mr Gary Lamb**
Application No. : **24/00029/B- click to view**
Planning Officer : **Paul Visigah**

RECOMMENDATION: **To APPROVE the application**

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

Overall, it is considered that the proposal would not have a detrimental impact upon the character of the existing dwelling or locality within which it is located, and no adverse impacts have been identified as likely with respect of the impacts on neighbouring or public amenity, and highway safety. The proposal is, therefore, considered to comply with General Policy 2, Strategic Policy 3 (b), and Environment Policy 42, and Transport Policy 7 of the Strategic Plan, and the principles promoted by the Residential Design Guide 2021.

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 not mentioned in Article 4(2):

20 Douglas Street, Castletown;

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

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

Seascape, 14 Douglas Street, Castletown;
15 Douglas Street, Castletown;
16 and 17 Douglas Street, Castletown;
18 Douglas Street, Castletown;
19 Douglas Street, Castletown;
21 Douglas Street, Castletown;

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPLICATION IS RECOMMENDED FOR APPROVAL AND THERE ARE MORE THAN 4 OBJECTIONS FROM MEMBERS OF THE PUBLIC

1.0 THE SITE

1.1 The application site is the residential curtilage of Old House - Reef House, which is a large detached dwelling within large grounds situated on the southern side of College Green, Castletown. This detached dwelling sits noticeably at the junction between Bowling Green Road and College Green, with its vehicular entrance accessed via Douglas Street, Castletown.

1.2 The existing house is a three storey dwelling which has three chimney stacks on its roof plane; two on the gables and one almost mid-way within the roof plane. The existing roof is finished in slate tiles, while the predominant window material is timber. There are decorative mouldings which contribute to the external appearance of the dwelling. Currently, the dwelling has two main entrance doors which project from the front elevation of the dwelling as flat roofed porches. There is a balcony set over the entrance porch to the left of the front elevation.

1.3 A Manx stone wall about 1.8m high when viewed from the adjoining highway runs along the entire stretch of the site boundary opening up at the existing vehicular entrance which measures about 2.7m wide, pedestrian access gates and an existing garage/workshop on the northern boundary.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Erection of a detached triple garage with garden wall/gate. The new garage would measure 6.8m x 10.8m, and be 5.4m tall to the ridge (3.2m to the eaves). This building which would have a hipped roof over will house a triple garage. Three electrical charging points will be provided to serve the three parking provisions within the garage.

2.2 The new garage building which would be positioned southeast of the existing dwelling on site would be finished externally in self-colour smooth render finish similar to existing house, while its hipped roof would be finished with natural slate roof tiles, with clay ridge. The three garage doors which would measure 2.4m x 2.5m would all be new sectional garage doors. The new high level windows at the rear would be UPVC or Aluminium double glazed units.

2.3 No trees or mature landscaping would be impacted by the development.

2.4 The applicants have provided a Planning Statement which sets out the history of the site, whilst highlighting the need for the new garage (to prevent salt water corrosion of cars parked on site), particularly for the electric car owned by the applicant. This statement also states that the design of the proposal has been sensitively considered, and that the design seeks to address concerns raised by the neighbours with footprint reduced. They also note that they have considered comments from the Department in the final design.

3.0 PLANNING POLICY

3.1 Site Specific

3.1.1 The site lies within an area zoned as Residential on the Area Plan for the South, and the site lies outside Castletown's Conservation Area. The site is not within a registered tree area and there are no registered trees on site. The site is also not prone to flood risks, although its entire southern boundary adjoins an area of High Tidal Flood Risk Zone. The southern boundary of the site is adjacent to the Langness Bay Marine Nature Reserve (MNR). As such, the following planning policies from the Isle of Man Strategic Plan 2016 are considered relevant;

3.2 National: STRATEGIC PLAN (2016)

- a. General Policy 2 - General Development Considerations.
- b. Environment Policy 4 - protection of ecology and designated sites/protected species.
- c. Environment Policy 5 - In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed.
- d. Environment Policy 42 - new development should be designed to take into account the character and identity of the area.
- e. Strategic Policy 1 - Efficient use of land and resources.
- f. Strategic Policy 3 - Development to respect the character of our towns and villages.
- g. Strategic Policy 4 - development proposals must protect or enhance the nature conservation and landscape quality of urban as well as rural areas.
- h. Strategic Policy 5 - Design and visual impact.
- i. Transport Policy 7 - Parking considerations/standards for development.
- j. Community Policies 7, 10 and 11 provide guidance in respect of minimising criminal activity and reducing spread of fire, while Infrastructure Policy 5 deals with methods for water conservation.

4.0 OTHER MATERIAL CONSIDERATIONS

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

4.2 The Manual for Manx Roads sets out the minimum standards for garages. Paragraphs C.7.34 and C.7.35 of the manual relates specifically to the design requirements for new garages.

4.3 Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

5.0 PLANNING HISTORY

5.1 The site has been the subject of a previous planning application which is considered to be materially relevant in the assessment and determination of the current application.

5.2 Approval was granted under PA 22/01463/B for Sun room extension, demolition of out-riggers, renovation of a barn/garage into family accommodation, and renovation of the main house. This enabled the conversion the conversion of the existing garage on site to ancillary living accommodation.

6.0 REPRESENTATIONS

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

6.1 DOI Highways Division have no interest in the application (26 January 2024).

6.2 DOI Flood Risk Management have not made any comments on the application although they were consulted on 24 January 2024.

6.3 Castletown Commissioners have not made any comments on the application although they were consulted on 24 January 2024.

6.4 The owners/occupiers of the following properties have made written representations on the application:

- a. Seascape, 14 Douglas Street, Castletown;
- b. 15 Douglas Street, Castletown (14.02.24);
- c. 16 and 17 Douglas Street, Castletown (6.02.24);
- d. 18 Douglas Street, Castletown (7.02.24);
- e. 19 Douglas Street, Castletown (15.02.24);
- f. 20 Douglas Street, Castletown (14.02.24/8.03.24/22.04.24);
- g. 21 Douglas Street, Castletown (31.01.24);

6.4.1 They object to the application on the following grounds:

- o They refer to overbearing impacts on neighbours.
- o They refer to use of existing garage as living accommodation.
- o They refer to potential damage/flooding of garage as a result of coastal overtopping.
- o They state that increasing built footprint on site would reduce impermeable ground available to absorb surface water run-off.
- o They refer to visual impacts on the coastline.
- o They refer to flooding of highway and adjacent properties.
- o They express concerns with the size and height of the building.
- o They refer to impact on traffic.
- o Impact on private views which is not material planning consideration.
- o They refer to impact on the landscape.
- o They refer to potential for gravel to be spread on the adjacent highway.
- o They refer to impact on value of property which is not material planning consideration.
- o They refer to the proposal exacerbating seawater overtopping at this corner of the site, with potential flood impacts on their property.
- o Loss of public view.

6.4.2 In response to the comments from the neighbours, the applicants have sought to address the concerns raised in their correspondence dated 26 March 2024. Some of the key issues addressed are as follows:

- o There would be no impact on public views as no views of the sea or Langness can be achieved from the adjacent street due to the surrounding wall, vegetation and sea wall.
- o The photos provided by the objectors do not have dates and are only a snap shot in time, and as such give no sense of the drainage rate of the sea water as Reef House.
- o The level of water in the Garden of Reef house is shallow and would not represent a risk to other properties.

o It is well known that the weakest point along Douglas Street for sea water entry is beyond Reef House where the shingle beach meets the wall.

7.0 ASSESSMENT

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

- a. The principle of erecting the proposed garage;
- b. The visual impact of the proposed alterations and extension on the existing dwelling itself;
- c. The Impacts on the surrounding Street scene and locality;
- d. Impact on neighbouring amenity;
- e. The impact on the adjacent highway; and
- f. Flood risk concerns;

7.2 PRINCIPLE OF DEVELOPMENT (STP 1, SP2, GP2)

7.2.1 In assessing the principle of the proposed development, it is considered that the site is zoned for residential use which implies that the use of the site for purposes incidental to the residential use of the site would be compatible with adjoining uses and conform to the general use of the area.

7.2.2 The site is also within the settlement boundary and adjacent to and surrounded by existing residential dwellings; conditions which would ensure that the development here broadly aligns with Strategic Policies 1 and 2. Thus, the principle of utilising the site for proposed development would be complimentary to the dominant residential use within the locality.

7.2.3 Based on the foregoing, it is considered that as the application aligns with the zoning of the area within the Area Plan for the East, and the development of the site for purposes incidental to the residential use of the site would be acceptable in principle.

7.2 VISUAL IMPACTS (GP2, STP 3, EP42, & RDG)

7.3.1 In assessing the impacts of the proposed works on the existing dwelling, it is considered the works would largely be in keeping with the character and appearance the main dwelling on site, with its form, scale and overall bulk ensuring that it remains subordinate to the existing dwelling on site.

7.3.2 Likewise, the design of the garage building which would bear the features of the main dwelling in terms of roof finish, walls finish and fenestration design, would ensure that the new building aligns with the dominant design and finishing of the main dwelling, thus, ensuring that the changes tie in with the appearance of the existing dwelling.

7.3.3 Overall, the proposed garage building would tie in with the main dwelling, and would not detract from the general appearance of the site in its current context which exhibits traditional and modern forms; thus conforming to GP 2(b, c, and g), and the RDG 2021.

7.3.4 With regard to the impact of the proposed development on the surrounding area, it is considered that the proposed works would be largely contained within the existing site due to the nature of the surrounding walling which is set above the eye line, with the existing mature plantings along large sections of the site boundary also serving to further obscure views to the proposed development. Whilst it is noted that some view of the roof plane would be achievable from the street scene over the walls, with glimpsing views achievable via the gates, the proposed dwelling would be in keeping with the general character of the site, and read within the residential context of the site, given the design and finishing of the proposal which would respect the key features of the existing dwelling. Therefore, the proposal is

judged to be acceptable and not averse to the character of the street scene and locality to which the property belongs.

7.3.5 Overall, it is considered that this visual elements of the scheme would be acceptable and compliant with the requirements of General Policy 2, Strategic Policy 3, and Environment Policy 42 of the Strategic Plan.

7.4 IMPACT ON NEIGHBOURING AMENITY (GP2 & RDG 2021):

7.4.1 With regard to the impact of the development on the neighbouring properties and general public amenity, it is worth noting that the proposed building are single storey and would be at the section of the site where it would be situated about 25m from the nearest neighbouring property. As such, it is not considered that there would be direct impacts on neighbouring amenity in terms of overlooking, overbearing impacts or overshadowing.

7.4.2 It has been alleged by some of the neighbours that the proposal would impact of private views from their properties. However, the loss of view is not a material planning consideration, and holds no weight in the determination of a planning application. As such, it is not considered that the loss of view is a concern in this case.

7.5 FLOOD RISK CHALLENGES (GP 2, EP 10 & EP 13)

7.5.1 General Policy 2(i) and Environment Policy 13 assert that development which is prone to unreasonable risk or unacceptable risk from flooding (either on or off-site), will not be permitted. With the current application, there would be no changes to the site levels which would increase the vulnerabilities beyond that which is present and the proposed building is for a garage which is not a living accommodation and which would pose risk to life of its occupants. Likewise, the site lies outwith a flood prone area as detailed on the Isle of Man Indicative Flood Maps which would mean that the site is not within an area considered to have high risks from flooding.

7.5.2 The comments which refer to coastal overtopping at the site are noted. However, it must be acknowledged that the displacement of any overtopping water on site would not be impeded by the nature of the development given its scale relative to the scale of the undeveloped part of the site which would still amount to about 2115sqm when the building which has a footprint of about 73sqm is deducted from the remaining 2188sqm of undeveloped site area, should the development be approved and erected, and this should allow for ease of natural site drainage and use of soakaway. Moreover, the site access slopes away from the adjoining highway which would mean that the chances for surface water drainage to flow from the site to the highway would be greatly diminished.

7.5.3 Whilst reference has been made to photographs which show the site and environs to have been the subject of some flood event that have occurred in the area, it is my understanding from review of the Isle of Man Flood Hub that the flood maps are created from weather forecast information together with tidal predictions and storm surge forecasts which are observed over time, and not a singular or infrequent flood anomalies that could occur in an area.

7.5.4 Perhaps, it would be vital to state that the policy test (as stipulated in EP 10 and EP 13) is whether the proposal would result in an unacceptable risk from flooding, either on or off-site, and not if flood risks exist, notwithstanding the fact that the site in its current context is not judged to be prone to flood risks. Therefore, it is considered that although the potential for coastal overtopping exists for the site, as with any other residential properties that directly abuts the coastline in the area, the flood maps which guide the decisions in terms of flood impacts clearly indicate that the site is not within a flood risk zone. Besides, it is not considered that the proposal would result in unacceptable risk from given the scale of the

proposed building and nature of its use. Thus, it is considered that the requirements of Environment Policies 10 and 13 have been met in the current case.

7.6 Impact on Highway (GP 2 h&i, & CP 10)

7.6.1 In terms of impacts on highway safety, it is considered that the erection of the garage would not result in adverse impacts on on-street parking in the area as the site has sufficient space to accommodate the parking requirements for the property, and the garage would be creating more on-site parking for vehicles.

7.6.2 It is also important to note that DOI Highways have considered that proposal and have no interest in the application, which is an indication that they have no concerns with the scheme in its current form.

7.6.4 Based on the foregoing, it is considered that the development would not result in adverse highway safety impacts and would meet the requirements of General Policy 2 (h & i), and Transport Policy 7.

7.7 OTHER MATTERS

7.7.1 The neighbours have asserted that the proposal would impact on public views to the sea. However, it must be noted that the height of the existing wall that surrounds the site boundary, together with the existing plantings along most of the site boundary which borders the highway would ensure that loss of public views is not a concern with the current proposal. It must be noted that no views of the sea can be achieved through the site in its current form, as any view into the site is completely private given the intervening mediums on site which restricts such views towards the sea.

7.7.2 The matters related to property values and protection of private views, bear no weight as material planning considerations and as such cannot be considered in the assessment of this planning application.

7.0 CONCLUSION

7.1 Overall, the proposal is considered to be appropriate in this location and complies with General Policy 2, Strategic Policy 3 (b), Environment Policy 42, and Transport Policy 7 of the Strategic Plan, and the principles promoted by the Residential Design Guide 2021.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and

o whether there are other persons to those listed above who should be given Interested Person Status

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.6

Proposal : Alterations and extensions to dwelling and creation of a track with improved visibility

Site Address : Cronk Moar Cottage & Part Field 330698
Dalby
Isle Of Man
IM5 3BW

Applicant : Miss Sophie Clark

Application No. : 22/01563/B- [click to view](#)

Planning Officer : Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 13 - Greenhouses and polytunnels

Class 14 - Extension of dwellinghouse

Class 15 - Garden sheds and summer-houses

Class 16 - Fences, walls and gates

Class 17 - Private garages and car ports

Class 18 - Domestic Fuel storage tanks

Class 21 - Erection of decking

Class 22 - Solar Panels

Class 23 - Heat Pumps

Class 23A - Air Source Heat Pumps

Reason: To control future development on the site.

C 3. No development shall take place until full details of soft and 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 landscaping works include details of new planting (including tree planting/hedgerow) 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 dwelling, 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. Details of the hard landscaping works include footpaths, hard surfacing materials and fencing along the southern garden of the new dwelling. The

hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure the provision of an appropriate landscape setting to the development.

N1. Should any bats or evidence of bats (protected under the Wildlife Act 1993) be found within the building or roof space during construction, the applicant is required to contact the Senior Biodiversity Officer (DEFA) to discuss protection measures.

Reason for approval:

The proposed works to the main dwelling are deemed acceptable in terms of their design, form and appearance and as such will comply with General Policy 2, Housing Policy 15 and 15 of the Isle of Man Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION INCLUDES AN INCREASE TO A RESIDENTIAL CURTILAGE IN THE COUNTRYSIDE WHICH COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE

1.1 The application site is within the curtilage of Cronk Moar Cottage which is a two storey traditional cottage with attached garage situated to the North of Dalby. The existing property faces West within the streetscene and shares a driveway with "Hillcrest" which is a two storey traditional cottage.

1.2 The existing dwelling has a porch which encompasses the front elevation, casement windows and a conservatory which is situated on top of the existing garage.

1.3 The shared driveway is also part of Footpath: 338, and the access onto the Raad Ny Follan, both of which are rights of way, which end up at the beach situated North West of the site, this is specifically accessed by going directly in front of the application site where a gate is accessed at the bottom of the drive.

THE PROPOSAL

2.1 The current planning application seeks approval for the following but not exclusive to list,

2.2 Erection of extension to rear elevation which is single storey and is to have a balcony situated to the roof. The proposed extension is to have a staircase to the Eastern side which is to be an access onto the balcony.

2.3 Alterations to the main dwelling which include the removal of the existing porch, installation of sliding sash windows to the front elevation, removal of bay windows and replacement with windows, installation of dormer to first floor where the proposed balcony is situated, creating of new garage door to Eastern elevation, removal of window to Eastern elevation and erection of doorway, raising of roof to main dwelling and installation of rooflights.

2.4 Removal of existing conservatory and erection of single storey extension above existing garage as a replacement. The proposed extension is to measure 4.150m by 3.9m and is to be clad in timber (cedar or larch), with the roof to match the existing.

2.5 Installation of new driveway which is to encompass some of the existing agricultural land to the South of the site, which will be added as the dwellings curtilage. The new driveway will be cut into the existing land.

PLANNING HISTORY

3.1 The previous planning applications are not considered to be specifically material in the assessment of the current application.

PLANNING POLICY

4.1 The site lies within an area zoned as an area "Not Zoned for Development" and an "Area of High Landscape or Coastal Value and Scenic Significance (AoHLoCV)" on the 1982 Development Plan, South Map. The site is not within a Conservation Area nor a Flood Risk Zone. The site is also showing as "Not for Development" upon the Draft Area Plan for the North and West.

4.2 In terms of planning policy, the key policies are Environment Policy 1 which seeks that the countryside is protected for its own sake, Housing Policy 15 & 16 in respect of the visual assessment of the proposal within the streetscene and rural area, along with the general standards towards development as set out in General Policy 2 notably those parts referring to amenity and highway safety (parts b, c, g, h and i). Due to the site being situated within an AoHLoCV, Environment Policy 2 is also relevant which seeks that development would not harm the character and quality of the landscape and that the location for the development is essential.

4.3 These policies are then followed by Strategic Policy 5 which seeks that new development should make a positive contribution to the environment of the Island, General Policy 2 sets out general development control standards in connection with the Residential Design Guidance, Environment Policy 1 seeks to prevent development which would adversely affect the side other than in exceptional circumstances and General Policy 3 states that development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than a number of stated exceptions, which do not include the extension of existing dwellings

4.4 The Department has published the Residential Design Guide which, although focused on dwellings within settlements, does offer advice in relation to impact on neighbours.

REPRESENTATIONS

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

5.2 Highway Services (05.01.23) have considered the proposal and state in part, "Therefore, Highway Services Development Control raises no objection to the proposal, subject to all access arrangements to accord to Drawing titled 'Drg 3 - Proposed Track.'"

5.3 Patrick Commissioners have considered the application and state, "No Objection." (20.01.23)

5.4 DEFA's Ecosystems Policy Officer has considered the proposal (19.01.23) and initially requested for a Bat Survey and Ecological Mitigation for the proposed works. This was received and a subsequent comment was received (04.04.24), which states that they are

aware of no bats as per the report but would request mitigation of sorts and that a landscaping plan is received.

ASSESSMENT

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

- principle / extensions & alterations (GP3, EP1 and HP15&16);
- detail of design (GP2, HP15&16)
- impact on landscape and environment (EP1, EP3, EP7)
- principle / proposed new driveway & extension of curtilage (GP3, EP1)
- highway matters (GP2, TP4, TP7)

6.2 PRINCIPLE / EXTENSIONS AND ALTERATIONS

6.2.1 The site is not designated for development, nor does it meet the expectation criteria in General Policy 3. However, Housing Policy 15 & 16, and there supporting text clearly allows for residential extensions in the countryside, where they would not detract from the countryside which, in the case of the extension of traditional/ non- traditional dwellings, where there would not be a substantial increase in terms of floor area (over 50%) nor where the proposed works would increase the impact of the building as viewed by the public.

6.2.2 The property itself, when walking along the right of way, situated directly to the front of the dwelling, has mostly a traditional appearance, with the property when seen from the main Dalby Road, and the existing conservatory extension to the first floor level having a more non-traditional appearance.

6.2.3 The proposed works, in their basic forms will not be increasing the overall floor area of the property above and beyond what is already in place with the proposed extension to the Southern side of the dwelling being small in floor space. The removal of the porch and the replacement of the existing conservatory with a more modern extension will reduce the overall impact that the proposal has when viewed from the right of way. With the proposed works to the rear elevation, being minimally seen from the main road and again will not add any additional impacts from a public vantage point.

6.2.4 Therefore, on balance, it is considered that the proposal complies with Housing Policy 15 & 16. It is however necessary to consider the detail of the design and whether there would be an impact on the environment/ highway.

6.3 DETAIL OF DESIGN

6.3.1 When looking at the detail of design, due to the overall appearance of the property and the views available to it, each elevation should be taken on its own merits.

6.3.2 The first elevation of the proposal which will be seen is the Southern elevation, which is the closest to the main road. The works which will be seen within the overall streetscene is the proposed dormer to the roof, the solar slates and the metal railing. Due to the overall site, it is unlikely that the proposed extension will be seen within the overall streetscene. Whilst this is the case, the proposed works to the driveway could increase public views of the proposed extension. The alterations to the ground which include the addition of a new garage door and separate doorway are acceptable alterations to the property which are unlikely to be seen but will be read with the context of the proposed new driveway.

6.3.3 The works to this elevation are acceptable, the extension to the ground floor level will be removing an existing small porch extension, with the proposed works being small in their overall size and as such subordinate to the main dwelling. The proposed replacement dormer is of a design to fit the dwelling and is to facilitate an access onto the balcony which, is an

extension which is seen within a rural environment and as such would not be increasing the overall impact of the property upon the streetscene.

6.3.4 The main impact from this elevation will be from the solar slates which could be shiny depending on the sun's orientation with the sky. Whilst this is something which might have an impact upon the overall streetscene, this would be no different than if the property installed solar panels as per the Permitted Development Order (subject to conditions), as such it is deemed that this part of the proposal is also acceptable.

6.3.5 The next elevation which will be seen from the main road, is the Eastern elevation. Due to the orientation of the property upon the main road, the main view of this is when driving East to West along the Dalby Road. The likelihood that the proposed extension to the North will be seen from this public vantage point is minimal, with the only works being seen being the raising of the existing roof. As such from this elevation the proposal will not be increasing the properties impact upon the streetscene.

6.3.6 The next elevation to assess is the Western front elevation. The removal of the existing front porch and the installation of sliding sash windows to the front elevation, with the additional of slates, is in keeping with the traditional appearance of the property and will enhance the property when viewed from a public vantage point. The raising of the roof at eaves level is unlikely to be noticed and as such the impact of this would be minimal.

6.3.7 The proposed extension will majority be seen on both the Western and Northern elevation due to the public right of way in front of the property. The existing conservatory does not complement the existing dwelling and due to its location of the first floor has a negative impact when the property is viewed within the overall streetscene. The proposed new extension is more in keeping, whilst not perfectly matching in with the main dwelling, it will be adding an extension which can clearly be seen as a more modern extension by dint of its windows and timber cladding, which ultimately will reduce its impact in the overall streetscene.

6.4 LANDSCAPE AND ENVIRONMENT

6.4.1 In terms of landscape impact, given the findings above it is not considered that there are any concerns that would warrant refusal.

6.4.2 With regards to ecology it is noted that the bat survey received states there was no evidence of bats within the building, whilst this is the case a note should be added to the application encase there are bats. Ecology have also requested a landscaping plan and an alteration to the proposed trees to be used, as such a landscaping plan should be conditioned.

6.5 PRINCIPLE / PROPOSED DRIVEWAY & EXTENSION OF CURTILAGE

6.5.1 When looking at extensions to the curtilage of a site, the first port of call is to make sure that the openness and rural character of the countryside is not undermined by the proposal. The initial request proposed to alter the existing field No. 330698 to residential curtilage, after a discussion with the agent, this has been reduced to the area required for the creation of the additional driveway and also a bit of land to the West of the proposed driveway.

6.5.2 As a general principle the countryside is protected for its own sake under Environment Policy 1 with there being no exceptions for the extension of a domestic curtilage. Whilst this is the case, it has been noted by Highway Services that the proposed new driveway will provide improved access for both Cronk Moar Cottage and Hillcrest who have a shared driveway, over the existing single track arrangement.

6.5.3 Whilst the proposal will result in some loss of agricultural land (under ownership of the applicant), it is felt that this area is proportionally acceptable as to suitably accommodate the proposed driveway works whilst not impacting the existing access into the field and by not having a detriment to the wider rural landscape and countryside.

6.5.4 It should be noted that there is still an area to the West of the site which if approved will have a change of use to domestic, as such to make sure that the openness of the countryside is kept, permitted development rights should be removed from the property.

6.6 HIGHWAYS

6.6.1 Turning towards whether the proposed works would have an impact upon Highway Services, specifically with regards to parts h & i of General Policy 2 and Transport Policy 7 both of which relate to the provision of adequate parking, turning space and highway safety.

6.6.2 The application has been reviewed by Highway Services and whilst they state that the new access could potentially cause unclear or conflicting vehicular movements for road users and that the proposal cannot achieve the required visibility splays, the proposal on balance has benefits to road safety, network efficiency and accessibility which outweigh the negative impacts. As such the proposal is deemed acceptable from this point of view.

6.6.3 The provision of two parking spaces are retained within the site and would be in accordance with the parking standards of Transport Policy 7 in accordance with Appendix 7.

6.6.4 It is considered that the proposed access and parking arrangements are acceptable for the nature and scale of the proposal and the site context in accordance with General Policy 2 (h&i) and Transport Policy 7.

6.7 NEIGHBOURING AMENITY

6.7.1 When looking at the proposed works upon the neighbouring property, the main property to be impacted is "Hillcrest" which is situated to the West of the application, approximately 7m between properties. The proposed works to the property which face onto "Hillcrest" would be the works to the front elevation and the side extension.

6.7.2 The works to the front elevation ultimately should not impact "Hillcrest" the reasoning for this is that the windows are already in situ and the raising of the roof is unlikely to impact "Hillcrest" in terms of perceived/ actual overlooking, overbearing or loss of light.

6.7.3 Turning towards the proposed extension, it is noted that the proposal will be removing an existing conservatory which whilst not creating a loss of light impact does have potential overlooking into a couple of windows on "Hillcrest" as such it's removal will reduce the impact of this.

6.7.4 Overall it is not considered that there are any concerns in relation to impact on "Hillcrest" in terms of loss of outlook or overlooking that would justify a refusal.

CONCLUSION

7.1 Whilst the proposal potentially conflicts with the Isle of Man Strategic Plan in terms of the extension of the residential curtilage into land which is not designated for development, it can be seen that the proposal will on balance have benefits to road safety, network efficiency and accessibility which outweigh the negative impact and as such will ultimately comply with Environment Policy 1 with conditions removing Permitted Development.

7.2 The proposed works to the main dwelling are deemed acceptable in terms of their design, form and appearance and as such will comply with General Policy 2, Housing Policy 15 and 15 of the Isle of Man Strategic Plan.

7.3 The application is recommended for approval.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.7

Proposal : Commercial vehicle storage shed and associated parking spaces
Site Address : Unit 15
The Old Airfield
Braust
Andreas
Isle Of Man
IM7 4JB
Applicant : M Jones Haulage And Plant Hire Ltd
Application No. : 24/00377/B- [click to view](#)
Principal Planner : 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:

On balance; given the proposal would not have any significant adverse impacts to public or private amenities; no adverse highway matters nor have no adverse visual impact upon the countryside and as the use is appropriate with uses within the overall site; it is considered the proposal would comply with General Policy 3 and Environment Policy 1 of the IOMSP. It is recommended for approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site Unit 15, Braust, Andreas is a small section of land which sits within the former Andreas Airfield, to the east of Andreas Village. The site is current made up of hardstanding which is used for the parking/storage of vehicles within western edge of the former Andreas Airfield. To the north and south of the site are hardstanding's areas for various commercial business, some of which to the north of the site have industrial styled buildings.

2.0 THE PROPOSAL

2.1 The application seeks approval for the construction of a commercial vehicle storage shed and associated parking spaces. The building would measure 16.4m x 9.2m and maximum height of 6m. The building would be constructed of a portal frame building with an olive green metal cladding finish to external walls and roof. The building would be used for a lorry store, workshop and operations centre. Three lorry parking spaces are located on existing hardstanding to the south of the new building.

3.0 PLANNING POLICY

3.1 The site lies within an area of 'white land' albeit noted as "Airfield (disused)" - land not zoned for development, on the Town and Country Planning (Development Plan) Order 1982. There is therefore a general presumption against development in this area. This presumption is further outlined and clarified in the Isle of Man Strategic Plan policies below.

3.2 Environment 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."

3.3 General Policy 3 sets out a presumption against development in the countryside but includes instances where there may be exemptions:

- (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.

3.3.1 "Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'

The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.
- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)."

4.0 PLANNING HISTORY

4.1 There are no previous planning application on this site which are considered relevant in the assessment and determination of this application.

4.2 However, there have been some applications in the wider area which are considered relevant in the determination of this application:

- o Erection of storage facility - 21/00855/B - APPROVED
- o Creation of vehicle/storage compound area - 19/01198/B - APPROVED
- o Erection of single unit garage - 19/00827/B - APPROVED
- o Creation of a secured storage area for skips (retrospective) - 19/00555/B - APPROVED

- o Erection of a workshop/garage building - 09/01933/B - APPROVED
- o Additional use of the existing site to include the temporary storing and sorting of inert construction, demolition and green waste material prior to bulk removal to disposal facility - 02/01800/C - APPROVED

5.0 REPRESENTATIONS

5.1 Highway Services have no objections to the application commenting (12.04.2024); "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as the layout and site access is acceptable for the proposals"

5.2 Andreas Commissioners have no objection, but make the following comments (24.04.2024);

"Andreas Parish Commissioners again request that the access road leading to this site is suitably surfaced to service the many (large) vehicles currently using the Old Airfield site prior to approval of further applications.

Currently, there is constantly debris on the junction of this access road and the main highway - B6 - which is dangerous for other road users and pedestrians. (Photo attached) Andreas Commissioners note the response from Highways in relation to this application and also to a previous application on for this site (24/00185/B) but would argue that there is a negative impact on highway safety as further vehicular traffic using this access road will only contribute to the debris being distributed onto the main highway B6.

In addition, Bride residents are now directed to Birchalls (situated within this site) for the disposal of their waste which will further contribute to the volume of traffic using this access road, and even further increasing the debris carried onto the main highway.

Andreas Commissioners regularly receive complaints from motorists, cyclists and pedestrians relating to this and have previously received requests from DOI highways that the junction should be swept. The Commissioners reiterate that the debris is caused by the unsuitable surface of the access road for the Old Airfield site and this must be addressed prior to further businesses being granted permission to operate from this site.

The Commissioners also request that suitable signage is placed at the junction of this private access road and the B6 to define it either as a Give way or Stop sign before joining the public highway.

Andreas Parish Commissioners have no objection to further businesses operating from the Old Airfield but request that full consideration is also given to the number of large vehicles using this site and the possible addition of more HGV's travelling through the village and past the primary school main entrance. Previous requests for a 20mph zone through the entirety of the village as yet have not been prioritised by DOI highways division."

6.0 ASSESSMENT

6.1 The two main considerations in the assessment of this application are the principle of the development, its likely visual impact on the character of the countryside and highway matters.

Principle of the development

6.2 The site in question is an existing developed, parcel of land, potentially originally being one of the three runways forming the Andreas Air force base which was created during the second world war. It is located towards the centre of the former airbase which is made up of various uses/business (waste disposals uses/industrial/storage etc.) and has an array of different buildings, some the former airfield buildings are in a very poor state of repair. Given this, it is difficult to class this site as "countryside" in the normal sense of the word; and has more of being a parcel of land within an industrial area; albeit the Development Plan does not designate the site as this. The uses on this site have evolved over a number of decades, some of which are unlikely to have gained planning approval.

6.3 The proposed use of the building as a commercial vehicle storage (applicants M Jones Haulage And Plant Hire Ltd) would fit with the existing industrial/storage uses in the area.

6.4 As outlined there have been a number of similar buildings/uses approved in within the former airbases land which as with this site have been generally been on land which is previously development, either on part of the former run ways/hard surfacing or on sites which have had an established use.

Visual Impact

6.5 The proposed siting of the building close to existing similar sized buildings, and the proposed location relatively sheltered from public vantage points and not within an area of particular natural beauty - being on the former airfield, all limit the likelihood of an unacceptable adverse visual impact which could be of detriment to the character of the countryside. In relation to visual impact and Environmental Policy 1, the proposal is considered acceptable.

Highway Matters

6.6 It is noted that no objection has been received by highway services. Comments have been received by the Local Authority; albeit these appear to be centred on the operation of the whole site rather than issues generated by this specific application, noting they raise no objection to this application. This application, in relation to other operations within the estate is relatively small scale and is an existing operation. The matters raised go beyond this planning application and certainly, if members of the public are to be visiting the site more, consideration needs to be given to repairs to the estate road which is generally in a very poor state of repair, as well as signage. However, these are matters of the landowner/occupants of the estate. Overall, it is considered this application would not have an unacceptable impact on highway safety.

7.0 CONCLUSION

7.1 On balance; given the proposal would not have any significant adverse impacts to public or private amenities; no adverse highway matters nor have no adverse visual impact upon the countryside and as the use is appropriate with uses within the overall site; it is

considered the proposal would comply with General Policy 3 and Environment Policy 1 of the IOMSP. It is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.8

Proposal : **Erection of agricultural barn building**
Site Address : **Field 434509**
Swallows Rest
Bayrauyr Road
St Marks
Isle Of Man
IM9 3AT
IM9 3AT
Applicant : **Mrs Anne Thomson**
Application No. : **23/00718/B-** [click to view](#)
Planning Officer : **Peiran Shen**

RECOMMENDATION: **To REFUSE the application**

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The application fails to provide information demonstrating sufficient agriculture activity has been taking place or is going to take place on the site to justify the need for a new agricultural building, failing to comply with Spatial Policy 5 and Environment Policy 3(f) of the Strategic Plan.

R 2. The proposed building is away from the existing building group, namely Swallows Rest. It is also close to the highway but the reasons provided for the proposed location are not sufficient to outweigh the visual impact of a new building to the open countryside, failing Environment Policy 15 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site, Field 434509, is part of lands relating to Swallows Rest, Bayrauyr Road, St Marks. Swallows Rest and its related land sit on the north of Bayrauyr Road. The land consists of a dwelling with many outbuildings and grassland (with two ponds) to the north and east of the group of buildings. The fields' numbers are (west to east, south to north): 43117, 43118, 430725, 434509, 434510, 430685, 434511, and 434512. The red line boundary is only around field 434509.

1.2 The existing building group are at the southwest of the lands. The application site is to the middle and east of the lands. The south side of the site is demarcated from the road by a

sod bank as well as Field 431178, a quasi-triangle-shaped field abuts the south of the application site, which has a field access on Bayrauyr Road. This access can also be used to gain access to the application field.

1.3 Within the application site, there is a field shelter at the south of the border and just north of Field 431178. It is moderate in size and shielded from public view.

2.0 THE PROPOSAL

2.1 The proposal is to erect an agricultural building with a hard surface in front of the building.

2.2 The proposed building sits at the site's southwest corner. It is approx. 7m north of the road and 4.3m north of the sod bank. It faces north and orients with its long axis east-west. It is approx. 25m long, 9m wide and 4.6m tall and is approx. 3.9m high between the ground level and the eaves. It has green steel sheeting cladding on the elevations and the roof. There are three shutters and two entrance doors on the north (front) elevation. There is no fenestration on other elevations.

2.3 The proposal also includes a hard surface on the north of the building. It is approx. 25m long and 5.3m wide.

2.4 The proposal also includes planting trees at the south of the building and just between the north of the existing sod bank and the proposed building.

3.0 PLANNING HISTORY

3.1 Alterations to field shelter (retrospective) and an extension to field shelter to create feed store was APPROVED under PA 23/00712/B. This field shelter is the one mentioned in paragraph 1.3.

4.0 PLANNING POLICY

Site Specific

4.1 The site is not within an area designated for any development in the 1982 Development Plan, meaning it is considered part of the countryside (definition in 4.7).

4.2 The site is within an area of Class 3 Soil in the Agricultural Land Use Capability Map.

Strategic Policy

4.3 The Isle of Man Strategic Plan 2016 (IOMSP) contains the following policies that are considered materially relevant to the assessment of this current planning application:

- o Spatial Policy 5
- o General Policy 2 (b) (c) (g) (h) (i)
- o General Policy 3 (f)
- o Environment Policy 1
- o Environment Policy 14-15

4.4 The Isle of Man Strategic Plan has no assumption in favour of new development. In decision-making, approval should usually not be granted where a planning application conflicts with the Plan.

4.5 Spatial Policy 5 states that developments should only occur in defined settlements unless they comply with exceptions in General Policy 3.

4.6 General Policy 3 sets out exceptions that may be acceptable for developments outside of areas designated for development. Subsection (f) sets out one of these exceptions as

"buildings and engineering operations which are essential for the conduct of agriculture or forestry". The key word here is "essential". In decision-making, this means that just because a building is for agriculture or forestry purposes does not mean an automatic approval.

4.7 Environment Policy 1 echoes Spatial Policy 5 and General Policy 3. It defines the countryside as areas outside existing settlements or not designated for development (as mentioned in 4.1). It shows that development adversely affecting the countryside will almost always not be permitted. It also states that the countryside is protected "for its own sake". In decision-making, this means there is an assumption against development in the countryside.

4.8 Environment Policy 14 states that agricultural development should not result in the permanent loss of important and versatile agricultural land (Class 1 and 2 Soil in the Agricultural Land Use Capability Map).

4.9 Environment Policy 15 provides details on General Policy 3 (f). This policy states that the Department should be satisfied that a new building is needed for agricultural or horticultural purposes. In decision-making, this means the assessment for the purpose of the building is required. It also shows that the need for such a new building should outweigh the general assumption against development in the countryside. In decision-making, this means that for such buildings to be approved, they should be justified in their use and minimise their adverse impacts.

4.10 Environment Policy 15 then sets out requirements for the design of such buildings. Such new buildings should:

- o generally be close to existing buildings because usually, proximity to existing buildings is the best siting for farming practises;
- o not to be in isolation or close to a public highway, unless with exceptional circumstances;
- o be sympathetic to its surroundings from its scale, materials, colour, siting and form;
- o if being in isolation or close to a public highway, submit to landscaping in addition to being sympathetic to the design elements mentioned above;
- o if being close to existing residential properties, minimise unacceptable adverse impact on residential amenities.

4.11 General Policy 2 (b) (c) and (g) set out design requirements for development, of which they should respect the character of the site itself and its immediate and not-so-immediate surroundings.

4.12 General Policy 2 (g) and (h) set out that amenities enjoyed by the site and the site around it should be protected or preserved.

4.13 General Policy 2 (h) and (i) also sets out that the proposal should satisfy the safety, efficiency and accessibility requirements, including parking provision, of all highway users whenever possible.

PPS and NPD

4.14 No planning policy statement or national policy directive is considered materially relevant to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

5.1 Town and Country Planning Act 1999 defines agriculture in section 45. Agriculture includes "horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for

the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes."

Strategy and Guidance

5.2 Agricultural Soils of the Isle of Man (2001) is the study that classifies areas of the Island by agricultural requirements. It contains the Agricultural Land Use Capability Map.

6.0 REPRESENTATIONS

This section is a summary. The original texts of the consultations and comments received are available on the Planning Application Search on the government website.

6.1 Malew Parish Commissioners object to this application (29.06.2023). The comment states there is no agricultural justification for a barn at this location.

6.2 DoI Highway Services states that this application has no highway interest (26.06.2023).

6.3 No neighbouring properties were notified by letter. No comments have been received.

7.0 ASSESSMENT

Principle of the Proposal

7.1 The critical consideration of this application is the principle of the application. As mentioned in 4.4-4.8, and according to Environment Policy 15 of the IOMSP, the test here is whether the Department is satisfied that there is an agricultural need and the proposal is necessary for such an agricultural need. This test includes two elements:

- o the land has or is going to have actual sufficient agricultural activities on the land (including the red line boundary and the blue line boundary), and
- o if so, the proposed building is sited in a necessary location that justified by such agricultural activities validated above.

Agricultural Activates

7.2 This application submits three documents that include or reflect the reason for the proposal: agent's supporting statement, agricultural need form and list of items the new building should store.

- o The supporting statement explains the reason for the new building is to store "plant and machinery to properly maintain the land", which includes 16 acres of "grazing land" (21 acres of land in total), two "trout pounds" and mature woodlands.
- o The agricultural need form states that the agricultural holding involves 8.9 hectares (approx. 21 acres), and the applicant intends to keep four or more horses after the application.
- o The item list includes an excavator (and its accessories), trailers, a tractor (and its accessories), a quad bike and an all-terrain vehicle.

7.3 The key document is the agricultural need form. The answer to Question 2 shows that there are no horticulture or husbandry activities taking place or are to take place on the land. The answer to Question 3 of the form and the agent's statement state the need to maintain the "grazing land" but do not give more details about the reason for such maintenance.

7.4 In the meantime, as mentioned in 5.1, the Act states that using land for grazing is agriculture. However, the use of grazing land, by its name, is for grazing. While the agent's statement and the agricultural need form refer to lands as "grazing land", there is no submitted evidence that can demonstrate grazing activities currently or are going to occur on the land. Based on this information, it is intuitive to argue that this land has no agricultural activity.

Conclusion

7.5 While the supporting statement mentioned two trout pounds and mature woodland (both are outside the red line boundary but still within the blue boundary), there is no evidence submitted as to what agricultural activities currently or are going to take place for the pounds or trees. In conclusion, there are no agricultural activities on the land at the moment, nor will there be sufficient agricultural activities on the land, so there is no need for a new agricultural building on the site. Therefore, the proposal fails to comply with General Policy 3 and Environment Policy 15 of the IOMSP. No further assessment is required at this point.

7.6 Despite already failing the principal test, there are sufficient materials to assess the other impacts of the building.

Location and Siting

7.7 Continuing with the second half of the principle test, the building is located away from the existing building cluster, namely the Swallows Rest house, and next to Bayrauyr Road, a public highway. Although the proposal is close to the existing field shelter, a single building should not be interpreted as an existing building cluster. Therefore, the siting of the building is also considered to be in isolation.

7.8 According to Environment Policy 15 of the IOMSP, such siting should only be allowed in exceptional circumstances. Given that the application fails to prove an actual agricultural need for the building in the first place, there also can't be exceptional circumstances for the proposed siting. Since there are no exceptional circumstances, the effect of the proposed landscaping measures also does not need to be assessed in the application. Because of these reasons, the proposal fails to comply with General Policy 3 and Environment Policy 15 of the IOMSP.

Elements of Assessments

7.9 The primary considerations, besides the principle, are the impact of the proposal on:

- o character and streetscene of the area
- o amenities of the neighbouring properties
- o traffic and highway safety

The character of the Streetscene and the Area

7.10 Policies within IOMSP set a requirement for development to respect and not harm the design of the site and the area in which it is located. In particular, General Policy 2 (b) (c) (g) and Environment Policy 15 require design to take into account the particular character and identity of the rural environment in terms of buildings and landscape features of the immediate locality. According to Environment Policy 15, the assessment should scrutinise design elements in addition to siting, such as scale, material, colour and form.

7.11 The proposed is in the form of a typical barn building. The size of the building matches the dimensions of the items on the list. The use of steel sheeting is typical for a modern barn building. The sheeting is green, which would help the building blend into the grassland background. Therefore, these design elements are acceptable. However, it is worth repeating that the siting is not considered acceptable in 7.8, so the hard surface's visual impact would not need assessment either.

7.12 For these reasons, it is considered that the impact of the development on its surrounding rural and built environment in visual character terms is not acceptable and fails to comply with General Policy 2 (b), (c), (g) and Environmental Policy 15 of the IOMSP.

Neighbouring Amenities

7.13 No residential property is close enough to the proposed building for the building to impact living amenities adversely. Therefore, the proposal would comply with General Policy (g) and Environment Policy 15 of the IOMSP.

Highway Safety

7.14 As Highway Services does not oppose this application, it is considered that the proposal would have a neutral impact on road safety or traffic flows on the local highways. Therefore, its highway impact is considered acceptable.

Planning Balance Assessment

7.15 The proposal as a whole can be summarised, based on the assessment above, as follows:

- o lack of agricultural justification
- o lack of siting justification
- o design fit for purpose (besides siting)
- o there is no impact on neighbouring residences or highway safety

7.16 As mentioned in 7.5, the lack of agricultural justification already vetoed the proposal. Even if the need for agricultural justification is set aside, there is still no sufficient reasoning for its siting. For these reasons, the proposal is considered to harm the character of the countryside. This adverse impact is unacceptable and fails Spatial Policy 4, General Policy 2, General Policy 3, Environmental Policy 1 and Environment Policy 15 of the Strategic Plan. The application, therefore, should be recommended for a refusal.

8.0 CONCLUSION

8.1 The application fail to provide information demonstrating sufficient agriculture activity has been taking place or is going to take place on the site to justify the need for a new agricultural building, failing to comply with Spatial Policy 5 and Environment Policy 3(f) of the Strategic Plan. The proposed building is also away from the existing building group, namely Swallows Rest, and close to the highway, but the reasons provided are not sufficient to overweigh the visual impact of a new building to the open countryside, failing Environment Policy 15 of the Strategic Plan. The Therefore, the application is recommended for a refusal.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.9

Proposal : Refurbish interior of building to provide independent office suites on each floor up to Second Floor, create duplex apartment at Third Floor level and utilising defunct water and lift room, and flat roof adjacent, and change street facade using render and cornice detailing

Site Address : 11 Athol Street
Douglas
Isle Of Man
IM1 1LD

Applicant : Northville Estates Limited

Application No. : 23/01329/B- [click to view](#)

Planning Officer : Peiran Shen

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. Before occupation, design details and a sample of the windows on ground floor, first floor and second floor of the front elevation as shown in drawing no. 308/021a, which has been received on 27th February 2024, must be approved by the department in writing and installed and maintained thereafter.

Reason: in the interest of preserving the character of the Conservation Area.

Reason for approval:

The proposal preserves the character of the Conservation Area. The additional flat does not have an adverse impact on the office use along the street. The proposal also does not have an unacceptable impact on traffic and parking within the area.

Interested Person Status – Additional Persons

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

Waterside, Ramsey Road, Laxey
The Mill, Tromode Road, Tromode, Douglas

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

45 Victoria Street Douglas

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

Planning Officer's Report

THE APPLICATION IS REFERRED TO PLANNING COMMITTEE AS THE ADDITIONAL USE OF THE BUILDING AS RESIDENTIAL COULD BE CONSIDERED CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The site is 11 Athol Street, Douglas, an office building located on the south of Athol Street. Athol Street consists mostly of office buildings of a variety of characters, many of them are traditional terraces while some are more modern.

1.2 The building is a red brick terrace with a dormer on the top.

2.0 THE PROPOSAL

2.1 The proposed description gives a wider description of the proposed works to the building, some of which are internal and as such would not require planning approval but it's give the wider project more detail, in that it is proposed to refurbish the interior of building to provide independent office suites on each floor up to Second Floor, create duplex apartment at Third Floor level and utilising defunct water and lift room, and flat roof adjacent, and change street facade using render and cornice detailing.

2.2 The plans clearly show the re-finishing the front elevation of the building, with new windows, replacing the existing dormer at the front with a larger dormer/ roof addition to create an additional floor and convert the then 4th /5th floors to a two-storey flat. All to be accessed via Athol Street.

2.3 The design statement provides more in depth information.

3.0 PLANNING HISTORY

3.1 There is no previous application considered materially relevant to this application.

4.0 PLANNING POLICY

Site Specific

4.1 The site is within an area designated as Mixed Use (St George's) in the Area Plan for the East. The site is also on the primary office frontage.

4.2 The written statement of the Area Plan states: "There will be a presumption in favour of offices and financial and professional services along Athol Street."

4.3 The site is within the Athol Street/Victoria Street Conservation Area.

Strategic Policy

4.4 The Isle of Man Strategic Plan 2016 (IOMSP) contains the following policies that are considered materially relevant to the assessment of this current planning application:

- o General Policy 2 (b) (c) (g) (h) (i) (k)
- o Environment Policy 35
- o Transport Policy 7
- o Appendix 7.6

4.5 Isle of Man Strategic Plan has no assumption in favour of new development. In decision-making, this means where a planning application conflicts with the Plan, approval should usually not be granted.

4.6 Subsections (b), (c) and (g) of General Policy 2 as well as Environment Policy 42 set out design requirements for development, of which they should respect the character of the site itself and its immediate and no-so-immediate surroundings.

4.7 Subsections (g) and (h) of General Policy 2 set out that amenities enjoyed by the site and the site around it should be protected or preserved.

4.8 Subsections (h) and (i) of General Policy 2 also set out that proposals should satisfy the safety, efficiency and accessibility requirements, including parking provision, of all highway users whether possible.

4.9 Environment Policy 35 sets out design requirement for development in a Conservation Area must either preserve or enhance the character and appearance of the area. It emphasizes this by stating positive features of such areas must be protected from inappropriate development. In decision making, this means development that does not preserve or enhance such area or have negative impact on the character of the area would be refused.

4.10 Transport Policy 7 sets out parking standard for development, details of which are in Appendix 7.6.

PPS and NPD

4.11 Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man is the only adopted PPS at the moment. It provides supplementary policy on developments within any conservation area.

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

5.1 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act". This sets out the approach to be taken in determining planning applications, which includes giving great weight to the asset's conservation when considering the impact of a proposed development on the asset. Given that the site is within a Conservation Area, the above requirements apply and appropriate consideration will be given in section 7.

Strategy and Guidance

5.2 Manual for Manx Roads provides best practices and technical details of how to ensure highways are accessible, safe, inclusive and serviceable. These details include minimum spatial requirements for parking spaces.

6.0 REPRESENTATIONS

This section is a summary. The original texts of the consultations and comments received are available on the Planning Application Search on the government website.

6.1 Douglas Borough Council has no objection to this application (18.03.2024) after plans showing bin storage has been provided.

6.2 DoI Highway Services does not oppose this application (24.11.2024). The comment states there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 Assistant Registered Building Officer has no objection to this application (13.02.2024). The comment points out that the existing front elevation is not historic. The comment then state the new front elevation improve the character of the area while the dormer harm the character of the area. In the meantime, the courthouse next door has a contemporary faced which would complement the new elevation. The comment then concludes the proposals would preserve the character of the Conservation Area after a balance assessment. The comment also requires a condition to be attached to ensure windows on the front elevation, on the ground, first and second floor, are sliding sash windows.

6.4 Two neighbouring property were notified and three comments have been received. All three comments wrote in support of the application.

7.0 ASSESSMENT

Conservation Areas Statutory Test

7.1 Before assessing elements of the proposal, as it is within a Conservation Area, a test should be applied to this proposal as mentioned in 5.1. This is whether the proposal would preserve or enhance the character of the Conservation Area.

7.2 The proposed is changing the render of the building from red brick to smooth render and increase the height of the existing dormer with changes to detailing to windows as well as ground floor elevations. While this is a different style compared to the existing, it still preserves the character of the area given the new elevation are of similar character to office terraces nearby. While the new dormer is not traditional, its form already existing in the existing building and the new dormer would not stand out too much from its surroundings. Along with the comment from the ARBO, the proposal is considered to pass the test.

Elements of Assessment

7.3 The key considerations of this application are, first, its principle, then its impact on:

- o character of the building itself
- o character and streetscene of the area
- o amenities of the neighbouring properties
- o parking provision

Principle of the Proposal

7.4 The proposal include the flat on Athol Street, a road that is designated for offices. In this application, there is a minor loss of office space to create the new flat but this does not change the dominant use as an office building. In general, this is considered to contribute to the office use of the street and therefore its principle is considered acceptable.

Character of the Building Itself, the Streetscene and the Area - Rear Extension

7.5 Policies set out within IOMSP set a requirement on development to respect and not harm the design of the site and the area it's located in. In particular, Environment Policy 35 requires design to take into account the particular character and identity, in terms of buildings and landscape features of the Conservation Area.

7.5 Given 7.2, the development is considered to have an acceptable visual impact on the host building and preserve its surrounding built environment in visual character terms and therefore comply with General Policy 2 (b), (c), (g) and Environmental Policy 35 of the IOMSP.

Neighbouring Amenities

7.6 Residential use is considered as the base use when assessing neighbouring amenities. This means the use itself is also considered to have the least impact on neighbouring amenities. For this reasons, it is considered that the impact of the development on neighbouring amenities are considered acceptable and would comply with General Policy (g) and (k) of the Strategic Plan. CONSIDER IMPACT ON FUTURE OCCUP OF NEW FLAT

Highway and Parking

7.7 As Highway Services does not oppose this application, it is considered that the proposal would have a neutral impact on road safety or traffic flows on the local highways. Therefore, its impact is considered acceptable. TALK ABOUT PARKING BEING REDUCED IN THE TC

8.0 CONCLUSION

8.1 The proposal preserves the character of the Conservation Area. The additional flat does not have an adverse impact on the office use alone the street. The proposal also does not have an unacceptable impact on traffic and parking within the area. Therefore, it is recommended for an approval.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.10

Proposal : Registered Building consent for demolition elements to PA 23/01329/B

Site Address : 11 Athol Street
Douglas
Isle Of Man
IM1 1LD

Applicant : Northville Estates Limited

Application No. : 23/01337/CON- click to view

Planning Officer : Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

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

Reason for approval:

The application complies with Sections 16 and 18 of the Town and Country Planning Act 1999, as the historic character of the building and setting of the Conservation Area are being preserved. It is also judged that the application meets the tests of Strategic Policy 4 and Environment Policy 35 of the IOM Strategic Plan 2016 and the requirements within PPS 1/01 as the fabric and setting of the Conservation Area is being protected and preserved. The application is therefore judged to be acceptable.

Interested Person Status – Additional Persons

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

The Mill, Tromode Road, Tromode, Douglas

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

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

Planning Officer's Report

THE APPLICATION IS REFERRED TO PLANNING COMMITTEE AS THE ADDITIONAL USE OF THE BUILDING AS RESIDENTIAL COULD BE CONSIDERED CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The site is 11 Athol Street, Douglas, an office building located on the south of Athol Street. Athol Street consists mostly of office buildings of a variety of characters, many of them are traditional terraces while some are more modern.

1.2 The building is a red brick terrace with a dormer on the top.

2.0 THE PROPOSAL

2.1 This application is for demolition of the tank room, portion of existing wall, existing flat roof and portico.

2.2 This application relates to PA 23/01329/B - Refurbish interior of building to provide independent office suites on each floor up to Second Floor, create duplex apartment at Third Floor level and utilising defunct water and lift room, and flat roof adjacent, and change street facade using render and cornice detailing.

3.0 PLANNING POLICY

3.1 TOWN AND COUNTRY PLANNING ACT 1999

S16 Registered buildings: supplementary provisions

(3) In considering —

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

3.2 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

Strategic Policy 4: Proposals for development must:

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

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

POLICY RB/3

General criteria applied in considering registered building applications

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

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

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

o The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or

landscape, or where it shares particular architectural forms or details with other buildings nearby (including other registered buildings).

4.0 PLANNING HISTORY

4.1 There is no previous applications considered materially relevant to this application.

5.0 REPRESENTATIONS

5.1 Owners/Occupiers of The Mill, Tromode Road, Tromode, Douglas wrote in support of the application (04.12.2023).

6.0 ASSESSMENT

6.1 The pertinent issue to be assessed by this Registered Building Application is the impact of the proposed demolition on the character and appearance of the Conservation Area.

6.2 Section 16 of the Town and Country Planning Act 1999 requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.3 Overall it is judged that the proposed demolition preserves the special character, fabric and setting of the Registered Building.

7.0 CONCLUSION

7.1 It is judged that the proposal complies with sections 15 and 16 of the Town and Country Planning Act 1999, as the historic character of the building and setting of the Registered Building are being preserved. It is also judged that the application meets the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 and the requirements within PPS 1/01 as the fabric and setting of the Registered Building is being protected and preserved. It is therefore recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

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

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

PLANNING AUTHORITY AGENDA FOR 7th May 2024

Item 5.11

Proposal : Additional use of site as a Food festival with associated facilities and craft market for the period 27th May 2024 set up to the 8th June 2024

Site Address : St Ninians Church Grounds
Ballaquayle Road
Douglas
Isle Of Man
IM2 4BY

Applicant : Manx FMTA

Application No. : 24/00358/C- [click to view](#)

Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall not be begun before the 27th May 2024 and shall expire on the 8th June 2024. In terms of setting up and taking down, the use may not commence earlier than 3 days prior to the first designated practice for any of the purposes; and, the use must cease no later than 3 days following the last race. Any building, structure, gate, or fence must be dismantled and removed from the site no later than 10 days following the last race.

Reason: The application is for the use of the site for the TT 2024 motorcycling events only and the assessment has been made on this temporary basis. While provision should be made for setting up and dismantling the site, the site should not be used for the permitted purposes outside those times reasonably associated with these race periods.

C 2. The development, hereby permitted, promoted as Foodies Market Days with stall activities shall be carried out during the following hours of operation, only:

- 08:00 - 21:30 during Qualifying week - Monday 27th May to Friday 31st May 2024;
- 08:00 - 18:00 during Race week - Saturday 1st June to Saturday 8th June, 2024;
- 19:00 - 21:30 in respect of Fine Dining Activities in the St Ninian's Church Mezzanine, only;
- Busker Music shall be acoustic only and not amplified, and shall not be carried on after 21:30 on Wednesday 29th May, 2024, and Thursday 30th May, 2024;
- No Live Music shall be carried on after 18:00 on Monday 27th May, 2024; and Friday 31st May, 2024, with no Live Music occurring outside of these times and dates;

Reason: In the interest of the amenities of occupants of adjoining and nearby residential properties.

C 3. Prior to the commencement of the development, hereby permitted, a plan indicating measures to be implemented for the protection of trees on the site for the duration of the event shall be submitted to and approved in writing by DEFA Planning. The development shall be carried out in accordance with the approved tree protection details, with the

implemented measured being put in place prior to the 27th May, 2024, or the setting up date whichever is earlier and thereafter maintained for the duration of the event until and including 8th June, 2024, or taking down period whichever is later.

Reason: To ensure that the Registered Trees on site are adequately protected prior to and during the event.

Reason for approval:

The proposal is considered to be acceptable given its close proximity to the main TT event sites judged against the provisions of Strategic Plan Policies ST1, ST4, ST8, ST10, GEN2, ENV3, ENV5, ENV6, ERNV22, ENV23, Business Policy 11, T4 and T7; and, the advice contained in the Area Plan for the East (2020).

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:

29 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
15 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
19 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
St Ninians Court Ltd, Top Floor, Elm Tree House, Main Road, Douglas, Isle of Man, IM2 4BY
3 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
30 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
34 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
25 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
31 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
1 St Ninian's Court, Douglas, Isle of Man, IM2 4BY
The Managers of St Andrew's Church, 15 Ballabridson Park, Douglas, Isle of Man, IM2 4BY
The Directors of St Ninians Court Ltd, Elm Tree House, Elm Tree Road, Onchan, Isle of Man, IM3 1AH

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

Planning Officer's Report

THE APPLICATION IS PRESENTED TO THE PLANNING COMMITTEE DUE TO NUMBER OF OBJECTIONS RECEIVED

1.0 THE SITE

1.1 The application site comprise part of St Ninians Church Grounds located at Ballaquayle Road, Douglas. The church lies at the junction of, and to the south of the A2 Glencrutchery Road and east of Ballquayle Road, while the A2 continues in a south-westerley direction along Bray Hill. It is bounded to the south by St Ninians Road. The A2 in this location is some 400m to the south-east of the Start/Finish line and Grandstand for the Isle of Man TT course. The site is bounded by Nobles Park to the north-east which during TT fortnight is used for vehicle parking and, race facilities and hospitality.

2.0 THE PROPOSAL

2.1 The full planning application proposes the "Additional use of site as a Food festival with associated facilities and craft market for the period 27th May 2024 set up to the 8th June 2024". In a letter accompanying the application, the 'Headline Vision' is that "The Isle of Man Food and Drink Festival be re-imagined as the definitive food and (non-alcoholic) beverage destination for TT visitors that celebrates Manx produce and hospitality."

2.2 The opening hours and programme of events would be built around the race schedule and would include local crafts fairs and entertainment. . The core offer would be the food and beverage village, consisting of a 12 m x 9m open-sided marquee, encircled by Manx food trucks and street food vendors offering a wide selection of foods and non-alcoholic drinks celebrating local produce. In addition, the proposals involve on the lower half of the site at St Ninians Road:

- o Pop-up foodies and local craft markets with a varying number of stalls each day contained in 3m x 3m gazebos
- o Pop-up lunch, evening time and fine dining restaurant in the eaves of a local church;
- o Collection point for pre-ordered Manx produce food boxes for site operatives and camping visitors;
- o The site will function as a destination and place to spend time rather than a pass through eat on the go area.
- o Buskers will be encouraged using the DCCM registered buskers list - subject to an entertainments license being granted.

2.3 In terms of site presentation, the site will be set up to deliver a welcoming, open and, permeable site with a flow around it directed by temporary signing used to face the road and way finding signage at the entry points. Fenced off car parking will be provided at the side of the Church, away from the market will be provided for traders. Seven porta-loos will be provided next to the church for use by site visitors and will be serviced regularly by the provider.

2.4 The event is run by the Manx Food Market Traders Association (Manx FMTA) which would also manage branding, marketing and promotion of the event. The Manx FTM's objective is to enable as many local food and drink businesses to capitalise on the TT Visitor's spend by providing an accessible, flexible and affordable opportunity to trade with minimum fixed overheads and shared marketing and promotional resources.

2.5 The application is accompanied by:

- o An events timetable plan;
- o A site location/layout plan @ scale 1:500 showing the proposed layout of the site;
- o A site location/layout plan @ scale 1:500 showing the proposed layout of Porta-loo toilets; Bins; Boundary Banners; Way finding map; directional signage; and, Fine Dining entrance signage.

3.0 PLANNING POLICY

3.1 The site is located within the settlement boundary for Douglas. It does not lie within a Conservation Area. There are Registered Trees on the site and St Ninian's Church is registered Building.

3.2 In considering the application the following Policies contained in the Isle of Man Strategic Plan 2016, are considered to be of relevance:

Strategic Policies ST1, ST4, ST8, ST10,
General Policy GEN2,
Environment Polices ENV3, ENV5, ENV6, ENV22, ENV23,
Business Policy 11, and;

Transport Policies T4 and T7.

3.3 In the Area Plan for the East (adopted in 2020), the site is shown on Proposals Map 4 - Douglas - as being allocated for: "Buildings or Land for Civic, Cultural or Other Use".

4.0 RELEVANT SITE HISTORY

4.1 There is no planning history of direct relevance to the proposals outlined in this planning application.

5.0 REPRESENTATIONS

5.1 DoI Highways Services response to the application received 3/4/24 advises:

"Although Highway Services are not opposed to the application in principle, it has been brought to our attention that the proposals for 24/00358/C could cause traffic issues if visitor parking is not managed correctly. I have been told the following traffic management will be undertaken for this years TT event:

- o St Ninian's Road will be one way as per previous years
- o Nobles Park will be used for disabled and permit parking only
- o Spectators will be parking in St George's Football Field - this is likely to cause a lot of congestion along St Ninian's Road as people will be expecting to park in Nobles Park
- o We are planning on coning half of the highway along St Ninian's Road to create a turning lane (see picture below)

The DOI and Highway Services would like to understand how the applicant plans to manage the traffic entering / leaving St Ninian's Church, and whether visitor car parking will be discouraged/prohibited on the site, whether visitors to the site will only be expected to arrive by foot as part of the wider TT festival area, and whether a marshal(s) will be at the site access to control vehicles entering and exiting the site during the whole event period? Any other proposed traffic management information for the site during the whole event period would be welcomed."

DOI Highway Services (23/4/24) comments on (REPRESENTATIONS ON BEHALF OF THE APPLICANT) in paragraph 5.4 below advises:

"Taking into account of the additional information from the Applicant below, Highway Services HDC continue to not oppose the application.

I would advise the Applicant to keep in touch with the TT organisers to live monitor/manage access and parking issues on their site alongside the TT management in the area."

5.2 Environmental Health Unit (19/4/24) comments as follows:

"I can confirm that I met with the organiser of the Food Festival yesterday (18/4/24).

Plans for the event are ongoing and at this stage I do not have any comments with regards to food safety at the event.

I have noted from reviewing the neighbour representations that there are concerns regarding noise and odour arising from the event.

At this stage, I would note that due to the nature, location and duration of the event (being during TT) any noise or odour is not likely to amount to a statutory nuisance under the legislation that we enforce."

5.3 DoI Forestry Team (23/4/24) comments as follows:

"Please see below the summary of my meeting about the TT Food Festival this morning, I believe James will be submitting the updated plan as requested. Given the layout of the site and the nature of the proposal, the risk to trees is fairly low and the proposals below will sufficiently reduce the risk to an acceptable level. Could you please let me know when you receive the updated plan.

"Hi James,

Further to our site meeting this morning, please find below the agreed tree protection measures which will need to be supplied to the Planning Department in the form of an updated site plan:

- o All food trucks and vendors will be located at least 1m outside of the canopy of the trees.
- o Ground protection mats will be used at the site entrance at the north end of the green space where the access route will pass under the canopy of trees.
- o Straw bales will be placed around the young cedar tree (outside of the canopy).
- o Straw bales will be placed around the ash tree in the centre of the green space (outside of the canopy), in positions where the canopy of the tree will be accessible to footfall.
- o Ground protection mats will be used if the matted footway passes under the large ash tree located towards the southern end of the green space.

I will gladly look over any updated plans prior to submission. I will request to the planners that, should the application be approved, the measures are made a condition of approval."

5.4 Fourteen letters of objection to the proposed development have been received. The objections raise are summarised as follows:

- The event has been dumped on our doorstep with no consultation with residents. The noise pollution will be intolerable for the residents, mostly in their 80's, and/or are disabled with mobility issues, or housebound and rely on their parking space in order to be able to park close to their apartment. This proposal is likely to cause us major inconvenience and is causing some elderly residents some distress;
- It is incredulous to us that the proposal includes marquees; food trucks; seating; stages with musicians and entertainers; craft stalls; a collection point for pre-ordered food boxes etc. in a residential area which is as close to residents as if it were in their front garden and it is causing a huge amount of stress;
- Where are these people going to park?
- Has a risk assessment been carried out?
- Access/egress to/from the site is very dangerous at the best of times, more so in TT period.
- Visibility on exiting is almost always obscured.
- My attempts with Highways Dept. last year failed miserably. No waiting signs were put out but totally ignored and not enforced;
- Safety issues for pedestrians especially those visiting No. 1 St Ninian's Court;
- A private organisation will have even less success at controlling traffic flow/parking;

- The designated area is not a flat and level surface and is laid mostly to lawn. The 'grounds', is nothing more than a piece of neglected scrub land sloping and very uneven. It is very difficult to walk on. It currently forms a pleasant outlook from St. Ninian's Court;
- This ground is elevated by approximately two metres from ground level at our upper car park and as such there is no natural sound diffraction between the site and our property;
- Any buskers will need amplification to be heard on this site, competing with the noise of the TT races and the food van generators;
- Nuisance from cooking smells from 06:30 until 21:30;
- Live music and ample food are already provided for by the facilities erected adjacent to the TT grandstand/Nobles Park site. Local carryout food outlets also provide this service;
- Fencing around the site will be an eyesore as will the various vans/marquee/gazebos.
- I fear the next application will be for MGP and the next for the duration of the summer if not year round.
- There is already noise from the Grandstand, especially from Radio broadcasts which commence at 08:00;
- The Marquee would have an open-sided stage and will inevitably result in loud music;
- The number of car parking spaces is questionable in that 35 are noted, we believe this to be 32. These are located in the rear church car park;
- We would question the parking indicated for vendors also on the accompanying site plan, this is shown as 7 bays plus 14 bays for vehicles, making 21 in total. Currently this area has 10 car park spaces;
- The bin store indicated at the rear is in our opinion too far from the food source outlets and should be nearer. This is also located in the proposed vendor parking area;
- How the organisers will police this so we can enjoy parking in our own spaces without let or hindrance?
- In respect of both electricity and water, we would argue that both would be required in the process of food preparation and general hygiene/public health requirements. We would question the source of these supplies;
- There are several trees within 15m of the proposed site;
- There is a clear conflict of interest between the proposed development and the TT grandstand/Nobles Park traders;
- A food festival should be organised on a proper site, e.g. Villa Marina, Onchan Park;
- The Managers of St Andrew's Church would like to know more about site management and control. For the past 25 years we have supplied food and drink to race spectators and need to maintain access to our site for members to supply the service. We require access at all times to bring supplies etc. Previous years the area has had a permit to allow us entry: will this carry on? Relationship to site: Immediately adjacent to the site.

- A Pictorial Report is included with the objections from St Ninians Court Ltd.

5.5 REPRESENTATIONS ON BEHALF OF THE APPLICANT - received 22/4/24.

(In their comments DoI Highways expressed concern that that the proposals could cause traffic issues if visitor parking is not managed correctly, and have made the following requests (in brackets and italics below) for further information:

"(The DOI and Highway Services would like to understand how the applicant plans to manage the traffic entering /leaving St Ninian's Church, and whether visitor car parking will be discouraged/prohibited on the site,)"

Applicant's response: "There will be no parking onsite for visitors to the Foodies Village - signage has been prepared for the only entrance off St. Ninians Road - of the same dimensions as DOI road closure signs.

This will also be re-enforced on our social media platforms and printed promotional materials as well as through our media partner channels.

Parking for traders is provided in a designated and fenced off area as identified on the site plan in the planning application - traders will be arriving either early morning or midday. Parking permits will be given to traders (and church users on the Sunday for the allotted spaces)

We will also liaising with St. Andrews Church who access their parking during road closures, through the grounds of church - proposing a parking permit scheme for their team"

(whether visitors to the site will only be expected to arrive by foot as part of the wider TT festival area,)

"We believe that 90% of our footfall will be from traffic driven by the grandstand attraction - which should be covered in the organisers planning. The additional 10% is predominantly around the craft market days in the second week designed to appeal to local families that aren't TT followers. These days have been aligned to 2 full race days and a day off - all off which, from my experience of living opposite Nobles Park are lower, localised traffic days as people prefer to view the racing from around the course and travelling is hampered by road closures. Therefore we believe that it is unlikely that localised traffic will peak above the level planned for by the TT organisers."

(and whether a marshal(s) will be at the site access to control vehicles entering and exiting the site during the whole event period?)

"We believe that with the change of TT visitor parking arrangements, which means no access to parking in Nobles Park via the church grounds, is an issue that needs to be managed due to the high percentage of returning visitors who will be expecting to use this route.

We also believe that the duty of care to the residents of St. Ninians Court and ultimate responsibility to manage and communicate this challenge lies with the TT organisers as it is a resulting legacy of the previous years when they have benefitted from the access route. It would be an issue that would need addressing whether or not our event was taking place.

Therefore we have assumed the TT organisers would provide a Marshall at the access point to enforce the new parking and traffic flow arrangements.

Even with this assumption, we are in the process of organising branded steward T-Shirts for the Foodies Village and will provide someone in position at the entrance to the access road if and when required but cannot commit to a full time Marshall to resolve someone else's issues (New will reach out to co-ordinate with TT organisers and St. Andrew Church over this issue)."

UPDATE FROM THE APPLICANTS - received 24/4/24

"James queried what stewardship and signage we will be providing at the entrance to St Ninians Court off of St Ninians Road given the change in the parking situation. I advised that we will not be providing a steward at this junction. We will however be providing directional signage along St Ninians Road in accordance with a traffic management plan which we have had prepared by the Department of Infrastructure. Please note that this traffic management plan does not make allowance for the food village as it does not form part of our event. We will also be providing 1 steward at the junction between St Ninians Road and the Talk of the Town roadway who will act as a site entrance steward. This steward will direct traffic away from this site entrance to the alternative car park which we will be providing."

FURTHER UPDATE FROM THE APPLICANTS - received 24/4/24

"I have spoken to Carl Owen at Motorsport Development regards a Marshall based at the bottom of the access to St. Ninians Court.

He stated that traffic along St. Ninians Road is directed by signage only and that they have confidence that this is all that is required.

Their first Marshall for directing traffic is once inside Nobles Park at the Talk of the Town junction.

When questioned how they would response to a situation where people habitually turning up the access road to St. Ninians Court, he had no formalised plan and assumed it would not happen.

If there is an issue, we will do what we can by making the signage more prominent and in peak times placing a marshal at the junction if required. We cannot commit to a marshal being their permanently - when it is unsure if they will be required

We still feel that if this issue arises then there is a joint responsibility and this should have been considered as part of the Motorsport Development teams traffic management plan."

6.0 SUMMARY OF ISSUES

6.1 The main issues in the consideration of this planning application are considered to be:

- (i) Principle of development;
- (ii) Traffic management; traffic signage and parking;
- (iii) Tree protection;
- (iv) Noise and disturbance;

(i) Principle of development;

6.2 The site of the proposed development comprises part of St Ninian's Church Grounds located at Ballaquayle Road, Douglas. The site is within easy walking distance of the main TT site close to the Grandstand, pits and competitors parking and hospitality areas, and adjoins Nobles Park. It lies to the north of and adjacent to St Ninian's Court, which is a retirement housing complex of apartments for over 50's.

6.3 The development proposed is for the additional use of the site of St Ninian's Church Grounds, as a Food festival with associated facilities and Craft Market for the period 27th May 2024 to the 8th June 2024, is temporary in nature and is associated with TT Festival.

6.4 The proposal is considered to be acceptable in principle given its close proximity to the main TT event sites judged against the provisions of Strategic Plan Policies ST1, ST4, ST8,

ST10, GEN2, ENV3, ENV5, ENV6, ERNV22, ENV23, Business Policy 11, T4 and T7; and, the advice contained in the Area Plan for the East (2020).

(ii) Traffic management; traffic signage and access and parking;

6.5 The concerns raised by neighbours residing at St Ninian's Court, which is a residential development for the over 50's located immediately to the south and east of St Ninian's Church grounds, with vehicular access derived from St Ninian's Road, in relation to access to the site, traffic generation, vehicle movements, on-site and on-street parking, and noise and disturbance from traffic movements, are noted.

6.6 DoI Highways sought reassurances on the following issues it raised:

- o St Ninian's Road will be one way as per previous years.
- o Nobles Park will be used for disabled and permit parking only.
- o Spectators will be parking in St George's Football Field - this is likely to cause a lot of congestion along St Ninian's Road as people will be expecting to park in Nobles Park.
- o It is planned to cone off half of the highway along St Ninian's Road to create a turning lane (see picture below).

6.7 The applicant advised that:

There will be no parking onsite for visitors to the Foodies Village - signage has been prepared for the only entrance off St. Ninians Road

Parking permits for traders will be provided for parking in a designated and fenced off area as identified on the site plan in the planning application - traders will be arriving either early morning or midday. Parking permits will be given to traders (and church users on the Sunday for the allotted spaces).

6.8 The applicant further advised they believed that 90% of their footfall would be from traffic driven by the grandstand attraction - which should be covered in the organisers planning. The additional 10% is predominantly around the craft market days in the second week designed to appeal to local families that are not TT followers. These days have been aligned to 2 full race days and a day off - all of which, from experience of (the writer) living opposite Nobles Park are lower, as people prefer to view the racing from around the course and travelling is hampered by road closures. Therefore, the applicants believe that it is unlikely that localised traffic will peak above the level planned for by the TT organisers.

6.9 This is based on the assumption that the TT organisers would provide a Marshall at the access point to enforce the new parking and traffic flow arrangements. Even with this assumption, the applicants will provide someone in position at the entrance to the access road if and when required, however, they advise that they cannot commit to a full time Marshall to resolve someone else's issues.

6.10 In response to the further information provided by applicants, DoI Highway Services HDC advised that it continued to not oppose the application, with the proviso that "the Applicant should keep in touch with the TT organisers to live monitor/manage access and parking issues on their site alongside the TT management in the area."

6.11 Given the above comments received from the applicants and the response to them received from DoI Highways, it is considered that the proposals accord would not give rise to unacceptable issues in respect of traffic movements to and from the site; access and parking on and around the site; and, access to existing parking provision for occupants of St Ninian's Court and other nearby residential properties. Signage advertising the event is covered by separate legislation and controlled directly by DoI Highways. The TT event, whilst disruptive in terms of road closures and parking restrictions is an accepted part of island life and is well managed having been carried out annually (with exceptions for war and foot and mouth

disease), since 1907. The proposals are considered to be acceptable in this regard and accord with the provisions of Policies T4 and T7 of the strategic Plan.

(iii) Tree protection;

6.12 There are a number of Registered Trees on the site which are significant landscape and amenity features. The DoI Forestry Team (23/4/24) commented that given the layout of the site and the nature of the proposal, the risk to trees is fairly low and the proposals received from the applicants to minimise any harm to them will sufficiently reduce the risk to an acceptable level. An updated plan has been requested. Members will be advised at the Meeting if such a plan has been received.

6.13 Given the above comments from the Forestry Team it is considered that the proposal accord with the provisions of Environment Policy ENV3 in the Strategic Plan.

(iv) Noise and disturbance;

6.14 The Isle of Man TT fortnight is an annual event that draws in visitors from the Island, the UK, and abroad, and is internationally recognised and renowned. The site is located close to the main TT complex based around the permanent TT Grandstand, Nobles Park, their immediate surroundings, and roads leading to and from them. Motorcycle racing and the crowds it attracts is a noisy event.

6.15 The comments received objecting to the proposals from the residents of St Ninian's Court have been noted, and those relating to traffic generation, access and parking and the effect this may have on residents, are considered in section (ii) Traffic Management, of this report.

6.16 The Environmental Health Team has held discussion with the applicants regarding the proposals. No comments with regards to food safety at the event have been offered. This is a separate issue to any planning considerations. The Environmental Health Team has noted from the neighbour representations that there are concerns regarding noise and odour arising from the event, and has commented that "due to the nature, location and duration of the event (being during TT) any noise or odour is not likely to amount to a statutory nuisance under the legislation that we enforce." whilst there would be an element of disturbance, it would be set against the ongoing events of the TT, and the activities carried on at Nobles Park, The Grandstand and adjoining areas. It would be difficult to discern, or pinpoint that any such disturbance directly emanated from the applicants proposals. Ultimately, the TT and associated activities are temporary, and in this case would apply to the period from 27th May 2024 to the 8th June, 2024, and apart from the shorter, week long, Manx GP event scheduled for the end of August (which does not form part of these proposals), is considered to be acceptable.

6.17 In this regard the proposals are considered to be acceptable and accord with the provisions of Policies GEN2 and ENV22 of the Strategic Plan.

7.0 CONCLUSION

7.1 Given the above considerations and temporary nature of the proposed event, it is considered that the proposal is acceptable and that planning permission for the event for the period 27th May 2024 to the 8th June, 2024, should be granted.

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.