



Isle of Man
Government

Reillys Eilan 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, 20th 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 7th May 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 10th June 2024.

PLANNING COMMITTEE Meeting, 20th May 2024
Schedule of planning applications

<p>Item 5.1 Land At Vollan Field No's 131042, 131043, 135315 And 135318 Land East Of Royal Park Field No's 131085 And 135140 Andreas Road Ramsey Isle Of Man IM7 4EA</p> <p>PA23/00744/B Recommendation : Approve subject to Legal Agreement</p>	<p>Full approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields together with enhancement of existing habitat on land to the east of Royal Park</p>
<p>Item 5.2 Land At Ballacraigne St Johns Isle Of Man IM4 3LS</p> <p>PA23/01163/B Recommendation : Refused</p>	<p>Proposed two residential dwellings including vehicular access</p>
<p>Item 5.3 Site Office Laxey Glen Mills Mill Road Laxey Isle Of Man IM4 7AU</p> <p>PA24/00089/B Recommendation : Permitted</p>	<p>Replacement windows and doors (Retrospective)</p>
<p>Item 5.4 BMS House Port Way Balthane Industrial Estate Ballasalla Isle Of Man IM9 2AJ</p> <p>PA24/00312/C Recommendation : Permitted</p>	<p>Additional use as health centre (Class 4.1) to allow small part of the building (approx 50 sq m) to be used for a pharmacy dispensing site and health care service for practicing professionals to deliver care consultations to patients by appointment.</p>
<p>Item 5.5 Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB</p> <p>PA23/00407/B Recommendation : Refused</p>	<p>Proposed alterations and extension to side North-West elevation to create additional living accommodation.</p>
<p>Item 5.6 Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB</p> <p>PA23/01383/B Recommendation : Refused</p>	<p>Erection of a detached garage and car port and extension to curtilage (retrospective)</p>

<p>Item 5.7 Field 430886 Edd Beg Kerrowkeil Road Grenaby Malew IM9 3BB</p> <p>PA23/01384/B Recommendation : Refused</p>	<p>Erection of detached greenhouse, shed and raised beds (retrospective)</p>
<p>Item 5.8 Grenaby House Foxdale Road Ballasalla Isle Of Man IM9 3DR</p> <p>PA23/01418/B Recommendation : Permitted</p>	<p>Demolition of existing and erection of a detached dwelling with double garage and ancillary accommodation with associated landscaping and driveway</p>
<p>Item 5.9 1 To 17 Karran Close And 27 To 30 Taggart Close Reayrt Mie Ballasalla IM9 2BP</p> <p>PA24/00082/B Recommendation : Refused</p>	<p>Erection of thirty one terraced and semi-detached dwellings on the site of previously approved twenty one detached, terraced and semi-detached dwellings</p>
<p>Item 5.10 Part Field 615019 Land Adjacent To The Salmon Lake Center Mines Road Laxey</p> <p>PA23/00932/B Recommendation : Permitted</p>	<p>Creation of new parking area, installation of new footbridge, and installation of new foot path</p>
<p>Item 5.11 Platform Adjacent To Thirtle Bridge Castletown Isle Of Man</p> <p>PA24/00412/B Recommendation : Permitted</p>	<p>Installation of heron sculpture on former swing bridge platform</p>

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.1

Proposal : Full approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields together with enhancement of existing habitat on land to the east of Royal Park

Site Address : Land At Vollan Field No's 131042, 131043, 135315 And 135318
Land East Of Royal Park Field No's 131085 And 135140
Andreas Road
Ramsey
Isle Of Man
IM7 4EA

Applicant : Hartford Homes

Application No. : [23/00744/B](#)- click to view

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

23/00744/B Conditions

Detailed

1. The detailed part of the development hereby approved, namely the erection of dwellings, neighbourhood centre which includes retail units, children's nursery and Community Hall, associated landscaping and infrastructure, shall begin 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.

Approval in Principle (school site only)

2. Prior to commencement on the 'Approval in Principle' part of the development hereby approved, namely the two-form entry primary school and associated access/infrastructure (the school site), details of siting, design, external appearance, site layout and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Department.

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

3. The first application for approval of the reserved matters for the school site shall be submitted to the Department not later than four years from the date of this approval.

Development of the school site shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved. Development shall be carried out in accordance with the approved details.

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

4. As part of any Reserved Matters application on the school site, a new Preliminary Ecological Appraisal Report (PEAR) shall be undertaken for the school site. The survey shall be undertaken by a suitably qualified ecological consultancy and shall be accompanied with any additional species surveys as determined by the ecologists and shall include proportionate avoidance, mitigation and compensation measures.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

5. As part of any Reserved Matters application for the proposed school full details of the access arrangements, parking, turning, servicing, and operation shall be submitted to and approved in writing by the Department and implemented thereafter prior to the first occupation of the school.

Reason: To ensure that the development is served by adequate school drop-off facilities

Ecology / Landscaping

6. Prior to commencement of any development a detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi (See the Isle of Man Fungus Group's Survey of Vullan Fields 1-3) for the habitat enhancement creation area (land to east of Royal Park only) shall be submitted in writing for approval by the Department and these approved works and timescales shall be fully adhered to.

Reason: In the interests of biodiversity net gain of the development (Climate Change Act).

7. Prior to the commencement of development, including works of site clearance and ground preparation, details of a suitably qualified Ecological Clerk of Works (including name of person/company as well as details about their role on site), to be appointed for the duration of the works, including works of site clearance and ground preparation shall be submitted in writing for approval by the Department. The Ecological Clerk of Works shall be responsible for overseeing the various wildlife mitigation measures and the protection measures contained within the five sections in the approved Construction Environmental Management Plan dated January 2024 in full, throughout the duration of construction works.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

8. Prior to the commencement of development a timetable of the butterfly bank and hibernaculum as shown on Wildlife Mitigation Plan dated February 2023 drawing No. 13 Rev A shall be submitted to an approved by the Department shall be carried in full accordance with the approved details and retained thereafter.

Reason: To provide adequate safeguards and improvements for the ecological species on the site (Environmental Policy 4 & 5).

9. Prior to first occupation of any dwelling, bird boxes, bat boxes and bee bricks, in accordance with the details specified on Drawing No. 13 Rev A (Wildlife Mitigation Plan), shall be provided on that dwelling prior to its occupation. Once provided, the bird boxes, bat boxes and bee bricks shall be retained thereafter.

Reason: To safeguard statutorily protected species and in the interest of biodiversity (Environmental Policy 4 & 5).

10. Notwithstanding any details already submitted and prior to commencement of any construction works, a detailed hard and soft landscaping strategy (other than for private gardens) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details and timetable. The details to be submitted shall include:

- i) plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas without and around the boundaries of the site, including replacement banking/landscaping to either sides of the new accesses to the Andreas Road and Bride Road;
- ii) a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- ii) demonstrating a 7m buffer with suitable tree planting between the Registered Woodland to the north of field 135316 and any development should be provided and maintained to shield the woodland from the development and any artificial. These trees shall be planted early on in the construction period in order to give them a longer period to grow and provide this protection and details of timescales for this shall be provided;
- iii) proposed finished levels and contours;
- iv) hard surfacing materials;
- v) minor structures (eg street furniture, refuse storage areas, signage etc);
- vi) a timetable for implementation;
- vii) a scheme for the ongoing management and maintenance of all landscaped areas (other than private domestic gardens) and open space covered by the planning obligation, including long term design objectives, management responsibilities and maintenance schedules.

Reason: In the interests of the character and visual amenity of the site, and to enhance and safeguard biodiversity (General Policy 2 & Environmental Policy 4 & 5).

11. Any lighting to the south west of the site within the area of Public Open Space and to northern boundary adjacent to neighbouring woodland shall be a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

12. Prior to the occupation of the first dwelling in each phase of development hereby approved, a scheme for the design and layout of the proposed areas of public open space within that phase as shown on drawing Ref: 5132 01K Landscape Masterplan, including the position of equipment, and the boundary treatment to prevent vehicles entering or parking within it, must be approved in writing by the Department, and the development must be undertaken in accordance with this scheme. The delivery of public open space shall be undertaken and completed prior to the completion of the final dwelling in each phase

Reason: To ensure that public open space is safe for use and that its layout is not detrimental to the living conditions of the occupants of adjacent dwellings.

Trees

13. Prior to commencement of development in any phase, including any works of site clearance or ground preparation, an Arboricultural Method Statement (AMS) detailing the measures to be put in place during the construction period for the protection of those trees and hedgerows shown as being on drawing refs. . TP-061222-NE_revD and TP-061222-SW_revD, and which adheres to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS shall provide technical detail on the required protection measures, construction methods and supervision protocols. Development shall be carried out in accordance with the agreed protection measures.

Reason: To provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on or adjacent to the site.

14. Any trees or plants indicated on the approved landscaping scheme approved under Condition 9 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 the character and visual amenity of the site, and to enhance and safeguard biodiversity (General Policy 2 & Environmental Policy 4 & 5).

15. All works to be undertaken in full accordance with the tree retention and protection measures, including use of Construction Exclusion Areas, shown in Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD) and Wildlife Mitigation Plan Drawing No. 13 rev A).

Reason: To retain and protect trees on or adjacent to the site, safeguard the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits (Tree Protection Policy and Environmental Policy 3).

16. No retained tree or hedgerow shall be cut down, uprooted, or otherwise destroyed during the development phase and thereafter within 5 years from the date of

occupation of the building for its permitted use, other than in accordance with the approved plans and particulars as shown on drawing Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD) and 13 REV A Wildlife Mitigation Plan. In the event that existing trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality (General Policy 2).

Phasing

17. Prior to the commencement of development, and notwithstanding the details already submitted, an updated phasing plan shall be submitted to and approved in writing by the Department. The Phasing Plan shall include details of the maximum number of dwellings, including trigger points for the delivery of the neighbourhood centre and other development to be implemented (Public Open Space, Children's' play equipment, foul and surface water drainage works, surface water prevention measures during construction phase, highway works, access to section of phase to public highway & landscaping works) within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development, ensure that utility infrastructure is delivered in a coordinated and planned way, to ensure that public open space/children's play equipment are safe for use in a timely manner for future residents, ensure future residential properties are served by on-site local facilities in a timely manner and that its layout is not detrimental to the living conditions of the occupants of adjacent dwellings (General Policy 2, Recreation Policy 3 and 4, Business Policy 10 and Environment Policy 13).

Drainage

18. Prior to the commencement of the development and notwithstanding the details already submitted, an updated drainage scheme demonstrating how surface water will be adequately drained to the proposed adopted surface water drain (to the west of the plots) from the rear gardens of Plots 7 to 18 shall be submitted to and approved in writing by the Department. Should the final solution be an open drainage channel it shall be kept clear at all times. The approved drainage scheme shall be completed prior to the occupation of any dwelling within Plots 7 to 18 and retained thereafter.

Reason: ensure that surface water infrastructure is delivered in a coordinated and planned way to prevent on or off site flooding to neighbouring properties which run along the southern boundary of the site (Environment Policy 13).

19. Prior to the commencement of the development a detailed *construction phase surface water runoff management plan to deal with the potential increase water flow from the site to neighbouring properties* shall be submitted to and approved in writing by the Department. The development shall only be implemented in accordance with the approved details.

Reason: ensure that surface water during the construction phase is delivered in a coordinated and planned way to prevent on or off site flooding to

neighbouring properties which run along the southern boundary of the site (Environment Policy 13).

Use Classes / Permitted Development

20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any replacement/amendment of that order) the two retail units within the neighbourhood centre hereby approved shall be used only for purposes falling within Use Class 1.1 (Shops), Class 1.3 (Food and drink) and for no other purpose, the Children's Nursery within the neighbourhood centre hereby approved shall be only used for purposes falling within Use Class 4.2 (Childcare or Education) and the Community Hall within the neighbourhood centre hereby approved shall be only used for purposes falling within Use Class 4.3 (Other community facilities).

Reason: The application has proposed two Retail Units, Community Hall and a Children's Nursery and has been considered on this basis and to reduce the need travel from the site and to provide local facilities for future residents of the site.

21. 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 fences, gates, sheds, greenhouses, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house on Plots 7 to 18, without the prior written approval of the Department.

Reason: To ensure the drainage scheme approved under Condition 15 is not impacted which could result in surface water flood events to the site and neighbouring properties (Environment Policy 13).

Highways

22. Prior to first occupation of any dwelling, the visibility splays shown on drawings ITB17390-GA-001 rev F (Andreas Road), ITB17390-GA- 002 rev H (Bride Road), ITB17390-GA-005 rev G (Internal visibility splays) shall be provided and be permanently retained thereafter. Nothing shall be planted, erected and/or allowed to grow within the visibility splays above a height of 1 metre above ground level.

Reason: In the interest of Highway Safety (Transport Policy 4 & 6).

23. Prior to the occupation of any dwelling hereby approved the parking spaces which serve that dwelling shall be provided in accordance with the approved drawing 06 REV A and Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient cycle provision is made for the development which has under provision of car parking (Transport Policy 7).

24. Prior to the occupation of the Neighbourhood Centre (nursery unit, retail units & community hall) hereby approved the parking spaces which serve these units shall be provided in accordance with the approved drawing 06 REV A and such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient cycle provision is made for the development which has under provision of car parking (Transport Policy 7).

25. The estate roads, including footways, shall be constructed so as to ensure that, before it is occupied, each dwelling or unit within the neighbourhood centre has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling or unit and the existing highway at Andreas Road or Bride Road.

Reason: To ensure that the development is served by an adequate means of access (Transport Policy 4 & 6).

26. Prior to first occupation of any dwelling hereby approved without a garage, details of the cycle storage provision at a rate of one storage space per bedroom shall be submitted in writing for approval by the Department and the approved cycle storage scheme shall be completed prior to the occupation of the dwelling and retained thereafter for its intended purpose.

Reason: To ensure that the development is served by adequate cycle storage to meet sustainable travel aims (Active Travel/Manual for Manx Roads).

27. Prior to first occupation/operation of any unit in the neighbourhood centre hereby approved, details of the cycle parking shall be submitted in writing for approval by the Department and the approved cycle parking scheme shall be completed prior to the occupation of any unit and shall be retained thereafter for its intended purpose.

Reason: To ensure that the development is served by adequate cycle parking to meet sustainable travel aims (Active Travel/Manual for Manx Roads).

28. Prior to the occupation of any dwelling or unit with the neighbourhood centre all offsite highway improvement works and bus stop upgrades as shown on drawings, GA-001 F, GA-002 H, GA-007 H, GA-012 B, GA-013 B, GA-101 A, GA-102 A, GA-103 A, GA-104, GA-105, GA-106, GA-107 A, GA-108 A, GA-109, GA-110 A, GA-111, GA-112 A, GA-113 A, GA-114 shall be completed and ready for use.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

29. Prior to the occupation of any approved dwelling using the new access junction onto the Bride Road as shown on drawing ITB17390-GA-002 REV H all onsite highway works and pedestrian footpaths and bus stop upgrades to the northern side of Bride Road as shown on drawings ITB17390-GA REV 012 B and ITB17390-GA-007 REV H and shall be completed and retained thereafter.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

30. Prior to the occupation of any approved dwelling using the new access junction onto the Andreas Road as shown on drawing ITB17390-GA-001 REV F all onsite highway works and pedestrian footpaths and bus stop upgrades to the northern side of Bride Road as shown on drawings ITB17390-GA REV 013 B and ITB17390-GA-007 REV H and shall be completed and retained thereafter.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

31. Prior to the commencement of development on any part of the site, including works of site clearance and preparation, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Department. Development shall be carried in accordance with the approved Plan.

Reason: To maintain safe and adequate site access arrangements for construction traffic and other highway users (Transport Policy 4).

32. The development hereby approved shall be carried out in accordance with the i-Transport Framework Travel Plan (Ref: BT/LJ/ITB17390-003B R dated 3rd April 2023) shall be implemented in accordance with the measures and any phasing of them as set out therein.

Reason: to ensure the sustainable travel options are undertaken as proposed (Active Travel/Manual for Manx Roads).

Noise

33. Prior to the occupation of plots 1 to 6, 35 to 41 and 146 to 153 inclusive (as shown in Resound Acoustics Noise Assessment Figure G.4, Appendix G) details of the mechanical ventilation with heat recovery must be submitted and approved by the Department. No development shall take place above ground level in each phase until a schedule of materials and finishes and/or samples of all external facing materials for all buildings have been submitted to and approved in writing by the Department. The relevant works shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenities of future occupants (General Policy 2).

Other

34. Prior to the occupation of any dwelling the boundary treatment as shown on drawings Fencing Plan Sheet 1 of 3 - Hart 70 10 REV A, Fencing Plan Sheet 2 of 3 - Hart 70 11 REV A or Fencing Plan Sheet 3 of 3 - Hart 70 12 REV A shall be completed and retained thereafter.

Reason: In the interests of visual amenities of the street scenes (General Policy 2 and Residential Design Guide).

35. No customers shall be served or remain in the two retail units hereby approved outside the following hours 0800hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area (General Policy 2).

36. No customers/children shall remain in the nursery unit hereby approved outside the following hours 0730hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area (General Policy 2).

37. No visitors shall remain in the Community Hall hereby approved outside the following hours 0800hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area (General Policy 2).

Reason for approval:

Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site (main development site) which is designated for "Mixed Use", where as the "land to the east of Roya; Park" is designated as "Proposed Public Open Space" under the Ramsey Local Plan 1998.

The "main development area" will clearly change the landscape character of the site/area from one of undeveloped agricultural fields to a residential development in the main, including neighbourhood centre and potential future school. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey which is within the "Town Boundary" as outlined by the existing Ramey Local Plan. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre, with appropriate public transport links and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and other Government strategies outlined in this report.

There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontages of the application site being improved and provisions of an upgraded bus stop and improvements to the existing pedestrian works.

The proposed development will not result in an unacceptable risk from flooding on or off site.

Finally, there are no significant impacts upon protect species on this site (namely birds/bats/Fungi, Schedule 7 and rare and scarce plant or Schedule 8 Plants), while there are significant levels of mitigation proposed/conditioned.

It is considered that the proposal would contribute to the supply of housing (including 38 affordable houses) as a sustainable urban extension to a settlement identified near the top of the settlement hierarchy.

The application includes a suitable level of Public Open Space throughout the development, including a variety of children plays areas/spaces for various age groups all within a walk able distance within the site for future occupants and also for existing residents in nearby housing developments.

While the development will have an impact upon public services (GPs/dentists, school capacities) given additional persons who would live in the catchment of such services. However, for the reason outlined in this report it is not considered this impacts would be adverse and not a matter which this application alone could necessary address.

In conclusion for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the planning policies of the IOM Strategic Plan 2016 outlined within section 4.0 of this report, the Residential Design Guide 2021, Ramsey Local Plan 1998 and Manual for Manx Roads.

It is recommended that the planning application be approved for the reasons given, subject to the Section 13 Legal Agreement been signed and the conditions listed.

Interested Person Status – Additional Persons

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

Flood Management Division (DOI)
Manx Utilities
Manx National Heritage
Department of Education, Sport and Culture
Public Estates & Housing Division (DOI)
Business Agency (DED)
Manx Care -Executive Director of Health Services

Should be given

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

Elleray, Bride Road, Ramsey
Greenbank, Bride Road, Ramsey
Brackney, Bride Road, Ramsey
Anchor Down, Bride Road, Ramsey
Fair Isle, Bride Road, Ramsey
Thie Y Vollan, Bride Road, Ramsey
Rostherne, Bride Road, Ramsey
Fasque, Andreas Road, Ramsey
2 Ormly Avenue, Ramsey
45 Royal Park, Ramsey
St Bridgets, Bride Road, Ramsey

Should NOT be given

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

Coach House Boarding And Cattery, The Coach House, Bride Road, Ramsey
Ormly Hall, Bride Road, Ramsey
Ballacarberrry House, Andreas Road, Dhoor
122 Royal Park, Ramsey
Pendle, 5 Brookfield Avenue, Ramsey
117 Greenlands Avenue, Ramsey
47 Lezayre Park, Ramsey
Wavertree, Ormly Avenue, Ramsey
12 Ormly Avenue, Ramsey
The Haven, Dogmills, Ramsey
17 Rheast Mooar Close, Ramsey
Ballakesh Farm, Lhen Road, Bride
6 Thornhill Close, Ramsey
Penryn Lodge Apt, St Olaves Close, Ramsey
1 Croit Ny Kenzie, Andreas
Thie Mooar, 9 Grand Island, Ramsey

80 Greenlands Avenue, Ramsey
40 Royal Park, Ramsey
Woodland, Grove Mount West, Ramsey
6 Summerland, Ramsey

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

8 Princes Road, Ramsey
Meadow View, Andreas Road, Dhoor
Shearwater, The Dhoor, Andreas Road, Lezayre, Ramsey
36 Cooil Breryk, Ramsey
53 Royal Park, Ramsey

Are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy, 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 PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS PROPOSED AND THERE ARE A NUMBER OF PRIVATE OBJECTIONS CONTRARY TO THE RECOMMENDATION

1.0 THE APPLICATION SITE

1.0.1 The application site comprises of two parcels of land. The first which is approximately 11.3 hectare in area is located on at the land at the Vollan and is made up of Fields No's 131042, 131043, 135315 and 135318. These four fields are located to the northern side of Bride Road (A10) and east of Andreas Road (A9). The character of this section of site is generally agricultural fields, fairly flat in nature and which have field hedgerows to separate each field. There are various field gates to access each of the fields. The northern boundary of the site makes up the current town boundary of Ramsey. This section of the site will be referred as the "main development site".

1.0.2 The second parcel of land is made up of two fields, No's 131085 And 135140 which are approximately 3.73 hectares in area, to the East of Royal Park housing development. The character of this section of site is generally agricultural fields, flat in nature and which have field hedgerows to separate each field. There are field gates to access each of the fields. The field's sits above the Mooragh Park Brooghs and Vollan Crescent/Ramsey Promenade. This section of the site will be referred as the "land to the east of Royal Park".

2.0 THE PROPOSAL

2.0.1 The application seeks full planning approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields, together with enhancement of existing habitat on land to the east of Royal Park within fields No's 131085 And 135140.

2.0.2 The proposed dwellings are located within fields 131042, 131043 and 135315 only. The dwellings are a mixture of two storey terraces, two storey semi-detached, two storey detached and detached and semi-detached bungalows. The dwellings externally would be finished in painted render and all with a dark grey roof tiles. All properties would have solar roof panels and air source heat pumps. Of the 153 dwellings proposed, 114 dwellings would be available on the open market with the remaining 38 dwellings (2 and 3 bedroom dwellings) being affordable homes. Each dwelling would have two off road parking spaces associated with it. The areas proposed for housing, community uses (neighbourhood centre) and roads amount to approximately 9.1 ha. The net site density is therefore approximately 16 dwellings per hectare. Public open space (POS) is proposed interspersed within this section of the site, made up of amenity spaces, some of which include children's play facilities (three areas). In total 15241sqm comprising 7460sqm formal, 5281sq m amenity, and 2500sqm children play space.

2.0.3 The proposed community facilities (also referred as neighbourhood centre within this report/conditions) which are made up of three detached single storey buildings, located within existing field No 131043, which is to the south-western part of the site. The three buildings would surround a central car parking area (62 spaces, 4no motor bike spaces, and 4no bicycle hooped racks) for uses of the community facilities which are a nursery (133sqm), two retail units (total floor area of 286sqm) and a community hall (407sqm). To the south of the neighbourhood centre is the largest areas of public open space within the site, which includes a playing sports pitch and children's play area.

2.0.4 To the north-eastern/eastern sections of the site the application seeks approval in principle for a new primary school (2.2 hectares in area). The submission shows an indicative layout of the school, parking area, laybys and school playing field. A potential future Reserved Matters application would considered the precise details of the school. This current application only deals with the principle of the land being used for education purposes only.

2.0.5 Fields No's 131085 and 135140 are proposed for habitat enhancement situated to the south east of the development area between Royal Park and the Promenade. This area would be managed by the landowner or other appropriate body and will be retained as such through a Section 13 agreement, for a 30 year period. The works to this area relate the biodiversity gain of the overall development.

2.0.6 In terms of landscaping of the "main development site" the applicants comment;

"The proposed scheme includes the retention of the existing internal hedgerows and trees along the site boundaries where possible. A significant number of new trees will be planted along the site boundaries and within the

site to provide tree-lined roads. In addition to this, a 5-metre-wide planting zone is proposed to provide screen planting along the eastern boundary of the proposed school."

2.0.7 The site would be access via two new vehicular/pedestrian accesses. First is the primary access onto the Andreas Road and the secondary access off the Bride Road. This provides a through road linking Andreas Road, running eastwards within the site, to Bride Road. The new main site access road will be 6.75 wide with a 3m wide shared-use footway/cycle way on the northern side of the carriageway and a 2m wide footway on the southern side. The proposed footway at the Andreas entrance will continue 50m southwards to a proposed uncontrolled crossing complete with dropped kerbs and tactile paving to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. There will also be a dropped kerb crossing to the north of the proposed access to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. 3.15. The proposed footway from the Bride Road entrance will continue westwards along the site frontage for approximately 50m and tie in with the existing footpath opposite the junction with Vollan Close. An uncontrolled crossing complete with dropped kerbs and tactile paving is proposed to allow pedestrians to cross safely onto the existing footway on the southern side of Bride Road. There will also be a dropped kerb crossing to the east of the proposed access to allow pedestrians to safely cross onto the existing footway on the southern side of Bride Road.

3.0 PLANNING HISTORY

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

4.0 KEY DOCUMENTS/PLANNING POLICY

4.0.1 MATERIAL CONSIDERATIONS

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

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

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

4.1 LOCAL PLAN

4.1.1 The application site falls within two area plans, firstly the "main development area" is within an area designated as "Mixed Use – Vollan Fields - I" under the Ramsey Local Plan 1998. The "land to the east of Royal Park" is designated as "Proposed Public Open Space – Ormly Hall - B" under the Ramsey Local Plan 1998.

4.1.2 The Ramsey Local Plan Written Statement states;

"HOUSING

Policy R/R/P2; Specific Area Development Briefs

These Areas, which are identified by letter and title on the Local Plan Map, should be developed in accordance with the following briefs.;

"I. Vollan Fields

An additional area has been zoned for residential development as part of an area of mixed use. This area lies to the east of the A9 and to the north of the Bride Road, limited by the Town boundary to the north and by Vollan Farm to the east. Development may proceed only in accordance with an overall scheme for the whole area. This scheme should include an appropriately landscaped soft northern edge to the Town."

4.1.4 And

"B. Ormly Hall

Development may take place only in accordance with a scheme for the whole area which:

- a) preserves as natural, green open space the land referred to in Policy R/R/P1(a);*
- b) provides for a new primary school if this is required by the Department of Education;*
- c) uses low density housing only; and*
- d) includes landscaping of the western boundary of the area and of the link to the Bride Road."*

4.1.5 Given the Mixed use designation the site has also been considered suitable for light industrial development stating;

"Industry

Policy R/I/P1 Light Industrial Development

D. Vollan Fields

The area to the east of the A9, north of the Bride Road and limited by the town boundary to the north and the Vollan Farm to the east has been re-zoned for mixed use which may include light industrial development in the eastern most area. Development may proceed only in accordance with an overall scheme for the whole area (reference; Policy R/R/P21)."

4.1.6 Chapter 5 Community Facilities indicates;

"The Department of Education has indicated that two primary schools are needed in Ramsey and that one be created by the expansion of Auldyn Infants School. The location of the second school will be subject to further consideration by the Department of Education, and will be determined having particular regard to open space and landscaping requirements (reference: Policy R/COM/PIA and B)."

4.2 ISLE OF MAN STRATEGIC PLAN

4.2.1 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application.

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 2 Identified Ramsey as a Service Centre
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Wildlife and Nature Conservation
- 5 Ecological Impacts
- 10 Flood Risk Assessments
- 13 No unacceptable risk of Flooding
- 14 Loss of agricultural land
- 42 Respect the local character and identity

Housing Policy

- 1 General need for additional housing from 2011 -2026
- 2 Supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 5 Provisions for 25% affordable Housing
- 6 Development Briefs

Business Policy

- 9 support new retail as long as not having an adverse effect on adjacent retail areas
- 10 exceptions of neighbourhood shops in large residential areas

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space

Community Policy

- 1 Provision of new neighbourhood centres
- 2 New community facilities should be located to serve the local population and be accessible to non-car users
- 5 Permission will generally be given for proposals to build new schools in accordance with policies of the plan

10 Fire Fighting provisions

Transport Policy

- 1 Be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.
- 2 Provision for new links
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirements for Transport Assessments

Energy Policy

- 5 Energy Efficiency

4.3 RESIDENTIAL DESIGN GUIDE 2021

4.3.1 This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

4.4 AREA PLAN FOR THE NORTH AND WEST - Draft Plan

4.4.1 The Cabinet Office has undertaken a Preliminary Publicity which outline matters that the Cabinet Office would like to address in detail within the Area Plan and gives individuals the opportunity to comment at an early stage on these outline matters and inform the production of Draft Plan. Further public consultation was undertaken on the Draft Plan and a number of proposed modifications put forward to the Public Inquiry due to be held in July this year for the Independent Planning Inspector to consider. The later of the plans indicated that the "main development site" (RR006) is proposed as "Predominately Residential" and the "land to the east of Royal Park" as "Open Space". It should be noted that at the Preliminary Publicity stage of the area plan process the "main development site" is to be de-zoned. However, Cabinet Offices has since changed its position as mentioned above. The more recent draft area plans and Written Statement can be viewed under the "North & West Area Plan Publicly Inquiry Page" web page.

4.4.2 The Draft Written Statement for the plan in relation to dwellings comments;

"14.1.1 Our Island Plan 2021 to 2026 identifies housing as one of the critical issues that Government needs to address. The commitment is to "tackle the housing crisis by ensuring everyone has a suitable and affordable place to call home" and this is linked to the goal that "our housing stock meets the needs of our population now and into the future." It is not the role of this Plan to fully define the term 'housing crisis' or tackle national housing issues but there is a clear need to fully understand the context within which this Plan is drafted. A clear baseline in terms of Housing Policy for the North and West is set out in the Strategic Plan which remains the statutory policy guidance in terms of overall housing numbers.

14.1.2 While the Plan Period of this Plan is to 2026, and there is the requirement to be in general conformity with the Strategic Plan, it is only prudent to take into account the time remaining in the plan period, emerging data projections, the deliverability of

housing units in the next two years and the transitional arrangements from one plan to another."

14.2.3 Proposed housing allocations in this plan go modestly beyond the housing numbers specified in the Strategic Plan to take into account the changes in average household size that were at the time acknowledged as susceptible to influence from a wide range of macroeconomic factors and is in the spirit of the plan with the intention of having a regular reviews to plan, monitor and manage."

4.4.3 The statement also indicated that;

"14.3.6 Cabinet Office acknowledge that this plan comes towards the end of the plan period and is likely to last beyond 2026 until the updated Strategic Plan and All-Island Area Plan are approved and brought in to operation. It is very unlikely that all of the sites identified in this Plan and all of the associated infrastructure referred to will be fully built out by 2026. To ensure adequate delivery of housing in the plan period, Cabinet Office proposes to prorata the expected yield of proposals sites for the remaining time to deliver Housing Policy 1 of the Strategic Plan 2016. As an aside, the additional 484 units that may be delivered on the proposal Sites in the medium term provides approximately half of the anticipated uplift in housing need expressed in the Strategic Plan Review Preliminary Publicity."

4.5.6 The Written Statement indicates that a total of 770 dwellings in the North are required to meet the IOMSP total Island housing number of 5,100 dwellings between 2011 and 2026.

4.6 CLIMATE CHANGE ACT 2021;

4.6.1 *"Town and Country Planning (Development Procedure) Order 2019 amended After paragraph 2 of Schedule 1 to the Town and Country Planning (Development Procedure) Order 2019, insert —*

«2A All applications except those for approval for change of use, reserved matters, replacement windows and doors in conservation areas and minor changes

(1) This paragraph applies to applications for planning approval except those referred to in sub-paragraph (2).

(2) This paragraph does not apply to —

(a) an application for change of use only;

(b) an application for approval of reserved matters;

(c) an application to replace a window or a door of a building in a conservation area; and

(d) a minor changes application.

(3) Every application to which this paragraph applies must —

(a) demonstrate that the application has been made having regard to the following climate change policies —

(i) the maximisation of carbon sequestration;

(ii) the minimising of greenhouse gas emissions;

(iii) the maintenance and restoration of ecosystems;

(iv) biodiversity net gain;

(v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those polices is not practicable in relation to the proposed development."

4.7 Isle of Man Economic Strategy

4.7.1 The Isle of Man Economic Strategy was approved by Tynwald in November 2022. The Economic Strategy outlines a 10–15-year strategy which seeks to,

"...build a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man".

4.8 UNESCO Biosphere Isle of Man

4.8.1 UNESCO Biosphere Isle of Man is all about keeping the Isle of Man a special place to live, work and visit. The Isle of Man is the first entire Island Nation in the world to receive this designation. The UNESCO Biosphere Isle of Man project does not seek to prevent any specific actions, but to promote enjoying and celebrating the Isle of Man to the full, making it an even better place to be and promoting engagement. The Biosphere Reserves are about achieving a good working balance between people and nature' and the Accreditation reflects how the Isle of Man manages its environment, community and economy, acknowledging that all three components are necessary to achieve a sustainable situation. The Biosphere related guidance, as summarised below, is not formal planning policy but the designation is capable of being a material consideration.

4.9 Department of Environment, Food and Agriculture - Agriculture and Lands Directorate Forestry, Amenity and Lands - TREE PROTECTION POLICY - Department Policy Relating to the Protection of Trees – Version 2.0, December 2021.

4.10 MANUAL FOR MANX ROADS is published by the Isle of Man Government's Department of Infrastructure. Our aims are:

- to ensure the highway network enhances accessibility to goods and services and encourage a diversity of transport modes
- to ensure the highway network provides for safe interactions between transport modes
- to maintain a safe, inclusive and serviceable highway network

5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services – Planning Applications and any decision should read this in full. Further, the application has been re-advertised in response to issues raised and therefore there are multiple comments from various representations. The comments below are taken from the last correspondence from the relevant party only. As mentioned there have been multiple comments from the majority of each representation.

5.0.1 Ramsey Town Commissioners have made the following observations (25.07.2023):

"I am instructed to tell you that Ramsey Town Commissioners considered this application on 19th July at their monthly board meeting.

They wish to submit an observation for this application. The Board raised concern with regards to the impact that an additional 153 properties would have on the infrastructure of the town, specifically the stone bridge on Bowring Road. The bridge is an aging structure which has required strengthening work in recent years. It is the main access route to, from and beyond the town for several northern villages, with the nearest diversion route via Sulby, which is a considerable diversion. The Swing bridge is narrow and one way and would not tolerate the volume and weight as a diversion route. Concerns were also raised over the provision of tertiary services, with residents often commenting on the lack of access to doctors and dentists and what the impact might be with the addition of this estate. And finally, concerns were raised over the flood risk on the site."

5.0.2 Highway Services (DOI) do not object to the application subject to conditions and make the final comments (18.10.2023):

"The applicant has provided additional information and plans in October 2023 to address items from DOI Highway Services previous response dated 20 July 2023. It is advised that an electronic copy of the supplementary TA dated 12 October 2023 online is uploaded as a direct pdf rather than a scan of a paper file as the quality and detail of the plans is not clear for readers. However, DOI Highway Services have seen a direct pdf copy of the plans and can respond to each point as itemised summary as follows:

1. Traffic calming measures and crossing warning signs should be considered on Bride Road and Andreas Road – the applicant has proposed suitable traffic calming measures on Andreas Road and Bride Road as shown on plans GA-001, GA-002 and GA-007.

2. Explain omission or re-submit Station Road accident data within the TA – the applicant has adequately explained the situation and therefore this item is addressed.

3. The main arterial road should be traffic calmed and pedestrian crossings prioritised – pedestrian desire lines between the mixed use area and northern part of the site, between the open spaces and between the primary school area and the dwellings should be enhanced, such as raised crossings or junction features – the applicant have provided suitable features to the main arterial road and therefore this item has been addressed.

4. Junction accesses onto Bride Road and Andreas Road, and pedestrian crossing on Bride Road - visibility splays for these accesses and pedestrian crossing should be confirmed to be adopted and made into footways – the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

5. New footways fronting Bride Road should be extended to link existing footways in front of properties to the north of Bride Road, to secure adopted visibility splays at the vehicular and pedestrian crossings and to encourage pedestrian trips to/from the site – similar to item 4 above, the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

6. New footways fronting Andreas Road should be extended to adopted visibility splays and to encourage pedestrian trips to/from the site - similar to items 4 and 5 above, the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

7. Uninterrupted and safe/prioritised pedestrian connections to the nursery from the surrounding dwellings should be considered – the applicant has now provided a direct crossing from the surrounding dwellings through the car park on the layout plan and therefore this item has been addressed.

8. Adopted margin of 600mm width should be provided on the proposed adopted roads where footway is omitted on one side. – this has been addressed on the revised layout plan.

9. Bus stop improvements should be proposed on Bride Road and Andreas Road – consultation with the Bus Vannin department should be undertaken to see what facilities would achieve the best outcome to encourage users of the site to use public transport – the applicant has provided bus stops on Bride Road as requested by Bus Vannin on the revised off-site highway works plans which therefore addresses this item. No bus stop shelters were recommended on Andreas Road by Bus Vannin.

10. The pedestrian crossing at the vehicular access on Bride Road would result in pedestrians crossing behind a stopped bus – this should be moved to the rear of the bus when it is stopped as vehicles are approaching the stopped bus – the applicant has moved the crossing between the two bus stops which addresses this condition.

11. The applicant should propose MOVA installation at the Parliament square signals, via a S109 agreement, to offset the traffic impacts of the development – the applicant has agreed to fund MOVA installation at this signals which is welcomed and therefore addresses this item.

12. PERS Study for Ramsey – applicant should suggest improvements funded by the development based on the audit recommendations as well as maximising/prioritising improvements to encourage sustainable travel from the

site to/from Ramsey centre – the applicant has agreed to provide improvements to pedestrian access in Ramsey to the site, as per the off-site highway plan proposals, which is welcomed and therefore addresses this item. The exact design of the improvements will be agreed in future design and Road Safety Audit stages.

13. Visitor parking for the dwellings within the private parking areas should be considered at 0.25 spaces per dwelling – the applicant has added visitor parking to these private parking areas which is welcomed.

14. Motorcycle parking for the community centre and retail shops should be provided, and disabled parking should be provided in front of the retail shops. Internal cycle parking stores for the nursery, community hall and retail shops staff should be provided – the applicant has provided cycle, motorcycle and disabled parking as requested so this item has been addressed. Details of the cycle facilities should be conditioned on permission.

15. The applicant should re-assess the lay-by layout for retail shops deliveries and bin store including demonstrating swept path tracking of appropriately large delivery/refuge vehicles to use the bay safely. – the lay-by has been altered to address this item.

16. Flood risk issues, and surface water drainage not draining onto the existing and new public highway, need to be resolved with DOI Flood Risk and Drainage Teams. – further comments by DOI Flood Risk and Drainage Teams are needed to address any outstanding issues for this item.

Planning Conditions:

DOI Highway Services request the following conditions (the drawing numbers below are in relation to plans within the Supplementary TA dated 12 October 2023):

a) Site access and layout to:

- a. GA-001 – Proposed Site Access Andreas Road*
- b. GA-002 – Proposed Site Access Via Bride Road*
- c. GA-007 – Proposed Pedestrian Crossing – Bride Road*
- d. GA-015 – Proposed Site Layout - Highways Adopted Plan*
- e. 06 – Proposed Site Plan*

b) Provision of visibility splays for Bridge Road and Andreas Road accesses and crossings as per approved plans GA-001, GA-002 and GA-007 implemented before first occupation.

c) Provision of visibility splays for internal site layout accesses and internal bend forward visibilities as per approved plan GA-005 implemented before first occupation and retained for the lifetime of the development.

d) Boundary frontages onto the proposed adopted highway for all dwellings must be no more than 1m in height and pedestrian inter-visibility for driveways

onto path / public road connections of 2 x 2m must be retained without visibility obstructions for the lifetime of the development.

e) Gradients: No residential driveway shall exceed gradients of 15% for the first 5.0m. No pedestrian or cycle path shall exceed gradients of 7%.

f) Provision of surfacing for parking and movement areas: Prior to the first occupation of the development, private drives, driveways and associated parking areas, local centre circulation and associated parking area must be properly consolidated and hard surfaced and drained and maintained in good working order.

g) Completion of streets: Before any dwelling is first occupied the roads and footways shall be constructed to an appropriate level from the dwelling to the adjoining street and public highway at Andreas and Bride Road (in accordance with the phasing plan TBA?) to ensure streets are completed prior to occupation and satisfactory development of the site.

h) Car Parking as per approved layout plans to be retained for the lifetime of the development.

i) Cycle sheds and secure covered parking for non-garaged dwelling units to accommodate one space per bedroom with details required for approval and provided before first occupation.

j) Cycle parking for staff and visitors at local centre- details to be submitted for approval and provided before first occupation.

k) Offsite works:

a. 4 Bus stop shelters, with details to be agreed with planning authority, shall be provided on Bride Road (2 in each direction) before first occupation of the site.

b. Pedestrian improvements as per plans GA-001, GA-002, GA-007, GA-101, GA-102, GA-103, GA-104, GA-105, GA-106, GA-108, GA-109, GA-110, GA-112, GA-113, GA-114; to be completed before occupation of the site.

l) Construction Traffic Management Plan - details required for approval.

m) Travel Plan approved: The Framework Travel Plan hereby approved shall be implemented in accordance with the measures therein.

Contributions:

S13 financial contribution for MOVA installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000.

Reserved matters:

Access, layout, lay-bys and car parking to be agreed for the primary school in a future planning application

Conclusions:

The applicant has addressed all items requested by DOI Highway Services in previous response to the application dated 20 July 2023 and the development provides suitable access, layout, road safety, accessibility and off-site highway works proposals. Accordingly, DOI Highway Services do not oppose (DNOC) this application subject to conditions and a S13 contribution for the MOVA installation at Parliament Square signals. Separate permissions will be necessary with the DOI Highway Services after grant of planning consent to transfer streets from private to public ownership as highway maintainable at public expense under a S4 Highway Agreement and for works in the highway under a S109(A) Highway Agreement. Highway Licences apply for temporary closures and traffic management on the public highway etc.

Recommendation: DNOC"

06.03.2024

"Highway Services HDC have reviewed the updated information submitted online for the above application within the 8 Mar 2024 publication list and HDC cannot offer anymore comments to that made on 18 Oct 2023. Accordingly, HDC still do not oppose (DNOC) the application subject to a conditions outlined in the HDC comments on 18 Oct 2023 - please note that the drawing revision numbers have changed but the general drawing numbers stated in the response are still the same."

5.0.3 Public Estates & Housing Division do not object to the application making the following comments (18.08.2023);

"We refer to the aforementioned planning application, and we can confirm that we have looked at the detail of the application and have considered the provision of a 25% Affordable Housing requirement. We have held preliminary discussions with the applicant who has included in the current application for the provision of 38 affordable homes, comprising two-bed and three-bed dwellings.

Current data drawn from Housing Division records for the North of the Island indicates that there are 63 persons on the general public sector waiting list for affordable housing to rent in the north.

There are 47 persons on the First-time Buyers Register seeking to purchase a first home in the north of the Island. Of this number, 41 are on the Active Purchaser List seeking to purchase a home within the next 12-18 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the

Department to provide affordable housing, based upon the usual calculation of 25% of the number of units approved within the application, this being 38.25 comprising 38 affordable dwellings and a Commuted Sum in lieu of 0.25 of an affordable unit. Thank you for giving us the opportunity to comment on the proposal."

19.02.2024

5.0.4 It was further clarified with Public Estates & Housing Division that (04.03.2024):

"My email in the attachment confirms our agreement to the Commuted Sum of £30,000 per dwelling in this location and therefore £7,500 for 0.25 of a unit."

5.0.5 Manx Utilities do not object to the application subject to conditions and make the following comments (14.09.2023);

"Manx Utilities Authority has assessed the above planning application and would like to advise you that the Authority has no objection to the application subject to the following condition/s:-

There must be NO discharge of surface water (directly or indirectly) from this proposed development to any foul drainage system(s) so as to comply with the requirements of Manx Utilities and the Sewerage Act 1999.

The proposed dwelling must be connected to the public sewer(s) in a manner acceptable to Manx Utilities. All drainage works must conform to the requirements of "Manx Sewers for Adoption", any necessary CCTV surveys are to be carried out at the developer's expense.

In accordance with the Sewerage Act 1999, 153 communication fees will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system..."

5.0.6 Environmental Protection (DEFA) making the following comments:

02.09.2023

"Following the receipt of complaints from the residents of Grand Island about nuisance dog barking coming from the neighbouring Coach House Kennels and Cattery, a statutory noise nuisance abatement notice was served on the business. The business has operated boarding kennels in line with planning approval for many years and has also recently obtained a certificate of lawful use for the operation of 'doggy day care' facilities at the site. There is no guarantee that we will be successful in enforcing the requirements of the notice if it is breached and I have concerns that future occupiers of the proposed development may be subject to unreasonable levels of noise if it goes ahead.

I would recommend against the development of residential property on land surrounding the Coach House Kennels and Cattery."

26.03.2024

"...I believe that Figure G.4 in the attached noise assessment report Ref: 'RA00807 – Report 1' by Resound Acoustics correctly identifies the homes where the occupiers could be at a realistic risk of noise nuisance.

I note the following from the report:

the Executive Summary states:

"...Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive..."

Section 6.21 states:

"Closing any form of window will result in much lower noise levels than were set out in this report, so Hartford Homes could consider using some form of mechanical ventilation, either a whole house system, or a room-by-room system, so that future occupants do not need to open their windows to obtain ventilation or to avoid overheating."

and Section 7.8 in the Conclusions states:

"...Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive..." I have since had confirmation from Hartford Homes that the ventilation systems would be designed in accordance with Approved Document F (Ventilation) of the building regulations and would be Mechanical Ventilation with Heat Recovery (MVHR).

On the condition that whole home MVHR is incorporated into the properties that are to be built on Plots 1 to 6, 35 to 41, and 146 to 153 inclusive in the attached site plan I would be happy to withdraw my previous objection to the application."

5.0.7 Ecosystem Policy Officer (DEFA) do not object to the application subject to conditions and make the following comments (08.03.2024):

"The Ecosystem Policy Team can now confirm that a suitable level of ecological assessment has been undertaken and we are content with the following submitted information-

- Manx Wildlife Trust's (MWT) 2 Preliminary Ecological Appraisal Reports (PEAR) for the Vollan Fields A and the Vollan Fields B, both dated March 2023.*
- Isle of Man Fungus Group's 2 Vollan Fields Survey Reports – The first for Fields 1 -3 and the second for fields 4-7.*
- MWT's Bat Activity Report for the Vollan Fields dated December 2023.*
- MWT's Breeding Bird Survey Report for the Vollan Fields dated December 2023.*
- MWT's Habitat Enhancement Works – Land East of Royal Park dated March 2023*
- Hartford Homes' Wildlife Mitigation Plan dated February 2023 (drawing No. 13 Rev A)*

- *Hartford Homes' Construction Environmental Management Plan for the Vollan Fields dated January 2024.*
- *Hartford Home's Landscape Masterplan (Drawing No. 01 Rev K)*

We can also confirm that the applicants have adequately dealt concerns raised in our original response to this application dated 21st July 2023.

The main ecological mitigation is to be provided off-site in field's numbered 131085 and 135140. Basic details are provided in 'MWT's Habitat Enhancement Works – Land East of Royal Park' dated March 2023. A more detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi (See the Isle of Man Fungus Group's Survey of Vollan Fields 1-3), will need to be secured via a Section 13 Agreement which Hartford Homes have already agreed to in section 2.65 of their 'Statement in response to Third Party Consultations' dated February 2024.

As well as this S13 Agreement, the Ecosystem Policy Team also request that the following conditions are secured on approval:

- *No works to commence unless details of a suitably qualified Ecological Clerk of Works (ECoW) have been submitted to Planning and approved in writing. The ECoW shall be responsible for overseeing the various wildlife mitigation measures and the protection measures contained in the Construction Environmental Management Plan, throughout the duration of construction works;*
- *All works to be undertaken in accordance with the Hartford Homes' Construction Environmental Management Plan (CEMP) for the Vollan Fields dated January 2024;*
- *All works to be undertaken in full accordance with Hartford Homes' Wildlife Mitigation Plan dated February 2023 (drawing No. 13 Rev A);*
- *All works to be undertaken in full accordance with Hartford Home's Landscape Masterplan (Drawing No. 01 Rev K);*
- *No works to commence unless a landscaping schedule has been provided to Planning and approved in writing. To note: The MWT recommended in their PEAR dated March 2023 that a 20m buffer between the woodland to the north of field 135316 and any development should be maintained. This was reduced to 7m buffer following the bat survey, on the condition that an area of tall trees was to be planted in this area to shield the woodland from the development and any artificial lighting. These trees need to be planted early on in the construction period in order to give them a longer period to grow and provide this protection – thus the requirement for a landscaping schedule to secure planting at specific times.*
- *All works to be undertaken in full accordance with the tree retention and protection measures, including use of Construction Exclusion Areas, shown in*

Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD);

· No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023), has been submitted to Planning and approved in writing. All works must then be undertaken in full accordance with this plan;

· The standard replanting condition for the replacement of any tree or shrub which dies or becomes damaged within 5 years from the date of planting, should be applied."

5.0.8 Manx National Heritage objects to the application on the following grounds (03.11.2023):

"I write on behalf of Manx National Heritage ('MNH'), whose statutory responsibilities pertaining to the protection of the cultural and natural heritage of the Isle of Man are defined under the terms of the Manx Museum and National Trust Act.

The Manx Wildlife Trusts Preliminary Ecological Appraisal Report recommends that a buffer of at least 20 m should be maintained between the development and a band of mature woodland, to the North of the site, surrounding the neighbouring Grest Farm. The application's tree protection plan shows that plots 146 to 149 backing straight on to the trees. We would like to see this amended and a buffer between the trees and the development, of at least 20m, provided.

We are also concerned about the effects of lighting on wildlife, especially nesting birds and bats. We would like to see that wildlife friendly lighting such as that with a high amber tone which, emits a light that is less harsh than traditional LED, be included as a condition of any planning approval.

We note that the DEFA Ecosystem Team raise concerns about flood lighting above the playing pitch adjacent to the above mentioned woodland. We would like to see either this pitch moved away from the trees, if it is to be flood lit, or a condition of planning approval that no floodlighting can be installed either during the construction stage or in the future."

5.0.9 Flood Risk Management Division (DOI) comment (18.03.2024);

"FRM are happy with the revised drainage plans

The revised drainage plans should be conditioned to the application should it be approved (DWG 22-111-05 & DWG 22-000-06)"

5.0.10 Business Agency (DED) support the application making the following comments (14.08.2023);

*"This comment has been provided by Officers from within the Business Agency and as such, should be considered as **Officer comment only** and, therefore,*

not the view or official position of the Business Agency Board, or political members of the Department for Enterprise.

We note that the eastern site, are out with the Existing Settlement Boundaries as annotated on the 'Draft Proposals Map 4 RAMSEY' forming part of the Draft Area Plan for the North and West published 24th June 2022. However, the two sites are included on the extant Ramsey Town Plan 1998, map 1.

The following comments on the scheme proposals, are made in light of the Isle of Man Economic Strategy: November 2022, which strengthens Government's economic drivers to:

". . . . develop a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man.

To achieve this vision, we aim to make the Island a more attractive and prosperous place to live and work, which in turn will sustain and grow productive businesses and services. Combined, this will provide more diverse and sustainable public finances that support the best possible public services and quality of life for all of our Island residents. We will achieve this through a significant £1bn long term public and private investment programme – investing in our people, our economy, our Island and our public services to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 Island residents over the next fifteen years, with appropriate incentives / disincentives to achieve targeted and sustainable population growth”.

The Business Agency is pleased to endorse this application, noting particularly that the proposals for 153 homes, noting that 114 No. 'open market' properties, which include a mixture of 2 and 3 bed bungalows and 3, 4 and 5 bed houses. There are 39 No. affordable homes provided (25.5% of the total) which complies with the IOMSP Housing Policy 5, which include 2 and 3 bed house types which are considered to meet a major strategy driver in the Economic Strategy to 'tackle the housing crisis by ensuring everyone has a suitable and affordable place to call home and our housing stock meets the needs of our population now and into the future'.

'Section 20. National Outcomes and Indicators' of the Island Plan also sets out that Government will seek to improve infrastructure and services, specifically Housing, with +1,000 additional homes occupied by the end of the parliamentary term, measured using Census information supplemented by additional measurement methods.

The Economic Strategy goes on to state that we should create;

'A more vibrant place for residents to live, building great communities with better services, and a higher quality of life'. It also seeks to 're-adjust the Island's offering to target new younger workers and families, while encouraging our young people to stay and build their futures on the Island' and proposes that 'attracting more economically active people will help generate further income to be reinvested into the Island'.

The 'Labour Market Statistics' report produced by the Cabinet Office clearly outlines a low unemployment rate at 0.5% in the June 2023 report, with circa 788 vacancies noted at the Job Centre. This scheme, a mix of 2 and 3 bed bungalows, 2 bed apartments and 2, 3 and 4 bed houses delivers on the broader desires to see more multi-generational housing made available as set out in the Island's Strategic Development Plan. In so doing, the provision of housing seeks to alleviate one of the barriers to relocating to the Island, which is the availability and choice of housing.

The application provides a Summary of Economic Benefits, stating that the proposals will contribute towards achieving the economic aims of the Isle of Man Government by supporting inward investment, providing homes and job opportunities and by making the Isle of Man a more accessible and attractive place to live and invest. The applicant estimates that the proposed development would generate the following economic benefits:

- *A total capital investment in the order of £50 million which represents a total economic output of over £142 million; the Planning Statement accompanying the application quotes the following as justification for this;*

"A report by UK Construction Council of the Confederation of British Industry showed that via these indirect channels, construction projects send ripples of economic activity through the wider economy generating £2.84 in total economic activity for every £1 spent construction projects (CBI, Bridging the Gap: Backing the Construction Sector to Generate Jobs, 2012)".

The Agency has not been able to validate these figures however, we note that the research conducted for the February 2020 CBI report entitled 'Fine Margins: delivering financial sustainability in UK construction' indicates that 'every £1 spent on UK construction creates £2.92 of value to the UK. The industry employs 2.3 million people directly – supporting over 3 million more indirectly – and construction activity contributes 6% of GVA'. This might suggest that the scheme is worth £146 million in the UK context.

- *Supporting some 100 jobs in the construction industry;*
- *Delivery of 153 new homes towards the housing needs identified in the Strategic Plan;*
- *The scheme includes a varied housing mix, predominantly family housing which will help to attract and retain the economically active population through the provision of housing accommodation which supports the vision within the Isle of Man.*

In respect of the Economic Strategy, the scheme delivers:

- *39 affordable houses which will cater for all 20 people of those on the current Register for First Time Buyers in the North area;*
- *Community uses including two local convenience shops, a community hall and nursery unit which will provide day to day essential services and create approximately 15 jobs;*
- *The provision of a nursery will provide childcare which will help to remove barriers to employment;*
- *Provision of land to accommodate a future two-form entry primary school to be delivered by the Department of Education which would support the Island's education infrastructure;*
- *Provision of publicly accessible open space on-site;*

- *Provision of over 3ha for habitat enhancement situated to the east of Royal Park;*
- *Additional household expenditure to support the local economy.*

The scheme delivers a low carbon development through the provision of highly energy efficient buildings that are highly insulated with air source heat pumps, roof mounted PV panels and EV charging infrastructure which the Business Agency therefore considers that these proposals go some way to 'considering how our Climate Change commitments can inform and positively influence our economic growth, opportunities and stability over the long term'.

In conclusion, the Business Agency reiterates its support for these proposals which it considers maximises the development of a site designated for residential development, thereby directly delivering aspects of the Island Plan and Economic Strategy and the Built Environment Reform Programme, released in July 2022 by the Cabinet Office, which seeks to improve infrastructure and services, specifically Housing, with +1,000 additional homes occupied by the end of the parliamentary term.

I am grateful for this opportunity to offer the Business Agency's comments and support for this scheme and trust you find them of use."

5.0.11 Manx Care -Executive Director of Health Services comments (19.02.2024);

"...In terms of dental provision, there is only one NHS dental provider in Ramsey which is Smile based in RDCH who are currently unable to fulfil their NHS contract due to dentist recruitment issues. Given we have no additional identified funding for provision of NHS dental services in the north (or indeed anywhere on island), the construction of additional properties in the north will place additional demand on the local NHS dental services which we will struggle to accommodate based on our current budgetary allocation."

5.0.12 DOI Highway Services Drainage (17.04.2024);

"...We are now satisfied that the surface water drainage system serving the highway within the proposed development is satisfactory.

Recommendation: The proposed surface water system meets our highway drainage requirements and in this respect the highway within the development is suitable for adoption under Section 4 of the Highway Act 1986. Please note that this recommendation does not guarantee adoption as there are other criteria to be met before this can occur. If the Applicant wishes to enter into a Section 4 agreement we recommend that they discuss this with our Highway Asset Management Team who administer the adoption process. Ideally this should be done prior to the determination of the planning application as any amendments required to the highway layout post planning (if approved) might need to be resubmitted to them for approval."

5.0.13 Department of Education, Sport & Culture comment (01.05.2024);

"Education capacity in Ramsey.

Primary

The planning site is in the catchment of Bunscoill Rhumsaa primary school. This school is within capacity with a current 23/24 roll of circa 461 (including SPC unit) compared to our stated mainstream capacity of 566.

The school was designed to accommodate future extensions to increase capacity when needed, at both ends of the junior building wings – this could increase capacity to circa 650. As you are aware the application includes provision for the siting of a new primary school. I can confirm this site identified appears suitable for the development of a one or two-form entry school. Whether we move forward with enlargement at Bunscoill Rhumsaa to meet future additional demand or a new school provision at this location, will be a decision for the Department in the longer term, depending on educational policy, the extent / location of future residential development in the town, and funding.

Secondary

The planning site is in the catchment of Ramsey Grammar school. This school is running at capacity with a current 23/24 roll of circa 991 (including SPC unit) compared to our stated mainstream capacity of 943, which has been increased through the provision of mobile classrooms to 978.

Whilst the existing east and west sites are constrained by the main Lezayre Road to the front, existing residential to the front and sides, and the golf course to the rear, and we do not wish to see any future reduction in external recreation space, there are development opportunities at both sites. There are extension infill opportunities, and potential to increase density by two storey accommodation rather than single as existing, which could enable the capacity to grow to circa 1200 / 7-form entry. Our requirement to grow the school capacity is identified within our Strategic Needs Impact Assessment (SINA), as submitted to Treasury.

IOMG / Treasury must support such new educational development (and staffing / revenue implications) , if new residential development is to be approved / progress at this site (and other sites in the town / RGS catchment), in order that we can accommodate the existing and arising educational needs."

5.0.14 Forestry, Amenity and Lands Directorate comment (09.05.2024);

"The application involves the removal of two category B sycamore trees. This would usually result in an objection under the Tree Protection Policy, in this instance, however, we will be withholding our objection due to the scale of the mitigation proposed, and the limited contribution the trees make to the landscape due to their limited size and age. If this application is approved, I recommend that a detailed planting plan including species of trees, size at the time of planting, planting methodology, and aftercare plan, is requested as a pre-commencement condition, as well as adherence to the tree protection plan that has already been provided."

5.0.15 Comment's were sought (19.02.2024 & 18.04.2024 & 29.04.2024) from Manx Care (regarding GP's capacity); however no response was received.

5.0.16 A number of private representations have been received from the following addresses who have objected to the application:

- Greenbank, Bride Road, Ramsey (27.07.2023 & 08.11.2023 & 27.03.2024);

- 12 Ormly Avenue, Ramsey (06.07.2023);
- Pendle, 5 Brookfield Avenue, Ramsey (21.07.2023);
- 36 Cooil Breryk, Ramsey (22.07.2023);
- Meadow View, Andreas Road, Dhoor, Lezayre (23.07.2023);
- 6 Thornhill Close, Ramsey (24.07.2023 & 26.07.2023);
- 47 Lezayre Park, Ramsey (23.07.2023, 09.11.2023 & 28.03.2024);
- Woodland, Grove Mount West, Ramsey (14.07.2023 & 08.03.2024);
- Elleray, Bride Road, Ramsey (24.07.2023, 03.11.2023, 03.01.2024 & 25.03.2024);
- Fasque, Andreas Road, Ramsey (07.11.2023, 26.07.2023 & 28.03.2024);
- 2 Ormly Avenue, Ramsey (27.07.2023, 09.11.2024 & 28.03.2024);
- Thie Y Vollan, Bride Road, Ramsey (28.07.2023, 13.11.2023 & 30.03.2024);
- Fair Isle, Bride Road, Ramsey (07.11.2023, 25.03.2024 & 26.03.2024);
- Thie Mooar, 9 Grand Island, Ramsey (03.04.2024);
- The Coach House, Bride Road, Ramsey (17.07.2023 & 18.07.2023);
- 6 Summerland, Ramsey (25.07.2023);
- 1 Croit Ny Kenzie, Andreas (27.07.2023);
- Brackney, Bride Road, Ramsey (24.07.2023);
- 53 Royal Park, Ramsey (06.07.2023);
- Anchor Down, Bride Road, Ramsey (26.07.2023 & 07.11.2024);
- 40 Royal Park, Ramsey (27.07.2023);
- Ballacarberrry House, Andreas Road, Dhoor, Ramsey (27.07.2023 & 08.11.2023);
- 8 Princes Road, Ramsey (27.07.2023);
- 80 Greenlands Avenue, Ramsey (27.07.2023);
- 17 Rheast Mooar Close, Ramsey (28.07.2023);
- Penryn Lodge Apt, St Olaves Close, Ramsey (07.07.2023);
- Vollan Garden, Bride Road, Ramsey (26.07.2023);
- Rostherne, Bride Road, Ramsey (28.07.2023 & 10.11.2023);
- St Bridgets, Bride Road, Ramsey (28.07.2023 & 31.07.2023) – included a petition;
- 122 Royal Park, Ramsey (31.07.2023);
- 45 Royal Park, Ramsey (02.08.2023);
- Shearwater, The Dhoor, Andreas Road, Lezayre, Ramsey (27.10.2023);
- Wavertree, Ormly Avenue, Ramsey (14.07.2023);
- Ormly Hall, Bride Road, Ramsey (17.07.2023);
- 117 Greenlands Avenue, Ramsey (20.07.2023);
- Ballakesh Farm, Lhen Road, Bride (20.07.2023);
- The Haven, Dogmills, Ramsey (20.07.2023);

5.0.17 Full details of the comments can be viewed on the Planning Departments website. The main objections/concerns are;

- Flood concerns, namely to the properties which run along the south boundary of the site along Bride Road;
- Highway safety matters, give to the increase in vehicular traffic caused by the development on already congested roads;
- Impacts upon existing Doctors/Dentist services which are at capacity;
- Site has been de-zoned by the Draft Area Plan for the North and West;
- The development will have an adverse visual impacts to the area and out of keeping with the character of the area;
- Impacts upon the ecology/wildlife in or around the site by the development; and
- Loss of agricultural land.

5.0.18 The following are summarised comments/statements made by local residents;

- Disturbance by construction;
- Concerns of additional traffic generate by school and new dwellings;

- Loss of wildlife;
- Flooding concerns due to high water table in area;
- Impacts upon amenities due to loss of privacy, light, dark skies and impacts upon our visuals;
- Loss of lights due to new landscaping;
- Proposal would result in loss of biodiversity, increase light pollution and compressions the Dark Sky's site at Mooragh Park;
- The density of the development is extremely extreme, equating to 400+ additional people and 200 to 300+ extra cars;
- What guarantees will there be though that the new owners don't dig out the existing plants in favour of 'more attractive' / maintainable/ private hedges or fences;
- It also doesn't seem right that developers can say they are "mitigating" the ecological impacts of one site being ruined, by planting some wildflowers in an entirely different location;
- There are significant flooding issues and high water tables in the fields throughout the year, causing flooding into our neighbours gardens and onto the roads. Residents of Royal 9 of 15 Park are also experiencing flooding problems in their brand new Hartford Homes gardens, as are property owners in Ormly Avenue;
- Can our small local fire service cope if there were to be a large-scale fire;
- Bride Road (and Bowring Road) is already extremely busy with traffic especially at peak times, including work/school commutes and weekend traffic/ HGV traffic to the amenity site and existing building sites, which already makes it difficult to get out of/into our drive;
- If the development is given the go ahead, how far into the distant future will the 'community/ recreational facilities' actually be created? They are planned as Phase 4 of 4;
- Are they suggesting that the proposed Open Spaces are going to be usable? It seems they are in the most floodable and marshy areas of the fields;
- A cantilever bus shelter proposed immediately opposite our home, in lieu of the current inconspicuous bench and flagged bus stop. This would negatively impact our visual outlook and increase the potential disturbance from antisocial behaviour and noise;
- The new, second bus stop that is proposed opposite the first, on the northbound carriageway adjacent to our next-door neighbours' home, is also of concern. Having two bus stops so close to each other will inevitably cause traffic issues and safety concerns at what is already a difficult junction to manoeuvre;
- As Bride Road will become sandwiched between several large housing estates – Ormly Estate, Royal Park, and the new proposed 'Vollan Fields' development - should it not have its speed limit reduced to 20mph and with traffic calming measures added;
- The Stone Bridge on Bowring Road isn't subject to a weight limit. There is therefore no restriction or control on HGV movements or the number of light vehicles, i.e. cars, that can cross the bridge and structural concerns;
- Will there be sufficient parking in the town for the extra vehicles attending the GPs, dentists, pharmacies, vets, supermarkets, primary and secondary schools, and shops;
- Can the town's social facilities (infant school, primary school, secondary school, nurseries, hospital, GP surgery, dentists, pharmacies, vets, supermarkets etc) and local amenities/utilities (waste collection, amenity site, drainage, sewerage, water supplies, 12 of 15 electricity, fibre etc) genuinely cope with this additional level of population;
- The lower Milntown proposal 20/010801/B was recently dismissed at appeal for the following reasons, which surely also apply to this proposal for Vollan Fields;
- there are a number of eye-sore brownfield sites and derelict buildings in Ramsey and the North that should instead be the first to be developed;

- The 2021 census showed a high property vacancy rate of 16% of existing housing in the town;
- The Cabinet Office's draft area development plan for the North and West proposes removing the Vollan Fields as an area for development altogether;
- Fields are used for grazing of cows and sheep and once built on will be lost forever;
- Government is concerned that our Island should produce as much as possible for us to be self-sufficient;
- Should build on existing brown field sites first;
- Our roads are a disgrace and for emergency services to have access to properties will be a struggle due to the increased traffic;
- The road to Bride is already busy with heavy traffic heading to the amenity site;
- The roads around this proposed development have not changed and they are still country roads with one lane in and one lane out of Ramsey;
- These roads have blind corners and twisting country lanes and are an accident waiting to happen both on Bride Road and Andreas Road;
- It seems we are already to lose more the green lungs which make our town pleasant to live in;
- A new dwelling directly adjacent to our property which will completely remove our view from the living quarters, will potentially impact our right to light and our privacy;
- It is understood that nobody has a right to a view, however, it is rather inconsiderate to block off an outlook from an existing living space;
- The development proposal appears to be a mass of standard traditional housing which we appear to be accustomed to with no foresight to modern building techniques to assist with blending the properties into the landscape;
- The proposed houses on Bride Road in particular are completely out of keeping with the character of the area;
- The Vollan Fields are not included in the North West Plan for development and the North West public consultation strongly suggested that the Vollan Fields are to be de-registered for any form of development. We suspect this would be in relation to the immense damaging impact on fine agricultural land, biodiversity, its unsuitability for development due to very poor ground conditions, a road network which is unable to accommodate additional traffic, inadequate infrastructure and the destruction of a stunning landscape which are all points detailed further in our objection;
- We highly suspect that the developer is attempting to expedite planning before the plan is passed. We would respectfully ask that the Planning Committee takes the fundamental reasons for exclusion of the Vollan Fields from the plan into its consideration;
- Some residents on Bride Road that live next to the Vollan Fields are elderly. The impact it will have on them is unthinkable;
- The proposal is urban sprawl with high density housing which is a very unwelcome intrusion on the Manx countryside and the areas ecological system;
- The 'Vollan Fields' were zoned as residential in the 'Ramsey Local Plan 1998' and perhaps we are better positioned to recognise the damaging effects these large developments have on our environment than we did back then. Just because it was zoned 25 years ago shouldn't necessarily determine the outcome of the submission as a foregone conclusion;
- The Isle of Man is the only entire jurisdiction in the world to be designated as a UNESCO Biosphere Reserve;
- Large scale developments that destroy the countryside contravene the strategy to protect biodiversity, especially those that are unjustified;
- There will be a devastating effect on the areas ecology and wildlife;
- The 'Preliminary Ecological Appraisal' advises at Clause 4.20 that Starling and House Sparrow were recorded which are coded medium conservation status and Herring Gull, potentially roosting, which is a red coded high conservation status;

- There are two registered Rookeries which have been present for a long time, one at Ormly Hall, Bride Road and one next to the Vollan Fields at Grest Farm;
- Proposal is contrary to IOM Strategic Plan Policies;
- The existing drainage in Bride Road is at capacity and evidently unable to withstand pluvial flooding events;
- There is nowhere for the huge amount of field surface water to be discharged and it is no exaggeration when describing the volume of water as enormous;
- Due to the extreme amount of water, the field banks have previously 11 burst, flooding Bride Road;
- There is a very serious concern that the existing properties which bound the site would end up flooded, especially as it became more developed because the water table will rise and also direct water towards the houses on Bride Road;
- The fields are absolutely saturated and simply unsuitable for any form of construction;
- The recent Royal Park development by Hartford Homes has sold properties which are now experiencing flooded gardens and in some cases are unusable. This is not what anybody expects when purchasing a supposed premium home;
- Our property does not have a rear boundary wall, only a fence so it is a concern that we would be highly exposed to flooding;
- The trial pits appear to have evaded locations of serious flooding, in particular the locality of a property known as 'Fair Isle' which experiences severe flooding events;
- The 'Site Hydrology and Flood Risk' statement dated 29th March 2023 submitted with the application is alarmingly dismissive and clearly hasn't captured or appreciated the serious flooding issues that exist in the area;
- Existing Bride Road services would therefore be reliant upon discharging a significant amount of surface water, especially as the water table rises, which is already at capacity despite other catchment areas within the proposed development;
- Contrary to Environment Policy 13;
- The Bride Road junction which exits onto the Andreas Road has a very poor visibility splay from the right and is especially difficult when turning right to head towards Andreas;
- The majority of homeowners use their cars on a daily basis and to expect people to cycle or walk in inclement weather, long distances, school drop offs and collections, transporting goods and shopping is inappropriate and wishful thinking;
- Development is not therefore essential and there is an abundance of properties available on the marketplace;
- The proposed Poyll Dooey development by others which is at planning stage includes 207 new homes in the centre of the town. Both developments combined would create a minimum of 360 new homes and potentially over 600 more cars using the already congested roads;
- Concerns of heat pump noise;
- Contrary to Environment Policy 14 due to loss of agricultural land;
- An increase in traffic using the town's road network is only going to increase congestion beyond that already experienced and the probability of more accident;
- The bus stop is so close to the Ormly Avenue junction, it impedes visibility to the left whilst exiting onto the Bride Road when buses are stationary. The bus stop is simply very poorly positioned and needs to be considered for relocation elsewhere;
- doesn't comply with the 'Manual for Manx Roads' at clause 5.1.52 where it states 'Bus stop locations should be included in the road safety assessment process to ensure the location of the bus stop does not create a road safety risk to 'other traffic';
- The queues to eventually progress through Parliament Square at peak times is significant which often starts at Bowring Road;
- It is suggested that a development of 153 new houses will result in a forecast 'negligible queuing increase'. It is unclear how the introduction of a further significant

amount of vehicle users is going to result in a negligible impact when the road network is already at capacity;

- Bride Road is already busy as it exists and there is also daily hauliers using the road to access the 'Wrights Pit' at the Point of Ayre and farming machinery in relation to local farms. The level of extra traffic generated is a serious concern;
- The i-Transport proposals do not comply with the Isle of Man Strategic Plan 2016;
- The i-Transport report is misleading and suggests that the additional traffic will have minimal impact;
- The North West Plan downgrades this area for development which will have a significant impact in the volume of and nature of vehicular movements at site level or on the local or wider highway network affecting key junctions which may already be congested;
- The North West Plan downgrades this area for active travel because the site is located more than 1km cycling distance from an active travel link;
- There is already a traffic congestion issue at the two schools on Lezayre Road;
- The speculative figures in the i-Transport are just that and seem rather conservative;
- Vagueness with regard to construction traffic movements and how it would impact existing residents;
- Judging the many issues, it is our opinion that representation from i-Transport hasn't visited the site, which we consider of utmost importance, to fully appreciate the enormity of the overall infrastructure requirements. The proposals have likely been developed 'off plan' only. If the site and the town have been visited then it has been totally misunderstood;
- In essence, it is the local public which experience the existing issues on a daily basis and it is their first-hand knowledge which should therefore take precedence. The 'i-Transport' 17 report has been produced by a company located off the island and it is therefore not going to be conversant or appreciative of all the issues encountered by the locality;
- Our neighbours had to call out the MUA on Wednesday 28th December 2023 to pump away flood waters from their garden due to the severity of the water levels which impacted on their sanitary appliances;
- The area has experienced severe flooding issues over the Christmas period. The ground is saturated to the point that there is nowhere for the water to go and the existing drainage system is completely overwhelmed;
- the 'BB Consulting Engineers' 'Planning Statement Relating to Drainage' Issue 3.0 dated 25.04.2023 which advises that the calculations for the outflow of foul water is within parameters of the existing drainage system of the area. This is factually incorrect as demonstrated in the images within this document;
- The MUA has checked the main drain and there are no blockages which would suggest that the existing drainage system is simply overwhelmed and unable to withstand the current volume of water as a result of a high water table. The proposals do not include for any replacement of the drainage infrastructure which appears to be inadequate;
- The drainage system is connected to the Mooragh Park pumping station which doesn't operate, as expected, during high water which is one potential reason the water is building up in the area. If another 153 homes are to be linked into the existing system from this proposed development alone, it simply won't cope;
- The proposals haven't taken into account the seriousness of the situation and the Engineers suggestion that the existing drainage capacity is sufficient to withstand a further 153 properties is alarming and very worrying;
- Since the Royal Park development, properties which didn't flood are now flooding. Our neighbours had to call out the MUA on Wednesday 28th December 2023 to pump away flood waters from their garden due to the severity of the water levels which impacted on their sanitary appliances;

- We refer you to the 'BB Consulting Engineers' 'Planning Statement Relating to Drainage' Issue 3.0 dated 25.04.2023 which advises that the calculations for the outflow of foul water is within parameters of the existing drainage system of the area. This is factually incorrect as demonstrated in the images within this document. The drainage system is not capable;
- The North West public consultation did in fact strongly suggest that the Vollan Field area be de registered from any form of development. The NWP for reasons unknown still remains a 'draught' document;
- Development on the existing site will eliminate open spaces and important landscape settings at what is a beautiful location;
- The ground soil in this location at present can support high levels of crop growth;
- Perceived population growth on the island is speculative at best and has not yet occurred;
- A number of similar properties of the type suggested by this development remain unoccupied and for sale in the Jurby area;
- Reduced health care needs, there is already a clear lack of doctors and dentists on the island and in terms of the North, the Ramsey Group Practice is already operating at full capacity;
- The design of the proposed properties. They are all modern in design and appear to be of a bland and repetitive style;
- It is clear to us that the developer is attempting at this early stage to mitigate against a serious noise issue at the location. Any potential buyers will be subject to sever noise pollution from this business;
- The noise emissions from properties with air source heat pumps installed;
- The potential loss of this agricultural land would contravene The Isle of Man Strategic Plan 2016 and the Environment Policy 14;
- We are of the opinion that despite several communications made by other residents opposed to this development to Manx Utilities and the IOM Government Flood Hub they still do not grasp the very real and serious issue of flooding on the Vollan Fields site;
- On the amended plans (as we have interpreted them) there is now to be a Detention Basin in the location of the field. Oddly enough on the exact site where the field regularly floods during high rainfall periods. They also classify this land as 'seasonal wetlands';
- It is worthy to note at this point that in the BB consulting report - dated 9th Feb 2024 an Addendum to site Hydrology and Flood Risk' - it highlights that the proposed drainage system and associated gullies are reliant on good and effective maintenance;
- In the Ramsey Local plan - Clause 3.6b (c) states the use of low density housing only. From the plans submitted by the developer, this is a high density estate, with little room between the proposed properties. This isn't in keeping with other properties within the area;
- This planning application isn't required in Ramsey and would be a blight on the character of the historic and beautiful landscape in and around the Vollan Fields and Bride Road areas;
- We cannot see how the proposed building of 153 homes and as suggested (by the i-Transport report) an extra 395 vehicles WILL NOT adversely impact on a local transport network that is already congested;
- we believe the contents of the 'i-Transport' report are misleading and optimistic at best- undertaken and produced by a company (with respect) who do not understand the complexities and issues on the Isle of Man, in particular within the North of the Island;
- the developers have failed to consider this with the proposal of 5 dwellings on the Bride Road elevation, next to the property Elleray, which will clearly overlook our main living area and garden taking away any privacy that we have;

- It's a concern to all residents the impact of the flooding and how it could increase when 153 homes might be developed on the site, how will the rainwater runoff and where to;
- The Bride Road is already a very busy road, for commercial vehicles as well as cars, lots of which travel at speeds above the 30mph limit. It is a reasonably accurate average to assume that each new house will own two vehicles meaning that this development could potentially bring a further 306 vehicles to the area;
- The proposal of a school and small shops comes across as a bit of a red herring to us. It is quite often that this type of suggestion is thrown in to appease the planning department but quite often they never actually materialise. Why is another school required when the existing schools don't seem to be at full capacity and if it did get built where would the teachers come from, there is already a shortage of staff for schools on the Island;
- Regardless of however many "mitigations" are put in place we feel that they will in no way compensate for the total destruction of habitat and feeding grounds of the many birds, bats, frogs, lizards etc that use these fields;
- In the draft north and West area plan Vollan Fields RR006 were showing as de-zoned for development due to poor drainage, Visually intrusive;
- The volume of field surface water is enormous, leaving no place for proper discharge. This results in the formation of a lake near the property during the autumn and winter months, with water flowing onto Bride Road from the access gateway during heavy and prolonged rainfall. The field banks have previously burst due to the excessive water, causing flooding in Bride Road;
- We note that as a result of the Noise Assessment report, mechanical ventilation is proposed for 21 dwellings in an attempt to reduce noise levels. We wonder if the future owners of these 21 dwellings are expected to not make use of any outside areas or their own gardens during the summer months, which is usually one of our busiest periods? In our opinion, installing mechanical ventilation just highlights that there is a noise problem and for Hartford Homes to want to locate houses and education so close by shows disregard to future home owners and pupils;
- Because of noise from barking, boarding kennels are more appropriate in rural than urban locations. It is staggering that such a large development of houses and education should be contemplated immediately adjacent to our kennels;
- A recent residential development at Grand Island is already causing a significant impact on our Day Care business because of alleged unacceptable noise levels and we are very concerned as to the viability of our business if planning approval is given at Vollan Fields;
- please consider the impact that the influx of new residents (500+?) and vehicles (200+?) will have on the already pressurised infrastructure and amenities of our beautiful town;
- The houses will not be affordable for the first time buyer;
- It is questionable if this site visit period over one visit, 50 minutes at midday was adequate for an accurate and conclusive audit for this development as it will not take into account traffic outside of this 50 minutes or other periods of the year. Please note the Civic Amenity Site is closed daily during this period and also is outside of school opening and closing hours;
- The contractor has proposed measures to mitigate some of these flood issues and one concerning proposal is to construct a 600mm high bank with hedge over to one of the properties which is two properties away from ours. Surely this will move the problem to another area and possibly towards our property. This indicates the developer is aware of the issue but has failed to treat the problem at source and damages any confidence we have in the developer to consider us within their development plans;

- There is a large rookery adjacent to our property and another rookery nearby at Grest Farm. These birds are regularly seen in these fields and are known to feed in these fields;
- We regularly see the various species of wildlife mentioned in the ecology report within the fields with some frequently visiting our garden including bees and bats;
- The level of the site is rising in height significantly as it distances from our property indicating the floor levels of the proposed properties will be much higher than the floor level of our property. The proposed property types adjacent to our property have living arrangements at the rear which are facing our bedrooms. This will impact on our privacy;
- The proposal that the developer has submitted for planning approval clearly does not include an appropriately landscaped soft northern edge to the Town;
- Currently there are not the jobs within the Ramsey area to support the number of residents of the proposed development, and we would submit that the reality is that most of the residents would have to travel to Douglas for their employment;
- The applicant also makes great play of persons walking or cycling into Ramsey. We know, as cyclists, that the journey up or down Bowring Road can be daunting to any pedestrian or cyclist due to the large number of very large HGVs using this road to access the industrial areas of the Andreas Airfield, along the Andreas Road, and the pits at the Point of Ayre, along the Bride Road;
- We would say that the fields in question are currently not designated for future development in the draft North and West Area Plan. The applicant has also not shown within their application that there is an overriding national need in land use planning terms which outweighs the requirement to protect these areas. There are also suitable alternatives available and brownfield sites that could be utilised for building in the future, both in the North and Island wide;
- We also note that in drawing ITB17390-GA-001, showing the position of the relocated 30mph signs, it shows the signs as derestricted when heading out of Ramsey. They are in fact 40mph and were changed to that speed limit due to a campaign from the residents of The Dhoor objecting to the large number of vehicles speeding through the area;
- The completed development would bring more noise, a loss of privacy and an uninspiring view of a large housing estate;
- My garden gets standing water in it during the winter months this is getting progressively worse, this is not due to water running directly off the field, so I believe it must be due to the high and rising water table, as I have a solid wall with field;
- A bund has been suggested for my neighbours but does not extend to mine;
- The report appears to have not taken a great deal of notice of resident's concerns, in the original representations, which I find concerning;
- I have spent time in a property on the Bride Road that backs onto the fields for the site of the proposal and they are massively waterlogged in the wetter months. It looks like there are large ponds in the fields. I find it ludicrous that the plans state there is no issue with standing water/flooding, especially as on the IOM Flood Hub Map indicates that the field has medium likelihood for standing water;
- I object to the proposal to "enhance" the habitat in that field and field reference 135140 I object because there is no information given about the future management and control of those areas. There is no information regarding who will take responsibility of the maintenance and up keep of those areas. At the moment the fields are used and zoned for agricultural land and actively managed by the owners/farmers. The proposal to turn these agriculturally managed areas into some form of wild wilderness is likely to give the appearance and impression that these areas are abandoned and that in turn is likely to encourage anti-social behaviour and disruptive occupation of the area which is currently not used or occupied in any way that is disruptive to the neighbours;

- The proposal to "enhance the environment " of the two fields is nothing more than green washing and an attempt to justify a higher density of development in the proposed housing development area;
- Would it not be better to make concentrated efforts to regenerate the centre of Ramsey itself, with government sponsored initiatives to refurbish existing buildings, or build in the gaps caused by demolition of previous buildings, keeping a lively and healthy central hub, rather than extending ever outwards; and
- Large Developers should be made to use brownfield sites and provide truly affordable homes.

6.0 ASSESSMENT

6.1 APPROACH TO ASSESSMENT

6.1.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- (a) Principle of development;
- (b) The potential impact upon the visual amenities of the area;
- (c) Potential impact upon neighbouring amenities;
- (d) Potential impact upon highway safety / parking provision / travel options;
- (e) Potential drainage/flooding issues;
- (f) Potential impacts upon ecology;
- (g) Affordable housing provision;
- (h) Public Open space provision;
- (i) Impact upon public services;
- (j) Environmental Protection issues (noise);
- (k) Loss of agricultural land (EP14);
- (l) Climate Change/ UNESCO Biosphere Status; and
- (m) Archaeology

6.2 PRINCIPLE OF DEVELOPMENT (Strategic Policy 1 & 2, Spatial Policy 2 & 5, General Policy 2, Housing Policy 1, 2, 3, 4 & 6, Business Policy 9 & 10, Community Policy 1, 2 & 5 AND RAMSEY LOCAL PLAN 1998 – "I. Vullan Fields & B. Ormly Hall")

6.2.1 The first and one of the main issues relating to this application is the principle of development on this site, namely residential, education purposes (primary school) and community uses, together with enhancement of existing habitat on land to the east of Royal Park.

6.2.2 The Ramsey Local Plan has been adopted since 1998 and is currently the only extant adopted local plan and forms part of the Development Plan with significant planning weight.

6.2.3 Since the adoption of the Ramsey Local Plan, the Isle of Man Strategic Plan has been adopted (June 2007 & 1st April 2016). Within this document Strategic Policies 2 & 5 require that new dwellings/employment/services be located within existing sustainable settlements. Spatial Policy 2 also indicated that outside Douglas development will be concentrated on a total of five Service Centres to provide regeneration and choice of location for housing, employment and services, one of these service centres is Ramsey. The "main development site" is shown within the

“Local Plan Boundary (Ramsey Town)” under Map No. 1 (north) forming part of the adopted Ramsey Local Plan.

6.2.4 In terms of housing need, more recently the update to the Isle of Man Strategic Plan 2016 (updated) has been undertaken and adopted, which identified that a total of 770 new dwellings are required to be provided between the years of 2011 to 2026 in the north of the Island alone. Given Ramsey is regarded as the main Service Centre in the north of the Island, it is reasonable to consider the majority of these dwellings are likely to be provided in Ramsey, especially given designated residential land is still available under the Ramsey Local Plan which was adopted in 1998. It is also noted that the two other sites within/boundaries of Ramsey have recently been refused (22/00679/B is currently at an appeal & 20/01080/B was refused at Appeal) which would have provided a total of 343 residential units (dwellings and flats). The current site (8.4ha) is the largest site designated for development, with the remaining sites (some brownfield sites) not of a size to accommodate the level of development proposed. Some have current extant planning approvals, while some have either expired approvals or no planning history. These are;

- Premier Road (0.3 ha) – Approval for eight townhouses PA 22/01340/B (S13 outstanding);
- Thornhill (0.8 ha);
- Andreas Road (1.6 ha) – To west of current application site and shares same Development Brief within Draft Written Statement
- Former Albert Road School Site (0.39 ha) - Approval for multi-purpose building containing three units of commercial use (Classes 1-4), offices, four apartments and three townhouses with associated parking and access PA 16/01103/B (now expired);
- Adj Collins Lane West Quay (0.03 ha) -Approval for approval in principle for the erection of a four storey apartment block PA 23/00446/B;
- Former Car Show Room site West Quay (0.23 ha) – Approval for Erection of a building to provide retail and office space PA 21/00585/B; and
- Plots either site of East Street (0.07 ha).

6.2.5 The Cabinet Office on a year basis undertakes a “Residential Land Availability Study” which looks at planning approvals and land monitoring, the latest of which runs between 2001 and April 2024 (soon to be published at the time of writing this report). The Department has sought comments from Planning Policy Team (Cabinet Office) to advise on the number of dwellings that would be need and they have advised 84 units are still required to the North of the Island up to 2026 to meet the Strategic Plan housing target of 770 units. While the proposal would accommodate 153 dwellings and therefore an overprovision, albeit it is noted that it will likely take a number of years (applicants have indicated the site would likely take 2 to 3 years) for these be developed in full. Accordingly, it is reasonable to consider that this over provision is not unreasonable at this time.

6.2.6 As outlined previously the Ramsey Local Plan indicates that the “main development site” is designated as “Mixed Use – Vollan Fields - I” and that this is zoned for residential development as part of an area of mixed use as well as light industrial use to the eastern part of the site, which is presumed (not indicated on maps) to be the area which is proposed to accommodate the new primary school under this proposal.

6.2.7 On this point the applicants comment;

"It is noted that the eastern part of the development area is zoned for possible light industrial use in the Ramsey Local Plan (1998). This use has been considered by Hartford Homes; however, it is not considered suitable for such use and there is no market for such in this location. Furthermore, it is considered that industrial uses on the site would not be appropriate given that the site is surrounded by residential uses."

6.2.8 The Department would share this view that light industrial uses on this site are perhaps not the ideal location for them, with land for such uses still available in Ramsey and zoned as such under the local plan, namely Gladstone Park and Poyll Dooley area. Furthermore, comments from the Department, of Education, Cultural and Sport in relation to a potential need for a future new primary school would support the need of the eastern part of the site being available for education uses. It is noted the Local Plan had indicated that part of the “Ormly Hall” and also “Poyll Dooley/Ballachrink” sites could accommodate a new primary school, but this did not come to pass, presumably at the time the Department of Education consider unnecessary. Since the Local Plan came into effect in 1998, Auldyn Infants School has been redeveloped and a new junior school has also been delivered on an adjacent site with both schools renamed as Bunscoil Rhumsaa (infants and juniors) located off Lezayre Road. However, as outlined by the representations received by the Department of Education, Sport & Culture (DESC) this site could accommodate a one or two-form entry school. DESC do indicate that;

"Whether we move forward with enlargement at Bunscoil Rhumsaa to meet future additional demand or a new school provision at this location, will be a decision for the Department in the longer term, depending on educational policy, the extent / location of future residential development in the town, and funding."

6.2.9 This element of the proposal is only in principle at this stage and no details relating to the school are known, only an indicative layout of a school, parking, access arrangement and playing fields are shown. Any future Reserved Matters or Full application would considered the details. This is only considering whether the principle of a primary school is suitable on this section of the site. It is noted that the Draft Area Plan for the North and West does not designated any sites for a new primary school in Ramsey. It is noted that where Royal Park housing development is located “Ormly Hall”, there was potential provision for this area to be used fully or in part for a new primary school if this was required by the Department of Education. It is presumed that this need at the time was not required; hence the development of the site for housing only. However, there has clearly been the potential provision for a new primary school for this area since 1998.

6.2.10 On this matter the applicant's comment;

"Whilst the primary school provision in the Local Plan has therefore been delivered, the rationale for the inclusion of land for a primary school is based on pre-application discussions with the Department of Education in October 2022. At that time, the Department of Education advised that they wished to preserve the option for the development of further primary capacity in North Ramsey, should significant further residential development continue in this catchment. The Department of Education considered that the proposed area within the development site to be reserved for a primary school to be appropriate"

6.2.11 Overall, the site is designated as mixed use and arguable a second primary school historically has been sought to serve the northern part of Ramsey and this is the last site currently designated for development which could accommodate a new primary school. Further, its location is within close proximity to "Ormly Hall" which was identified as a possible site to accommodate such provision.

6.2.12 In relation to the works to the "land to the east of Royal Park" this is designated as "Proposed Public Open Space – Ormly Hall – B". The area plan seeks that the fields in question indicates; *"..this land is judged unsuitable for built development, being very open to view from off-shore and from land to the north and south; it should remain as natural, green open space, but might be used as such in association with existing or proposed adjoin used;"*. Again it is considered the proposal for this area for habitat enhancement would comply with the land use designation.

6.2.13 A number of local residents have rightly question whether the new Draft Area Plan for the North and West should be considered as part of this assessment. This is a common question when a new area plan is being prepared and a current live application is in the process of being determined. As outlined in section 4.4 of this report, the Inquiry is into the Draft Plan as published in June 2022 and the proposed modifications represent Cabinet Office's current position which is to zone the land for residential uses for the Inspector to consider, hence why the later area plan maps say they are indicative and don't replace the Draft Plans published in June 2022, which proposed de zoned the land for development.

6.2.14 As the Area Plan is still at a draft stage and is potentially likely to change given the following steps are still required to be undertaken, which include;

- Public Inquiry (July 2024) where an Independent Inspector will hear evidence and make recommendations to the Cabinet Office;
- the Cabinet Office can then make modifications (taking the Inspectors recommendations into account or not);
- Any additional modifications will be published by the Cabinet Office for persons to comment further;
- The Cabinet office will finalise the Area Plan for adoption; and
- The Area Plan is submitted to Tynwald seeking it to be adopted (could be refused).

Accordingly, until the Area Plan is adopted there can be no planning weight attached to the Draft Area Plan for the North and West at this stage.

6.2.15 The extant Area Plan is the Ramsey Local Plan 1998 and it is considered the proposed works of residential, mixed use (neighbourhood centre) and a new primary school would all comply with the relevant land use designations. Accordingly, as with other recent approvals for new housing in the North of the Island recently (Jurby, Andreas & Sulby), the Department must base its decision on current extant planning policy. This is not an automatic reason to allow development, as further material planning matters as indicated previously need to be considered to determine if the proposals are on the sites are appropriate.

6.3 THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA (Strategic Policy 1, 4 & 5, General Policy 2 and Environment Policy 42)

6.3.1 In terms of the potential impacts upon the visual amenities of the area, it is considered the "main development site" will be publically visible from a number of locations along the Bride Road to the south and more distant views to the northeast. Further, public views from the Andreas Road to the west and North West will be apparent. The proposals to "land to the east of Royal Park" would be publically apparent from the housing estate road Royal Park.

6.3.2 Regarding the "main development site" the fact remains the site which is currently made up of agricultural fields and therefore characterised as a parcel of undeveloped land on the outskirts of Ramsey will visually change significantly to a residential housing development and arguably will appear more as an urban extension of the settlement of Ramsey. However, visually the works will appear as an extension, which is presumed why the site was designated for development in 1998. The appearance of housing development on the edge of a settlement boundary is not new concept; this has occurred a number of occasions, specifically in this area when the new housing was constructed to the south of the site (Ormly estate/Rheast Moor areas) and west (Clifton Drive/Thornhill areas) a few decades ago and the Royal park (Phases 1 & 2) in more recent times to the south of the "main development site". It would clearly have been considered and accepted that designating this land for development would consequently change the character of the existing agricultural fields to housing development; albeit this is not an automatic reason to approve the application and it still needs to be considered whether the visual impact is appropriate.

6.3.3 In terms of housing density, the areas proposed for housing, community uses and roads amount to approximately 9.1 ha and therefore the net density is approximately 16.8 dwellings per hectares.

6.3.4 In terms of the density of the application site and that of the surrounding housing developments it is important to note the guidance within the Residential Design Guide 2021. This indicates that:

"Land is a finite resource and it is important to strike a balance between the need to make best use of land (i.e. by maximising densities, so that as many dwellings as possible can be provided on the least amount of land thus reducing the need to develop new areas) and the need to make sure that new developments are attractive and fit-for-purpose. The Site Assessment Framework for the Area Plan for the East contained broad assumptions about

typical densities for different locations and types of developments, and these can provide a helpful starting point. However, these should not be taken as targets. In reality, the development that takes place may be of a higher or lower density and, as determined by the context of the site and/or the location."

6.3.5 The Residential Design Guide (RDG) indicates that:

- o Very high density about 100-450 dwellings/hectare Promenade or very centre of town development (typically apartments);
- o High Density about 40-100 dwellings/hectare (Town centre typically apartments or terraced housing;
- o Medium Density 15-30 dwellings/hectare (large sites close to the settlement centre, typically estates incorporating different dwelling types including some apartments and terraced housing;
- o Low 5-10 dwellings/hectare (larger sites towards the edge of settlements, consisting mainly of houses and bungalow with relatively few apartments or terraces;
- o Very low 2 dwellings/hectare (houses set in parkland by substantial grounds.

6.3.6 As outlined previously, the application site would represent 16.8 dwellings/hectare. The proposal would therefore be considered on the lower side of a "Medium Density" development.

6.3.7 While the Draft Plan has no material planning weight at this stage, it is noted that the "Built Environment Proposal 3" and the "Development Brief" for the site indicate that the application site should have a minimum density of the net developable area of 35 dwellings per hectare of the net developable area. For information the definition of "net developable area" within the Draft Area Plan is;

"The net developable area excludes all areas for community uses, open space, landscaping, highways or uses other than residential but includes private gardens and shared internal spaces."

6.3.8 Using the above definition of net developable area in terms of what areas of a site can and cannot be included in the calculation the site equates to 30 dwellings per hectare. On this point the applicants comment (email dated 08.05.24);

"In response to your question, based on the new definition in the Draft North & West Area Plan, the density is approximately 30dph so the proposals are therefore broadly compliant with draft Built Environment Proposal 3. However, we don't understand why the Draft Plan is proposing a new net density definition and we are concerned that draft Built Environment Proposal 3 changes the settlement hierarchy densities provided in the Residential Design Guide. Having different guidelines in the Area Plan is going to lead to significant confusion.

Ultimately, the scheme complies with the definition of net density within the Residential Design Guide and the new definition in the draft Area Plan.

Therefore, the scheme complies either way."

6.3.9 The most recent planning approval for residential development in the area was Royal Park (Phase 2 – PA 16/00232/B) which was approved after an appeal for 81 dwellings. This site equated to 19.1 dwellings per hectare / 7.7 dwellings per acre. The Ramsey Local Plan indicated that this site should be "low density". The Planning Inspector when considering this matter commented accepted that;

“In new housing developments one main aim in considering lower housing densities is generally to protect a locality’s ‘single dwelling’ character and its landscape setting. Clearly, that is what the RLP seeks to do in referring to the requirement for ‘low density’ housing in both Phases 1 and 2 of the initially approved scheme. The density of any proposed housing development should maintain the prevailing character of the immediate area. Arithmetic compliance with any given figure does not necessarily mean that a proposal will be acceptable. The opposite is also the case in that non-compliance does not necessarily mean that a proposal is unacceptable.

It is necessary to consider other criteria to assess the suitability of a scheme, including shape and topography of the site, the form of layout, spacing between dwellings, amenity and privacy and access and parking. It is generally accepted by LPAs in the UK that exceeding any density figure should only result in a scheme being rejected if demonstrable harm is caused to the character or amenity of an area. Exceeding a density figure is not usually sufficient, in itself, to refuse an application for development. In my view this is an appropriate and well-balanced approach and one that I consider should be applied in this case.

Thus, in conclusion on this consideration/issue I consider that the figure of 7.7 is on the very limit of what might be considered ‘low density’ in this area and that it is necessary to consider the specific effects of a development of this density and whether or not it protects the locality’s established ‘single dwelling’ character and its landscape setting.”

6.3.10 It is worth noting that the recently approved development of Royal Park Phase 2 equates to a density of 19 dwellings per hectare.

6.3.11 As outlined by the previous Inspector’s comments, it is important to consider not just the density numbers, but how a development would fit with the area/street scenes.

Principle Viewpoints

Bride Road

6.3.12 As outlined previously, one of the main public views would be from various locations along Bride Road. Currently, when viewing the site along Bride Road it is made up of Manx sod banks with landscaping in places, where views across the agricultural fields can be obtained in places. Further, this general character is broken up with the 9 residential properties which run along the northern side of Bride Road. These properties are made up of two storey semi-detached and detached dwellings and single storey detached bungalows. Drawing “Street Elevations Sheet 1 of 3” is useful in consideration of the potential impacts.

6.3.13 The proposed development includes a total of 11 dwellings which directly face towards Bride Road and will likely be the prominent features of the entire development when viewed along Bride Road. The dwelling will be made up of two storey terraces and semi-detached dwellings and also single storey terraced bungalows. The design, form, finishes and size would fit well within the street scene, especially as their front elevations direct face towards the Bride Road, with match that of the existing properties along the road, which vary in design, finishes and sizes. Towards the south-western corner of the site the area makes up the largest area of public open space (playing pitch) and a children play area. This layout with large open space would again help reduce the visual impact by the development from Bride Road; albeit it is accepted that views of the “Mixed Use” area will be apparent, albeit

the closest building in this mixed use area would be approximately 70 to 95m away from the Bride Road.

6.3.14 The works does involve the removal of large sections of the roadside grass banking/hedgerows for the create a new accesses (vehicular and pedestrian), creation of a footpaths and ensure appropriate visibility splays for all new access. It is proposed to replace these with new native hedgerows/thicket set into the site. This will clearly have an initial visual impact to the area; albeit with an appropriate level of landscaping and/or creation of grass banking (condition should be attached for further information) it is consider the impact would be overcome in the medium term. Further, approximately two thirds of the existing grass bank/hedgerows along the western boundary would be removed/altered (to be reinstates further into the site) to create a new road access, creation of a footpath and ensure appropriate visibility splays. This will initially have a significant visual impact, albeit with new landscaping/creation of new grass banking (condition should be attached for further information) it is consider the impact would be overcome, although the loss of the existing banking/landscaping is a negative aspect of this application which weighs against it.

Andreas Road

6.3.15 The main views of the development from Andreas views would be mainly when traveling from Andreas, heading towards Ramsey and passing the Grest Care Home. The north-western corner and the western boundary of the site would be very apparent from the Andreas Road at this location, again changing the character dramatically from open agricultural fields to a residential character. Further, approximately two thirds of the existing grass bank/hedgerows along the western boundary would be removed/altered (to be reinstates further into the site) to create a new road access, creation of a footpath and ensure appropriate visibility splays. This will initially have a significant visual impact, albeit with new landscaping/creation of new grass banking, it is consider the impact would be overcome in the medium term.

6.3.16 The type of dwellings which face towards Andreas Road are generally the larger two storey detached properties. A total of five dwellings (plots 88, 89, 90, 91 & 92) face towards the Andreas Road which with areas of open space/landscaped areas between the properties and the Andreas Road. The roadside frontage measures approximately 155 metres and with the siting, setback position and design/size of the properties, it would appear as a low density form of development in this section of the site. Of course, views further into the site will be apparent from the Andreas Road, namely when viewed from the new access/estate road and beyond into the site, although it is likely the five plots mentioned above are likely to be the prominent properties seen.

6.3.17 The proposed dwelling on Plot 88 (bungalow) also take into account the general building line which is formed by the existing residential properties of "Trincomalee", "Fasque" and "St Bridgets" which run along the eastern side of Andreas Road. Again the dwellings along this area of the Andreas Road are made up of various styles (single and two storey), designs, sizes and finishes. It is consider the five plots which all differ in design, would fit with the existing properties in this area and would be appropriate along the western roadside frontage of the site.

6.3.18 Accordingly, whilst there will be an impact to the visual amenities of the area over the current situation (i.e. agricultural fields); it is considered the proposals would

be acceptable and comply with General Policy 2 of the IOMSP and the aims of the RDG.

Views from the northeast (Bride Road)

6.3.19 When travelling from Bride Village towards Ramsey (past the Civic Amenity Site) there are potentially likely to be more distant views of the application site, albeit these would not be prominent and while there would be an increase of built development; namely the upper sections/roofs of dwellings sited to the western most side of the "main development site", the development would not introduce a significant adverse visual impacts to warrant a refusal from these public views. It is noted that from these views a large section of the site would likely be screen by existing built form (Vollan Farm/The Coach House) and existing landscaping. The proposal also introduces a 5 metre wide zone along the northern/western boundaries of the site to create a structure/screen planting area which would be planted within the first phase of development which in time will further limit the appearance of the new development.

Secondary Viewports

Views from the northwest (Andreas Road)

6.3.20 Views from the northwest when travelling from Andreas Village towards the site will generally be well screened from the site, given the topography of the land between and landscaping features between and along the roadside.

Views from the south (Mountain Road)

6.3.21 Very distant views are potential from the Mountain Road (namely approaching Ramey and passing Guthrie's Memorial), albeit it is considered the development will not be prominent feature, rather appear as a urban expansion of Ramsey, blending in with the existing development to the northern parts of Ramsey.

Development design/layouts

6.3.22 In relation to the overall design approach, the proposed dwellings would be a mixture of housing styles and size, including terraces, semi-detached and detached properties as well as bungalows which are generally interspersed throughout the site, to avoid single type of house design dominating a street scenes, rather have a mixture to add interest.

6.3.23 The dwellings are finishes in painted render (with differing colours), with some dwellings a mixture of the render and cladding (first floors and dormers) and stone cladding (porches or plinths), all have dark grey interlocking tiles to pitched roofs, and black coloured upvc windows/water goods/frames.

6.3.24 As outlined within the landscaping scheme, the estates road are proposed to be tree lined, with the main estate road having larger Native tree planting and the secondary estate roads with dwellings located would have smaller ornamental tree planting to the majority of front gardens. The dwellings are generally setback with front driveways and gardens and ornamental planting included to each dwellings frontage. The design of boundary fences/walls has been carefully undertaken, to ensure any properties boundary which faces towards a public highways are not just unattractive 1.8m high fencing, but with close boarded fence over dwarf rendered wall with pillars between to add interest and increase quality throughout the

development. Existing hedgerows are retained and new landscaping planting throughout the estate will result in a development with a good level of landscaping.

6.3.25 Overall, it is considered for the reasons indicated within this section of the report; it is considered the density, design, layout, landscaping and housing sizes/types all ensure the works would not affect adversely the character of the surrounding landscape and townscape and would respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them complying with General Policy 2, Strategic Policy 4 & 5 and Environment Policy 42 and Strategic Policy 1 which seeks developments should make the best use of resources by optimising the use of unused and under-used land, ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and being located so as to utilise existing and planned infrastructure, facilities and services. It could be considered the proposal would comply with these requirements.

6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES (General Policy 2 and Residential Design Guide)

6.4.1 The residential properties potentially most impacted by the development would be those immediately surrounding the site, namely to the north, south and west of the site. To the north are Grest Cottages & Grest Bungalows, to the south are the properties to the northern and southern side of Bride Road and to the west are the properties to the eastern side to the Andreas Road. There may be other properties which may be affected by the development, albeit the properties outlined are more likely to be impacted.

6.4.2 Generally, the main issues relating to the impacts upon residential amenities are; overbearing impacts upon outlooks, loss of light, and or loss or privacy.

6.4.3 It should be highlighted that while the concerns of loss of a views, construction impacts and loss of value to a property are wholly understandable, they are not material planning matters and cannot be taken into account when considering the application.

Properties to north of site

6.4.4 The two closest properties are Grest Cottages & Grest Bungalows, with the latter having direct views towards the northern boundary of the site/ Grest Cottage gable elevation faces the site (no windows within), albeit windows to the rear outrigger face towards the site. The two storey dwellings on Plots 92, 93, 94 would direct face towards these properties to the north. It is proposed to plant 3 trees and native shrub/bushes between the new dwellings and existing properties to the north. The existing grass banking and landscaping would also be retained. Distances of approximately between 35m to 43m would be retained between the new and existing dwellings.

6.4.5 Overall, while there will be impacts to the neighbouring properties by the development over the existing situation (open agricultural fields), it is considered given the distance the new dwellings would be sited away, the scale of development in this area of the site and existing/proposed landscaping; the impacts upon the existing dwellings would not be so significant to warrant a refusal.

Properties to the south

6.4.6 Arguably, the properties to the northern side of Bride Road which are directly adjoining the application site are most likely to be affected by the development, these totalling nine properties (Elleray, Greenbank, Thie Y Vollan, Roundhay, Vollan Garden, Erinbrae, Anchor Down, Rostherne and Fair Isle). Currently, all these properties to their northern elevation/rear gardens have open views across the application site. The dwellings Elleray and Fair Isle would also have proposed development to the side boundaries of their properties. These outlooks will dramatically change and outlooks from these properties will be contained to their own gardens only, given a total of 15 new dwellings (Plots 7 to 21) will run along the rear boundaries of these nine existing properties. These new dwellings are made up of semi-detached and detached bungalows. The new dwellings would be sited between 21m and 27m from the existing properties mentioned above (see drawing "Proposed Site Plan Sheet 2 of 3"). The proposed new rear boundaries which back onto the existing nine properties would be made up of a 1.8m high timber fence and planting of native hedgerow.

6.4.7 In terms of the potential impacts upon the nine properties outlined above, it is considered given the distance the new dwellings would be sited away (over 20m), the height of the new dwellings (single storey) and the proposed boundary treatments proposed, it is not considered the proposed development would give rise to overlooking, loss of light and/or have an overbearing impacts and it is not considered the application should be refused on this ground. Furthermore, the development to the side boundaries of Elleray and Fair Isle are considered appropriate and would not give rise to any significant adverse impacts to amenities. As outlined there will be significant impacts by the development in terms of loss of views that the owner/occupants currently enjoy; however, as outline previously this is not a material planning matter that can be consider, albeit totally understandable.

6.4.8 In relation to the properties to the southern side of the Bride Road which directly face towards the site (opposite side of road), the properties most affected would be Nrs 71 to 77 Bride Road, Nr 2 Ormly Avenue, Killiney and Reayrt-y-Chronk.

6.4.9 Nrs 71 to 75 Bride Road have views to the southern section of the site and namely have views towards the larger area of Public Open Space/children's play area. The latter would be sited approximately 43m to the closest window/property of Nr 75. In terms of the impacts to these five properties, while the character and use of the agricultural land will change to POS/children's play area and this will likely increase a higher level of general disturbance/noise by the new uses; over the existing situation, it is not consider the impact would be so significant to warrant a refusal. The element of the proposals which would likely impact Nrs 76 & 77 Bride Road and Nr 2 Ormly Avenue would be the five proposed dwellings located opposite these existing properties. The five dwellings are made up of a pair of semi-detached and three terraced properties, all two storeys. These new dwellings would be sited approximately 35metres from the existing properties on the opposite of the Bride Road. It is considered the distance between these properties would ensure there would be no significant adverse impacts to warrant a refusal.

6.4.10 Concerns have also been raised of the upgrade of the existing bus stop (southern side of Bride Road) which is immediately adjoining/forming part of the front

boundary of Nr 2 Ormly Avenue (opposite Elleray). Currently a bench and bus stop post/sign make up the bus stop. It is proposed to install a cantilever shelter which sited on the same footprint as the existing bus stop area. This is outside the red line of the application site and such works could be undertaken now without planning permission (works could be undertaken by the DOI). However, it is considered if this did form part of the application then impact upon the amenities of Nr 2 would not be significant, namely given its modest size of the shelter and landscaping which current fronts Nr 2 which would limit its appearance.

6.4.11 The properties Killiney and Reayrt-y-Chronk which are located opposite to the eastern section of the site, would directly look towards a total of six new dwellings, made up of three terraced bungalows and three terraced two storey properties, which are approximately 29m away. Between these properties landscaping of a new hedgerow and trees are proposed. Given the distance between the existing and proposed dwellings, landscaping and height of the proposed dwellings, it is considered the impacts would not have an adverse impacts to neighbouring amenities.

Properties to the west

6.4.12 The properties most likely to be affected by the development are Trincomalee, Fasque and the dwelling approved more recently to the south of Fasque. These three properties are immediately adjoin the western boundary of the site and Trincomalee directly faces towards the new nursery building (approx. 27m away) and Fasque faces towards the new Community Building (approx. 30m). The new dwelling to the south of Fasque (not shown on plans) faces the area of POS. The two new buildings mentioned above are single storey in nature. It is proposed to plant a new hedgerow along the western boundary of these properties, albeit no new landscaping is proposed to the boundary with Trincomalee, given there is an existing substantial landscaped boundary.

6.4.13 In terms of Fasque and the new dwelling, they currently have views of the site above their existing timber fence. Again as is the case for the nine properties which run along the northern boundary of Bride Road, their views will change significantly, albeit again not a reason to refuse the application. Given the distance the proposed buildings would be site from these existing properties, existing/proposed landscaping and the size/height of the new buildings, it is not considered the potential impacts upon neighbouring amenities are so great to warrant a refusal of the application.

6.4.14 Overall, whilst the proposed development will undoubtedly have change in character and views of what the current residents surround the site current have; in term of material planning matters that have been outlined within this section of the report, it is considered the potential impacts upon residential amenities (loss of light, overlooking and/or overbearing impacts upon outlook) would not be so significant and therefore comply with General Policy 2 of the IOMSP and the RDG.

6.5 POTENTIAL IMPACT UPON HIGHWAY SAFETY / PARKING PROVISION / TRAVEL OPTIONS (Strategic Policy 1, 2 And 10, Spatial Policy 2, General Policy 2, Transport Policy 1, 2, 4, 5, 6, 7 & 8, Active Travel, Climate Change Act 2021 and Manuel For Manx Roads)

6.5.1 The proposed development included two new accesses, one onto Andrea Road as the principal access and one onto the Bride Road as the secondary access. This provides a through road linking Andreas Road, running eastwards within the site, to Bride Road. The new main site access road will be 6.75 wide with a 3m wide shared-use footway/cycle way on the northern side of the carriageway and a 2m wide footway on the southern side. As outline in section 6.3 of this report, this is to provide the accesses and visibility splays of 2.4m x 120m (including a 0.5m offset) in both directions for the access along Andreas Road and 2.4m x 59m to the access on Bride Road.

6.5.2 Furthermore, the submission includes a new footpath at the Andreas entrance which will run 50m southwards to a proposed uncontrolled crossing complete with dropped kerbs and tactile paving to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. There will also be a dropped kerb crossing to the north of the proposed access to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. At the new access onto Bride Road it is proposed to install a new footpath which continues westwards along the site frontage for approximately 50m and tie in with the existing footpath opposite the junction with Vollan Close. An uncontrolled crossing complete with dropped kerbs and tactile paving is proposed to allow pedestrians to cross safely onto the existing footway on the southern side of Bride Road. There will also be a dropped kerb crossing to the east of the proposed access to allow pedestrians to safely cross onto the existing footway on the southern side of Bride Road.

6.5.3 In terms of other highway/parking works and proposals the applicants have indicated;

"The proposed development considers the needs of travelling by different means, and where possible reduces the need for people to travel by providing a neighbourhood centre.

Thought has been given to how pedestrians, cyclists and drivers would move through the development and connect with existing transport networks, including footpaths, cycle routes and nearby bus stops.

Provisions have been included to allow a future bus route to run through the site if required.

Car parking has been located close to dwellings, as this is most convenient for the property owners, particularly those with young children and for food shopping trips etc. Parking close to homes also benefits EV charging, which should help promote the adoption of electric vehicles.

The development incorporates appropriate provision for the secure and convenient storage of bicycles, either in garages or bicycle storage sheds within private gardens.

Traffic management and subtle changes in street materials is used to reduce vehicle speeds, and suitable signage would be used to remind drivers that children may be at play in the neighbourhood."

6.5.4 Firstly the potential highway implications by the development on the existing highway, the applicants provided a detailed Transport Assessment (TA) as part of their application, prepared by iTransport. Further and update version of the Assessment and additional plans and information were submitted following initial Highway Services comments. Highway Services have consider all the information submitted and have raised no objection to the proposal.

6.5.5 The conclusion of the Transport Assessment indicates;

"Having regard to the analysis contained in this document and in accordance with the requirements of the Isle of Man Strategic Plan 2016, it is concluded that there are no valid highway or transport reasons for objecting to the proposed development. The development proposal would:

- enable new residents to have appropriate opportunities to travel locally to a wide range of employment, retail, education, and leisure opportunities by modes of transport other than the private car;*
- be designed to minimise journeys, especially by private car;*
- have safe and convenient access for all highway users, together with adequate parking and servicing arrangements; and*
- not have an unacceptable impact on road safety or traffic flows on the local highway network."*

6.5.6 The submission also includes a Travel Plan prepared by iTransport, which seeks to focuses on promoting sustainable travel to the proposed development among new residents and potential visitors by providing non-car mode travel options for local journeys and in particular reducing single occupancy car journeys and influencing modal choice. This has been prepared to comply with the IoM Travel Plan Policy and IoM Travel Plan Guidance. The Travel Plan indicates that;

"There are bus stops located on Andreas Road and Bride Road within the generally recommended 400m walking distance. These buses provide services to Bride, Andreas and Jurby, as well as regular services into central Ramsey where further buses are available for access to Douglas and the south of the island. The site is therefore accessible to regular bus services that provide direct connections to the key destinations to accommodate a range of journey purposes, including travel to/from work and shopping trips."

Cycle/walking provisions

6.5.7 The proposal includes a total of 10 Sheffield stands, i.e., accommodating 20 cycle parking spaces, would be provided within the neighbourhood centre. For the dwellings that would have a garage, cycle parking for the proposed houses would be accommodated in garages. For the proposed properties that do not have a garage, a suitably sized shed would be provided in rear gardens to accommodate the provision of a minimum of one cycle parking space per dwelling in accordance with the minimum cycle parking standards set out in MfMR.

6.5.8 In addition to the proposed pedestrian provision as outlined in section 6.5.2 of this report at the site access junctions onto Andreas Road and Bride Road, a further pedestrian / cycle connection is to be provided onto Bride Road in the south-west corner of the site. It would also provide a direct connection to the proposed neighbourhood centre for existing residents in the local area. The pedestrian/cycle way would have a width of 3.0m. Highway Services are content with the level of cycle parking provisioned and provision throughout the site. The new accesses proposed would link into the existing highway network and connect to or link to the existing footpaths/roads networks. There is a footway (1.5m-1.8m wide) located on the southern side of the A10 Bride Road along the entirety of the site frontage. There is a footway located on the western side of A9 Andreas Road/Bowring Road, typically a minimum of 1.7m wide. Both footpaths provide access to Ramsey town centre.

Parking Provision

6.5.9 The majority of the proposed dwellings would have least two off road parking spaces, within their plots, the exception being Plots 1 to 6 and Plots 76 to 80 which have a shared communal parking area, albeit each dwelling would have two off street parking spaces allocated to them (should be conditioned). A total of 72 properties across the site have garages, with 83 properties having no garage. Garages are not counted as part of the total number of parking spaces for each house and therefore adequate parking provision is still provided for these. Each dwelling is provided with a dedicated 32amp spur to allow homeowners to easily install an EV charger unit in the future that fulfils their vehicle requirements.

6.5.10 In terms of parking provision associated with the neighbourhood centre, there are total of 62 spaces (inc 4 accessibility spaces), 4no motor bike spaces, and 4no bicycle hooped racks.

6.5.11 Highway Services have consider the level of parking associated with the development within the site (AiP for school parking not considered at this stage) and have no objections. The Department also has no objection and therefore the development in terms of parking provision would comply with Transport Policy 7.

Servicing of site (refuse collection/fire engines/delivery wagons etc)

6.5.12 Refuse from the proposed houses would be collected from the kerbside and swept path of a 11.347m long 4-axle refuse vehicle within the site and demonstrates the vehicle can enter the site, turn within, and leave in forward gear and therefore the site layout makes adequate provision for refuse collection arrangements. Fire vehicle can also access the site for an 8.6m long pump appliance to get within 45m of each dwelling house and the vehicle will not be required to reverse more than 20m. For the neighbourhood centre a dedicated loading bay is provided to the north of the vehicular access/egress to the neighbourhood centre. It has dimensions of 12.0m long by 3.0m wide. A large 12m long rigid delivery vehicle can safety enter, set down to unload, and exit the proposed loading bay. Refuse vehicles can also access the neighbourhood centre. Highway Services have no objection to the application in this respect.

Sustainable travel options

6.5.13 Transport Assessment/Travel Plan submitted outline the various sustainable travel options available to residents/visitors to the development. As outlined

previously cycling/walking which generally use the same provisions have been summarised in section 6.5.7/6.5.8. While provisions have been provided throughout the site to the satisfaction of Highway Services, there still need consideration to whether these are accessible/reasonable distance to services i.e. town centres; otherwise this would discourage such method of travel. Further, location of public transport links needs consideration.

6.5.14 The Manual for Manx Roads indicates that a walkable distance from a residential property to a town centre is generally 800m (10mins walk / 0.5miles) which is regarded as a comfortable distance to walk, albeit it indicates this isn't a upper limit and that a distance under 2km (1.2miles) has the greatest potential to replace short car trips. The IOM Active Travel Strategy also identifies a 2.5 miles (4km) threshold where the working population can realistically switch from motorised transport to active travel modes. Within the Manual for Manx Roads, it outlines that cycle facilities/infrastructure should follow the guidance of the Local Transport Note 1/20: Cycle infrastructure design. This indicates that; "Two out of every three personal trips are less than five miles in length – an achievable distance to cycle for most people.", and therefore cycling distances for journeys of at least 5 miles (circa 8km) is not uncommon.

6.5.15 The submitted Travel Plan refers to and considered the IOM Active Travel Strategy and the applicants Travel Plan proposes to implement measures which support the strategy. The Plan also indicates that the site being within 2km of Ramsey Town Centre, and leisure facilities at Mooragh Park, Ramsey & District Cottage Hospital and a number of health facilities, Gladstone Park Industrial Estate and Shoprite (soon to be Tesco). Bunscoil Rhumsaa Primary School, Ramsey Grammar Schools and further employment facilities located along are within 4.0km of the site. They are all within range when a person/s is reasonable able to walk/cycle for the specific purpose and therefore it is more people will walk/cycle rather than use a car if they choose.

6.5.16 In relation to public transport provision, the main provision is via the public bus network. The Travel Plan identifies that;

"There are bus stops located on Andreas Road and Bride Road within the generally recommended 400m walking distance of the site. The bus stops on Andreas Road are located immediately to the north of the site frontage, opposite the Grest Care Home, approximately 320m from the centre of site. There are also two pairs of bus stops located on Bride Road; opposite the junction with Ormly Avenue to the south of the site (approx. 320m from the centre of site), and adjacent to the recent residential development on the former Grand Island Hotel site to the south-west, approx. 375m from the centre of site. The bus services and frequency of routes currently operating from these stops..."

6.5.17 And

"The no. 18K service provides future residents with the possibility of commuting into Ramsey for employment purposes by using the 06:26 service, arriving into Ramsey at 07:12. The no. 5/5A bus service also provides hourly services to Ramsey throughout day Monday to Saturday. Ramsey Grammar School, which provides secondary school education, is also accessible by bus

via the 20A service in the morning departing at 08:23, arriving at the school at 08:31, and by using the 20 service in the afternoon, departing the school at 15:47, arriving at Bride Road at 16:21.

The site is therefore accessible to regular bus services that provide direct connections to the key destinations to accommodate a range of journey purposes, including travel to/from work and shopping trips.”

6.5.18 Accordingly, it is accepted that the site would have a reasonable level of bus provision. Highway Services have raise no objection on this point.

6.5.19 It is also noted that the new road networks within the estate has been designed to be able to accommodate a bus route should Bus Vannin consider such provision is appropriate in the future. Furthermore, improvements to existing bus stops along the Bride Road through the provision of improved bus shelters along Bride Road (total of 4). It should be noted that 2 out of the 4 bus shelters fall outside of the application site and therefore a Grampian style condition would need to be attached for these i.e. before any development commences the bus stops to the southern side of Bride Road need to be completed. Similar condition/s would need to be included to the indicated foot path improvements works, as some fall outside the application site. It should be noted these works outside the planning application would be able to be carried out by the DOI, without the need for planning approval (whether this application is approved or not). Highway Services have no objection to these works.

6.5.20 The Travel Plan also right identifies that the provision of a neighbourhood centre, comprising local shops, a nursery, and a community hall will provide opportunities for future residents to satisfy some of the reasons for making a journey without the need to leave the site. Furthermore, this of course also applies to existing residents of the area, which a significant number of the residential properties to the northern part of Ramsey would be under the above mention distances for walking/cycling distances and can also use the new neighbourhood centre.

Traffic generation

6.5.21 A concern raised by residents of the area and Ramsey, are the potential additional traffic generated by the proposal on the existing highway network in the immediate area and further south along Andreas Road/Bowring Road/Ramsey Stone Bridge.

6.5.22 The Transport Assessment (TA) considered this element in detail outlining the characteristics, road widths, speed limits and connections the Andreas Road and the Bride Road have. The TA also identifies the road networks the Bride and Andreas Roads connects too, including Bowing Road through to Parliament Street. Accordingly, it does not just consider the immediate highway network around the application site, but also how the development will impact the highway network within Ramsey.

6.5.23 Traffic surveys where undertaken of the existing traffic flows at seven locations, including along Bowring Road and Parliament Square to determine the baseline conditions during morning peak periods (08:15 – 09:15hrs) and afternoon

peak periods (16:30 – 17:30hrs). Highway Services have no objection to this mythology/timings.

6.5.24 Further, vehicle speeds were surveyed using Automatic Traffic Counters along Bride Road and Andreas Road to assist in the determination of visibility splays for the new access points. Highway Services have raised no objection to the visibility splays provided for the new accesses.

6.5.25 The Transport Assessment outlines that it establishes the likely traffic impacts of the site, quantifying the increase in traffic flows on the key parts of the local highway network. It uses the existing survey data collected and then estimates using comparable survey data contained within the Trip Rate Information Computer System (TRICS) trip generation database based on the types and level of development proposed in this case the 153 dwellings, neighbourhood centre and the primary school. It is noted that the TA outlines that its assessment is based on a development quantum of 160 dwellings and therefore provides a robust assessment.

6.5.26 It calculates that;

"A development of 160 dwellings would typically generate 91 two-way vehicle movements during the morning peak hour, and 92 two-way trips during the evening peak hour. This equates to just over one vehicle every minute."

6.5.27 Regarding the neighbourhood centre the TA considers that it is of a scale that is ancillary to the proposed residential uses and is mainly likely to attract and serve residents living within the site and the immediate surrounding residential areas that are within easy walking distance of the site, which also reduces the need for residents to travel off site for everyday shopping needs. However, in order to undertake a worst-case assessment, an analysis has been undertaken to establish the likely generation of trips external to the site. The Transport Assessment does consider each use separately and various assumptions are made for these uses (i.e. residents on or off site).

- 160 dwellings – 92 vehicle trips during the weekday morning peak hour (0800-0900) and some 91 two-way vehicle movements in the weekday evening peak hour (1700-1800);
- Retail Units – 12 vehicle trips during the weekday morning peak hour and some 12 two-way vehicle movements in the weekday evening peak hour;
- Community Hall – 8 vehicle trips during the weekday morning peak hour and some 1 two-way vehicle movements in the weekday evening peak hour;
- Nursery – 14 vehicle trips during the weekday morning peak hour and some 7 two-way vehicle movements in the weekday evening peak hour; and
- Primary School – 269 vehicle trips during the weekday morning peak hour and some 29 two-way vehicle movements in the weekday evening peak hour

6.5.28 Using these figures, the overall assessment concludes that;

"The analysis indicates that, on the basis of the 85th percentile trip rates, the proposed development, including the primary school, is forecast to generate a total of 395 two-way vehicle trips during the weekday morning peak hour and some 140 two-way vehicle movements in the weekday evening peak hour."

6.5.29 Using these figures and additional current and future predications and additional considerations the Transport Assessment concludes on the matter of traffic impacts (with and without primary school included) upon the highway network within Ramsey that;

"On this basis, the following conclusions can be drawn from the traffic analysis:

- The proposed access junctions onto Andreas Road and Bride Road provide ample capacity to serve the proposed development and would operate with negligible levels of queuing and delay;*
- The analysis undertaken demonstrates there would be negligible increases to queuing and delay at the majority of junctions along the A9 Andreas Road / Bowring Road corridor with the junctions assessed generally operating well within capacity in the 2026 with development scenario;*
- The A9 Bowring Road / Derby Road Mini-Roundabout and A9 Bowring Road / Station Road Mini-Roundabout are forecast to be approaching theoretical capacity in the 2026 design year in development scenario including the on-site primary school in the weekday morning and evening peak hour periods with modest additional queuing and delay at the junction. The addition of the forecast development traffic (excluding the school) would result in modest additional queuing and delay at the junction and the junction would continue to operate efficiently in 2026 with the development."*

6.5.30 The Transport Assessment overall concludes that;

"Having regard to the analysis contained in this document and in accordance with the requirements of the Isle of Man Strategic Plan 2016, it is concluded that there are no valid highway or transport reasons for objecting to the proposed development. The development proposal would:

- enable new residents to have appropriate opportunities to travel locally to a wide range of employment, retail, education, and leisure opportunities by modes of transport other than the private car;*
- be designed to minimise journeys, especially by private car;*
- have safe and convenient access for all highway users, together with adequate parking and servicing arrangements; and*
- not have an unacceptable impact on road safety or traffic flows on the local highway network"*

6.5.31 Overall, the Department gives significant weight to the conclusions of Highway Services (DOI) who find the overall development and its impacts in relation to highway safety, traffic generation and consequence impacts upon the highway network to be acceptable complying with Transport Policy 4 and Manual for Manx Roads.

Offsite works

6.5.32 A number of offsite highway works proposed to be undertaken, albeit these fall outside the red line of the application. These works included two bus stop upgrades to the southern side of Bride Road (two bus stop upgrades and footpaths to northern side of Bride Road are within red line and can be conditioned) including dropped kerbs/tactile paving in places along Bride Road and similar works along the Andreas Road and Bowring Road up to Ramsey Stone Bridge. These works have been agreed with Highway Services (DOI) who are able to undertake (without planning permission) as part of highway works. Given they fall outside the application site a

Grampian style condition would need to be attached to any approval which required such works to be completed prior to any works on the application site commencing.

6.5.33 Highway Services have also sought a financial contribution for a Microprocessor Optimised Vehicle Actuation (MOVA) installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000. The applicants have agreed to this improvement to the signals which is generally regarded as a more responsive to traffic conditions and often leads to a significant increase in capacity at a junction. The MOVA assesses the traffic flows approaching on each arm of the junction and then calculates which arm should be allocated what green time and seeks to determine a set of signal timings which will maximise the throughput of the junction under the current conditions.

Conclusion

6.5.34 The development has clearly outlined a number of sustainable transport options, which include improvements to existing bus stops and the upgrading of the new footpaths, would meet the aims of Strategic Policy 10 which seeks new development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement. The proposal meets all of these aims as well of those of the Transport Policy 1, 2 & 5 of the IOMSP, Active Travel Plan, Manual for Manx Roads.

6.5.35 The proposal would provide safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space and does not have an unacceptable effect on road safety or traffic flows on the local highways complying with General Policy 2. It has been designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by the development in a safe and appropriate manner and therefore also comply with Transport Policy 4 & 6 and Manual for Manx Roads.

6.5.36 The parking provisions of all elements of the development meet Transport Policy 7 of the IOMSP.

6.5.36 As mentioned previously the applicant has provided a Transport Assessment and therefor complies with Transport Policy 8.

6.5.37 Overall, it is considered from a highway safety aspect, parking provision and all other relating matters indicated within this section of the report, it is considered the proposal would be acceptable complying with all the relevant policies stated.

6.6 POTENTIAL DRAINAGE/FLOODING ISSUES (Environment Policy 13)

6.6.1 The site is not within a high flood zone in terms of river or tidal flooding; however, there are sections of the site which are identified as having surface water flooding and from representations made by local residents (namely the properties to the northern side of Bride Road which back onto site) and photographs, it is very

clear there is significant surface water flooding occurring especially to the southern boundaries of the site (Bride Road boundary of site). Consideration of foul water needs consideration also to ensure there is sufficient capacity to accommodate the development.

6.6.2 As part of the application submission a number of documents and drainage plans have been submitted. The Planning Drainage Statement indicates that there is an existing public combined drainage system, flowing from north to south and a surface water drainage system within Vullan Crescent flowing from west to east.

Foul drainage

6.6.3 The statement indicates that the proposed layout and topography of the development site permits the use of a gravity foul drainage system which would be within the proposed highways of the site which connects into the existing public combined sewer within Vullan Crescent. Manx utilities have confirmed that there is adequate capacity within the Vullan sewage pumping station (located at Mooragh Park) and Balladoole Waste Water Treatment Works (located next to Balladoole Civic amenity site) to receive the foul flows from the proposed development.

Surface water flooding/runoff

6.6.4 It is proposed that the surface water flows from all impermeable areas of the proposed development are to discharge via a new surface water drainage system to the existing surface water drainage system within Vullan Crescent at an existing tail. The applicants confirm that;

"calculations have been undertaken to confirm there is adequate capacity within the existing downstream, public surface water drainage system from the proposed connection to the ultimate discharge point to the Irish Sea on Vullan Crescent. The design criteria for these calculations is a 1 in 100 year storm event +30% climate change allowance. The unattenuated direct discharge of the surface water flows has been agreed with MUA."

6.6.5 As outlined earlier, this is a main issue for a number of immediate neighbours to the development, and rightly so given the existing situation. The works proposed to address this matter include re profiling of the land to form a detention area (to the rear gardens of plots 7 to 18), with land drainage connected to a new surface water system. While all drainage authorities (Manx Utilities, Flood Management Division (DOI) & Highway Services Drainage (DOI)) had consider this matter and all other drainage elements and had no objection, the Department wished further comfort that this specific issue had been addressed.

6.6.6 Flood Management Division commented (emailed 09.05.20204):

"The Flood Management Division (FMD) of the Department of Transport have reviewed the proposals from a flood risk perspective and are satisfied with what is proposed. FMD was made aware of the two areas of pluvial flooding from south west corner of the where the public open space and playing pitch are proposed and the flooding behind the existing properties on Bride Road (proposed houses 7-18). We had discussions early on with the developer about our concerns about these two areas and asked for them to consider overland flows routes and other solutions to these issues."

The developer has provided the overland routes, detention basins and ground profiling to contain any overland flow that is not captured by the surface water drainage system which is designed for the 1 in 100 plus climate change event. These detention basins and ground profiled areas will drain back into the surface water via land drains.

In response to your two questions (underlined)

- 1. Are you able to confirm that the concerns raised by the local residents in relation to surface water/flood water (namely Fair Isle, Elleray, Anchor Down, Greenbank, Thie-Y-Vollan, Rosterne, Vollan Garden) have been addressed by the submission please? The Planning Committee will want assurances (as we all will) that the development would not make the situation and ideally improve it.*

Yes the surface water drainage system will intercept the water from the impermeable areas for a storm up to a 1 in 100 plus climate change event which is an event that only has a 1% chance of occurring in any year. Any overland flow not captured by this system will then flow to the landscaped area where it will drain back into the surface water system.

- 2. Are you also able to comment whether the larger public open space (southwest corner of site), which includes a detention basin will be useable as public open space?*

The detention basin is only occupying one area of the public open space and will only be active in very wet periods this is to capture overland flow not captured by the surface water system.

I would say we need to make sure that the landscaping areas and the detention base are constructed properly so that the water flows into them and that undertake their function. Could a condition be added to cover this? I also agree with Chris (Highway Services Drainage) that the greatest risk of flooding is during construction phase so this will have to be managed. If a condition could be added for construction phase surface water runoff management plan to be produced if approved?"

6.6.7 Highway Services Drainage commented (email 08.05.2024);

"The drainage system serving the estate roads exceeds our design requirements and we are satisfied with the location and number of road gullies that will drain surface water (SW) runoff from them. The Applicant is also proposing to improve the highway drainage on Bride Road which is welcomed. They have also provided flow exceedance routes and flood detention areas in the unlikely event that the drainage system becomes blocked or overwhelmed.

Whilst not necessarily in our remit, we have the following comments to make with regard to surface water flooding and the proposed detention areas: -

Just over 37% of the 11.3ha site will be impermeable (highway, houses and driveways etc.) which will be positively drained into the proposed SW water drainage system. The system has been size to cope with a 1:100yr + 50% cc storm event which is beyond our requirements and most likely MU's current ones as well. This should result in a significant reduction in the current greenfield flooding issues being experience by residents in the area.

The 2 areas of main concern appear to be behind plots 7 – 18 and the large area of POS adjacent to Bride Road. With reference to section 4.4 Overall Catchment Review in the "Addendum to Site Hydrology and Flood Risk Statement" dated 9th February 2024. The catchment area draining to the low point in the POS is noted as being reduced by 39% from 14,000m² to 8,500m². Based on a rough estimate of a 1:100 yr + 30% CC 6 hour storm event producing a 100mm of rainfall then the accumulated volume of water would be reduced by 5,500m³. Likewise, the area draining to the low point behind plots 7 – 18 is noted as being reduced by 89% from 18,000m² to 2,000m² so the accumulated volume would be reduced by 16,000m³. This should significantly reduce the flooding issues in the areas especially as both are to have land drains draining them to the SW drainage system. Please note that the land drains at the rear of plots 7-18 have not been shown on the drainage drawings. Based on the storm event above, the estimated post development accumulated volumes for the 2 areas would be 850m³ and 200m³ respectively. If these volumes can be contained within the site whilst draining into the SW system without affecting any properties on or off it, then offsite surface water flooding could be eliminated. Malcolm at FMD should be able to confirm this.

The detention basin areas provide SW storage during extreme storm events or when the SW drainage system becomes blocked or overwhelmed. Two areas are positively drained but the others will drain via infiltration and or evapotranspiration. They do not form part of the SW drainage system and are unlikely to be adopted by MU."

6.6.8 Manx Utilities commented (09.05.2024);

"Manx Utilities have reviewed the drainage proposals for PA 23/00744/B for the construction of 153 dwellings and associated drainage off Andreas Road Ramsey and can comment as follows:-

- The proposed foul and surface water infrastructure has been designed in accordance with Manx Sewers for adoption and Manx Utilities requirements.*
- The surface water infrastructure design includes the latest uplift to 1:100 yr plus 50% climate change which Manx Utilities is requesting for all new adoptable drainage systems.*
- Manx Utilities can confirm that capacity exist within the Vollan sewage pumping station and Balladoole WwTW to receive the foul flows from the proposed development.*
- Manx Utilities met with residents along Bride Road to discuss the flooding concerns in the area. The main cause of this flooding appeared to be overland surface water flows from the proposed site flowing to the low area in the SE corner of the site. Once the site has been developed, the majority of these overland flows will be captured in the new positive surface water drainage system serving the estate therefore greatly reducing the impact within the area. Land drainage will also be installed through the rear of plots 7-18.*
- The developer has indicated that they will be entering into a section 8 adoption agreement for the adoption of both the foul and surface water infrastructure for this development. A S8 adoption application will be required prior to construction work commencing on site.*

- *The detention basins/ swale areas which will accommodate exceedance flood routing away from the highway/ properties into soft landscaped areas will not be adopted by Manx Utilities.*

The addition of a new surface water drainage system as part of this development is welcomed by Manx Utilities. During heavy rainfall events, the existing foul sewers serving the properties along Bride Road have been utilised as a route for residents to drain flooded/ waterlogged gardens which greatly impacts the downstream foul sewerage network causing surcharging. The installation of a new surface water system will remove the requirement for this, resulting in a reduction of rainwater being pumped from Vollan PS to Balladoole WwTW for unnecessary treatment."

6.6.9 Overall, with the drainage schemes in place the Department is satisfied from the evidence submitted by the application and the comments received from the drainage authorities who have made comments during the application process and also providing further comments (section 6.6.5 to 6.6.7) on this specific matter, that the proposal would result in a reduced surface water runoff/flood event to the neighbouring properties and therefore would not increase flooding to these properties along Bride Road. This especially confirmed by comments received and outlined within section 4.4 Overall Catchment Review in the "Addendum to Site Hydrology and Flood Risk Statement" dated 9th February 2024 which concludes that there would be a reduction in water runoff to the low point behind plots 7 – 18, being reduced by 89% from 18,000m² to 2,000m² so the accumulated volume of water would be reduced by 16,000m³. Accordingly, the proposal is considered from this aspect to comply with Environment Policy 13.

6.6.10 A matter of potential maintenance/access of this area also needs consideration. The Department has had experience where a situation (Little Meddows, Andreas) where drainage works were undertaken as part of the Little Meddows housing development which ran under a number of rear gardens, but these were poorly installed at the time and is now causing issues with flooding in Andreas Village, given each part of the drain is owned privately by each owner and therefore Manx Utilities cannot resolve the long standing issue as they are not publically adopted. This potential issue was put to the applicants, as the Department did not wish to see this situation occurring to the rear drainage works to plots 7 to 18.

6.6.11 The applicants have initially consider two potential options, both include covenants which include access/retention of the drainage works. Furthermore, there are two possible options put forward (email dated 10.05.2024);

"Option A

We would form shallow channel separated from the proposed gardens by an additional fence with gates for access. This should provide a deterrent to the homeowners to alter the channel. We would provide an outlet from each channel to plot drainage.

Option B

We would form a reasonable sized French Drain (approx. 0.6 to 1m m deep x 0.6m wide below ground level. Within each plot we would have an outlet into the property surface water drain. The French Drain would need to decent size

so that it was difficult to remove and being below ground less likely to be tampered with."

6.6.12 Both Flood Management Division and Manx Utilities have confirmed the principle of such works would be acceptable, although it is considered a condition should be submitted to seek further details be submitted and such works are then completed and maintained thereafter.

6.6.13 The Department is also comforted that the larger area of Public Open Space (south-western corner of site) which forms a detention basin would still be useable as open space, with perhaps the exception in very wet periods, as confirmed by the Flood Management Division who commented; *"occupying one area of the public open space and will only be active in very wet periods this is to capture overland flow not captured by the surface water system."*

Highway drainage

6.6.11 Highway Services Drainage who consider the potential impact of surface water entering onto the public highway have confirmed that the proposals meets their highway drainage requirements and in this respect the highway within the development is suitable for adoption under Section 4 of the Highway Act 1986.

Adoption

6.6.12 The proposed foul and surface water infrastructure has been designed in accordance with Manx Sewers for adoption and Manx Utilities requirements and Manx utilities are happy to adopt these. The elements that Manx utilities are not proposed to be adopted are the detention basins/swales. These elements generally form part of Public Open Spaces and the applicants have confirmed that the Local Authority would be adopted and maintained. The applicants indicated these areas are shallow profile parcels of land to allow mowing as part of general maintenance (see drawing 22-111-05 – BB Consulting). A condition should be attached to seek additional plans/sectional drawings for these detention basins/swales.

Conclusion

6.6.13 It is noted that all drainage authorities have considered all aspects of drainage for the scheme and have raised no objection, which given the Department significant comfort, especially given the existing situation of surface water flooding to the rears of properties along the Bride Road from surface water runoff. Accordingly, the Department is comfortable that all aspects of drainage/flooding are acceptable and will ensure the development will do result in an increase on or off the site complying with Environment Policy 13 of the IOMSP.

6.7 POTENTIAL IMPACTS UPON ECOLOGY & TREES (ENVIRONMENT POLICY 4 & 5)

6.7.1 The two parts of the application site and the works proposed to be undertaken need to be considered in terms of potential ecology impacts and potential impacts upon trees. The submission includes a number of reports on this matter, which include Preliminary Ecology Appraisals, Habitat Enhancement Works, Arboricultural Impact Assessment, Breeding Bird Survey, Bat Survey and Fungi Surveys.

6.7.2 The “main development site” and the “land to the east of Royal Park” is made up currently of agricultural fields, with boundaries made up of hedgerows. Various aerial photographs the Departments has available (2012, 2018 & 2021), shows the fields in question being uses for livestock (sheep grazing) purposes.

6.7.3 The Preliminary Ecological Survey indicates that there are no major ecological constraints to development on the development site. Further recommendations are made for seasonal surveys for grassland fungi, breeding birds and bat activity. These have now been undertaken. The statement indicates that there is potential opportunities for enhancements on the “main development site” which includes the retention of field hedgerows and widening these with additional planting; provision of artificial roosts and bee bricks in new buildings; fencing allow for the migration of wildlife; and areas of public open space managed without pesticide/herbicides.

6.7.4 In terms of the “land to the east of Royal Park” it is proposed to use theses existing fields for the purposes of “Habitat Enhancement Works”. Manx Wildlife Trust have prepared a report on this basis and it recommends that field 131085 is planted with a mix of native woody species to create a mixed scrub habitat with scattered trees. Field no. 135140 is to be enhanced to create other neutral grassland through a beneficial management regime. The report outlines that in order to achieve biodiversity net gain the proposed habitats will need to be managed for a minimum of 30 years from the date of creation. This enhancement works will be formally agreed through the Section 13 Legal Agreement, essential indicating the works outlined in Manx Wildlife Trust Report are fully undertaken and maintained.

6.7.5 The main policy to consider is Environment Policy 4 which states that development will not be permitted which would adversely affect; species and habitats of international importance; species and habitats of national importance; and species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan. Environment Policy 5 indicates that under exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed and/or Planning Agreements sought.

Bats

6.7.6 The Bat Report submitted (undertaken by Ecology Vannin) concludes;
"Baseline conditions found low levels of activity by four species and one genus of bats (Myotis) that are likely to be impacted by the proposed development. In the absence of mitigation the proposal will likely disrupt existing commuting and foraging routes and reduce foraging resource within the site boundary.

Mitigation has been designed to address these issues through sensitive lighting in accordance with industry standards, protection of key habitats through buffering habitats (grassland, trees and scrub) and extensive provision of artificial roosting niches suitable for species tolerant of sub-urban environments.

It is expected that in the medium to long terms (10-30 years) this would likely result in a neutral (no net loss) of bat activity and potentially slight beneficial (net gain) for bats."

Birds

6.7.7 Within the Preliminary Ecological Survey it indicates that seven bird species were recorded during the walkover, these being;

- Blackbird (green listed);
- Wood Pigeon (green listed);
- Starling; (amber listed)
- Hooded Crow (green listed);
- Carrion Crow (green listed);
- Herring Gull (red listed); and
- House Sparrow (amber listed).

6.7.8 The report indicates that the grassland within the sites are suitable habitat for foraging birds and the hedgerows provide nesting and foraging habitat. The woodland adjacent to the north of the site provides suitable nesting and foraging habitat. The report outlines that a summary of species records from Manx Birdlife identifies that the key species which are likely to use the site include Barn Owl, Common Linnet, Common Starling, Eurasian Curlew, Eurasian Oystercatcher, Eurasian Tree Sparrow, Great Spotted Woodpecker, House Sparrow, Meadow Pipit and Red-billed Chough.

6.7.9 Following the Preliminary Ecological Survey being undertaken a further Breeding Birds Report has submitted as part of the submission. For the "main development site" the report indicates that;

"A total of 28 species were recorded using the site or within sufficient proximity to be considered potentially impacted by any proposed development. Of this total, 19 species were allocated a breeding status.

*Breeding status of 'definite' was only ascertained for two species (Blackbird *Turdus merula* and Rook *Corvus frugilegus*), 'probable' for 12 species and 'possible' for 5 species.*

*Numbers of territories were generally low, with Wren *Troglodytes troglodytes* being the most numerous with 5 territories. Rook was by far the most numerous species with 35 apparently occupied nests (AON) in the canopy of woodland immediately adjacent to the northern boundary."*

6.7.10 The "land to the east of Royal Park" the Breeding Birds Report indicated;

"A total of 17 species were recorded on or immediately adjacent to the site, with breeding status assigned to 10 species. One species (Blackbird) was recorded as 'definite' breeding status, with 7 'probable' and 2 'possible'. Territory numbers ranged from 1-4 with Wren being the most numerous."

6.7.11 The Breeding Birds Report concludes;

"The baseline ornithological interest has been determined from field survey and historical data and the likely impacts from development assessed. Mitigation has been designed to be proportionate and appropriate to key species and broadly beneficial for the wider assemblage of common and widespread species.

The construction phase will undoubtedly cause some disturbance and displacement of farmland passerines (including red list species) although from baseline information this will only impact a small number of territories of mainly common and widespread species but also red list species that are potential breeders e.g. Common Linnet.

Mitigation has comprised on-site retention, creation and enhancement of key habitat types (hedgebank, scrub and grassland) where practically possible and extensive installation of artificial nesting niches. In addition, plans have utilised the enhancement of off-site compensatory habitat in Site B for the benefit of key species associated with hedges, grassland and scrub.

It is anticipated that in the medium to long-term) 10-20 years the habitats should support no net loss of site avifauna in terms of species diversity and likely gain in abundance of species tolerant of sub-urban environs e.g. House Sparrow, Blackbird and Dunnock."

Fungi

6.7.12 The Revised Fungi Survey (IOM Fungus Group) have undertaken surveys throughout the two sites and both site where identified to have the "regional importance" category – having between 6 and 10 waxcap species. The reports concludes that;

"However knowing the value of many other richer small grassland sites these fields do not merit conservation measures as waxcap grasslands."

6.7.13 For information a Waxcap grassland is short sward, nutrient-poor grassland that supports a rich assemblage of larger fungi, particularly waxcaps.

Common Lizards/Common Frogs

6.7.14 Within the Preliminary Ecological Survey it indicates that neither were observed during the survey of the sites, although there are records of these within 500m of the site. There are suitable lizard/frog habitats within the site; albeit this is impacted by the rotational grazing that occurs on the site.

Invertebrates

6.7.15 The Preliminary Ecological Survey indicates that the site is likely to support a range of common invertebrates.

Schedule 7 and rare and scarce plant/ Schedule 8 Plants

6.7.16 There were no species found during the Preliminary Ecological Survey.

Wading Bird survey

6.7.17 No evidence of use of any of the fields by Wading Birds.

6.7.18 The Ecosystem Policy Team have considered the application and the various ecology reports and have confirmed that they consider there to be; "a suitable level of ecological assessment has been undertaken and we are content". They have indicated subject to a number of conditions listed (see email 08.03.24) and that; "A more detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi

(See the Isle of Man Fungus Group's Survey of Vollan Fields 1-3), will need to be secured via a Section 13 Agreement which Hartford Homes have already agreed to in section 2.65 of their 'Statement in response to Third Party Consultations' dated February 2024." They have no objection to the application.

6.7.19 When any un-developed site is proposed for development, there will be an impact upon the biodiversity of the site. This site is no exception, as is the case with most residential and non-residential development. However, for the reasons outlined in this report and the submitted reports undertaken by the relevant qualified persons, it is considered that with the appropriately worded conditions/S13 Agreement; which include mitigation measures, the proposed application would comply with EP 4 and 5.

Trees

6.7.20 In relation to impacts upon trees within the site a total of 5 trees are proposed to be removed, namely to enable new accesses/footpaths/visibility splays along the southern and western boundaries of the site. Of these there are two category B sycamore trees which the Forestry, Amenity and Lands Directorate have commented would normally result in an objection in line with their "Tree Protection Policy". However, given the significant number of new trees proposed to be planted in terms of mitigation and the limited contribution the trees make to the landscape due to their limited size and age, they have no objection. The Department would agree with this view and therefore subject to the conditions outlined by the Directorate there are no concerns to the loss of trees in this instance, particularly given to the significant of tree planting proposed.

6.7.21 It is noted that there are two groups of Registered Woodlands to the north (Grest Farm – ref RA1594) and south (Ormyly Hall – ref RA1674) of the site. These areas have biodiversity interest. Neither of these areas are affected by the works.

6.8 AFFORDABLE HOUSING PROVISION (GENERAL POLICY 4 AND HOUSING POLICY 5)

6.8.1 Housing Policy 5 of the Strategic Plan indicates that the Planning Authority will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more. Given submission proposed 153 dwellings this equates to 38.25 affordable dwellings. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided. The applicants have proposed 38 dwellings provided on the site whilst the balance of the 25% (0.25 units) will be paid by Commuted Sum (£7,500). This is acceptable to the Public Estates & Housing Division, the applicants and the Department. The proposal therefore complies with Housing Policy 5.

6.9 PUBLIC OPEN SPACE PROVISION (RECREATION POLICY 3 (inc Appendix 6) & 4)

6.9.1 The application provides Public Open Space (POS) in the form of formal, amenity and play space within the site. Under the requirements of Appendix 6 of the IOMSP the proposal should provide a total of 13,248sqm (1.32 hectares / 3.27acres)

POS which is broken down to 7,452sqm in Formal space, 2,484sqm in Play space and 3,312sqm in Amenity space.

6.9.2 The scheme provides approximately 15,734sqm of POS over the two application sites. This is broken down as 7,460sqm in Formal space, 2,500sqm in Play space and 5,734sqm in Amenity space. Therefore an overprovision of 2,489sqm in POS. Accordingly, in terms of area of provision the proposal would meet the requirements of the IOMSP.

6.9.3 It should be noted that all of the public open space provision is provided within the "main development site". The "land to the east of Royal Park" which is proposed to have habitat enhancement, is not included within the public open space provision. The habitat enhancement equates to approximately 37,300sqm (3.73hectares / 9.2 acres) in area.

6.9.4 The main areas of POS are provided in four areas throughout the "main development site". The applicants explain that;

"The proposals include natural play areas for younger children, including stepping stones, balance beams and large diameter pipe tunnels, to encourage creative play..."

And

"There are also smaller areas of landscaped open space distributed throughout the site to create a natural setting for the development.

'Formal' use POS is provided in the form of a sports pitch in the south-western corner of the site, close to the community facility. This will not be flood light lit, to avoid impact on neighbours and habitat. Also, whilst not forming part of these proposals, a possible future primary school in the north-eastern part of the site could include a sports field, which may be available for community use.

Other areas on-site are proposed to be planted for habitat and biodiversity, for the community and educating children.

The proposed development is also within easy walking distance of the existing playgrounds and the playing fields situated at Mooragh Park."

6.9.5 A Section 13 Legal Agreement would need to be agreed between the applicants, Ramsey Commissioners and the Department in terms of the POS being adopted by the Commissioners including the provision of play equipment (details should be conditioned). There is an initial agreement (Heads of Terms) from the Commissioners on this matter.

6.9.6 Overall, the proposal would provide more than an over provision of Public Open Space. Further the open space is well placed within the site and easy access for new residents and for existing residents in the area and therefore complies with Recreation Policy 3 4 & 5.

6.10 IMPACT UPON PUBLIC SERVICES/ADDITIONAL PROVISIONS TO SERVICES (schools, GPs & Dentists)

6.10.1 A number of concerns raised is by local residents who have indicated that GPs and Dentists are already at capacity and any additional housing would increase the pressure on these existing services. This is clearly a reasonable concern to have, one which is becoming a common theme with planning applications for new housing throughout the IOM.

6.10.2 There are no planning policies which specifically deal with this matter. The IOMSP does indicate;

"10.5 Civic and Community Facilities

10.5.1 Community facilities are those services or facilities that provide for the needs of the Island population. As such, they should be appropriate to the needs of the Island's population and be located as to be easily accessible. Community facilities include community centres, medical facilities, places of worship, schools, nurseries, library services and premises which provide an element of care for those sectors of the community that are in need of this.

10.5.2 It is not for the Strategic Plan to address or determine the needs for community facilities, but to address the land use issues arising from such proposals. Where there are known site requirements these will be safeguarded in the relevant Area Plans for that area. Proposals for such uses will therefore be assessed against general criteria based policies.

10.5.3 It is one of Government's general policies to promote equity and equality of access to education, health, community and recreation facilities, services and the wider environment for all sectors of the community."

6.10.3 In relation to the principle of the new school, Community Policy 5 does indicate that permission will generally be given for proposals to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space. The site being located adjacent to the proposed 153 dwellings and existing dwellings in Ramsey would meet the aims of the policy. Further, while the design is at an indicative stage, DECS are content that the size of the site can accommodate a one or two form primary school. There are no objections from DECS that the proposal would result in a significant adverse impact upon the existing school places. Furthermore, there appears to be potential options available to DECS in terms of either a new school on this site or potential to expand the existing primary school.

6.10.4 Healthcare is more difficult, there is no specific provision for this site to provide facilities and no published strategy has been identified in the consultation response which identifies this site as being where new facilities are required/should be provided. It is therefore considered that this is not, in itself, an automatic reason for refusal but rather something to be considered as part of the planning balance. The Strategic Plan and wider policy framework (Island Plan/Economic Strategy) encourage

more housing/infrastructure for population growth and so investment in more school/education/healthcare places could reasonable be seen as part of that requirement.

6.10.5 It is further noted from the response from Manx Care in relation to dental care appears to indicate that the issue is one of recruitment, rather than physical buildings to accommodate such provision. The element of recruitment falls outside the remit of planning. Again, while no comments have been received from Manx Care in relation to GPs, during the pre-application stage of the application comments (emailed dated 27.01.2023) where received from Manx Care indicating that

"... The problems within the NHS reach wider that the Island and there are no short term fixes. We cope quite well considering the pressures we are all under and are always actively trying to recruit, adapt, change and learn. I'm sure this will also be the case here."

6.10.6 On this matter the applicants comment;

"In terms of healthcare impacts, there site is in close proximity to Ramsey Group Practice, Ramsey and District Cottage Hospital and Smile Dental Care. It is understood that at the time of submitting this application, the GP surgery has capacity for additional patients but Smile Dental Care is not currently accepting new patients. Through discussion with Ramsey Group Practice, it is also acknowledged that the new residents will not all be new to the town and will not arrive all at once, and as such local infrastructure will have time to adapt."

And (within response to third party consultations)

"In terms of GP services, it is noted that Ramsey Group Practice is the only doctors in the town and according to their website as of February 2024 the practice is currently receiving new patients."

"Whilst GP capacity is an ever-evolving situation it is fully acknowledged that GP services generally are under pressure and the 2019 Health and Social Care Review report raised concerns about the adequacy of GP provision across the Isle of Man. This however is an Island-Wide issue and not something that an individual development proposal can resolve. Nor is it relevant to a specific site, as clearly wherever new housing is developed in Ramsey the same issue will be present. This issue is ultimately not in the gift of an individual planning application to resolve if GP capacity is an existing problem."

6.10.7 In relation to the principle of the new school, Community Policy 5 does indicated that permission will generally be given for proposals to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space. The site being located adjacent to the proposed 153 dwellings and existing dwellings in Ramsey would meet the aims of the policy. Further, while the design is at an indicative stage, DECS are content that the size of the site can accommodate a one or two form primary school.

6.10.8 The applicants also comment that;

"In terms of education, it is estimated that the proposed development would generate the need for approximately 31 primary school places and 31 secondary school places. This is based on the Department of Education's formula that new housing generally creates a demand for 1 primary place & 1 secondary place per 5 dwellings (excluding retirement units)."

6.10.9 In terms of the proposed development impact upon the existing school capacity, there is no objection from DEC and from their comments and comments from the applicant's above, there would seem to be appropriate provision, without the need for major expansion at either primary or secondary schools in Ramsey.

6.10.10 The application does also proposal a new nursery within the neighbourhood centre of the development. A community hall is also proposed. These will have an appropriate and beneficial uses to the new and existing residents in the area. Community Policy 2 seeks new community facilities should be located to serve the local population and be accessible to non-car users.

6.10.11 In terms of local shops, there is no local convenience provision in the northern area of the town. Shoprite (soon to be Tesco) supermarket is within approximately 2km of the site. It is not considered the proposal of a two retail units (total 286sqm) onsite would harm the retail element of Ramsey town centre. Furthermore, this level of development is generally supported by the IOMSP as Business Policy 10 indicates that retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas. The two retail units are generally larger than what is generally permitted as a "neighbourhood shops" which is defined in the IOMSP as; "not normally comprise more than 100sq metres of floor space". However, as outlined earlier, there are no retail units within this existing area or nearby residential estates which have been built over a number of decades without any such provisions.

6.10.12 Furthermore, given the retail units, community hall and nursely and large children's play area and playing fields are all within close proximity to each other, this is reasonable to be considered to form a "neighbourhood centre". On this, the IOMSP indicates:

"The provision within residential areas of small shops, often combined with sub-post offices and off-licence facilities, occupies an important place in the range of shopping facilities available. Many people are dependent on such shops, these being the only shops to which access can be gained easily on foot, without relying on public or private transport. In addition, such a facility may not only be considered a desirable service, but may also serve as a focus of community life and help sustain a small community."

6.10.13 Accordingly, it is considered the level of retail units proposed would serve the proposed dwellings and existing residential properties are at a sufficient and appropriate scale, without having an adverse impact upon Ramsey Town Centre and therefore comply with BP10. Furthermore the provision of a neighbourhood centre could meet the aims of CP 1 & 2 and be beneficial to existing and new residents of the area.

6.11 ENVIRONMENTAL PROTECTION ISSUES (NOISE) (General Policy 2)

6.11.1 A concern has been raised from The Coach House where a kennels/doggy day care operate from. Concerns is raised that having the site being developed for main residential purposes will increase pressures on their business due to the potential future residents complaining of noise created by dogs barking.

6.11.2 The Department sought advice on this matter from Environmental Health (DEFA), who did raise initial objection to the development on the following grounds;

"Following the receipt of complaints from the residents of Grand Island about nuisance dog barking coming from the neighbouring Coach House Kennels and Cattery, a statutory noise nuisance abatement notice was served on the business. The business has operated boarding kennels in line with planning approval for many years and has also recently obtained a certificate of lawful use for the operation of 'doggy day care' facilities at the site. There is no guarantee that we will be successful in enforcing the requirements of the notice if it is breached and I have concerns that future occupiers of the proposed development may be subject to unreasonable levels of noise if it goes ahead."

6.11.3 In response the applicants have submitted "A Noise Assessment" undertaken by Resound Acoustics Limited, which has considered the potential impacts of noise to future residents of the development. This included sound measurements from the site to observe noise levels in the area and from the kennels. It should be noted that this application cannot deal with any issues at the source of the noise. As outlined from Environmental Health they have issued a Noise Abatement Notice on the business and it is their own Legislation which requires to take the appropriate action, if needed.

6.11.4 The Noise Assessment concludes;

"...7.6 The assessment outcomes during the daytime are considered to be broadly acceptable, and while the numerical assessment suggests that the evening and night-time outcomes are more adverse, the kennels was observed to be largely silent during these periods and the adverse outcomes are linked to the precautionary assumption that it could be noisy, rather than it actually being noisy.

7.7 Furthermore, should the current nuisance action be successful, it is expected that dog sound levels at the Vollan Fields site will reduce from the levels measured for this report. If the action is not successful, it is expected that the noise levels will remain at current levels.

7.8 On balance, it is considered that noise from Coach House Kennels and Cattery is unlikely to lead to complaints from future occupants of Vollan Fields, should it be permitted, and specific mitigation measures are not warranted to protect future occupants against it. Notwithstanding this, Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive, should Coach House Kennels and Cattery remain in operation at its current levels. The plots proposed to have some form of mechanical ventilation are shown in Figure G.4 in Appendix G

7.9 On the basis of this assessment, it is considered that noise from Coach House Kennels and Cattery should not be considered a bar to the proposed development."

6.11.5 In terms of the system mentioned in paragraph 7.8 above i.e. the Mechanical Ventilation with Heat Recovery (MVHR), this is a system which delivers fresh filtered air into a building without creating uncomfortable drafts, and without creating excessive demand on heating and cooling systems. It works by recovering the thermal energy from the air within the building and using this to precondition the outside fresh air as it is drawn into the building. It works equally well in both summer and winter. Essentially, this system is proposed to be installed to Plots 1 to 6, 35 to 41, and 146 to 153 inclusive, which are the dwellings closest to the kennels and potential reduce the need to open windows to these properties. It does have further benefits as is the **only form of ventilation that cuts out almost all of the ventilation heat losses**, which make up to 30% of the heating demand of a dwelling and is predictable and consistent in providing the required amount of fresh air into each room, as well as extracting stale and polluted air where needed. This system is generally used in low energy building/Passivhaus. The inside air quality is generally also greater. Accordingly, while the applicants have proposed this measure as a mitigation method, the occupants of these dwellings arguable may have a greater air quality within their properties and decreased energy requirements.

6.11.6 Following the submission of this Noise Assessment, Environmental Health have considered this information and raise no objection, subject to a condition being attached for the mitigation measures outlined.

6.12 LOSS OF AGRICULTURAL LAND (Environment Policy 14).

6.12.1 Concern has been raised that the proposal would result in the loss of agricultural land, which in turn reduces the Island self-sufficiency for food. In terms of planning policy Environment Policy 14 considers the loss of agricultural land, namely the versatile agricultural land. The site has been rated as having a 2/3 class, i.e. an equal mixture of Class 2 and 3 soil. The highest quality soil is Class 1 and the lowest is Class 5. The IOMSP states;

"...A recent study on agricultural soils on the Isle of Man(1) revealed that the majority of the agricultural land on the Island (80.26%) fell within Class 3, based on the land use capability class system in England and Wales (classes range from Class 1 to 5, with Class 1 being the most versatile land). Class 3 land characteristics can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management. Only 4.87% of agricultural land falls within Classes 1 and 2. According to the agricultural land use capability map (figure 4 of the study), all of the Class 1/2 land of which Class 1 is the dominant class can be found in the south of the Island to the east of Ballasalla. New Area Plans will include a general presumption against the release of Class 1 and 2 agricultural land for development.

The highest level of protection will apply to the highest graded quality of land with Classes 1 and 2 soils being afforded most protection from development

and being taken out of agricultural use. Where there is a proposal to develop land which is categorised in the Agricultural Soils of the Isle of Man report as being mixed Classes 2 and 3, those wishing to develop the land should ascertain which parts of the site represent higher grade of soil with these parts being avoided for development purposes."

6.12.2 In terms of the last paragraph of the previous text, the applicants are proposing to develop the entire site and therefore there would be the loss of Class 2 and 3 land. This weighs against the application.

6.12.3 As outlined, the site is not within the highest Class of soil quality, although is essentially above average. The EP14 indicates that for this Class of land (2/3) the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to (a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and (b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map. It needs to be noted that the site is designated for development and therefore when the local plan was adopted there was an acceptance that the agricultural land would be lost. This weighs in favour of the development.

6.12.4 In terms of need of the development this is addressed within section 6.2 of this report. Again this weighs in favour of the development.

6.12.5 Accordingly, while the loss of the agricultural land is unfortunately, it is considered the merits of the proposal could be considered to outweigh the loss and comply with EP14, especially given the land is designated for development.

6.13 Climate Change/ UNESCO Biosphere Status (Climate Change Act 2021 and The Strategic Aim, Strategic Policy 1, Energy Policy 5 of the IOMSP)

6.13.1 In terms of the Climate Change Act this has now received Royal Assent; however, has not yet become enacted (Appointed Day Order has not yet been agreed for it to come into force) and therefore has only limited material planning weight. However, it does give a clear direction of travel. The Residential Design Guide 2021 (RDG), specifically relating to "Sustainable Construction" which does include a number of aspects including, construction materials, building design and climate change resilience. It should be noted that should the Act become into force, there is further work to be undertaken for each of the following topics;

"(a) demonstrate that the application has been made having regard to the following climate change policies —

- (i) the maximisation of carbon sequestration;*
- (ii) the minimising of greenhouse gas emissions;*
- (iii) the maintenance and restoration of ecosystems;*
- (iv) biodiversity net gain;*
- (v) the need for sustainable drainage systems; and*
- (vi) the provision of active travel infrastructure; or*

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

6.13.2 In relations to sustainable construction/climate change measures the applicants have indicated the following which again address some of the points raised by the Act and the RDG;

"The Planning Statement covers in detail how the proposals constitute sustainable development. The key points are summarised below:

- *The land is zoned for mixed uses, including for residential use.*
- *The development site is in close proximity to local services and is situated on a bus route and connects to existing footpaths, which would encourage walking and cycling, and reduce car use, in accordance with the Island's Active Travel ethos.*
- *The proposed design seeks to make the most efficient use of the application site whilst providing the required public open space.*
- *Manx Wildlife Trust has carried out a survey of the site and produced a 'Preliminary Ecology Assessment', as well as assisting with the landscape design of the site. The existing site is shown to not be of high ecological value.*
- *The existing development site is currently agricultural fields used for grazing. The proposed development includes new trees and shrub planting, increasing the current canopy cover, to provide additional ecological habitat and improve biodiversity.*
- *The use of modern construction methods achieves good thermal insulation levels and reduce energy use.*
- *Use of efficient heating systems and controls, including Air Source Heat Pumps and roof mounted PV panels.*
- *Natural daylight into habitable rooms is maximised to reduce use of artificial lighting.*
- *Low energy LED light fittings will be used throughout the development*
- *Water efficient sanitary appliances is used throughout.*
- *Provision is made for electric vehicle charging points to be fitted if required.*
- *Construction materials and labour would be sourced locally where possible, to reduce the carbon footprint of the development.*
- *Provision of cycle stores for properties with no garages.*
- *Surface water will be disposed of sustainably subject to agreement with the drainage authority.*

It can be seen that significant steps have been taken to make this one of the most sustainable developments of its type, which would help with climate change mitigation whilst also providing much needed homes for the north of the island, to support Ramsey's position as a Service Centre."

6.13.3 Within the representation section of this report comment has been made that the IOM UNESCO Biosphere Status. Under the Biosphere the IOM as a whole is split into three zones, Core, Care and a Sustainable Development Zones. The majority of the Island is zoned within a Care Area. All parts of the application sites are within a "Sustainable Development (Transition) Areas". This is described as; "within a Towns, Villages, Man-made surfaces including Buildings, Rail and Roads". Further the "Sustainable Development Area" covers our urban areas and all remaining areas outside of Core and Care Zones, with a focus on developing our communities and economy in a responsible way.

6.13.4 It should be noted that the purposes of the Biosphere Status is not intended to raise new restrictions additional to the usual considerations for wildlife and the

countryside, though it is clear that it does bring special emphasis and an international focus on the protection of sites on the Isle of Man and sustainable forms of development in appropriate places. Further the "The Zonation Guide for Appropriate Uses" suggests that development in such "Sustainable Development Zone" are both "allowable and encouraged". The emphasis of the Biosphere status is on promoting innovative approaches to sustainable development, so the question is essentially, is the development sustainable, in terms of its positive or negative effects on the environment, society and economy, taking account of the specific proposals and the site and position.

6.13.5 It is worth noting that there are no specifically planning policies which restrict development because of the UNESCO Biosphere status. However, it would appear from existing planning policies seeking to protect the environment/ecology etc (and other legislation within DEFA) are still in place to ensure the impacts to the most sensitive areas like the "Care & Core Zones" are still protected from development which causes harm, as well as sites within a "Sustainable Development Zone". Overall, the proposal sitting within a "Sustainable Development (Transition) Areas" would not go against the aims of the UNESCO Biosphere.

6.14 ARCHAEOLOGY

6.14.1 As part of application an "Archaeological Desk-Based Assessment" has been undertaken to determine the archaeological potential of the site, namely the "main development site". There are no designated archaeological assets (Ancient Monuments or Registered Buildings) within the study site itself. This assessment indicates;

"In March 2023, a geophysical survey was undertaken at the study site. The survey detected a limited number of anomalies, the majority of which were interpreted as being associated with agricultural activity in the form of former field boundaries, a possible trackway, and evidence for ploughing. It is likely that such features date to the Post-Medieval and Modern periods and of limited archaeological interest."

6.14.2 And

"Based on the assessment undertaken, there is considered to be a moderate to high potential for archaeological remains dating to the Prehistoric period within the study site of local to regional significance. There is considered to be a low potential for all remaining periods.

Agricultural activity from the Medieval period onwards is considered likely to have had a low to moderate, but widespread, negative impact on below ground archaeological deposits.

Due to the potential for below-ground Prehistoric deposits within the study site, should Manx National Heritage consider that further archaeological investigation is necessary, then the next stage of investigation should consist of a programme of trial trenching informed by the results of the previous geophysical survey."

6.14.3 No objection to the application has been received from Manx National Heritage in terms of the findings of the report in terms of archaeology.

6.15 Other Matters

6.15.1 A indicative phasing plan has been initially submitted with the application which splits the site into four phases, these being;

- First phase- the new access onto Bride Road, eastern section of main estate road and southern section of dwelling houses;
- Second phase – the new access onto Andreas Road and the remainder of the main estate road and dwelling houses to the northern and southern central parts of the site;
- Third phase – dwelling houses to north west corner of the site; and
- Fourth Phase – dwelling houses to south-western part of site (21 dwellings), neighbourhood centre, largest area of POS and children play area.

6.15.2 The Department raised some concern with this proposal with the largest area of POS and largest children play area and the neighbourhood centre being within the last phase and sought whether some of these elements could be brought to an earlier phase. The applicants have indicated that the second phase could include the largest area of POS and largest children play area (south-western part of site). The neighbourhood centre would still be in the fourth phase as they raise concerns of viability of the scheme; albeit this fourth phases would also include an increased total of 32 dwellings, some of which are the largest housing types proposed.

6.15.3 It is considered this proposal in principle the Department would support and therefore a condition should be attached for a further phasing plan to be submitted. This phasing plan would also likely need to tie in with other elements of the proposal.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1.1 The applicants have agreed with the Housing and Estates (DOI) and the Department that 38 affordable units will be provided onsite and the commuted sum payment for the 0.25 unit (£7,500) will also be made.

7.1.2 In respect of a Public Open Space the applicants have confirmed that an agreement has been agreed with Ramsey Commissioners to adopt the areas of POS and children's play areas/equipment.

7.1.3 The S13 agreement should also provide details of a scheme for a long-term habitat enhancement and management plan for the fields to the "land to the east of Royal Park".

7.1.4 S13 financial contribution for Microprocessor Optimised Vehicle Actuation (MOVA) installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000.

8.0 CONCLUSION

8.0.1 Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site (main development site) which is designated for "Mixed Use", where as the "land to the east of Roya; Park" is designated as "Proposed Public Open Space" under the Ramsey Local Plan 1998.

8.0.2 The "main development area" will clearly chance the landscape character of the site/area from one of undeveloped agricultural fields to a residential development

in the main, including neighbourhood centre and potential future school. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey which is within the "Town Boundary" as outlined by the existing Ramey Local Plan. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre, with appropriate public transport links and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and other Government strategies outlined in this report.

8.0.3 There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontages of the application site being improved and provisions of an upgraded bus stop and improvements to the existing pedestrian works.

8.0.4 There proposed development will not result in an unacceptable risk from flooding on or off site.

8.0.5 Finally, there are no significant impacts upon protect species on this site (namely birds/bats/Fungi, Schedule 7 and rare and scarce plant or Schedule 8 Plants), while there are significant levels of mitigation proposed/conditioned.

8.0.6 It is considered that the proposal would contribute to the supply of housing (including 38 affordable houses) as a sustainable urban extension to a settlement identified near the top of the settlement hierarchy.

8.0.7 The application includes a suitable level of Public Open Space throughout the development, including a variety of children plays areas/spaces for various age groups all within a walk able distance within the site for future occupants and also for existing residents in nearby housing developments.

8.0.8 While the development will have an impact upon public services (GPs/dentists, school capacities) given additional persons who would live in the catchment of such services. However, for the reason outlined in this report it is not considered this impacts would be adverse and not a matter which this application alone could necessary address.

8.0.9 In conclusion for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the planning policies of the IOM Strategic Plan 2016 outlined within section 4.0 of this report, the Residential Design Guide 2021, Ramsey Local Plan 1998 and Manual for Manx Roads.

8.0.10 It is recommended that the planning application be approved for the reasons given, subject to the Section 13 Legal Agreement been signed and the conditions listed.

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:

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

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

Item 5.2

Proposal : **Proposed two residential dwellings including vehicular access**
Site Address : **Land At Ballacraire**
St Johns
Isle Of Man
IM4 3LS
Applicant : **Mr Peter and Vusimbe Amott and Zivave**
Application No. : **23/01163/B- [click to view](#)**
Planning Officer : **Hamish Laird**

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 proposed development is unacceptable because it would result in the erection of 2 No. three storey dwellings, the height, mass and scale of which when combined with the limited depths of their plots would result in an intrusive form of development that would be out of character and keeping with other dwellings close to the site, and consequently they would appear incongruous. As such, in terms of their poor design and limited plot depth, the visual impact of the proposed dwellings and garages would be unacceptable in that they would fail to accord with the provisions of STP3 b), STP4 b), STP5, and Policy GP2 b), c), and f), contained in the Isle of Man Strategic Plan 2016, in that it would fail to respect the character of the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of existing buildings and the spaces around them which would adversely affect the character of the surrounding landscape or townscape. Furthermore, they would fail to adequately incorporate existing topography and landscape features, particularly the mature trees on the site.

R 2. The proposed development is unacceptable because it would result in the western dwelling which would be located nearest the dwelling at 2 Ballacraire Cottages to the west would have two bedroom windows at second floor level and two Ground Floor windows serving the living room in the west facing elevation of the western dwelling facing them, and the wall-to-wall distance between the two dwellings would be approx. 4.0m. The east facing elevation of 2 Ballacraire Cottages has two ground floor windows facing the western side boundary of the site in this elevation. This close proximity and proposed insertion of windows to the west elevation of the new dwelling would give rise to an unacceptable loss of privacy and amenity to occupants of 2 Ballacraire Cottages due to overlooking and loss of privacy to its occupants. This would fail to accord with the provisions of Policy GP2 I), contained in the Isle of Man Strategic Plan 2016,

R 3. The proposed development is unacceptable because owing to the height, mass and scale and proximity of the proposed new dwelling on the western side of the plot would result in the western dwelling being sited too close to the side elevation of the neighbouring dwelling at 2 Ballacraire Cottages which has two ground floor side elevation windows facing the site. This would result in an unacceptably overbearing relationship and adverse impact on light to the side of 2 Ballacraire Cottages which would be harmful to the residential amenities currently enjoyed by this dwellings occupants. This would be contrary to the provisions of Policy GP2 I), contained in the Isle of Man Strategic Plan 2016.

R 4. The development will result in an unacceptable loss of mature trees on site as shown in the submitted plans which would be a significant and adverse impact on the character and appearance of the area as well as on the ecology of the site, including bats which are known to be within the area, and which are protected under Environment Policy 4 of the Strategic Plan and the Wildlife Act 1990. The proposal is therefore contrary to General Policy 2b), c), and f) contained in the Isle of Man Strategic Plan 2016.

R 5. It has not been demonstrated that the development could be undertaken, particularly the proposed access which will involve raising the level of part of the site, without adversely affecting the survival and health of the large elm which is shown to be retained. This tree contributes significantly and positively to the character of the area as well as to bats which are known to use the area and which are protected under Environment Policy 4 of the Strategic Plan and the Wildlife Act 1990. The proposal is therefore contrary to General Policy 2b, c and f of the Isle of Man Strategic Plan 2016.

R 6. Notwithstanding the above reasons for refusal, whilst the proposed vehicular access visibility splays are considered to be achievable and therefore, acceptable, the applicant has failed to submit a site section drawing to show that the gradient of the access drive into the site can be achieved in engineering terms; and, to submit a road safety audit to ensure that the proposed use of the access is safe in terms of traffic generation and impacts on vehicle and pedestrian safety for users of Peel Road. As such, the proposals fail to accord with the advice contained in the Manual for Manx Roads, 2021, and the provisions of Transport Policy 4 in the Isle of Man Strategic Plan 2016, which requires that any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of all the following properties should be given Interested Person Status as they are considered to meet the requirement of being located within 20.0m of the site boundary; and, as such have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

2 Ballacraine Cottages, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS
Hillside, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS
Smithy House, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS
Heart House, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS
Croit Grenagh, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS
Palm Cottage, Main Road, Ballacraine, St Johns Isle of Man IM4 3LS

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

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

DoI Highways Development Control

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE PLANNING HISTORY OF THE SITE

1.0 The Site

1.1 The site comprises a parcel of undeveloped land, with a frontage of about 50m to the south side of Main Road (sometimes referred to as Peel Road), St John's (A1); and a depth varying between about 20m and 14m. It lies approximately 130m to the west of the signalised junction of the A1 and the A4 (the Ballacraigne Crossroads, and approximately 4.9 km from Peel. The sites road frontage is marked by an approx. 1.2m high stone wall containing 2 No. pedestrian gates, with the land to the rear falling away steeply towards fields and a pond beyond to the south. The site is presently overgrown with blackberry brambles almost totally covering the ground level and a number of trees of varying heights and species within the site. The trees cumulatively provide a very attractive, natural and green backdrop to the road with Slieau Whallian in the background. The largest of the trees on site, a Registered elm tree, dominates the rest of the trees and whose canopy spreads to within around 10m from the highway.

1.2 Immediately to the west of the site is the vehicle standing space serving the neighbouring 2-storey dwelling at No. 2 Ballacraigne Cottages, which lies at the end of a ribbon of residential development that extends westwards along the south side of Main Road. To the east of the site, there is a parcel of open land, which is used for vehicle parking. A bus-stop layby is located on the road frontage at this point. To the north, on the opposite side of Main Road there is a ribbon of housing comprising a number of terraced, 2-storey, dwellings including Hillside and Smithy House and their attendant outbuildings.

1.3 The site is shown in the (St John's Local Plan) Order 1999 as being located within the settlement boundary for St John's and allocated for residential development.

2.0 The Application

2.1 The Full planning application proposes the erection of two residential dwellings including a shared vehicular access. The application is accompanied by a Site Location Plan; Site Visibility Splays Plan; Floor Plans; Elevations; Sections; A Measured Survey and Topographic Survey; A Tree Constraint Plan and a Bat Survey. Also included are Searches in relation to Water, Drainage and Electricity. A Planning Statement outlines the key points and features of the proposed development.

2.2 The submitted Planning Statement advises that:

"The planning application is to seek approval for two detached dwellings together with vehicular access on land adjacent to Ballacraigne Cottages, Main Road, St Johns (fig 2).

Accommodation will be spread over three floors (fig 3, fig 4) and the footprint of the building will be relatively small. From the main road, the house will be two storey height more in keeping with the houses in the area. This part of the Village contains great variation in the size, style and design of the properties ranging from traditional Manx double style property to modern single storey bungalows and there is no one set style that determines the character of the area. The character has been formed over the years as properties have been altered, extended or redeveloped in the area. The building will be designed and constructed to high standards of energy efficiency including heat recovery system, air source heat pumps and a high level of thermal efficiency and air tightness.

The site has been zoned for residential development since 1999 and therefore the proposal is to develop the site for residential purposes in line with the Local Plan.

In relation to road safety concerns, a consultation with Highways Officer was carried on the 27th of March 2023 and there were no concerns raised. Since this, the previous application were submitted under the old regulations, however, the regulations have changed. The current 'Manual for Manx Roads', now calls for a visibility requirement of 2.4m x 43m to comply with Appendix B, 3.8 Table B.1 'Y' Stopping Sight Distance. The visibility splay (fig 5) has been shown to its furthest extend following consultation and subsequent site visit with highways officer Adam Dunlop.

Internally, there is a provision of minimum two vehicular parking spaces per dwelling (garage and driveway) and there is sufficient turning spaces to ensure vehicles exit in a forward gear. Bicycle parking is provided at one space per bedroom. Electric vehicle charging points infrastructure will be provided."

2.3 The two dwellings would, separately, provide the following accommodation:

Lower Ground Floor Level: entertainment room with en-suite bathroom; guest bedroom with en-suite bathroom; single garage/bicycle store; entrance hall with stairs up, and cycle storage;

Ground Floor Level: kitchen/dining Room; and, sitting room, with stairs up/down;

First Floor Level: 3 x double bedrooms, one with a walk-in wardrobe; family bathroom; hall and stairs down;

2.4 Proposed materials are: External wall - Render and face brick / Cladding Windows and doors -uPVC Roof - Concrete Tiles. Air Source Heat pumps are proposed to be installed with details provided. There would be no fossil fuels used (coal/gas).

PLANNING POLICY

3.1 The site lies in an area designated on the Map for the St. John's Local Plan of 1999 as Residential. The residential designations in this part of the area are generally dependent upon existing dwellings being in situ - that is, the residential designations refer to existing houses, other than in this case where there is no dwelling on the site. The Local Plan is a little ambiguous in respect of its stance on housing in this area, stating that, "The responses received confirmed the Office of Planning's view that any large scale new residential development would be inappropriate for the area, and this includes any further housing adjacent to Slieau Whallian Park or the infilling of any of the open space sites south of the Peel Road directly west of the Ballacraine cross roads. However, the principle of infill development is considered reasonable for the village but should be limited to within those areas which are designated as areas of predominantly residential use" (paragraph 2.3). It goes on to identify "infill residential development" which do not include the application site or any of the areas which are not built upon, between Ballacraine and the main part of the village.

3.2 The Plan also states: "It is considered essential in St. John's to limit the future residential development opportunities to carefully selected infill sites in order to preserve the rural character of the village. The sites selected are considered an acceptable balance between preserving the rural character of the local plan area and providing some reasonable development to occur taking into account the community needs and provisions of previous plans. In addition to the infill sites selected for further residential development, it is recognised that other opportunities may exist for additional residential development within existing developed areas either in the form of additions to existing dwellings or the erection of new dwellings. The appropriateness of such development should be judged on individual merit and backland development should generally be avoided."

3.3 The following policies suggest that development should accord with various Planning Circulars which dealt with development in the countryside and that no residential development will be permitted where this would adversely affect the historic setting of Tynwald Hill and its associated open spaces.

3.4 Development in this area will be expected to accord with Strategic Plan General Policy 2 as follows:

General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways and
- (j) can be provided with all necessary services."

3.5 Highway Services indicate that Manual for Manx Roads introduced in 2017 does not change the requirements for visibility splays from what would have been required in 2013/14.

3.6 Environment Policy 3 indicates that: "Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

3.7 Environment Policy 4 provides protection of the ecology of the Island and particularly species protected through local or international regulations or protocol.

3.8 Transport Policy 4 and Transport Policy 7, respectively indicate that: any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner; and, that for all new development, parking provision must be in accordance with the Department's current standards.

PLANNING HISTORY

4.1 Planning approval was sought for the principle of two dwellings on this site under 13/00385/A. This was initially approved by the Planning Committee despite an objection from Highway Services on the basis that the required visibility of 70m cannot be achieved and therefore the visibility and access are substandard. This followed initial support of the application.

4.2 The decision to approve the application was challenged by local residents and at the appeal the inspector made the following comments:

"22. There is no dispute that the site is allocated for residential development in the St. John's Local Plan 1999, part of the Island's development plan. Moreover, Strategic Policy 1 of the Isle of Man Strategic Plan (IoMSP) encourages the use of under-used land; and Strategic

Policy 2 and Housing Policy 4 direct new development to existing towns and villages. The proposal accords with both of these policies. There is therefore a presumption in favour of the proposed development unless material considerations indicate otherwise. In this particular case, I consider the most important material consideration to be highway safety. The effect of the proposed development on highway safety is therefore the principal issue."

4.3 He was advised that the 85th percentile speed of traffic passing the site is between 29 and 30 mph and notes the "hazards" of parked vehicles and the bus stop and concludes that the recommended visibility splay of 2.4m by 70m cannot be achieved, also noting that this is a reduction from the normal requirement of 90m. Whilst the development would provide its own on-site parking and that parked cars can slow traffic down but he did not consider that these things outweighed the detrimental impact of the development on highway safety for drivers, pedestrians and cyclists - the inadequate visibility splays and the addition of two more dwellings' worth of vehicles onto Main Road which already has a high volume of traffic which generally travels at around 30mph.

4.4 The application was refused for the following reason:

The proposal is contrary to General Policy 2(i) as defined by the Isle of Man Strategic Plan, 2007, in that the proposed development, if approved, would have a materially adverse effect on highway safety in Main Road as a result of the existing volume of traffic, the speed at which it travels, the inadequacy of the achievable visibility splays at the new access and the additional vehicular movements that would be generated by 2 dwellings."

4.5 Subsequently, Planning approval was again sought for the principle of two dwellings on this site under 18/0758/A. the Officers Report concluded that:

"7.1 The proposal is considered to be detrimental to highway safety and would result in the loss of trees which would be detrimental to the character and appearance of the streetscene and to the habitat for bats which are protected under EP4 and the Wildlife Act 1990. The application is recommended for refusal."

4.6 The Inspector commented at paragraph 44: "I consider the main issues in this case to be first, the effect of the proposed development on the safe movement of traffic on the A1; and second its impact on the character, appearance and ecology of the area, due to its effect on existing vegetation."

In relation to traffic movement the Inspector advised:

"45 The present application for approval in principle is very similar to a scheme which was refused on appeal, following an inquiry held in 2014, for a single reason relating to its adverse effect on road safety. That appeal decision referred particularly to the existing volume of traffic using the A1; the speed at which it travelled; the inadequacy of the achievable visibility splays at the proposed access; and the additional vehicular movements that would be generated.

46 I have no reason to think that the volume of traffic using the A1 has decreased significantly during the four years since the previous inquiry. It is likely that more traffic now uses this route, particularly in view of the amount of development that has taken place in and around Peel. Similarly, I have no reason to think that there has been a significant reduction in the speed of traffic on the relevant section of the A1. In her report, the Inspector who held the previous inquiry recorded that this part of Main Road was subject to a 30mph speed limit; and that the 85th percentile speed of vehicles passing the site was between 29 and 30mph. The quantitative evidence now produced by the present appellant's consultant, suggests that little has changed. I can see no reason why the two dwellings now proposed would be likely

to generate less vehicular movement than the two dwellings that were proposed four years ago.

47 There has however been one major change of circumstance that has occurred since 2015 with regard to the regulation of traffic movement, and that is the publication of MfMR in 2016. This document makes it clear that, in addition to the DMRB, MfS and MfS2 are now part of the framework of guidance to be used in the design of new transport infrastructure. However, paragraph 2.2.3 of MfMR indicates that it will be the Department of Infrastructure's role, as highway authority, to determine which design guidance best fits a specific location on the highway network; and that, in general, DMRB standards will apply to schemes affecting the highway network outside of urban areas. I do not consider the appeal site to be within an urban area. Rather it is within an intermittent ribbon of development that extends along the south side of the A1 to the east of the main built-up area of St John's. The highway authority evidently shares that view.

48 That being so, visibility splays in accordance with the DMRB standard of 2.4m by 70m are required in the present case, as they were at the time of the 2014 appeal. The present appellant has submitted a plan to show how such splays could be achieved. However, these show the splay in either direction as being measured to a point on the surface of the A1, offset by more than a metre from the nearside carriageway edge. Paragraph 10.5.2 of MfS2 advocates the practice of measuring vehicle splays to the nearside edge of the vehicle track. However, I have seen no empirical evidence to suggest that vehicles travelling along this part of the A1 are typically more than a metre from the carriageway edge. I note that, usually, Highway Services do not accept visibility splays with an offset of more than 0.5m from the kerb line. There is plainly a danger that a motorcyclist (or cyclist) travelling less than a metre from the edge of the carriageway might not immediately be within the visibility splay as currently proposed.

49 It also seems highly probable that, at times, vehicles would be parked on the carriageway within the proposed visibility splays, and that these might obscure the view of oncoming traffic on the A1 from the proposed access to the appeal site. In this connection, I note that a number of the existing dwellings along this stretch of Main Road do not have off-street parking space, and that residents may have little option other than to park at the roadside. I understand that at present, these people have the opportunity to park on some unused land near their homes. However, that arrangement is temporary, and cannot be relied upon as a long term solution.

50 I am not convinced that it would be reasonable to grant approval for the present scheme, subject to a Grampian condition, precluding the proposed development from starting until such time as parking restrictions are in place along this stretch of the A1. Such restrictions would require a Traffic Regulation Order, which would probably be opposed by those local residents who have no off-street parking accommodation, and must therefore rely on onstreet parking. In my view, the success of such an Order would, at best, be uncertain.

51 In the circumstances, I am not satisfied that adequate visibility splays could be achieved from the proposed access to the appeal site. My conclusion on the first issue is that the proposed development would be inimical to the safe movement of traffic on the A1; and would be contrary General Policy 2(h) and (i) and Transport Policy 4 of the Isle of Man Strategic Plan 2016."

The Inspector also commented on the potential for loss of tress and on the impacts on ecology. In relation to 'appearance and ecology' he commented in Paragraph 53 (part):

"... the position of the proposed vehicular access to the site is for determination now, and this would be likely require substantial engineering works to be undertaken within the 12m root protection area of the registered elm tree, as proposed by the appellant's arboricultural

consultant. It seems to me that the registered tree would be likely to sustain damage, notwithstanding the use of short bored piles and 'T' beams as described by the appellant's architect. On balance, I consider that the potential loss of trees would detract from the amenity of this area, contrary to General Policy 2(b), (c) and (f) of the Strategic Plan."

And concluded at Paragraph 55 that:

"I have considered the impact of the proposed development on the residential amenity of the occupants of No 2 Ballacraige Cottages. The details of the proposed buildings are a reserved matter, but I can see no reason why it should not be possible to devise a scheme that is acceptable on this count. Similarly, I am not convinced that satisfactory arrangements could not be made for the disposal of surface water. However, in view of the foregoing conclusions with regard to road safety and the loss of trees, I consider that the appeal should be dismissed, and that the decision to refuse planning approval in principle should be upheld."

The Inspector recommended at Paragraph 57:

"I recommend that the appeal be dismissed, and that the decision to refuse planning approval in principle be upheld."

4.7 The appeal was dismissed by the Minister in a letter dated 13th February, 2019, for the following reasons:

"1. It has not been demonstrate that the development would be able to provide visibility splays to the required standard (2.4m by 70m in each direction measured from no more than 0.5m into the carriageway), taking into account the presence of parked vehicles. The proposal would therefore be contrary to General Policy 2h and i of the Strategic Plan 2016.

2. The development will result in the definite loss of all but one of the trees on site as shown in the submitted plans which would be a significant and adverse impact on the character and appearance of the area as well as on the ecology of the site, including bats which are known to be within the area, and which are protected under Environment Policy 4 of the Strategic Plan and the Wildlife Act 1990. The proposal is therefore contrary to General Policy 2b, c, and f.

3. It has not been demonstrated that the development could be undertaken, particularly the proposed access which will involve raising the level of part of the site, without adversely affecting the survival and health of the large elm which is shown to be retained. This tree contributes significantly and positively to the character of the area as well as to bats which are known to use the area and which are protected under Environment Policy 4 of the Strategic Plan and the Wildlife Act 1990. The proposal is therefore contrary to General Policy 2b, c and f of the Strategic Plan."

REPRESENTATIONS

5.1 German Parish Commissioners - no comments had been received by the Report drafting stage.

5.2 DEFA Arboricultural Officer - no comments had been received by the Report drafting stage.

5.3 Department of Environment, Food and Agriculture Ecosystems Policy Officer (16.11.23) - The Ecosystem Policy Team object to this application because of the proposed scale of tree removal with a lack of ecological mitigation.

There is also a lack of tree information with this application, with only the Tree Constraints plan showing tree removal. However, it is very hard to make an accurate determination about the amount of level of tree removal proposed from this document, because the outlines of the

houses cover a lot of the detail and there are no details provided about the size and species proposed to be removed. Therefore an Arboricultural Impact Assessment should be provided.

The Ecosystem Policy Team request that a Preliminary Ecological Appraisal (PEA), adhering to CIEEM (2017) Guidelines for Preliminary Ecological Appraisal (2nd edition) undertaken by a suitably qualified ecological consultancy, is submitted to Planning prior to determination of this application.

Should the PEA identify that habitats and protected species or species of high conservation priority are present and will be negatively impacted by the works then additional surveys will be required and a mitigation plan for their protection during and after the development, as well as any necessary avoidance and compensation measures, must be submitted to the Department for written approval prior to the determination of the application. Surveys should be undertaken in line with best practise guidelines.

We request that the survey reports are submitted prior to determination in line with best practise, which is referred to in Section 9.2.4 of the British Standard Biodiversity - Code of Best Practise for Planning and Development (BS 42020:2013). Which states: The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances.

At the moment we believe that the plans present an overdevelopment of the site and priority should be given to the avoidance of tree removal by reconfiguring the proposed layout or reducing the number of properties.

The bat survey provided with the application is considered out of date, in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (2019), which states that "survey reports more than 3 years old are unlikely to still be valid and are likely to need to be updated (subject to an assessment by a professional ecologist)".

As is currently presented, the development of this land would be contrary to the following policies in the Isle of Man Strategic Plan 2016:

Strategic Objective 3.3 (b) To protect, maintain and enhance the built and rural environment (including biodiversity)

(i) To protect the countryside and coastal areas for their own sake.

Strategic Policy 4:

Proposals for development must:

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas

General Policy 2:

Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;

(f) incorporates where possible existing topography and landscape features, particularly trees and sod banks; The development would also be contrary to Habitat Loss Action 21 within the Isle of Man's Biodiversity Strategy 2015:

Habitat loss action 21

DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for.

5.4 DoI Highway Services (23/11/23) object to the application, stating:

Highways Comments:

The application site has been subject to two previous applications for the erection of two dwellings. PA 13/00385/A was permitted and later refused at appeal, and PA 18/00758/A was refused and upheld at appeal. PA 13/00385/A was refused due to the adverse highway effects. PA 18/00758/A was refused for its inability to achieve the required visibility splays. Due to the planning history of the site regarding road safety concerns and its location accessing the Primary Road A1, Highways request that a road safety audit is provided with the submission of the application.

Visibility and Access

This iteration of the proposal has provided visibility splays of 2.4m x 62m to the left on exit and 70m to the right on exit both to the nearside edge of carriageway. Pre-app advise outlined that visibility splays of 2.4m x 43m would be acceptable for this proposal. The application site is not typical urban, but development is present on both sides of the road, there is provision of footways on both sides also and is within a town/village 30mph speed limit creating a built-up environment. Whilst reduction to Manual for Manx Roads splay requirements may have been acceptable, the proposal has provided splays to the DMRB requirement of 70m in one direction to the nearside edge of carriageway, and in the other would be achieved with minimal offset.

The visibility splays appear to be maintained within applicant owned land or the highway. However, to the right on exit, the splays cross over an area annotated 'parking' just off the carriageway. It is understood that this area may have previously been used by nearby residents by agreement for personal parking. From the survey drawings provided and the highway adoption map, it still appears that the splay is maintained within the footway, and any obstruction of the visibility through a parked vehicle would constitute obstruction of the footway/highway.

The A1 at this location is not subject to any parking restrictions, and residential parking is common along the northern side of the road. Whilst there is a possibility that on-street parking along the southern side of the road can happen that would obstruct achievable visibility, and would not be a parking offence, it is more likely that vehicle users will choose to join those parked on the northern side as to avoid completely obstructing the traffic flow along the 7.1m carriageway.

Whilst on-street parking along the southern side of the A1 obstructing visibility is not considered a likely risk, there is a bus stop located adjacent to the vehicular access that, in the event of a bus stopping, would completely impede visibility to the right on exit. Accesses with this arrangement are present along the A1 near this site. There is a bus stop on the northern side of the road located closer towards St Johns which has residential accesses in close proximity similar to this proposal, as well as an access opening directly out to the bus

stop cage. In the event that a bus is stationary at this location, access and egress from this dwelling would be completely blocked, and visibility obscured for the adjacent accesses. Under such circumstances, vehicle movements would have to be stopped to wait for the stationary bus to move on. It is considered that the arrangements proposed would result in the same practice carried out, and with no collisions recorded within the vicinity of the proposed or adjacent accesses, the arrangement does not bring significant risk.

The bus cage road markings have been omitted from the survey drawing. However, the location of the access appears to be far enough away as to not impact any of the existing bus infrastructure or road markings.

There is adequate access width to ensure that turning movements can be made in and out of the access without the need to cross over into the Douglas-bound carriageway, and potentially impact a parked vehicle.

Highways Development Control accept the visibility splays and access location provided.

Access Arrangements

The width of the access at the point it meets the highway is approx. 6.5m. This is sufficient for the passing of two-way vehicular movement, preventing any unnecessary obstruction along the A1. The width is also sufficient to allow for shared vehicular and pedestrian access. As previously stated, the 6.5m width and entry splays of the access should allow all vehicular turning movements to take place within the nearside carriageway and not impact on any parked vehicles along the northern side of the road.

Sections have been provided for the dwellings, but do not adequately show the access gradient arrangements. A number of representations have raised concern with the levels of the site in relation to the road. Further plans should be submitted to show the access gradient from the internal vehicle areas to the highway. For direct access onto a Primary Road, the maximum allowable gradient is 4% or 1:25, this must be maintained for a minimum of 5m back from the edge of highway.

The planning statement has outlined that the access will be formed of a bound and consolidated surface material for a minimum of 5m back from the edge of highway.

The site falls away from the highway, and the likelihood of surface water run-off being discharged onto the highway is low. However there is a possibility that surface water from the highway may be discharged into the site, or that creation of the access will impact the existing highway drainage. Suitable surface water drainage proposals should be confirmed with Highway Services Drainage Team.

If permitted, the alteration to the highway, in the form of creating an access, will require a Section 109(A) Highway Agreement to be made post planning consent.

Internal Arrangements

The proposal has provided five parking spaces on the site. Each dwelling will benefit from a garage with three hardstanding spaces provide between the dwellings. This is sufficient to meet the Strategic Plan minimum parking requirements of two spaces per dwelling. The garages meet the minimum dimension requirement of 6m x 3m.

Representations have raised concerns with internal turning space in order to exit the site in a forward gear. The section of hardstanding to the front of each garage entrance and the space between is approx. 13m x 3m. In addition, there is a further 3m x 7.2m to the front of the

three parking spaces. The area of hardstanding provided should be sufficient to accommodate all turning movements required to exit in a forward gear, even when all spaces are occupied.

Floor plans indicate that both dwellings will have provision of a separate and secure bicycle storage area that is accessible from a level access. Infrastructure required for provision electric vehicle charging points is also to be installed.

Construction

Representations have raised concerns with an increase to on-street parking as a result of the proposed development. The dwellings themselves exceed the minimum parking requirement, therefore Highways do not consider an increase to on-street parking through occupation to be a significant factor. However, during the construction phase there may be a larger number of contractor vehicles requiring access or parking. This may lead to an unacceptable increase in the amount of on-street parking within the vicinity of the site, and cause further disruption to traffic flow along the A1. The applicants/developers should ensure that contractor parking areas can be provided within the site during the construction phase to prevent an unacceptable amount of on-street parking.

Similarly, there may be a need for larger or long-wheelbase vehicles to enter the site. The vehicle parking on the northern side of the road may impact on a large vehicles ability to turn in or out of the site. A suitable traffic management plan should be in place to ensure larger vehicles can safely enter/exit the site, and not be required to park on-street for any significant amount of time. Larger vehicle access to the site will likely be for operations such as delivery of materials, which if the site is not accessible, will require parking on the southern side of the road. With on-street parking along the northern side present in some cases all day, this operation would cause an unacceptable negative effect on traffic flow and network efficiency.

Highways Development Control request the additional information of vehicular access gradient/sections to be provided to ensure that the Manual for Manx Roads maximum access gradient is not exceeded for a new access onto a Primary route. In addition, a road safety audit should also be submitted to accompany the application.

Recommendation: Request further information / revisions.

Highways Drainage Comments (1/11/23):

Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.

Recommendation: There is no details of the access interphase with the highway? The applicant should ensure that no surface water from the property can flow onto the public highway in accordance with the clauses above.

3rd Party Representations - Local residents

5.5 The owners of Heart House on Curragh Road (22.08.18) advise that they own the land directly to the rear of the site which is in fact their back garden which is well maintained and kept, and used throughout the year. They express concern that the proposal will result in rain water run off through the proposed soakaways, running into their fields alongside as the site is not connected to the mains drainage. They also advise that they would not grant any access through their land for building works at the site, meaning all access would be required directly from the road side. They also do not give permission for any trees on their land to be felled in order to complete any building work.

- 5.6 The owners of 2, Ballacrairie Cottages object to the application, for the following reasons:
- o The design of the 2 proposed properties would result in them appearing overbearing to 2, Ballacrairie Cottages in terms of size and design and occupation of the plot;
 - o The height of the fill will lift the properties to well over the height of my property.
 - o Concerned that the mass of the proposed properties would be within a few metres of my garden, resulting in an overbearing impact to the outlook from the windows to the side and rear of 2, Ballacrairie Cottages, resulting in a loss of privacy.
 - o The proposed properties are not at all in keeping with the area nor indeed sympathetic to the style of the surrounding cottages.
 - o The two houses, because of their size will dominate that part of Peel Road, Ballacrairie and will certainly not be an attractive introduction this very important historical part of the Island leading to Tynwald Hill.
 - o If successful, the scheme may be modified to squeeze in other properties on the site;
 - o The woods provide a habitat for an abundance of birds and creatures.
 - o Impact in the registered mature elm tree;
 - o The old Manx stone wall that runs through my garden and continues across the rear of the application site is home to various breeds of rodent, including rare pygmy shrews.
 - o If this development goes ahead, the woods and the animals and birds that live there will be gone forever.
 - o The visibility splay at the entrance of the site and the visibility envelope will not cure all the serious safety issues associated with this part of Peel Road, Ballacrairie.
 - o The extra traffic that would be caused during the construction of the development and later by the residents will have a detrimental effect on the flow of traffic travelling in both directions at this point of Peel Road.

- 5.7 The owners of Hillside, Ballacrairie, object to the application, for the following reasons:
- o One of the proposed houses will completely block out the view of South Barrule and the Foxdale valley;
 - o The 4 houses directly opposite this proposed development were built in the Victorian era (or before) when the road was very quiet. The occupants of 3 of these houses have no garages, nor access to off-road parking, and therefore park their vehicles on the road;
 - o The building of these 2 new houses will generate more vehicle parking on the road and create more congestion in this now difficult area;
 - o The new houses will be built very close to the road due to the gradient of the hill, and will be overbearing both to Ballacrairie Cottages and to the houses directly opposite that have also been built close to the road;
 - o This development will have an adverse effect on the character of the area;

5.8 The owners of Smithy House, Ballacrairie, object to the application, for the following reasons:

Previous planning applications on this site have been refused

- o PA 13/00385/A - Refusal issued 18 December 2014 - Inspectors comments: "In view of the foregoing conclusions with regard to road safety and the loss of trees, I consider that the appeal should be dismissed, and that the decision to refuse planning approval in principle should be upheld."
- o PA 18/00758/A - Refusal issued 13 February 2019 - Inspectors comments: "In view of the foregoing conclusions with regard to road safety and the loss of trees, I consider that the appeal should be dismissed, and that the decision to refuse planning approval in principle should be upheld."

Traffic and road safety

- o The site is in close proximity to the A1/A3 Traffic Light controlled junction to the east where traffic on the main Douglas to Peel road continues to be extremely busy on weekday

mornings (8.00am - 9.30am) and early evenings (3.30pm - 6.30pm) due to commuter traffic and school drop-offs. Furthermore, traffic activity is very high at weekends, particularly mid-afternoon, due to cars travelling to and from Tynwald Mills road junction;

- o At other times of day a constant flow of buses, building wagons and large delivery truck cause continual, localised traffic jams;
- o There is an increased level of legal on-road parking of neighbours' cars and vans;
- o When going to work about 07:30 I often have to be guided out onto Peel Road by a family member so I can exit safely;
- o We have also installed a convex mirror on our land opposite our property to help us stay safe. Any additional traffic movement, including construction traffic, in this area would only make matters worse.

Proposed parking provision & driveway gradients

- o We have significant concerns regarding the very steep incline (35o) of the driveway from the proposed lower ground floor level garage to the road; the steep incline (23o) of the driveway from the parking spaces to the road, and the limited space for vehicle reversing and turning on a surface with gradients at two different levels.

Property design

- o The size, contemporary design of the proposed properties would be unsympathetic to the surrounding cottages in the village.
- o The proposed 3-bed houses would be better suited to a modern housing development;

5.8 The owners of Croit Greenagh, Ballacraigne, object to the application, for the following reasons:

- o The site is in close proximity to the A1/A3 Traffic Light controlled junction to the east where traffic on the main Douglas to Peel road continues to be extremely busy on weekday mornings (8.00am - 9.30am) and early evenings (3.30pm - 6.30pm) due to commuter traffic and school drop-offs.
- o Traffic often becomes backed up to the traffic lights, stretching past our property. This congestion is made worse as many residents do not have access to off-road parking;
- o When leaving for work 07:30 I often have to be guided out onto Peel Road by family members so I can exit safely;
- o At a height of 6.0 metres the properties would be overbearing in relation to Croit Greenagh, Palm Cottage, Hillside, The Smithy, and 2, Ballacraigne Cottages;
- o The height of the new properties would cut natural light due to the low sun in the autumn/winter months;
- o The houses would be built very close to the road and their residents would not have the same levels of privacy as those to the north which are set back from the road;
- o There would be harm to the trees on site, particularly the mature elm. The possibility of root damage during ground works could also mean that future residents could have to apply to DEFA for an application for permission to remove them;
- o Drainage levels at the site will be 3.0m below road level. There seems no plan as to how the sewerage from the properties will be elevated to connect with the main sewer pipe.
- o There would be difficulties getting contractors machinery on site without causing considerable disruption to this already busy road which has an adjacent bus stop used by school children.

5.9 The owners of Palm Cottage, Ballacraigne, object to the application, for the following reasons:

- o Main concern is where they intend to make vehicle access as the A1 to Peel is a Very busy road especially as its just past Ballacraigne lights and the continuous flow of Traffic towards Peel after the lights have changed.
- o Also there is a bus stop adjacent to this land which is used regularly by the residents of Ballacraigne and school children in the mornings heading To Peel schools.
- o The application to build on this land was declined several years ago due to dangoursness of the vehicle access so nothing has changed except there are more vehicles using the islands;
- o There are at least four large heathy trees on the land which would have to be cut down. We are very against destroying healthy trees unnecessary without prior Permission.

considering that they need to know the location and detail of the houses before knowing whether the proposal is feasible without being overbearing to their property particularly given that the site levels will be raised, lifting the properties to above the level of the existing properties alongside which will be out of keeping. They believe the development of the site is difficult topographically, economically, spatially and practically and that if approval is granted, the scheme will be modified to squeeze and property or properties onto the site which will overshadow their property and will be completely out of keeping with the area and cause damage to the mature trees on the site (21.08.18).

ASSESSMENT

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

- | | | |
|-------|------------------------|--|
| (i) | Principle | (STP1, STP2, STP3, STP10 and SP3) |
| (ii) | Visual Impact | (STP3 b), STP4 b), STP5, GP2 b, c, f;) |
| (iii) | Neighbouring amenities | (GP2g) |
| (iv) | Highway Safety | (GP2 h & i; TP 4 & 7) |
| (v) | Trees and Ecology | (STP4b, EP3, EP4 & EP5) |
| (vi) | Drainage / flooding | (GP2I,) |
| (vii) | Other matters | |

- (i) Principle

6.0 ASSESSMENT

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

- (i) Principle (STP1, STP2, STP3, STP10 and SP3)

6.1 The proposal is similar to that previously refused where approval was sought for the principle of two dwellings on this site under 13/00385/A on 9th January, 2015. A subsequent application for approval in principle for two dwellings on this site under 18/0758/A, was also refused on the grounds that it was considered to be detrimental to highway safety and would result in the loss of trees which would be harmful to the character and appearance of the streetscene and to the habitat for bats which are protected under SP Policy EP4 and the Wildlife Act 1990.

6.2 The site lies within the settlement boundary for St Johns as outlined in the St Johns Local Plan Order 1999, where the principle of development is considered to be acceptable. It does, however, lie outside the settlement boundary for St John's as identified on the Draft Proposals Map 11 St Johns in the Draft Area Plan for the North West as published on 22 March, 2024. Whilst the Draft Area Plan has been published, it has not been subject to any public scrutiny by a Planning Inspector, nor has it been adopted by Tynwald. It, therefore, carries little weight in terms of planning policy.

6.3 The site is set behind a wall of Manx stone adjoining the pavement on this south side of the A1 with 2 No. wooden pedestrian gates set in it to allow pedestrian access. There is a relatively clear, level area closest to the side elevation of the adjoining 2-storey dwelling at No. 2 Ballacraigne Cottages, with the land to the rear falling away steeply by between 2.5 and 5.0m across the site from road level towards fields and a pond, beyond to the south. It is presently overgrown with blackberry brambles almost totally covering the ground level and a number of trees of varying heights and species, some of which are mature specimens with the largest being an Elm tree which dominates the rest of the trees and whose canopy spreads to within around 10m from the highway. The trees cumulatively provide a very attractive, natural and green backdrop to the road with Slieau Whallian in the background. An informal, off-road car parking area is located immediately to the east of the site, and has previously been used for vehicle storage, although no vehicles were present at the time of the Case Officer's site visit on 1/9/23.

6.4 In this case, the application proposes two separate, 3-storey, detached dwellings, standing side by side each with a single garage attached to the inner side elevation and served from the central joint vehicular access point onto the A1.

6.5 It is noted that the previously refused applications were both for permission in principle and design details were not provided with these applications. Given the sites inclusion within the Settlement Boundary for St Johns and designated on the St. John's Local Plan of 1999 as Residential, the principle of development is considered to be acceptable.

Visual amenity (STP3 b), STP4 b), STP5, GP2 b), c), and f)

6.6 The proposal would involve the erection of a pair of 3-storey dwellings, with attached garages on this site of varying levels. The site slopes downwards to the rear away from the road frontage on the south side of Peel Road, at Ballacraigne, St Johns. It is well-treed containing a number of mature trees, in particular a mature Elm tree which dominates the rest of the trees and whose canopy spreads to within around 10m of the highway. The site is presently overgrown with blackberry brambles almost totally covering the ground level. The trees cumulatively provide a very attractive, natural and green backdrop to the road with Slieau Whallian in the background.

6.7 The dwellings would be approx. 11.8m high from Finished Ground Floor level to the ridge with an additional 0.8m in height added for the 2 No. chimney stacks attached to each dwellings side gable ends. Owing to the steeply sloping nature of the site, the dwellings would set below the carriageway level of the road by approx. 3.2m, and as a result their built form would project approx. 8.6m high to the ridge above carriageway level. They would be approx. 12.2m wide x 9.5m deep where they cover three floors. The garages attached to the facing sides of each dwelling would measure approx. 3.5m wide x 6.6m deep x 2.5m high to the eaves and 4.7m high to the ridge of their mono-pitch roofs where they attach to the side of their respective dwellings.

6.8 The sloping nature of the site is such that when viewing the dwellings from the road (apart from the proposed point of access) the ground floor accommodation of each dwelling and their respective garages would be sited below road level as they would be screened by the parts of the retained Manx stone wall. Nevertheless, when walking along the pavement on the south side of Peel Road it would be obvious when looking over the sites roadside boundary wall that the dwellings at 3-stories in height, mass and scale would represent a substantial form of development which is not represented elsewhere on this side of the road. The proposals would also result in a substantial loss of mature, and in the case of the Elm, significant trees from the site which provide the site with its existing verdant, wooded character, resulting in a hard edge to the roadside in this location.

6.9 Overall, it is considered that the three storey height, mass and scale of the proposed development, and the limited depths of the plots would result in an intrusive form of development that would be out of character and keeping with other dwellings close to the site, and that they would appear incongruous. As such, in terms of their design and visual impact the proposed dwellings and garages are considered to be unacceptable as they would fail to accord with the provisions of STP3 b), STP4 b), STP5, and Policy GP2 b), c), and f), in that it would fail to respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them; would adversely affect the character of the surrounding landscape or townscape; and would fail to adequately incorporate existing topography and landscape features, particularly the mature trees on the site.

(iii) Neighbouring amenities (GP2g)

6.10 The comments received from neighbours raising objection to the proposed development are noted. The western dwelling which would be located nearest the dwelling at 2 Ballacrairie Cottages to the west would have two bedroom windows at second floor level and two Ground Floor windows serving the living room in the west facing elevation of the western dwelling facing them, and the wall-to-wall distance between the two dwellings would be approx. 4.0m. The east facing elevation of 2 Ballacrairie Cottages has two ground floor windows facing the western side boundary of the site in this elevation. The neighbour at 2 Ballacrairie Cottages expressed concerns that the design of the properties were overbearing in relation to their house in terms of size and design and occupation of the plot; and that their height would lift them to well over the height of 2 Ballacrairie Cottages. Concerns were also raised that the mass of the proposed properties would be within a few metres of their garden, which would result in an overbearing impact to the outlook from the windows to the side and rear of their property. Also, their privacy would be impacted by the proximity of the planned properties. It is considered that these are legitimate concerns particularly in relation to the close proximity of this 3-storey side wall of the western elevation of the closest new dwelling to the east side of 2 Ballacrairie Cottages. In addition, there would be overlooking of the neighbours ground floor side windows from the two bedroom windows at second floor level and two first floor level windows serving the living room in the new dwelling. It is considered that the relationship of the new western dwelling with 2 Ballacrairie Cottages would be harmful to the neighbouring occupants amenities through its proximity resulting in it appearing overbearing, with loss of light to the side elevation windows and overlooking from the second floor entertainment room window. This fails to accord with the provisions of Policy GEN2 (g) of the Strategic Plan.

6.11 The proposals have been further examined in relation to their impacts on other nearby residential properties, particularly those located on the north side of Peel Road at Croit Grenagh and Palm Cottage opposite the site. The occupants of these properties advise that at a height of 6.0 metres the properties would be overbearing in relation to Croat Greenagh, Palm Cottage, Hillside, The Smithy, and 2, Ballacrairie Cottages; and that, the height of the new properties would cut natural light due to the low sun in the autumn/winter months.

6.12 The wall-to-wall distances between the dwellings approximately measure on plan at 7.5m with these two dwellings being located closer to the road edge than other neighbouring dwellings on this side of Peel Road. Hillside would have a wall-to-wall distance of approx. 15.0m from the western dwelling on the site. Smithy House is located approx. 9.0m from the eastern dwelling and would be slightly angled in its relationship to this proposed dwelling. Any views of the new dwellings would be across Peel Road, and would reflect similar relationships elsewhere across the Island in urban settings. These relationships in respect of the impact of the proposed new dwellings on the residential amenities of dwellings located on the north side of Peel Road are considered to be acceptable given that not all of the built form of the

dwellings would be visible, with their lower ground floors set below the height of the Manx stone roadside boundary wall of the site. There would be some loss of daylight and sunlight, especially during winter months, however, it is not considered to prove sufficient to warrant a specific reason for the refusal of the application on these grounds. It is noted that there are no neighbouring dwellings to the south and east of the site. This accords with the provisions of Policy GEN2 (g) in the Strategic Plan.

(iv) Highway Safety (GP2 h & i; TP 4 & 7)

6.13 In terms of the impact of the proposed development on highway safety, this has proven to be a problem with the two previous applications for approval in principle having been refused in part for highway reasons. These respective decisions were upheld on appeal with the inspector considering that the proposals could not achieve the required 2.4m x 70.0m visibility splays, and that the appeal applications were both contrary to General Policy 2(h) and (i) and Transport Policy 4 of the Isle of Man Strategic Plan 2016.

6.14 In this case, DoI Highway services has raised no objection with regard to the proposed visibility splays, considering that the submitted plans show that these can adequately be achieved. In addition, it is considered that on-site parking and turning provision as shown on the submitted plans is also achievable. Highway Services, however, requested that additional information of vehicular access gradient/sections should be provided to ensure that the Manual for Manx Roads maximum access gradient is not exceeded for a new access onto a Primary route; and, in addition, a road safety audit should also be submitted to accompany the application. This would clarify whether the development proposed would be acceptable in overall highway safety term in respect of its potential impacts on vehicle and pedestrian safety arising from the development and the use of the proposed access. The applicant has been advised of these requirements, but no additional information has been received.

6.15 Whilst Manual for Manx Roads has been introduced, with the latest version adopted in 2021, the standards for vehicular access have not changed through that document. Whilst the vehicle visibility splays for the proposed access onto Peel Road, are now considered to be achievable, there has been no change in circumstance or policy which would justify not providing the requested vehicular access gradient/sections, and the provision of a road safety audit. The proposals remains unacceptable as a consequence and fails to accord with the provisions of General Policy 2(h) and (i) and Transport Policy 4 of the Isle of Man Strategic Plan 2016.

(v) Trees and Ecology (STP4b, EP3, EP4 and EP5)

6.16 The comments received from the Ecosystems Policy Team, are noted. In assessing the design and visual impact of the 2 proposed dwellings, taking into account the variation in land levels across the site, it is clear that there would be a loss of a large portion of the existing tree cover on the site to accommodate the development. The loss of trees was highlighted as an issue in the two previously refused Approval in Principle planning applications, drawing comments from the Inspector in respect of PA 18/0758/A that "the proposed vehicular access to the site is for determination now, and this would be likely require substantial engineering works to be undertaken within the 12m root protection area of the registered elm tree, as proposed by the appellant's arboricultural consultant."

6.17 The Minister's letter dated 13th February, 2019, dismissing the appeal upheld the Inspector's consideration and Reason 2 of the Refusal Notice which advised that:

"The development will result in the definite loss of all but one of the trees on site as shown in the submitted plans which would be a significant and adverse impact on the character and

appearance of the area as well as on the ecology of the site, including bats which are known to be within the area, and which are protected under Environment Policy 4 of the Strategic Plan and the Wildlife Act 1990. The proposal is therefore contrary to General Policy 2b, c, and f."

6.18 It is noted that no Tree Survey, or Arboricultural Impact Assessment and Tree Protection Plan has been included with the application. In addition, there are no details of any biodiversity mitigation accompanying these proposals. The bat survey provided with the application is considered out of date, having been carried out on 18th September, 2018. It was specifically undertaken to support PA 18/00758/A. In line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (2019), which states that "survey reports more than 3 years old are unlikely to still be valid and are likely to need to be updated. For this reason, the submitted bat survey is considered to be unacceptable.

6.19 From the submitted site layout, it is noted that both dwellings have very limited depths to their rear gardens. Their depths measure approximately 3m - 5m for the western dwelling; and, between 7m - 10m for the eastern side dwelling. When coupled with the trees shown as being retained on the Tree Constraints Plan Drawing No. APL - 106, the concern is that there would be a substantial loss of tree cover from the site which imparts it with a green, verdant wooded nature, which assists in assimilating the existing built form of this part of St John's into its rural surroundings. Also, any trees to be retained would be located very close to the dwellings so that there would be pressure for their removal as they would take light from the rear aspects of the dwellings - particularly that on the eastern side of the site; and, the dwellings would also be subject to being struck by wind-blown debris (twigs/branches/leaves) during adverse weather conditions, with such debris being deposited in their garden areas. All of this is likely to lead to pressure from future occupants to secure their removal. This would further harden the appearance of the site and add to the incongruity of the dwellings in this location.

6.20 Given the lack of certainty of the retention of the Registered elm tree, and taking into consideration the proposed removal of the rest of the trees on site, the proposal will result in a significant impact on the habitat for bats which are known to frequent the area and which would use the trees for feeding, foraging and potentially roosting. The proposal would therefore be contrary to EP4. Given such a loss and the lack of any proposals for biodiversity mitigation, it is considered that the application as submitted is unacceptable, and would be contrary to the provisions of Policies STP4b, EP3, EP4 and EP5, in the Isle of Man Strategic Plan 2016.

(vi) Drainage / flooding (GP2I,)

6.21 The application forms advise that foul sewage from the proposed development would connect to the existing foul drainage system; and, rainwater runoff from roofs and hard surfaces would be to a soakaway. No other details of water run-off and drainage have been provided. However, it is possible to design drainage systems which control the discharge of water run-off from a site to that equivalent to green field dispersal. If the application were being recommended for approval, a condition could be attached which required details of foul and surface water drainage to demonstrate this. This would accord with the provisions of Policy GP2 (I) in the Strategic Plan.

(vii) Other matters

6.22 The owners of Heart House on Curragh Road advise that they own the land directly to the rear of the site which is in fact their back garden which is well maintained and kept, and used throughout the year. They express concern that the proposal will result in rain water run off through the proposed soakaways, running into their fields alongside as the site is not connected to the mains drainage. They also advise that they would not grant any access

through their land for building works at the site, meaning all access would be required directly from the road side. They also do not give permission for any trees on their land to be felled in order to complete any building work. These comments are noted, however, they would involve private arrangements reflective of land ownership rather than the proposed land use for the erection of two dwellings and garages on the site, and are not considered to fall within the remit of the planning system.

7.0 CONCLUSION

7.1 The proposal has highlighted the difficulties of producing an acceptable scheme for the development of this site as outlined in the two previous applications for Approval in Principle, both of which were which were both refused and subsequently dismissed on appeal.

7.2 It is considered that the proposed development of the site in the manner shown would be detrimental to the character and appearance of the site and surroundings in that it would introduce 2 tall dwellings on plots of limited depth which would result in a cramped and incongruous form of development. The proposals would result in an unacceptable loss of mature trees which would be detrimental to the character and appearance of the streetscene and to the habitat for bats which are protected under EP4 and the Wildlife Act 1990. In addition, it would be unacceptably harmful to neighbours amenities in respect of the proximity to, height, mass and scale of the dwellings which would appear overbearing when viewed from the neighbouring dwelling at 2 Ballacrairie Cottages, and which would result in overlooking of the ground floor side elevation windows in this neighbouring property from windows serving living accommodation in the first and second floor levels of the west elevation of the dwelling closest to this neighbouring property. The application is recommended for refusal.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.3

Proposal : Replacement windows and doors (Retrospective)
Site Address : Site Office
Laxey Glen Mills
Mill Road
Laxey
Isle Of Man
IM4 7AU
Applicant : Laxey Glen Mills Limited
Application No. : 24/00089/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

Reason for approval:

The replacement fenestration is considered to be acceptable from a design perspective without detriment to the character and appearance of the Conservation Area, in compliance with General Policy 2 and Environment Policy 35 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site relates to the single-storey site office within the Laxey Glen Mills site. The building is understood to date from the mid-20th century and has been finished in artificial Manx stone and artificial slate roof tiles, and does not form part of the registration for Laxey Glen Mills. The site is well screened from natural vegetation to the north and south and south whilst being site on significantly lower ground than the bridge over the Glenroy River to the east, with only fleeting views of the site office permissible from the bridge itself. The site immediately abuts the river to the north.

2.0 THE PROPOSAL

2.1 Retrospective planning permission is sought for the replacement of 6 no. windows (all previously green painted timber) and 2 no. doors (understood to be uPVC) serving the site office with white coloured uPVC replacements. The 6 no. windows are all casement and comprise an identical form and configuration to the previous timber framed windows in situ.

The replacement doors comprising a glazed upper section and single panel for the lower section.

3.0 PLANNING HISTORY

3.1 The applications site and wider site of Laxey Glen Mills is subject to a fairly extensive planning history, however none of which is considered to be of material relevance to this application.

4.0 PLANNING POLICY

4.1 The site lies within an area zoned as 'Industrial' within the Area Plan for the East (2020) within the settlement boundary of Laxey, whilst also falling within the Conservation Area. The site forms part of the Laxey Glen Mills site, much of which is Registered however the registration does not extend to the site office building which is the subject of this application.

4.2 General Policy 2 of the Strategic Plan 2016 requires development, amongst other things, to be of a suitable design so as to respect the site and its surroundings to not adversely affecting the character of the surrounding landscape or townscape; to safeguard the amenities of surrounding residential properties and ensure adequate parking provision.

4.2 Environment Policy 35 of the Isle of Man Strategic Plan 2016 states, "Within Conservation Areas, the department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development."

4.3 Planning Circular 1/98 - The alteration and replacement of windows

The following policy details the approach to replacement windows to buildings in Conservation Areas:

"If the original windows are in place they should preferably be repaired. If repair is impracticable, replacement windows which would be readily visible from a public thoroughfare must have the same method of opening as the originals. Whatever the material used in their construction, the windows must have the same pattern and section of glazing bars and the same frame sections as the original windows."

"Windows not readily visible from a public thoroughfare must have the same or similar pattern of glazing bars as the originals, but not necessarily the original method of opening, whatever the material used in their construction."

5.0 REPRESENTATIONS

5.1 Garff Commissioners - Members expressed great surprise that the windows had been replaced without planning permission on this Government owned building. This surprise was exacerbated by the fact that the building is within the Laxey Conservation Area. It was noted that the UPVC windows had replaced timber and were in a different colour and configuration. Members acknowledge the environmental benefits that new windows will bring but felt that this was no reason to circumvent the planning system. Members reiterated that it was extremely disappointing that a Government agency had felt it satisfactory to ignore the planning regulations which are supposed to apply to all organisations and individuals.

The Board resolved to submit an Objection to the application on the grounds that the material, colour, and configuration of the windows had been changed, but also on the grounds of the procedural breach that had taken place. (09.02.24)

5.2 Highway Services - No highways interest (26.01.24)

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

5.4 Registered Buildings Officer - Laxey Glen Flour Mills have recently been added to the Protected Buildings Register. The registration extends to the main building, screen house, cistern, mill lade and subterranean drainage network. The site office that is the subject of this application is not included within the registration.

The site offices are believed to date from the mid-20th century. The offices have an artificial stone wall finish and were initially constructed with a roof finished in asbestos tiles. The roof tiles currently in place appear to be artificial slate. The photographs submitted in support of this application show the existing windows prior to their recent replacement. In my view these photographs show that the replacement windows have replicated the pattern and section of glazing and the opening method of the existing units. With this in mind, it is my view that the replacements adhere to the guidance in planning circular 1/98 for windows in conservation areas, and therefore that they could be considered to preserve the character of the Laxey Conservation Area. (19.04.24)

5.5 Manx Utilities Authority - No response received at the time of writing.

6.0 ASSESSMENT

6.1 The replacement fenestration, as noted by the Registered Buildings Officer, has suitably replicated the pattern, detailing and glazing of the previous timber framed windows in situ, whilst the replacement doors are broadly similar to the uPVC doors which were previously in place. It is considered that the change in fenestration has not demonstrably altered the character and appearance of the existing building, which in any case is not historic in itself and does not form part of the wider registration for Laxey Glen Mills. Likewise, only fleeting views are permissible of the building in the public realm, and therefore the impact of the change in fenestration upon the character and appearance of the Conservation Area is negligible. On this basis the development is considered to be acceptable in design terms, in compliance with General Policy 2 and Environment Policy 35 of the Strategic Plan.

7.0 CONCLUSION

7.1 The replacement fenestration is considered to be acceptable from a design perspective without detriment to the character and appearance of the Conservation Area, in compliance with General Policy 2 and Environment Policy 35 of the Strategic Plan (2016), and therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.4

Proposal : Additional use as health centre (Class 4.1) to allow small part of the building (approx 50 sq m) to be used for a pharmacy dispensing site and health care service for practicing professionals to deliver care consultations to patients by appointment.

Site Address : BMS House
Port Way
Balthane Industrial Estate
Ballasalla
Isle Of Man
IM9 2AJ

Applicant : Mr Charles Simpson
Application No. : 24/00312/C- [click to view](#)
: Graham Northern

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use of the premises hereby approved shall be for the benefit of the applicant only and shall be carried out in accordance with the internal layout drawing referenced "BMS House floor plan", which shall be retained for the duration of the occupation of the applicant.

REASON : For the avoidance of doubt and the application has been assessed on the basis of the nature of the applicants business and to avoid any increase in the number of consultation rooms on the site and to ensure that the dispensing area does not increase beyond that upon which the application has been assessed.

C 3. The proposed additional use as a dispensing pharmacy and clinic hereby approved shall be limited to:

1. The distribution and collection of prescription pharmaceutical and medicinal products only (and for no other purpose in Class 1.1 of Town and Country Planning (Use Classes) Order 2019).
2. Health Centre use for health consultations by appointment only

REASON: For the avoidance of doubt and to prevent the wider sale of retail goods within an industrial estate.

Reason for approval:

Whilst the objections regarding the impact on local centres are noted it is considered that the additional use of the building as a pharmacy dispensary and clinic is ancillary and linked to the main use of the building would broadly be in accordance with Business Policy 1 and 5, it is not considered to adversely impact on the general amenity of the area and is in compliance with General Policy 2. In addition the ancillary and small scale nature of the proposal it is not considered that the proposal would be contrary to the policies that seek to control the location and nature of new retail and commercial development as outlined at page 11) para 3.4 (d) of the Isle of Man Strategic Plan 2016.

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 6(4):

23 Birch Hill Onchan
26 Close Famman
38 Knock Rushen
Santon Heights Ballasalla
Port E Chee Tromode Road
7 Carrick Bay View Colby
Meadowfield Croit e Caley Colby
The Estate Office Parville Court Balthane Ballasalla
Unit 1 Ackerman Court Balthane Ballasalla
45 Knock Rushen
2 Kensington Place Onchan
2 Montreux Court Douglas
The Meadows Port E Chee Douglas
82 Magherrosien Pony Fields Port Erin
82 Balliaragey Abbeylands
Forest Lodge Strang Road Union Mills
4 Africa Court, Douglas
Shearwater, 3 Fistard Grove
Ballakilley Barn Church Road
1 Shore Road Bay Ny Carrickey Port St Mary.
25 Empress Apartments, Douglas
Riversdale, Strang Road, Union Mills
59 Arbory Street
10 Knock Rushen, Castletown
Balliaragey Abbeylands
Unit 6 7 A Balderton Court
Ballacree Farm Ronague Road
Ballachrink Farm Glen Road
14 Croit Ny Glionney
10 Ballabridson Park.
Ballachrink, Bayr Ballagawne

As they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; 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; 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.

It is recommended the following Government Departments should not be given Interested Person Status as they have not made representations that are considered material :

- o DHSC

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The application site is curtilage of BMS house, Port Way, Balthane Industrial Estate. The units sits to the central part of the industrial estate and is relatively new in its design and built form with office accommodation at the first floor and ground floor area and approx. 15 car parking to the front of the building. The front elevation is characterised with Upvc windows to the ground and first floor and finished with painted masonry to the ground floor and vertical grey cladding panels to the first floor with blue accents around the window frames.

1.2 The property sits gable facing onto the inner roadway and having a more office appearance than industrial. To the east (side) of the building a roadway giving access to the rear proportions and access into the rear of the building with a garage type loading bay / doorway. The building is part two storey at the front and single storey to the rear.

2.0 THE PROPOSAL

2.1 Proposed is the additional use of the premises for pharmaceutical dispensary services and associated health services (Class 4.1). There are no physical alterations to the external fabric of the property.

2.2 The floorplans show that the extent of the application in relation to the wider buildings floor space and the change of use subject to this application equates to 50 sq. metres of the 700 sq. metres of BMS House which is less than 10% of the building.

2.3 The application was supported by a covering letter which states; "Our business model is of a Pharmacy Dispensary. Our offering in simple terms is private consultations, private prescriptions or the fulfilment of Manx Care prescriptions. There is no retail shop to walk into, and, no items placed upon shelves to purchase. All medicines will be supplied on prescription.

There are 3 ways to obtain your medication from Kingsley Muti:

- 1- Home delivery from in house courier
- 2- Through the post office for next day delivery
- 3- Collection from Kingsley Muti

We foresee a small portion of collections from Balthane as most monthly prescriptions are "repeats".

Private consultations are available for patients with acute needs. These rooms also gives patients the chance to ask clinicians questions regarding their medication, and also ensures patient privacy. This is good practice in any setting where medication is dispensed.

There are 3 pharmacies located in Castletown and Ballasalla. -they are NOT DISABLE friendly. -no designated parking. -deliveries are accessed from the main road only. -they have a poor record of opening hours. -Castle Pharmacy was under a "Fitness to Practice" Investigation. -minimal clinical services. -carry minimal stock. -no private, secure consultation rooms. We envisage 3 full time pharmacists, 3 dispensers, 2 receptionist and 2 delivery drivers. All staff will have the opportunity to learn and enhance their skills in the healthcare sector".

2.4 The proposal does not involve any material alterations to the external fabric of the building.

2.5 The proposals include 3 consultation rooms created to offer private consultations on an appointment basis as would occur in a health clinic.

2.6 The application is also supported by the following information from the applicant:

Letter from Isle of Man Post Office dated 01.03.24 which states that Kingsley Multi are now set up on their Click and Dispatch Platform.

Letter from Manx Care dated 12.10.23 which states they are in support of Kingsley Multi`s application for inclusion in the Pharmaceutical List and will be included in the list from 16.10.23.

Email from Mark Grace of Black Grace Cowley Commercial dated 05.03.24 which states that a building with space to accommodate a 3 metre tall robot for medicine dispensary is unlikely to be found in a town centre or retail unit.

Letter from John Bellis Fire Safety Management and Staff training services LTD dated 03.03.24 which states they're involvement in the fire safety and health and safety management for the building and that the building complies with disability requirements and they support the applicants vision of bringing the Isle of Man healthcare into the future.

Letter from the Department Of Health and Social Care dated 07.03.24 stating they neither support nor object.

A photo depicting certain pharmacy closure across the island was also submitted however this was merely demonstrating temporary closures i.e. changes to hours and day closures not permanent closures.

3.0 PLANNING POLICY

3.1 The application site is designated as; Industrial/Business Park on the Area Plan for the South Map 4, Ballasalla. There is a development brief contained with the Area Plan for the South Written Statement which states the following:

3.2. Paragraph 6.8.2:

"The Balthane Industrial Estate is located just south of Ballasalla village. The Estate is used by a mix of businesses but incremental development, poor maintenance of buildings, roads and footways, has over the years, resulted in the Estate appearing neglected and unattractive in many parts giving a poor impression to the public, customers and businesses alike. It is recognised that the Estate is home to some uses which are essential to support the Island and also that there is scope for the general appearance and access to the Estate to be improved. There is considerable land available at Balthane which was first identified on the 1982 Development Order. It has been deemed appropriate to carry forward this designation into the Area Plan but there is a need to secure improvement works on the estate."

3.3 Employment Recommendation 1:

"It is recommended that the Department of Infrastructure, the Department of Economic Development and Malew Parish Commissioners work collaboratively to produce a strategy for improvements at Balthane Industrial Estate. This will include general environmental improvements, and also improvements in respect of access, lighting and infrastructure in an effort to ensure that the Estate is an attractive place for both users and customers."

3.4 There are no policies which comment specifically on the use of industrial areas or sites for non-industrial purposes. This is dealt with in the Strategic Plan.

3.5 The site is not within a Conservation Area, there are no registered trees on site nor is it within an area of flood risk. It is appropriate to consider the following planning policies from the Isle of Man Strategic Plan 2016;

Business Policy

- 1 - Creation of employment opportunities
- 5 - Limitations on retail and only storage and distribution on industrial sites
- 10 - Retailing in established town and village centres

General Policy

- 2 - (b,c,g) - General development considerations

Transport Policy

- 4 - Highway Safety
- 7 - Parking Provisions

4.0 PLANNING HISTORY

4.1 23/01468/C - Additional use of the premises for pharmaceutical retail (Class 1.1) and associated health services (Class 4.1) REFUSED

4.2 07/01208/B - Construction of a workshop/factory building with associated office and ancillary accommodation including car parking. APPROVED.

4.3 Other applications within Balthane of relevance are as follows, all approved:

23/01342/C - Change of use from as storage unit to a personal training studio

22/00231/C - Additional use of site for the storage of classic cars and for car hire

21/01285/C - Change of use of existing warehouse into a leisure facility

20/00671/B - Conversion ground floor storage and first floor fitness studio

20/00304/C - conversion from general industrial to leisure

18/00799/B - conversion of unit to dog day care facility

18/00127/B - conversion of unit to dog grooming facility

16/01177/B - conversion of unit to motorcycle repairs and sales

15/00665/C - use of premises as plumber's merchants and bathroom sales

15/00156/C - use of office as hair salon

14/01382/B - use of premises as dog grooming facility

12/01610/C - conversion of unit to cafe

11/00870/C - use of premises for the repair and sale of motorcycles

10/01179/C - use of unit as a fitness centre.

5.0 REPRESENTATIONS (in brief - full reps can be read online)

Statutory Consultations

5.1 Malew Parish Commissioners - do not object (30/04/24)

5.2 Highways Services - do not object (25/04/24)

5.3 Department For Enterprise - The application clarifies there will be no public access to the main storage, packaging areas or dispensing room. Consider the proposals play an important part in supporting a strong and diverse economy (12/04/24)

5.4 Health and Social Care - Have now registered the application site as a registered retail pharmacy. Our decision was based on the legal advice given, that we could only take into consideration the criteria identified within the Medicines Act 2003. We could not delay registration in respect of the lack of appropriate planning permission as we were not able to

include in the criteria for suitability as we would for registrations under the Regulation of Care Act 2013. (03/05/24)

Public Representations

5.5 The following representations have been received as noted below whom amongst them raise the following thematic issues;

In Objection a total of 7 addresses raising the following;

- o Competition for existing pharmacies and small businesses
- o Location should be in a town community
- o Increase in traffic congestion and parking
- o Access through an industrial estate for pedestrians not favourable
- o Threat to job security
- o Not suitable for an industrial estate
- o Increase of traffic flows

Objectors Addresses,

23 Birch Hill Onchan
26 Close Famman
4 Africa Court, Douglas
25 Empress Apartments, Douglas
Ballachrink Farm Glen Road
14 Croit Ny Glionney
10 Ballabridson Park.

In Support a total of 23 addresses raising the following;

- o Support the growth of medical companies on island
- o Positive economic impact
- o Relieve pressure on GP's
- o Positive for drug security on island
- o Embracing new technology and innovation

Supporters Addresses;

38 Knock Rushen
Santon Heights Ballasalla
Port E Chee Tromode Road
7 Carrick Bay View Colby
Meadowfield Croit e Caley Colby
The Estate Office Parville Court Balthane Ballasalla
Unit 1 Ackerman Court Balthane Ballasalla
45 Knock Rushen
2 Kensington Place Onchan
2 Montreux Court Douglas
The Meadows Port E Chee Douglas
82 Magherrosien Pony Fields Port Erin
82 Balliargey Abbeylands
Forest Lodge Strang Road Union Mills
Shearwater, 3 Fistard Grove
Ballakilley Barn Church Road
1 Shore Road Bay Ny Carrickey Port St Mary.
Riversdale, Strang Road, Union Mills
59 Arbory Street
10 Knock Rushen, Castletown
Balliargey Abbeylands
Unit 6 7 A Balderton Court

Ballacree Farm Ronague Road

Online representation was received from Ballachrink, Bayr Ballagawne, however there was no content.

6.0 ASSESSMENT

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

- (i) Principle (Gp2 Bp1,5)
- (ii) Previous Refusal
- (iii) Pharmacy Dispensary Use
- (iv) Health Centre Use (Bp5)
- (v) Visual Impact on the character of the area (Gp2b,c,g)
- (vi) Highway Safety (GP2 h&i)

(i) Principle

6.2 Whilst the site is not designated for these specific purposes, the proposed use does not easily fit into existing allocations within an industrial site designation. However it could be considered that the storage and delivery of prescription medication does provide a similar activity to that of a storage and distribution use (2.4). On the Island, a change in trends has occurred and a variety of industrial estates now see more public uses of the premises where there is no statutory nuisance from the activity indoors arising from noise, vibration, smell, fumes, smoke or heavy machinery operations.

6.3 The proposal affords 3 methods of obtaining medication with 1. Home delivery 2. Post office for next day delivery and 3. Collection. However the applicant states they "foresee a small proportion of collections from Balthane as most monthly prescriptions are repeats". Given medication requires prescription the use is not considered of a retail nature.

6.4 The majority of prescriptions will be sent out for delivery and this is akin to a storage and distribution use. If a person were to collect medication from the premises this would in all likelihood be a very small percentage and it is considered comparable to a DHL use where parcels are delivered but in the event someone is not home they can be collected from the warehouse depot as an example.

6.5 In terms of the proposed use, the site is zoned as industrial which covers a multitude of uses, whilst there is a degree of permitted development for uses on industrial sites for those specific use classes (2.1-office; 2.2 light industry and research and development; 2.3 General Industrial and 2.4 Storage and distribution) a small degree of retail can be anticipated but is very much dependant on the level and scale of the operational activity.

6.6 The secondary element of the proposals is the consultation rooms which affords a health care clinic scenario, the applicant notes they have been; "approved inclusion into the Pharmaceutical List by ManxCare, our contractual duties will include dispensing of ManxCare prescriptions direct to patient. As well as the ability to offer private prescription services to other patients. Our professional clinicians will always be on site to offer clinical interventions and advice to patients in our Consultation and Treatment Rooms...We will buy medicines then supply to the Pharmacies, and hospitals".

6.7 The proposed use here would be contained within the building and the use would not be out of keeping within the Industrial estate where there are a variety of business uses and would be of a small enough scale to not be detrimental to the overall land use designation or to those surrounding business uses. The additional services that are offered would be small scale in terms of the overall commercial scale of the business. The introduction of a new

business element here would be supported through BP1 and would be seen to generate employment possibilities.

(ii) Previous Refusal

6.8 The previous application under was refused at planning committee in February 2024 with the description of development being for "Additional use of the premises for pharmaceutical retail (Class 1.1) and associated health services (Class 4.1)", And was refused for the following reason,

1. The area is zoned for industrial use and as such the retail element of the proposal has failed to demonstrate why the proposed use and floor space could not be located in a town centre location or local centre. As such, the proposal would fail to maintain and enhance the viability and vitality of town centres by controlling the location and nature of new retail and commercial development as outlined at page 11) para 3.4 (d) of the Isle of Man Strategic Plan 2016; and, is therefore, contrary to the provisions of General Policy 2k) and Business Policies 5, 9 and 10 of the Strategic Plan.

6.9 The applicant has sought through this application to clarify that there will be no retail display or counter sales of goods taking place within the building and as per the description this application merely seeks permission for the new health centre use where patients can make appointments to be seen by a professional and receive a prescription for follow on treatment, which would likely be dispensed at the facility.

6.10 It should be noted that the existing building can operate to store and distribute prescription medication and this could be considered to fall within a storage and distribution use.

6.11 The additional element proposed which requires permission is the health clinic arrangement where a member of the public can book an appointment and then be prescribed medication, and pick this up on site as would happen in a health centre.

(iii) Pharmacy Dispensary use

As stated above the storage sorting and distribution of prescription medicine would be considered a storage and distribution use similar in nature to a DHL. In addition it wouldn't be uncommon for customers to collect a parcel from the DHL depot in a similar manner considered here.

In terms of retail considerations that were a focus of the last application it should be noted that the pharmacy dispensary uses a robotic machine to sort and label medicine for dispatch, the machine is 3 metres in height and requires as such considerable headroom. As the supporting information states it would be difficult to facilitate this size of machine in a town centre unit and an industrial building where space is less of a premium is therefore ideally suited to this and goes someway in addressing the previous reason for refusal.

(iv) The use as a Health Centre

6.12 The applicant's business model is of a Pharmacy Dispensary. Offering in simple terms is private consultations, private prescriptions or the fulfilment of Manx Care prescriptions. There is no retail shop to walk into, and, no items placed upon shelves to purchase. All medicines will be supplied on prescription.

6.13 Paragraph 8.4.4 of the Strategic Plan (2016) states,
"The issues associated with an ageing population on the Isle of Man were acknowledged in the Progress and Priorities Statement to Tynwald in October 2013. It was acknowledged that there will be implications for healthcare, social services and pensions on the Island. The ageing population is an issue which needs to be dealt with by Government as a whole, not just by the Planning system. However, some of the issues associated with an ageing population can be addressed through the preparation of the Area Plans where specific provisions can be made for instance in respect of land for nursing and residential homes,

healthcare facilities as well as more general age-related facilities such as, schools, nurseries and public services, including transport."

6.14 As such it could be considered the introduction of a facility offering private consultations would help alleviate the demand arising from the islands aging population as highlighted above.

6.15 One matter that needs to be considered is the previous application was considered inappropriate outside a retail centre and whilst the applicant has clarified that there will be no retail display or sales taking place, consideration needs to be given to whether an industrial estate is a suitable setting for a health centre offering private consultations.

6.16 If however we look at permissions given on the industrial estate we see several that would offer customer based services in a similar manner. Application reference 23/01342/C was for a change of use to a personal training studio and was approved at the December 2023 planning committee.

6.17 Other permissions including for dog day care 18/00799/B and dog grooming 18/00127/B within the industrial estate which encourage commercial customer journeys for a services into the industrial estate.

6.18 Given the above permissions and the small scale nature of the use at 50 sq. metres with 3 consultation rooms meaning a maximum of 3 private consultations could take place simultaneously I do not consider the use to be inappropriate in this location.

(v) Visual Impact

6.19 Whilst not in full accordance with the Development Plan and noting there are no physical alterations to the property, when assessed against the broader principles of General Policy 2 a change of use would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses of the Balthane Industrial Estate. It is further noted existing appearance of the building, essentially the front elevation appears as offices and not as industrial.

(vi) Highway Safety

6.20 This site is close to a bus network and within walking distance of a concentration of population. The estate generates a variety of different users to the business in the estate and this traffic is generally day time and week day traffic and as such there is likely to be capacity on the roadways and adjacent parking areas to accommodate any vehicles which cannot be accommodated on the site such that there will not be an adverse impact on the highway network in the vicinity of the site.

6.21 Highway Services have considered the merits of the proposal, access to and from the site from the highway, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be aligned with the principles of GP2 (h&i) and Transport Policy 4 and 7.

RECOMMENDATION

7.1 Whilst the land is not designated for the proposed use (4.1 Clinics or Health centres), the change of use is not considered to be unacceptable given it does not propose any open public retail sales and would be in accordance with Business Policy 1 and 5 nor is it considered to adversely impact on the general amenity of the area and is in compliance with General Policy 2.

Item 5.5

Proposal : Proposed alterations and extension to side North-West elevation to create additional living accommodation.

Site Address : Edd Beg
Kerrowkeil Road
Grenaby
Ballasalla
Isle Of Man
IM9 3BB

Applicant : Mrs Carole Berry
Application No. : 23/00407/B- [click to view](#)
Planning Officer : Hamish Laird

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 proposed single storey, flat roofed extension to be attached to the North-East side of the dwelling at Edd Beg, would have its North-West elevation sited hard on the boundary of the domestic curtilage, and would result in users of the kitchen area exiting the dwelling via the proposed side door directly onto agricultural land. This is unacceptable because it would result in a form of development by stealth as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg and would represent an unacceptable form of development on agricultural land which would be harmful to the rural nature, and character of the site and surroundings contrary to the provisions of policies ENV1, GEN2, GEN3 and H11 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS ONE OF THREE RELATING TO THE SAME SITE AND IS BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 SUMMARY

0.1 There are 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)
- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A separate Report has been produced for each case reference. Each application should be considered on its merits and determined accordingly.

1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

2.0 THE PROPOSAL

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

2.1 The application seeks approval for the erection of a single storey, flat roofed, extension to be attached to the north-west side elevation closest to the adjoining field. It would measure 4.8m out from the existing side wall x 6.6m wide. This equates to the width of the existing dwelling which on this side has an existing flat-roofed WC/cloakroom/shower room. It would be constructed from cavity block work, clad in vertically hung dark grey composite cladding, with the parapet wall detail capped with a dark grey coping system. The roof would be constructed from single ply/fibreglass, hidden behind a parapet wall detail. New windows and doors would be dark grey UPVC double glazed units. The proposal would provide an extension to the existing kitchen and a new utility room. The design of the proposed extension includes a window and pedestrian access door site in the North-West elevation.

2.2 No trees would be removed to accommodate the extension and there would be no changes to parking provision on site.

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

3.2 The Character Appraisal within the Area Plan for the South states thus concerning the area:

3.2.1 Ballamodha and St Mark's (D14):

3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

"Key Views

- o Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons.
- o Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

3.4 Environment Policy 1 Indicates:

"The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 Strategic Policy 5 advises: "New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

(e) location-dependent development in connection with the working of minerals or the provision of necessary services;

(f) building and engineering operations which are essential for the conduct of agriculture or forestry;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

"Housing Policy 16: The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public."

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.3 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials". The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.

5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

6.0 REPRESENTATIONS

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

o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

6.1 Highway Services (13/4/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (3/5/23) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

7.0 ASSESSMENT

23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

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

- a. Principle of Development
- b. The visual impact of the proposal (HP16, GEN2 b) and c));
- c. Impact on neighbouring amenity (GEN2 g);
- d. Impact on Highways (TP4 & TP7); and
- e. Impact on site ecology (GEN2 d) and EP 4).

7.2 THE PRINCIPLE OF DEVELOPMENT AND THE VISUAL IMPACT ON EXISTING DWELLING AND THE SURROUNDING COUNTRYSIDE

Principle of development

7.2.1 The existing dwelling has been lawfully erected, and proposals for extensions are considered to be acceptable in principle subject to the provisions of Polies GEN2, GEN3, H15 and H16 of the Strategic Plan. It is noted that a previous 2-storey extension (see PA18/00478/B) has been erected to the rear of the dwelling. The floorspace of the original dwelling is calculated from the submitted drawings (See both PA18/00478/B and PA23/00407/B). Originally, the ground and first floor areas plus front porch amounted to 285.42m². The PA PA18/00478/B added 56.0m² to the floor area, or 19.6% of the original floorspace. The 23/00407/B proposals for the ground floor extension would add 31.68m² of floor area. Combined, the added floor areas amount to 30.0% of the original floor area of the Edd Beg dwelling.

7.2.2 Policy H15 indicates that extensions to dwellings in the countryside should normally be approved where they respect the proportion form and appearance of the existing property. "Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)." In this regard, the floorspace of the proposed extension would comply with the provisions of Strategic Plan Policy H15.

The visual impact of the proposed extension (EP1, HP16, GEN2 b) and c));

7.2.3 In terms of the visual impacts of the proposed works on the existing dwelling, it is considered that the proposed extension respects the proportion, design and form of the existing dwelling and would appear as a subordinate addition to it. The flat-roofed (23/00407/B) extension would measure approx. 4.8m deep x 6.6m wide (floor area of 31.68m²) x 3.0m high to the eaves of its flat roof. Whilst the new flat-roofed, ground floor extension is considered to be of a more contemporary design than the existing property, it is not judged to unduly harm the character and appearance of the main dwellinghouse which has existing flat roofed elements attached to the main rear elevation of the dwelling on either side of where the previously approved 18/00478/B rear 2-storey extension is attached, one of the flat-roofed elements would be located adjacent to where the new extension is proposed to be located. Notwithstanding, the flat roof finish of the extension would ensure that the key features of the main dwelling are not obscured by its addition, which would be on the north-west side away from public view given that the extension would be largely screened by the existing dwelling. It would thus appear as a contemporary but subordinate addition to it.

7.2.4 It is also noted that the flat roofed extension which would involve the addition of a basic form which is somewhat at variance with Policy 3 of Planning Circular 3/91 which does not support the addition of basic forms to traditional properties. However, as has been noted, the dwelling has an existing flat roofed element. As such, it is considered that the extension would be reasonably well integrated into the existing built fabric on site. Given the above, it is considered that the proposal would be compliant with the requirements of and GEN2 in the Strategic Plan.

7.2.5 With regard to potential impacts on the character of the surrounding countryside, it is considered that the proposed works would modernise the appearance of the existing property, albeit, it would be erected at a position on the property where it would not be prominent when viewed from the surrounding countryside. In terms of its proportion, form, and scale, these are considered to be in keeping with the property and would not detract from its appearance. The design of the extension is considered to be acceptable and would make a fitting addition to the site, with only a small impact on the character of the site and surrounding area. As well, the proposed scheme would not result in the loss of any surrounding trees or impact on any tree on site, ensuring that the development does not

cause harm to the visual amenity of the locality or surrounding countryside. Accordingly, it is considered the proposal is acceptable and would not adversely affect the appearance of the site within the countryside or harm the character and quality of the landscape, Therefore, the proposal is considered to comply with the provisions of Policy EP1, GEN2 b) and c); and, HP16 in the Adopted Isle of Man Strategic Plan (2016).

7.3 IMPACTS ON NEIGHBOURING AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

7.5 IMPACT ON SITE ECOLOGY

7.5.1 In terms of impacts on ecology or biodiversity within the site, it is also important to establish if any real harm would result with respect to ecological and environmental concerns, it would relate to the removal of some vegetation to facilitate the erection of the extension. In this case, it is considered that the scale of the proposed works is such that it would result in minimal vegetation removal. Also, no trees would be removed as a result of the proposal. Therefore, any impacts on biodiversity within the site will be negligible, and overridden by the retention of the rural character of the site which will remain largely unchanged. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

7.6 OTHER MATTERS

7.6.1 The extent of the element of the proposed development would be sited within the existing curtilage of Edd Beg. However, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. It is noted that PA23/01383/B for the "Erection of detached garage and car port and extension to curtilage (retrospective)" includes an extension to part of the curtilage immediately to the North-West of the side elevation of the extension. This application is the subject of separate consideration. If PA23/01383/B is approved, along with the PA23/00407/B proposals, the occupants of the property would step out onto garden land using this entrance. The applicant was requested to amend the curtilage of the PA23/00407/B application to enlarge the curtilage, however, this has not occurred. If the PA23/01383/B proposal is refused, (which also involves the consideration of an unlawfully erected garage, car port and shed attached to the rear of the car port), then this application should also be refused for the reason that it would represent an inappropriate form of development in the countryside as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg, and would represent an unacceptable form of development on agricultural land contrary to the provisions of policies ENV1 and H11 of the Strategic Plan.

7.7 CONCLUSION

7.7.1 Overall, and subject to the approval of an extension to the residential curtilage of Edd Beg through the consideration of PA23/01383/B, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. However, as advised in paragraph 7.6.1 above, whilst the proposed development would be sited within the existing curtilage of

Edd Beg, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. This is considered to be unacceptable because the development could not be comfortably contained within the existing residential curtilage of Edd Beg, and therefore, it is recommended that the application be refused.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.6

Proposal : **Erection of a detached garage and car port and extension to curtilage (retrospective)**

Site Address : **Edd Beg**
 Kerrowkeil Road
 Grenaby
 Ballasalla
 Isle Of Man
 IM9 3BB

Applicant : **Mrs Carole Berry**

Application No. : **23/01383/B- [click to view](#)**

Planning Officer : **Hamish Laird**

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 proposed retention of the unlawfully erected Garage, Car port and timber shed, is considered to be unacceptable because, cumulatively, the built form of development is excessive. The additional height of the garage over and above that of the previously approved PA20/01938/B garage, which would be located within the expanded curtilage further away from the dwelling than previously approved, are excessive and visually harmful and overall, owing to their mass, bulk, scale, and domestic nature, unacceptably detract from the rural character and openness of the site and its surroundings in this countryside location contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

R 2. The element of the proposals for the extension of the domestic curtilage of Edd Beg to accommodate the retained garage, carport and shed, and to provide an extension to the domestic curtilage immediately to the north-west of Edd Beg to accommodate a proposed extension to the dwelling have resulted in an unacceptable visual impact in this countryside location that is unduly harmful to the rural character and open nature of the site and surroundings, and would unacceptably further this harmful appearance through the element of this proposal to extend the domestic curtilage immediately to the north-west of Edd Beg. As such, all elements of the proposals to extend the domestic curtilage of Edd Beg are contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS THE SECOND OF THREE RELATING TO THE SAME SITE AND IS BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 SUMMARY

0.1 There are 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.
- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)
- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A separate Report has been produced for each case reference. Each application should be considered on its merits and determined accordingly.

1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

2.0 THE PROPOSALS

- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

2.3 The application proposes the retention of the existing garage; attached car port; and, attached wooden shed to the rear of the carport; along with an extension to the residential curtilage immediately to the west of the dwelling at Edd Beg. The garage is sited on sloping ground and measures approx. 5.45m wide x 5.5m deep (floor area of 29.9m²). Its height is between 3.2m and 3.5m high to the eaves and 5.5m to the ridge. It is constructed from smooth plain rendered blockwork, painted dark grey/blue for the walls; and, natural roof slates with 6 No. solar PV panels to south west elevation roofslope. Dark grey/black fascia boards and soffits are employed. A dark grey painted up and over access door is placed in the South East elevation. An internal staircase provides access to the roof space above the garage floor. This is used for domestic storage and is lit by 2 No. Velux rooflights (550mm x 780mm) in the North East facing roofslope.

2.4 The carport measures approx. 3.8m wide x 5.5m deep (floor area of 19.25m²) and has a shallow fall to its flat roof. It measures 3.0m high where it abuts the side of the garage wall, dropping to 2.5m high on the North East side elevation. It is open-sided on its North East and South East elevations.

2.5 The shed, which is attached to the rear of the car port measures approx. 3.8m wide x 3.5m deep (floor area of 13.3m²) and is clad in timber horizontal feathered edge timber boarding under a membrane sheet roof.

2.6 The proposed extension to the residential curtilage involves adding land in three different areas. These are:

1. An area of land measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m² located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, and to the east of the site area for the 23/01384/B application.

2. An area of land measuring approx. 2.8m wide x 12.0m deep amounting to approx. 33.6m² located immediately to the south of the garage. (Running contiguously with Area 3 below).

3. An area of land measuring approx. 6.0m wide x 13.0m deep amounting to approx. 78.0m² which includes land forming part of the area of the garage and cart port, extending west to include the land containing and immediately surrounding the timber shed. It is located to the south of the site area for the 23/01384/B application. (Running contiguously with Area 2 above).

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

3.2 The Character Appraisal within the Area Plan for the South states thus concerning the area:

3.2.1 Ballamodha and St Mark's (D14):

3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

"Key Views

o Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons.

o Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

3.4 Environment Policy 1 Indicates:

"The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 Strategic Policy 5 advises: "New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

- (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry;
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

"Housing Policy 16: The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public."

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.3 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials".

The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.

5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

6.0 REPRESENTATIONS

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

o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

6.1 Highway Services (8/12/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (10/1/24) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

7.0 ASSESSMENT

23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

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

- a. Principle of Development
- b. The visual impact of the proposal (HP 15, GP2);
- c. Impact on neighbouring amenity (GP2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

7.2 Principle of development

7.2.1 The site has in part been previously the subject of an approved planning application for the erection of a garage plus an extension of the residential curtilage of Edd Beg to facilitate this erection of the garage. See PA 20/00938/B at paragraph 5.7 in the sites planning history. This was permitted on 20/10/2020, but was not implemented. Insofar as PA20/00938/B is concerned the principle of development was established.

7.2.2 In respect of the current PA23/01383/B application, the proposal involves the retention of the garage erected which has the same footprint/ground floor area as that previously approved, although it differs in that it is higher to the eaves and ridge because it has an internal staircase and domestic storage accommodation at first floor level. The garage as erected also has a carport attached to its North-West side with a timber shed attached to the

rear of the carport. Neither of these attached structures were considered as part of the PA20/00938/B application. They have been unlawfully erected, and the domestic curtilage of Edd Beg has been unlawfully extended to accommodate these structures. This application seeks to regularise these matters, as well as proposing to extend the curtilage immediately to the North-West side of the dwelling at Edd Beg.

7.2.3 The proposed extension to the residential curtilage for Edd Beg would accommodate these structures and, as advised above, would also extend the curtilage immediately adjacent to the North-West elevation of the dwelling and site for the proposed 23/00407/B extension. Given the previous PA20/01938/B approval, the principle for an extension of the residential curtilage and the erection of the garage was established. However, as this was not built and an unapproved garage, plus carport and shed were erected on land outside the approved residential curtilage, the principle of development is not established and the proposals fail to accord with the provisions of Policy ENV1, and GEN2 b) and c) of the Strategic Plan.

The visual impact of the garage, carport, shed and curtilage extension (EP1, GEN2 b) and c));

7.2.4 In terms of the visual impacts of retaining the garage, carport, shed and curtilage extension, the built structures represent a significant increase in built form and footprint over and above that of the previously approved garage. As indicated in paragraph 8.2.2 above, the garage has the same footprint although it is taller than that previously approved. The attached carport which measures approx. 3.8m wide x 5.5m deep adds a footprint of 19.25m² to that of garages footprint of 29.9m², whilst the shed adds a further measuring approx. 3.8m wide x 3.5m deep, adds a further footprint of 13.3m² to the garage. Combined, the footprint of the carport (19.25m²) and shed (13.3m²) amount to 32.55m² which is more than the garages 29.9m² footprint. Cumulatively, it is considered that the built form of development is excessive. Whilst the garage footprint on its own may prove acceptable, its extra height located in the expanded curtilage further away from the dwelling than previously approved, are all together considered to be excessive, and overall detract from the rural character and open nature of the site and its surroundings in this open countryside location.

7.2.5 As a consequence, it is considered that the proposals to retain the garage, carport and shed, and the extension of the curtilage of Edd Beg to accommodate them have resulted in an unacceptable visual impact that is unduly harmful to the character of the site and surroundings and as such are contrary to the provisions of Policies EP1 and GEN 2 b) and c) in the Strategic Plan.

7.2.6 In respect of the element of the proposals to extend the residential curtilage of Edd Beg immediately to the North-West of the dwelling, this element alone is considered to be acceptable in visual terms as it would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m² located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, would be acceptable as it would not involve any built form of development, and is screened from the surrounding area by the dwelling on the plot and adjacent hedging separating it from the garage, carport and shed.

7.2.7 Overall, it is considered that proposal fails to comply with the provisions of Policies EP1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

7.3 IMPACTS ON NEIGHBOURS AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

7.5 IMPACT ON SITE ECOLOGY

7.5.1 The application is for the retention of the detached garage, car port, attached shed and extension to the curtilage of Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

7.6 OTHER MATTERS

7.6.1 The element of the proposed development involving the extension to the residential curtilage of Edd Beg that would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m² located immediately to the west of the dwelling adjoining proposed development is required to facilitate the PA23/00407/B development. Whilst this element of the proposals, on its own, may prove acceptable, and as such could facilitate the PA23/00407/B development for a ground floor side extension to the dwelling, however, the remainder of the application represents an unacceptable form of development on agricultural land in the countryside and fails to accord with the Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

8.00 CONCLUSION

8.1 The proposed retention of the garage, car port, and shed and the extension of the domestic curtilage to the North-West of Edd Beg, are unacceptable because they represent development by stealth resulting in an unlawful extension of curtilage, and by their size scale, extent. Have resulted in a visually harmful piecemeal encroachment into the open countryside contrary to the advice contained in Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.7

Proposal : **Erection of detached greenhouse, shed and raised beds (retrospective)**

Site Address : **Field 430886
Edd Beg
Kerrowkeil Road
Grenaby
Malew
IM9 3BB**

Applicant : **Mrs Carole Berry**

Application No. : **23/01384/B- [click to view](#)**

Planning Officer : **Hamish Laird**

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 is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. Overall, the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in introducing a domestic element and unlawful extension of the residential curtilage of Edd Beg into the countryside. This proposal for the retention of the greenhouse, shed, and raised beds fails to comply with the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THESE THREE APPLICATIONS RELATE TO THE SAME SITE AND ARE BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 SUMMARY

0.1 This report relates to 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.
- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)
- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A single Report has been produced for ease of reference. Each application should be considered on its merits and determined accordingly.

1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

2.0 THE PROPOSALS

- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886. This would be outside the residential curtilage on the field and would not form part of the proposed extension to the residential curtilage.

2.1 The greenhouse has a grey aluminium frame and glazed walls and roof. It measures approx. 2.5m wide x 3.75m deep x 2.0m high to the eaves and 3.0m high to the ridge. It and the garden shed are located to the North-East of and screened from the garage, carport and shed by an evergreen hedge. The shed measures approx. 1.3m wide x 1.9m deep and has a pitched roof approx. 2.5m in height to its ridge. It is constructed from blue/grey composite horizontal boards with a blue/grey composite panel pitched roof. Door to match. The site of the shed, greenhouse and planting beds are located to North-East of and is screened by the dwelling at Edd Beg. 2 No. raised planting beds are located close to and on the North-East side of the greenhouse and shed respectively. They measure approx. 3.75m long x 1.5m wide x 0.3m high for the bed next to the greenhouse; and, 1.2m high for the bed next to the shed. The site would remain as agricultural land.

2.2 Planning permission for these structures is required because the land area in question is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Whilst they could be used for agricultural purposes, they do not enjoy agricultural permitted development rights on account of their domestic nature and appearance and that the site is not a registered agricultural holding.

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

3.2 The Character Appraisal within the Area Plan for the South states thus concerning the area:

3.2.1 Ballamodha and St Mark's (D14):

3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

"Key Views

- o Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons.
- o Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

3.4 Environment Policy 1 Indicates:

"The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 Strategic Policy 5 advises: "New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

(e) location-dependent development in connection with the working of minerals or the provision of necessary services;

(f) building and engineering operations which are essential for the conduct of agriculture or forestry;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the

existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

"Housing Policy 16: The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public."

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.3 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials". The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be

installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.

5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

6.0 REPRESENTATIONS

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

o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

6.1 Highway Services (8/12/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (10/1/24) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

7.0 ASSESSMENT

23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

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

- a. Principle of Development
- b. The visual impact of the proposal (HP16, GEN2 b) and c));
- c. Impact on neighbouring amenity (GEN2 g);
- d. Impact on Highways (TP4 & TP7); and
- e. Impact on site ecology (GEN2 d) and EP 4).

7.2 VISUAL IMPACT ON EXISTING DWELLING AND THE SURROUNDING COUNTRYSIDE

Principle of development

7.2.1 The existing dwelling has been lawfully erected, and proposals for extensions are considered to be acceptable in principle subject to the provisions of Polies GEN2, GEN3, H15 and H16 of the Strategic Plan. It is noted that a previous 2-storey extension (see PA18/00478/B) has been erected to the rear of the dwelling. The floorspace of the original dwelling is calculated from the submitted drawings (See both PA18/00478/B and PA23/00407/B). Originally, the ground and first floor areas plus front porch amounted to 285.42m². The PA PA18/00478/B added 56.0m² to the floor area, or 19.6% of the original floorspace. The 23/00407/B proposals for the ground floor extension would add 31.68m² of floor area. Combined, the added floor areas amount to 30.0% of the original floor area of the Edd Beg dwelling.

7.2.2 Policy H15 indicates that extensions to dwellings in the countryside should normally be approved where they respect the proportion form and appearance of the existing property. "Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)." In this regard, the floorspace of the proposed extension would comply with the provisions of Strategic Plan Policy H15.

The visual impact of the proposed extension (EP1, HP16, GEN2 b) and c));

7.2.3 In terms of the visual impacts of the proposed works on the existing dwelling, it is considered that the proposed extension respects the proportion, design and form of the existing dwelling and would appear as a subordinate addition to it. The flat-roofed (23/00407/B) extension would measure approx. 4.8m deep x 6.6m wide (floor area of 31.68m²) x 3.0m high to the eaves of its flat roof. Whilst the new flat-roofed, ground floor extension is considered to be of a more contemporary design than the existing property, it is not judged to unduly harm the character and appearance of the main dwellinghouse which has existing flat roofed elements attached to the main rear elevation of the dwelling on either side of where the previously approved 18/00478/B rear 2-storey extension is attached, one of the flat-roofed elements would be located adjacent to where the new extension is proposed to be located. Notwithstanding, the flat roof finish of the extension would ensure that the key features of the main dwelling are not obscured by its addition, which would be on the north-west side away from public view given that the extension would be largely screened by the existing dwelling. It would thus appear as a contemporary but subordinate addition to it.

7.2.4 It is also noted that the flat roofed extension which would involve the addition of a basic form which is somewhat at variance with Policy 3 of Planning Circular 3/91 which does not support the addition of basic forms to traditional properties. However, as has been noted, the dwelling has an existing flat roofed element. As such, it is considered that the extension would be reasonably well integrated into the existing built fabric on site. Given the above, it is

considered that the proposal would be compliant with the requirements of and GEN2 in the Strategic Plan.

7.2.5 With regard to potential impacts on the character of the surrounding countryside, it is considered that the proposed works would modernise the appearance of the existing property, albeit, it would be erected at a position on the property where it would not be prominent when viewed from the surrounding countryside. In terms of its proportion, form, and scale, these are considered to be in keeping with the property and would not detract from its appearance. The design of the extension is considered to be acceptable and would make a fitting addition to the site, with only a small impact on the character of the site and surrounding area. As well, the proposed scheme would not result in the loss of any surrounding trees or impact on any tree on site, ensuring that the development does not cause harm to the visual amenity of the locality or surrounding countryside. Accordingly, it is considered the proposal is acceptable and would not adversely affect the appearance of the site within the countryside or harm the character and quality of the landscape, Therefore, the proposal is considered to comply with the provisions of Policy EP1, GEN2 b) and c); and, HP16 in the Adopted Isle of Man Strategic Plan (2016).

7.3 IMPACTS ON NEIGHBOURING AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

7.5 IMPACT ON SITE ECOLOGY

7.5.1 In terms of impacts on ecology or biodiversity within the site, it is also important to establish if any real harm would result with respect to ecological and environmental concerns, it would relate to the removal of some vegetation to facilitate the erection of the extension. In this case, it is considered that the scale of the proposed works is such that it would result in minimal vegetation removal. Also, no trees would be removed as a result of the proposal. Therefore, any impacts on biodiversity within the site will be negligible, and overridden by the retention of the rural character of the site which will remain largely unchanged. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

7.6 OTHER MATTERS

7.6.1 The extent of the element of the proposed development would be sited within the existing curtilage of Edd Beg. However, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. It is noted that PA23/01383/B for the "Erection of detached garage and car port and extension to curtilage (retrospective)" includes an extension to part of the curtilage immediately to the North-West of the side elevation of the extension. This application is the subject of separate consideration. If PA23/01383/B is approved, along with the PA23/00407/B proposals, the occupants of the property would step out onto garden land using this entrance. The applicant was requested to amend the curtilage of the PA23/00407/B application to enlarge the curtilage, however, this has not occurred. If the PA23/01383/B proposal is refused, (which also involves the consideration of an unlawfully erected garage, car port and shed attached to

the rear of the car port), then this application should also be refused for the reason that it would represent an inappropriate form of development in the countryside as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg, and would represent an unacceptable form of development on agricultural land contrary to the provisions of policies ENV1 and H11 of the Strategic Plan.

7.7 CONCLUSION

7.6.1 Overall, and subject to the approval of an extension to the residential curtilage of Edd Beg through the consideration of PA23/01383/B, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. However, as advised in paragraph 7.6.1 above, whilst the proposed development would be sited within the existing curtilage of Edd Beg, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. This is considered to be unacceptable because the development could not be comfortably contained within the existing residential curtilage of Edd Beg, and therefore, it is recommended that the application be refused.

Reason for Refusal

1. The proposed single storey, flat roofed extension to be attached to the North-East side of the dwelling at Edd Beg, would have its North-West elevation sited hard on the boundary of the domestic curtilage, and would result in users of the kitchen area existing the dwelling via the proposed side door directly onto agricultural land. This is unacceptable because it would result in a form of development by stealth as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg and would represent an unacceptable form of development on agricultural land which would be harmful to the rural nature, and character of the site and surroundings contrary to the provisions of policies ENV1, GEN2, GEN3 and H11 of the Strategic Plan.

8.0 ASSESSMENT

23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

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

- a. Principle of Development
- b. The visual impact of the proposal (HP 15, GP2);
- c. Impact on neighbouring amenity (GP2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

8.2 Principle of development

8.2.1 The site has in part been previously the subject of an approved planning application for the erection of a garage plus an extension of the residential curtilage of Edd Beg to facilitate this erection of the garage. See PA 20/00938/B at paragraph 5.7 in the sites planning history. This was permitted on 20/10/2020, but was not implemented. Insofar as PA20/00938/B is concerned the principle of development was established.

8.2.2 In respect of the current PA23/01383/B application, the proposal involves the retention of the garage erected which has the same footprint/ground floor area as that previously approved, although it differs in that it is higher to the eaves and ridge because it has an

internal staircase and domestic storage accommodation at first floor level. The garage as erected also has a carport attached to its North-West side with a timber shed attached to the rear of the carport. Neither of these attached structures were considered as part of the PA20/00938/B application. They have been unlawfully erected, and the domestic curtilage of Edd Beg has been unlawfully extended to accommodate these structures. This application seeks to regularise these matters, as well as proposing to extend the curtilage immediately to the North-West side of the dwelling at Edd Beg.

8.2.3 The proposed extension to the residential curtilage for Edd Beg would accommodate these structures and, as advised above, would also extend the curtilage immediately adjacent to the North-West elevation of the dwelling and site for the proposed 23/00407/B extension. Given the previous PA20/01938/B approval, the principle for an extension of the residential curtilage and the erection of the garage was established. However, as this was not built and an unapproved garage, plus carport and shed were erected on land outside the approved residential curtilage, the principle of development is not established and the proposals fail to accord with the provisions of Policy ENV1, and GEN2 b) and c) of the Strategic Plan.

The visual impact of the garage, carport, shed and curtilage extension (EP1, GEN2 b) and c));

8.2.4 In terms of the visual impacts of retaining the garage, carport, shed and curtilage extension, the built structures represent a significant increase in built form and footprint over and above that of the previously approved garage. As indicated in paragraph 8.2.2 above, the garage has the same footprint although it is taller than that previously approved. The attached carport which measures approx. 3.8m wide x 5.5m deep adds a footprint of 19.25m² to that of garages footprint of 29.9m², whilst the shed adds a further measuring approx. 3.8m wide x 3.5m deep, adds a further footprint of 13.3m² to the garage. Combined, the footprint of the carport (19.25m²) and shed (13.3m²) amount to 32.55m² which is more than the garages 29.9m² footprint. Cumulatively, it is considered that the built form of development is excessive. Whilst the garage footprint on its own may prove acceptable, its extra height located in the expanded curtilage further away from the dwelling than previously approved, are all together considered to be excessive, and overall detract from the rural character and open nature of the site and its surroundings in this open countryside location.

8.2.5 As a consequence, it is considered that the proposals to retain the garage, carport and shed, and the extension of the curtilage of Edd Beg to accommodate them have resulted in an unacceptable visual impact that is unduly harmful to the character of the site and surroundings and as such are contrary to the provisions of Policies EP1 and GEN 2 b) and c) in the Strategic Plan.

8.2.6 In respect of the element of the proposals to extend the residential curtilage of Edd Beg immediately to the North-West of the dwelling, this element alone is considered to be acceptable in visual terms as it would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m² located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, would be acceptable as it would not involve any built form of development, and is screened from the surrounding area by the dwelling on the plot and adjacent hedging separating it from the garage, carport and shed.

8.2.7 Overall, it is considered that proposal fails to comply with the provisions of Policies EP1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

8.3 IMPACTS ON NEIGHBOURING AMENITY

8.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

8.4 HIGHWAY IMPACT

8.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

8.5 IMPACT ON SITE ECOLOGY

8.5.1 The application is for the retention of the detached garage, car port, attached shed and extension to the curtilage of Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

8.6 OTHER MATTERS

8.6.1 The element of the proposed development involving the extension to the residential curtilage of Edd Beg that would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m² located immediately to the west of the dwelling adjoining proposed development is required to facilitate the PA23/00407/B development. Whilst this element of the proposals, on its own, may prove acceptable, and as such could facilitate the PA23/00407/B development for a ground floor side extension to the dwelling, however, the remainder of the application represents an unacceptable form of development on agricultural land in the countryside and fails to accord with the Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

9.00 CONCLUSION

The proposed retention of the garage, car port, and shed and the extension of the domestic curtilage to the North-West of Edd Beg, are unacceptable because they represent development by stealth resulting in an unlawful extension of curtilage, and by their size scale, extent. Have resulted in a visually harmful piecemeal encroachment into the open countryside contrary to the advice contained in Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

Reasons for refusal:

1. The proposed retention of the unlawfully erected Garage, Car port and timber shed, is considered to be unacceptable because, cumulatively, the built form of development is excessive. The additional height of the garage over and above that of the previously approved PA20/01938/B garage, which would be located within the expanded curtilage further away from the dwelling than previously approved, are excessive and visually harmful and overall, owing to their mass, bulk, scale, and domestic nature, unacceptably detract from the rural character and openness of the site and its surroundings in this countryside location contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

2. The element of the proposals for the extension of the domestic curtilage of Edd Beg to accommodate the retained garage, carport and shed, and to provide an extension to the domestic curtilage immediately to the north-west of Edd Beg to accommodate a proposed extension to the dwelling have resulted in an unacceptable visual impact in this countryside

location that is unduly harmful to the rural character and open nature of the site and surroundings, and would unacceptably further this harmful appearance through the element of this proposal to extend the domestic curtilage immediately to the north-west of Edd Beg. As such, all elements of the proposals to extend the domestic curtilage of Edd Beg are contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

10.0 INTERESTED PERSON STATUS

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

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

10.2 The decision maker must determine:

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

10.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

9.0 ASSESSMENT

- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886.

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

- a. Principle of Development
- b. The visual impact of the proposal (SP2, EP1, GEN2);
- c. Impact on neighbouring amenity (GEN2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

9.1 PRINCIPLE OF DEVELOPMENT

9.1.1 Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. The principle of development is not accepted.

9.2 THE VISUAL IMPACT OF THE PROPOSAL (HP 15, GP2);

9.2.1 The greenhouse has a grey aluminium frame and glazed walls and roof. It measures approx. 2.5m wide x 3.75m deep x 2.0m high to the eaves and 3.0m high to the ridge. It and the garden shed are located to the North-East of and screened from the garage, carport and shed by an evergreen hedge. The shed measures approx. 1.3m wide x 1.9m deep and has a pitched roof approx. 2.5m in height to its ridge. It is constructed from blue/grey composite horizontal boards with a blue/grey composite panel pitched roof. Door to match. The site of the shed, greenhouse and planting beds are located to North-East of and are screened by the dwelling at Edd Beg. The 2 No. raised planting beds are located close to and on the North-East side of the greenhouse and shed respectively. The site remains as agricultural land.

9.2.2 These structures are clearly domestic in form, scale and nature, and as such would extend the domestic curtilage of the dwelling into the countryside away from the immediacy of the dwelling, with no element of these proposals seeking to extend the residential curtilage of Edd Beg to accommodate this domestic form of development. It is considered that whilst there are effective elements of screening in the form of the hedge to the South-East, Any screening from the Garage, carport and shed attached to the rear of the carport should be discounted on the grounds that these structures have been unlawfully erected on, in part, adjoining agricultural land.

9.2.3 Therefore, the visual impact arising from their domestic scale and nature is considered to be unacceptable in this countryside location and their presence is considered to be visually harmful to the open, rural character and nature of the countryside, and as such unacceptable. The proposals to retain the shed, greenhouse and planting beds are contrary to the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

9.3 IMPACTS ON NEIGHBOURING AMENITY

9.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

9.4 HIGHWAY IMPACT

9.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

9.5 IMPACT ON SITE ECOLOGY

9.5.1 The application is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

10.0 CONCLUSION

10.1 Overall, it is considered the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in the countryside and fails to comply with the relevant policies of the Isle of Man Strategic Plan. The proposals are contrary to the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016. Therefore, it is recommended that the application be refused.

Reason for Refusal:

The application is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. Overall, the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in introducing a domestic element and unlawful extension of the residential curtilage of Edd Beg into the countryside. This proposal for the retention of the greenhouse, shed and raised beds fails to comply with the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

11.0 INTERESTED PERSON STATUS

11.1 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.

11.2 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

11.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.8

Proposal : Demolition of existing and erection of a detached dwelling with double garage and ancillary accommodation with associated landscaping and driveway

Site Address : Grenaby House
Foxdale Road
Ballasalla
Isle Of Man
IM9 3DR

Applicant : Mr Paul & Mrs Charlotte Walker

Application No. : 23/01418/B- [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 be begun before the expiration of four years from the date of this decision notice.

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

C 2. Prior to the commencement of development on site, including any works of demolition, full details and samples of the materials to be used for the walls and roofs of the development, hereby permitted, shall be submitted for approval in writing by DEFA Planning. The samples shall include a wall panel of at least 1.0m² in area showing the proposed stonework for the walls including the layering, bonding, and mortar to be used. Thereafter, the walls of the development shall be constructed in the manner and materials as shown on the sample board.

Reason: To ensure that high quality materials are used for the replacement dwelling to preserve the character of the site and impart a high quality finish in the interests of visual amenity.

C 3. Prior to the commencement of development on site, including any works required for demolition, a Tree Protection Plan showing trees to be retained protected by 'Heras' fencing shall be submitted to and approved in writing by DEFA Planning. The protective fencing shall be installed to form a construction exclusion zone in accordance with BS5827:2012. Such fencing shall be retained in the positions shown throughout the construction period for the development, hereby permitted. At no time before, during or after the construction period, when the fencing has been removed, shall any construction materials, machinery, liquids or fuel be stored within any of the 'Construction Exclusion Zones' shown and annotated as such on the Tree Protection Plan.

Reason: To ensure that trees to be retained on and around the site are protected throughout the construction period.

C 4. Prior to the commencement of the development, hereby approved, details of proposed biodiversity measures details of the positions of bird bricks (swallow cups) and Bat boxes shall be provided ensuring that they are not placed above opening windows. They shall be placed on the north and east elevations under the eaves, to the side of any windows, and thereafter, shall be permanently retained and maintained.

Reason: To minimise any disturbance to nesting birds and Bats from occupants of the dwelling opening and closing windows.

C 5. Prior to the first occupation of the development, hereby approved, a Landscaping Strategy shall be submitted to and approved in writing by the Department. The Landscaping Strategy shall include details of all hard landscaping and any gate, wall or fence to be erected on the site; of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, and measures to encourage and enhance the biodiversity of the site. The trees to be planted shall be Heavy Standard Trees of 12-14cm girth, and no less than 300 - 350cm in height, and shall be Manx native species. All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development provides an attractive environment and compensates for loss of trees, hedges and other habitats, in accordance with Policy GP2 b) c) and d); and, Environment Policy 1 in the Adopted Isle of Man Strategic Plan (2016).

C 6. Details of foul and surface water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by the Department. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

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

C 7. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, or the erection of any garage, shed or other outbuilding within the curtilage of the property other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 8. The annex accommodation, hereby approved, as part of this development shall not be occupied at any time other than for purposes incidental to the residential use of the replacement dwelling at Grenaby House, and 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 9. Prior to the first occupation of the dwelling, hereby permitted, the parking spaces shown on the approved site layout plan, and those within the garages shall be provided and

made available for the parking of vehicles and such provision shall thereafter be maintained for the lifetime of the development.

Reason: To ensure that adequate on-site parking provision is provided and maintained for the dwelling in the interests of highway safety.

C 10. Prior to the first occupation of the dwelling, hereby permitted, provision shall be made within each garage for the charging of electric vehicles, and such provision shall thereafter be maintained for the lifetime of the development.

Reason: The provision of electric vehicle charging points will aid the net zero objectives as outlined in the Isle of Man Climate Change Plan (2022 - 2027).

C 11. Prior to the first occupation of the dwelling, hereby approved, the existing central heating oil tank shown as being retained on Drawing No. 01/Rev. H shall be removed from the site.

Reason: A ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025, and the retention of the existing oil tank would be contrary to this Island-wide ban, which is being introduced to minimise the impacts of fossil fuel use on the effects of climate change.

Reason for approval:

The proposed replacement dwelling and overall floor area proposed, is considered to be acceptable in comparison to that of both the existing dwelling and the PA/20/01077/B approved replacement unit. This would represent an approximate increase in floor area of 57.4%. Whilst this increased floor area fails to strictly accord with the provisions of Policy HP14, the extant PA20/01077/B consent proposed a replacement dwelling with a floor area of 55% of that of the original unit; and, was of a contemporary design over two floors. Given the fact that the latest dwelling would be only 2.4% larger in floor area than the PA20/01077/B proposal, the principle of development is accepted.

The site is located in a prominent location in the open countryside and is receptive to views from both Grenaby Road and Foxdale Road. The contemporary design of the replacement dwelling proposed and the movement of the dwelling on site closer to Grenaby Road to construct it would, on balance, not be out of character with the landscape in which it would sit, and whilst being modern and to some extent, innovative, (use of building materials and triple glazing to maximise insulation and minimise heat loss), and the use of Solar PV Panels, which the applicants Design and Access Statement has referred to; plus, the consideration of the previously approved, extant permission for a contemporary design for a replacement dwelling on the site, render the proposal acceptable. As such, the proposals are considered to conform with the provisions of Strategic Policy 5, General Policy 2 parts b) and c); and, Environment Policy 1, in the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

1.0 APPLICATION SITE

1.1 The application site comprises the residential curtilage of a detached dwelling at Grenaby House (formerly known as Thie Vane). It is located between Grenaby Road and the A3 Foxdale Road with the junction of these two roads approx. 50.0m to the south. It is situated in Malew Parish to the north of Ballasalla. The existing dwelling contained within the application site is a 2-storey, detached dwelling with integral garage with a footprint/ ground floor area of approx. 238.38m²; and, first floor area of approx. 167.5m², providing a total floor area for the existing dwelling of approx. 405.88m².

1.2 The existing dwelling occupies the north-western quarter of this rather spacious plot which is screened by trees and shrubs on its boundaries from its surroundings, with a Manx Stone wall running along Foxdale Road contiguous with the position of the dwelling, and by a stone wall topped with a green painted metal railing fence on the boundary of its junction with these two roads. Vehicular access is derived from Grenaby Road onto a gravelled drive which crosses the plot to reach the dwelling. To the south on the west side of Foxdale Road, opposite the road junction with Grenaby Road stand two detached, 2-storey dwellings at Silverdale House and Merrywood; with a further two cottages located either side of the A3 further to the south; and, a farm livestock building and stables located on the south side of Grenaby Road. This structure is set back from both Grenaby Road and the A3. The surroundings are a mix of these structures and open fields with views to the north of the Stoney Mountain and South Barrule Plantations.

THE PROPOSAL

2.1 Proposed is a full planning application for the erection of a replacement 2-storey 'Skandia Hus' designed dwelling with at ground floor level an attached double garage, and annex accommodation which may in future be occupied by family, guests or a carer. It would incorporate the footprint of the existing dwelling, which is proposed to be demolished to accommodate the replacement dwelling, and would extend to the south, and west towards the central part of the plot as well as moving the new built form north on the plot outside the footprint of the existing dwelling.

2.2 It would provide the following accommodation (details taken from Drawing Nos. JJT 08 Proposed Ground floor plan; and, JJT 09 Proposed First floor plan).

Basement: Stairs up to ground floor; plant room; lift; and, storeroom; with access corridor to these rooms from the stairs.

It would measure: external area = 79m²; internal floor area 63.7m².

Ground floor: Entrance Porch and Hallway; Cloakroom; Lift; Stairway up; Study; WC; Utility Room; Lobby; Larder; Kitchen/Breakfast Room; Dining Room; Double Height Living Room Inc. First Floor Level above; Family Room; Outdoor Covered Area; Link to Double Garage; and Annex - comprising Kitchen/Living Area; Bedroom; Bathroom and Hallway.

Total floor area measured externally including garage and carer's accommodation = 354.2m².

First floor: Master Bedroom with en-suite Bathroom and Dressing Room with Juliet Balcony; Bedroom 2 with en-suite Bathroom and Dressing Room opening out via double glazed doors onto a Balcony; Bedroom 3 with en-suite Shower Room and Walk-in Wardrobe; Bedroom 4 with en-suite Shower Room; Stairs down with Landing and Gallery open to GF Hallway; Lift.

Total first floor area measured externally = 205.66m².

Outside: Parking and Turning Area; 2 No. Visitors Car Parking Spaces; New landscaping to garden area with 6 No. Raised Planting Beds. Existing Heating Oil Tank retained.

2.3 The total floor area for the new dwelling would be approx. 638.2m².

2.4 The applicants subsequently submitted revised plans on 5/4/24, following on from comments provided by the Case Office regarding the height, scale and footprint/floorspace area of the proposed replacement dwelling. The applicants advised that:

- o The overall Gross External Area of the dwelling is reduced so that this is under the 50% greater than the existing dwelling in accordance with Housing Policy 14. The proposed GEA is now 556.31sq. (It is noted that this does not include the basement floor area of 79m²).
- o The overall ridge height of the proposed dwelling has been lowered so that this is in line with the existing dwelling. This should help address concerns raised regarding the overall bulk and mass of the dwelling as its overall height would now not exceed the existing dwelling.

2.5 The applicants have provided a Design and Access Statement with the application which advises:

"The proposed dwelling is not materially larger than the replacement dwelling previously approved in 2021 (Application Number: 20/01077/B). Hence the principle of development is considered acceptable.

- o The proposed development would enhance the character and quality of the local area.
- o The proposal would comprise an acceptable level of development, despite it not being designated for development in the Area Plan for the South (2013).
- o The proposal would enhance the identity of Ballasalla by conserving the rural character of the landscape.
- o The proposal would improve the energy efficiency of the application site with the creation of a highly energy efficient home.
- o Due regard and consideration has been given to the policies and aims set out within the Isle of Man Strategic Plan (2016), The Area Plan for the South (2013), the Guide to the Design of Residential Development in the Countryside (1991) and the Landscape Guidance Notes (1993).
- o The proposed development would comprise a high-quality design and layout to ensure the proposal is in keeping with the rural character of the surrounding area.
- o The proposal would result in a high-quality, well-designed residential development, endorsing the relevant planning policies and guidance"

2.5 It continues:

"2.6 Prior to the preparation of this application, it is noted that planning permission was granted in March 2021 for the erection of a detached dwelling with a triple garage and ancillary accommodation above with associated landscaping, driveway and a new vehicular access. It is noted that this dwelling comprised a contemporary design with a butterfly roof. The planning application followed a previous application which was approved in February 2020 for extensive alterations and the remodelling of the existing dwelling (Ref: 19/01178/B). However, it was considered that a replacement dwelling would be more appropriate to meet the needs of the Applicant.

2.7 It is noted that the previous application represented an increase of 55%, which is greater than the 50% over the original dwelling which is usually deemed acceptable. However, this increase was regarded as acceptable due to the reduction in height between the original dwelling and the proposed dwelling."

2.6 The Design and Access Statement concludes as follows:

"6.1 The proposed development comprises the erection of a detached dwelling with a double garage and ancillary accommodation, with associated landscaping and driveway at Grenaby House, Foxdale Road, Ballasalla, Isle of Man, IM9 3DR.

6.2 The application site is located in the countryside, within a residential area where the provision of a residential development in this location is appropriate.

6.3 The proposed development would result in an increase of 58% in external floor area from the existing dwelling. It is noted this increase would result in an uplift which is marginally greater than the 50% which is generally considered acceptable for replacement dwellings in the countryside. However, the proposed dwelling would comprise a reduction in the overall height of the dwelling, as such reducing its visual impact on the countryside. In addition, the proposal would comprise a modern and innovative design which would significantly improve the appearance of the site. Therefore, the proposed development would enhance the rural character of the countryside and reduce the visual impact of the site and would not comprise inappropriate development, making a positive contribution to the local area.

6.4 The siting, scale, design and layout of the proposed dwelling has been carefully considered and has taken into account the comments and feedback received from the Planning Officer in connection with the previous application. The proposal respects the character of the countryside and would not affect the amenity of neighbour properties whilst providing a high quality landscape. The proposal would result in a high quality, extremely energy efficient design that would create a high standard of accommodation for the Applicant.

6.5 The proposal fully adheres to the relevant Strategic Plan (2016) policies, the Area Plan for the South and the policies contained within the Planning Circular: Guide to the Design of Residential Development in the Countryside (3/91).

6.6 For the reasons stated within this statement it is requested that the officer, appointed to determine this application, look upon the proposal favourably."

PLANNING HISTORY

3.1 20/01077/B - Erection of detached dwelling with triple garage and ancillary accommodation above with associated landscaping, driveway and new vehicular access Grenaby House (formerly Thie Vane) Junction At Foxdale And Grenaby Roads Ballasalla Isle Of Man IM9 3DR. Application Permitted 4 March 2021. What was proposed had a floor area of 565.0m² and a maximum height of 7m. This application represented an increase of 55%, which is greater than the 50% over the original dwelling which is usually deemed acceptable.

3.2 19/01178/B - Alterations and remodelling of existing dwelling Grenaby House, Foxdale Road, Ballasalla, Isle Of Man, IM9 3DR. Application Permitted 20 February 2020.

3.4 17/00570/B - Alterations, relocation of driveway and creation of vehicular access Grenaby House (formerly Thie Vane) Junction at Grenaby and Foxdale Road, Ballasalla, Isle Of Man, IM9 3DR. Application Permitted 15 November 2017.

3.5 10/00809/B - Erection of a garage extension to replace existing carport Thie Vane, Foxdale Road, Ballasalla, Isle Of Man, IM9 3DR. Application Permitted 14 July 2010.

3.6 86/01346/B - Alterations and extensions to form additional living accommodation and garage, Thie Vane, Corner of Foxdale Road and Grenaby Road, Malew, Thie Vane, Foxdale Road, Ballasalla, Isle Of Man, IM9 3DR. Application Permitted 1 January 1994.

PLANNING POLICY

4.1 The land as designated, is not zoned for development and sits within a rural part of the open countryside approximately 2.2 kilometres north of Ballasalla (see Map 4) as shown

in the Area Plan for the South (2013). The site is not within a Conservation Area, and there are no Registered Trees or Registered Buildings on or around the site.

4.2 The land is also linked to Map 2N Landscape Assessment Areas; that identifies site is within a Landscape Character Area that is broadly classified as 'Undulating Lowland Plain', and more specifically as 'F5 Sulby River'.

4.3 Within the Isle of Man Landscape Character Assessment written statement (July 2008) under section 3.0 Landscape Character Area (LCA), page 85, para. D14 is broadly referred to:

Ballamodha and St Marks (D14) notes that the:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

4.4 It is noted that apart from the site access onto Grenaby Road, in this location, the site is not identified as being at flood risk.

4.5 The following policies of the IOM Strategic Plan (2016) are considered relevant to the consideration of the application:

4.6 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."

4.7 Environment Policy 2:

"The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

4.8 General Policy 2

General Policy 2 indicates that: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.9 General Policy 3: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land 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."

4.10 Housing Policy 1 states that 'The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 5,100 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2011 to 2026'.

4.11 Housing Policy 4: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

4.12 Housing Policy 12: "The replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

- (i) the structural condition of the building;
- (ii) (ii) the period of non-residential use(2) or non-use in excess of ten years;
- (iii) (iii) evidence of intervening use; and
- (iv) (iv) evidence of intention, or otherwise, to abandon.

4.13 Housing Policy 13: "In the case of those rural dwellings which have lost their former residential use by abandonment, consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost.

Where:

- a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and
- b) there is an existing, usable track from the highway; and where
- c) a supply of fresh potable water and of electricity can be made available from existing services within the highway.

4.14 This policy will not apply in National Heritage Areas (see Environment Policy 6). Permission will not be given for the use of buildings more ruinous than those in (a) above, or for the erection of replacement buildings. Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building (i.e. in terms of floor space(3) measured externally, the extension measures less than 50% of that of the original).

4.15 Housing Policy 14: "Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area(1), which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2- 7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

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

4.14 Strategic Policy 1:

"Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

4.15 Strategic Policy 2:

"New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (2) of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3." (See General Policy 3).

4.16 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;
- (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
- (c) not cause or lead to unacceptable environmental pollution or disturbance.

4.17 Strategic Policy 5:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

4.18 Strategic Policy 10

Strategic Policy 10: New development should be located and designed such as to promote a more integrated transport network with the aim to:

- (a) minimise journeys, especially by private car;
- (b) make best use of public transport;
- (c) not adversely affect highway safety for all users, and
- (d) encourage pedestrian movement

4.19 Paragraph 7.34.1

7.34.1 Every settlement in the Island has its own individual character and identity which needs to be conserved and enhanced. If such characteristics and qualities are not to be lost, any new development must be appropriate to the locale in terms of scale, siting, design, relationship with other buildings and land uses. Area Plans should identify important spaces within settlements, whether in the form of village greens, squares or areas which simply add to the attractiveness and interest of particular areas which have positive amenity value. It is important to the attractiveness and individuality of centres that over intensive development is avoided as well as the gradual merging of towns and villages in order to preserve a sense of identity and sense of place. In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles. Development will need to:

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

4.20 Environment Policy 4: Development will not be permitted which would adversely affect:

(a) species and habitats of international importance:

- (i) protected species of international importance or their habitats; or
- (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.

(b) species and habitats of national importance:

- (i) protected species of national importance or their habitats;
 - (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest;
- or
- (iii) Marine Nature Reserves; or
 - (iv) National Trust Land.

(c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

4.21 Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward.

REPRESENTATIONS

5.1 Malew Commissioners (10/1/24): No objection.

5.2 DoI Highways (10/1/24) comments: "23/01418/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking."

5.3 DoI Highways (12/4/24) comments: "Highways HDC have reviewed the updated information for application 23/01418/B dated 9 Apr 2024 online and have no further comments to make."

5.4 DoI Highways Drainage (5/1/24): "Highways Drainage Comments: Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.
Recommendation: The applicant should be aware off and comply with the clauses above"

5.5 DEFA Ecosystem Policy Team (10/1/24) comments: "The Ecosystem Policy Team have no objections to this application. However, the Design Access Statement references additional landscaping and it is not obvious to us from the documentation provide where landscaping is to take place and with what species. Additional landscaping would be beneficial for the site as long as it is not undertaken with invasive no- native species. Therefore the Ecosystem Policy Team request that a condition is secured for no landscaping to be undertaken with Wildlife Act 1990 Schedule 8 Part II invasive plant species, or cherry laurel or Rugosa rose.

The applicant may also want to consider enhancements for wildlife on site such as bat, bird and bee bricks."

5.6 No neighbour representations had been received by the Report drafting stage.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.7 In an email dated 5/4/24, accompanying the submission of amended plans, the applicant advised as follows:

"In response to your comments raised, we have prepared a set of amended plans for you to review, please find these attached.

As you will see, we have reduced the overall Gross External Area of the dwelling so that this is under the 50% greater than the existing dwelling in accordance with Housing Policy 14. I note the proposed GEA is now 556.31sqm.

In addition to the above, I note we have also lowered the overall ridge height of the proposed dwelling so that this is in line with the existing dwelling in accordance with your comments. This should help address you concerns regarding the overall bulk and mass of the dwelling as its overall height would now not exceed the existing dwelling.

I would like to clarify that the annexe is intended to be used as carer's accommodation, hence we have updated the plans to reflect this point. The applicants are both elderly and are forward planning by incorporating carer's accommodation into the proposal so that they have this when they require a live-in carer.

In terms of the design, we would like to highlight that the proposal has been carefully designed to create a high-quality development that uses sustainable materials. It is noted the materials proposed seek to add visual interest to the development. It is noted that the previous proposal also comprises a contemporary design, hence it is considered that the provision of a contemporary dwelling in this location would not be unacceptable."

ASSESSMENT

6.0 ASSESSMENT

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

- (i) Principle - (STP2, STP10, SP10 and H4c);
- (ii) Design and Visual Impact (Housing Policies HP12, HP13 and, HP14; and, STP5, GP2 b, c; EP1,)
- (iv) Neighbouring amenities (GP2g)
- (v) Highway Safety (GP2 h & i; TP 4 & 7)

- (vi) Trees, Ecology and landscaping (STP4b, EP3, GP2d)
- (vii) Drainage / flooding (GP2l, EP7)
- (viii) Conclusion

(i) Principle - taking into account the applicants personal circumstances

6.2 The proposal is for a replacement of the existing dwelling with the new dwelling to be sited on the footprint of the existing. The existing dwelling on site is a 2-storey, detached dwelling with integral garage with a footprint/ground floor area of approx. 238.38m²; and, first floor area of approx. 167.5m², providing a total floor area for the existing dwelling of approx. 405.88m². The proposed replacement dwelling is a 'Skandia Hus' structure of contemporary design and would cover a footprint of approx. 350.65m², and with the addition of the first floor accommodation and basement would have a combined floor area of approx. 636.32m². This would represent an increase in floor area of approx. 57.4%. The dwelling would provide most of the living accommodation on the ground floor with: "Entrance Porch and Hallway; Cloakroom; Lift; Stairway up; Study; WC; Utility Room; Lobby; Larder; Kitchen/Breakfast Room; Dining Room; Double Height Living Room inc. First Floor Level above; Family Room; Outdoor Covered Area; Link to Double Garage; and Annex - comprising Kitchen/Living Area; Bedroom; Bathroom and Hallway." The basement would provide the plant room and storage space; whilst the first floor would provide 4 double bedrooms, each with en-suite facilities. There would be a Juliet balcony serving the main bedroom; and, an open balcony area accessed from Bedroom 2. The dwelling would have level access into it from the outside, and the lift would connect all three floors allowing for free movement for wheelchair users across all three floors of the dwelling.

6.3 Solar PV panels are shown on the submitted drawings, and the existing heating oil tank is shown as being retained. Otherwise, the accommodation layout reflects the details outlined in the applicants Design and Access Statement which highlights their personal circumstances and need for the replacement dwelling.

6.5 The principle of development for this application falls to be considered against the provisions of General Policy GP3d) and Housing Policies H4c), HP12, HP13 and HP14 in the Strategic Plan. It is noted that there have been previous approvals for a replacement of the existing dwelling, with PA20/01077/B being for the erection of a detached dwelling with triple garage and ancillary accommodation above with associated landscaping, driveway and new vehicular access at Grenaby House. This application was permitted on 4th March, 2021, and remains extant until 3rd March, 2025.

6.6 In respect of planning policy, Policy GP3d) and HP4c) advise the same things in that new housing in the countryside will only be permitted in exceptional circumstances. In this case, and noting that the site is occupied by an existing dwelling which would be replaced as a result of the development, analysis of the details of the proposed development is required to consider if it is acceptable in terms of the provisions of Housing Policies HP12, HP13 and, HP14 and ultimately, Environment Policy 1, which seeks to protect the countryside for its own sake and requires that "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."

6.7 Policy HP12 indicates that:

"The replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

- (i) the structural condition of the building;
- (ii) the period of non-residential use(2) or non-use in excess of ten years;
- (iii) evidence of intervening use; and
- (iv) evidence of intention, or otherwise, to abandon."

6.8 Following the Caser Officers site visit on 28/2/24, it is noted that the structural condition of the building is such that whilst it is dated by modern standards, it could be readily refurbished and re-occupied.

6.9 Policy HP13 relates to rural dwellings which have lost their former residential use by abandonment, which is not considered to be the case in this instance as the applicants are seeking a one for one replacement of an existing, habitable, albeit slightly outdated in that there would appear to be no structural issues with the existing dwelling. It is noted that the site does not lie within a National Heritage Area (as advised in Policy EP6), and the advice contained in this policy is not relevant to the consideration of this application.

6.10 Policy HP14 indicates (in part) that:

"Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area(1), which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings)."

6.9 The new dwelling would be located on the site of the existing one, with some overlap in footprint area. As noted in paragraph 2.1 above, the existing dwelling has a floor area of approx. 405.88m² and would be on two floors, plus basement, with a combined floor area of approx. 636.32m², including balconies. This would represent an approximate increase in floor area of 57.4%. Overall, the floor area of the proposed replacement dwelling would exceed a 50% increase over that of the existing dwelling (approx. 57.4%), and in the strictest interpretation, fails to accord with the provisions of Policy HP14. It is noted, however, that the previously approved PA20/01077/B design for the erection of a detached replacement dwelling with triple garage and ancillary accommodation, amounted to approx. 55% of the floor area of the existing dwelling.

6.10 The new property would be fully wheelchair accessible including open plan accommodation on the upper floor with a lift from the ground floor, with no thresholds, non-slip floors, an accessible bathroom and wider door openings which would be wheelchair friendly in the future. The balconies would allow views and plenty of fresh air without having to go into the garden and struggle with limited mobility. The double garage at Grenaby House would include a one bedroomed apartment should live-in help be required; and, the accommodation would benefit their family. The applicants consider that the replacement dwelling would be the perfect solution to their identified needs.

6.11 The applicant's personal circumstances are noted and have been considered. Given that the size and scale of the replacement dwelling proposed compares closely to that of the permitted PA20/01077/B replacement dwelling, and bearing in mind the site's countryside location whilst the proposed development strictly fails to comply with the provisions of Policy

H14, it is considered that the principle of development for this particular replacement dwelling is acceptable given the sites planning history, the extant PA20/01077/B consent; and, the fact that the latest dwelling would be only 2.4% larger in floor area than the PA20/01077/B proposal. The principle of development is, therefore, accepted.

(ii) Design and Visual Impact

6.12 Strategic Policy 5 requires that:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

6.14 General Policy 2 requires (in part) that:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;"

6.15 The design of the proposed replacement dwelling is conservatively contemporary, although it is noted that it would replace a more traditional design of 2-storey dwelling on this spacious plot, which in its day, too, may well have been viewed as contemporary. It is considered that the form and materials proposed by the new dwelling would not necessarily be out of character with the landscape in which it would sit, and the scale, bulk, and massing of the 2-storey element, is reflective of the existing dwelling. The Skandia Hus design with its varying roof shapes, is a matter of taste. It is not traditional in the sense that a dwelling with a pitched roof reflective of traditional Manx dwellings, or hipped/pitched roof, perhaps containing dormers, would be. Nevertheless, the previously approved PA20/01077/B design was a departure from the norm and the current proposal is for a modern, and to some extent, innovative, design that proposes the use of Solar PV Panels on the South-West facing elevation; and, the use of natural slate for the roofs and with vertical oak cladding the first floor elevations of the 2-storey element; with walls of Manx stone below, and painted render to for the walls of the single storey elements. There are similarities to the PA23/00564/B proposals which Members considered to be acceptable (See Agenda Item 5.9 of the 21/8/23 PC Meeting), however, in this instance, and bearing in mind that each application should be considered on its merits, there is a significant element of single storey development associated with the proposals, which would extend the built form into the countryside compared to either the existing dwelling or the approved PA20/01077/B scheme for the site.

6.16 Overall, it is considered that the proposed development would be in character and keeping with the site and its surroundings, and would accord with the provisions of Strategic Policy 5, General Policy 2 parts b) and c); and, Environment Policy 1, which seeks to protect the countryside for its own sake especially given the natural, predominantly open and exposed landscape in which the site is located, the presence of on-site screening and proposals for landscaping; and, the relatively large size of the plot.

(iv) Neighbouring amenities

6.17 No third party representations have been received from any neighbours and it is noted that the nearest dwellings to the site are located some distance away opposite the junction of

Grenaby Road and Foxdale Road to the south. The occupants of these properties are considered to be far enough away for their occupants residential amenities to be unaffected by the development. This accords with the provisions of Strategic Plan Policy GP2g), and EP22.

(v) Highway Safety

6.18 DoI Highways has advised that the proposed replacement dwelling would have no significant negative impact upon highway safety, network functionality and /or parking and does not oppose it. It is clear that with 2 No. garage car spaces, along with 2 to 3 visitors spaces on plot in front of the garages, and a long driveway, that sufficient parking provision is made on site and that secure cycle parking and an electric vehicle charging point(s) could be provided within the garage areas. This accords with the provisions of Strategic Plan Policy GP2 h & i; and Policies TP 4 & 7).

(vi) Trees, Bio-diversity and landscaping

6.19 No trees would be lost in order to accommodate the replacement dwelling, and whilst no specific bio-diversity measures have been included with the application, these, as suggested by the Ecosystems Policy Team such as enhancements for wildlife on site such as bat, bird and bee bricks, along with landscaping to assist in assimilating the development into its surroundings, could be secured by condition. This would accord with the provisions of Policies STP4b, EP3, GP2d) in the Strategic Plan.

(vii) Drainage / flooding

6.20 The site lies in an area which is unlikely to flood, albeit its boundary at the vehicular access point onto Grenaby Road may be subject to fluvial flooding in adverse weather conditions. The Highways Drainage Team has commented that the applicants should be made aware that allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986. Foul sewage will run to the existing septic tank and rainwater runoff from roofs and paved surfaces will be directed to existing soakaways. It is considered that these arrangements are acceptable and would accord with the provisions of Strategic Plan Policies GP2l, and EP7.

(viii) Conclusion

6.20 The principle of development for the erection of a replacement dwelling is not accepted as the dwelling to be replaced has not been abandoned, and the existing unit could be maintained and/or improved to continue to provide habitable living accommodation. This accords with Strategic Plan Policies HP12 and HP13.

6.21. The overall floor area proposed, is considered to be acceptable in comparison to that of both the existing dwelling and the PA/20/01077/B approved replacement unit . The respective floor areas of the existing and proposed dwellings are a material consideration in the determination of the application according to the policies in the Strategic Plan. The existing dwelling has a floor area of approx. 405.88m². The proposed dwelling would be on two floors and would have a combined floor area of approx. 636.32m², including balconies. This would represent an approximate increase in floor area of 57.4%. Overall, the floor area of the proposed replacement dwelling at approx. 636.32m² does exceed a 50% increase over that of the existing dwelling, and therefore, fails to strictly accord with the provisions of Policy HP14. However, the extant PA20/01077/B consent proposed a replacement dwelling with a floor area of 55% of that of the original unit; and, was of a contemporary design over two floors. Given the fact that the latest dwelling would be only 2.4% larger in floor area than the PA20/01077/B proposal, the principle of development is, therefore, accepted.

6.22 The site is located in a prominent location in the open countryside and is receptive to views from both Grenaby Road and Foxdale Road. The contemporary design of the replacement dwelling proposed and the movement of the dwelling on site closer to Grenaby Road to construct it would, on balance, not be out of character with the landscape in which it would sit, and whilst being modern and to some extent, innovative, (use of building materials and triple glazing to maximise insulation and minimise heat loss), and the use of Solar PV Panels, which the applicants Design and Access Statement has referred to; plus, the consideration of the previously approved, extant permission for a contemporary design for a replacement dwelling on the site, render the proposal acceptable. As such, the proposals are considered to conform with the provisions of Strategic Policy 5, General Policy 2 parts b) and c); and, Environment Policy 1, in the Isle of Man Strategic Plan 2016.

6.23 It is recommended that the application be approved.

7.0 INTERESTED PERSON STATUS

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

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

7.2 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.

7.3 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.

Recommendation: Approve.

Item 5.9

Proposal : **Erection of thirty one terraced and semi-detached dwellings on the site of previously approved twenty one detached, terraced and semi-detached dwellings**

Site Address : **1 To 17 Karran Close And
27 To 30 Taggart Close
Reayrt Mie
Ballasalla
IM9 2BP**

Applicant : **Dandara Homes Limited**

Application No. : **24/00082/B-** [click to view](#)

Planning Officer : **Hamish Laird**

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 proposed development is unacceptable because it would result in the addition of a further 10 dwellings, up from 21 to 31, on the same site area, via the employment of smaller house types. This would give rise to a cramped appearance and a harder, less convivial character with an emphasis on car parking provision in rows to the front of dwellings, resulting in a vehicle dominated development that would have a harmful impact upon the visual amenity of the streetscene. This would give rise to an unacceptably poor living environment and low level of residential amenity for the occupants of these, and neighbouring properties. The application fails specifically, because:

o Plot B105 - the dwelling would have a cramped appearance on the plot with poorly related amenity space especially to the rear of the dwelling. The rear garden area scales at between 5m and 10m in depth. The garden area to side of garage is poorly related to the dwelling and would be wasted space with minimal amenity value. The dwelling would have a poor relationship with the rear aspects of dwellings to the north at Plots B101 and B102, which would be unacceptably harmful to the outlook from these adjoining properties, and;

o Plot B113 - the siting of this proposed dwelling raises similar concerns to those expressed in relation to plot B105. Cramped appearance on the plot, poorly related amenity space especially to the rear of the dwelling - rear garden area scales at between 5m and 10m in depth. The garden area to side of garage is poorly related to the dwelling and would be wasted space with minimal amenity value. The dwelling would have a poor relationship with the rear aspects of the dwellings to the north at Plots B95 and B96 - especially when combined with the siting and relationship of the pair of dwellings at B114 and B115. The B115 dwelling will appear overbearing in relation to the outlook from the rear of B113; and, would overshadow the rear garden area of Plot B113. The outlook from the front of B114 will appear oppressive owing to the extent of the forward projection of the Plot B113 dwelling;

o Plot B120 - this dwelling is sited too close to the site boundary offering a hard edge to the Farmhouse and its grounds to the south. It would also project forward of the attached dwelling at Plot B119 and would appear overbearing in relation to the outlook from the front of B119 and would overshadow its front garden area;

- o With the exception of the dwellings at Plots B105 and B106, B111-B113; and, Plots B88 - B91, the parking allocated to serve the proposed dwellings is located in rows to the front - only 2 of the Larch dwellings have garages at plots B105 and B113, the other 29 units have dedicated parking spaces. This would result in a vehicle dominated development that would have an unacceptably harmful impact upon the visual amenity of the streetscene;
- o In particular, the parking spaces serving Plots B109 to B120 are located - 7 each side - directly opposite each other in a cul-de-sac. This creates a very poor, vehicle dominated environment - overall the revised layout is dominated by parking provision resulting in a poor living environment for the occupants of all these dwellings.

This is contrary to the provisions of Policies ST1, ST3, ST5, GEN2, and ENV42 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

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

Derbyhaven Residents' Society Limited, 6 Chapel Court, Derbyhaven, IM9 1UD;
47 Victoria Road, Douglas;
26 Meadow Court, Ballasalla, Isle of Man;

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

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

DOI - Estates and Housing Team;

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE BECAUSE A SECTION 13 LEGAL AGREEMENT (DEED OF VARIATION) IS REQUIRED

1.0 THE SITE

1.1 The application relates to the second phase of a three part development for the provision of residential accommodation and a link (Ballasalla) Bypass from Balthane Corner to Glashen Hill in Ballasalla.

1.2 This application was previously considered by the Planning Committee under:

Ref: 19/00137/B - Residential development comprised of 282 dwellings, associated highway and drainage infrastructure and public open space, and the construction of a new by-pass road between Douglas Road and the rear of Railway Terrace to include a new roundabout on Douglas Road and a bridge over the IOM Steam Railway line; and,

22/00139/B - Erection of 107 dwellings (amendment to dwelling types approved under PA 19/00137/B) (see 4.0 planning history) and approved with a number of conditions and subject to a legal agreement for 282 dwellings (phase 1 and 2)

1.3 Subsequently PA Ref: 23/00451/B - for the "Erection of 13 terraced & semi-detached dwellings on the site of 9 previously approved detached & semi-detached dwellings on no.s 19 to 23 & 30 to 33 Faragher Road, and amendments to rear plot boundaries and adjacent footpath, bin collection point & parking spaces for no.s 40 & 41 Faragher Road" was approved by the Planning Committee at its 24/7/23 Meeting, subject to a Revision to the Original S13 Agreement to secure a financial contribution in lieu of on-site Affordable Housing provision with the Decision Notice being issued on 7/12/23.

1.4 Part of the 2019 approval has been implemented (phase 1) to the north of the railway line has been built with many of the dwelling houses sold and now occupied. Also built is the road network and part of the bypass is already under construction and the bridge over the Steam railway underway and functioning. The housing for Phase 2 has not started but the infrastructure for the bypass has been completed and engineering works have begun on site.

1.5 The Isle of Man Steam Railway runs in a shallow cutting to the north of the site boundary. In addition, residential development, with some forming part of Phase 1 and more established dwellings located in Ballabridson lie on the northern side of the railway.

2.0 THE PROPOSAL

2.1 This application seeks permission to alter the house types on certain plots within the area defined as phase 2, "Reayrt Mie", essentially to provide an updated house designs to reflect current demand and availability of building materials. In so doing, it involves the erection of thirty one terraced and semi-detached dwellings on the site of the previously approved twenty one detached, terraced and semi-detached dwellings. The site location is at 1 To 17 Karran Close and 27 To 30 Taggart Close, Reayrt Mie, Ballasalla.

2.2 In a covering letter accompanying the application, the applicant advises:

"Phase 2 of the residential development at Reayrt Mie, Ballasalla, was initially approved under PA 19/00137/B and amended under PA 22/00139/B & 23/00451/B. The 21 dwellings approved within the area which forms the subject of this planning application are predominantly detached, along with two short terraces and a pair of semi-detached dwellings. Overall, Phase 2 includes a range of dwelling types, with demand for terraced and semi-detached houses proving to be the strongest - therefore in order to help meet housing demand it is now proposed to change the dwelling types within the application site to be predominantly terraced units, along with two pairs of semi-detached dwellings (no. 30 Taggart Close is included in the application because of the changes to plot boundaries, rather than the dwelling itself). Needless to say an increase in the number of smaller units within the application site results in a total number of dwellings, in this instance changing from 21 to 31. Whilst demand for 4-bed detached dwellings is not as strong as anticipated when PA19/00317/B was prepared there will still be those house types available on other plots within Phase 2.

Phase 2 includes a range of dwelling types, with demand for terraced and semi-detached houses proving to be the strongest - the substitution of 5 detached dwellings (no.s 19 to 23) with 8 no. 3-bed terraced and semi-detached houses will therefore help to meet housing demand. Whilst demand for 4-bed detached dwellings is not as strong as anticipated when PA 19/00137/B was prepared there will still be those house types available on other plots within Phase 2.

The dwelling types now proposed will be finished in similar materials to those previously approved and will not result in adverse change to the street scene or to the character of the development overall. Each dwelling will be provided with 2 off-street parking spaces, and 3 of the dwellings will also have garages. A revised affordable housing contribution will be agreed with the Department and DoI Housing Division.

The Reayrt Mie development includes large areas of Public Open Space which exceed the overall amount required under the provision of the IoMSOP. The following table is taken from the Planning Statement which supported the application for Phase 3 of the development (PA21/01262/B):"

OPEN SPACE TOTALS (SQM) REQUIRED		PROVIDED
Phases 1 and 2	24,800	34,833
Phase 3	9,472	11,297
OVERALL DEVELOPMENT	34,272	46,130

Using the criteria set down in the IoMSOP the changes now proposed will result in an increase of 15 residents (from 63 to 78), and it can clearly be seen from the table above that this will not result in insufficient open space provision within the overall development."

2.3 It is noted that the proposed house types are all on previously approved 'plots' (2019 approval) and there are no proposed alterations to the infrastructure or landscaping over what was previously approved.

2.4 This proposal for 31 dwellings would be on the site of the previously approved 21 dwellings. The previous PA19/00137/B approval for the site proposed the following House Types: site of the previously approved 5 detached dwellings at Plot Nos. B29, B30, B31, B32 and B33, would now become B29a, B29b, B29c, B30, B31, B32, B33a and B33b and would comprise the Ash3 House Type with Ash 3G - (G-denotes Garage) on plots B29a, B30 and B33b. They would face onto a new road within the development, whilst their rear aspects would face north backing onto the Isle of Man Steam Railway which runs adjacent to the sites northern boundary. This boundary is marked by hedging.

2.4 Second, the 4 No. Ash type, semi-detached dwellings proposed for Plots B40, B41, B42 and B43, would be substituted by 'Birch' type dwellings in a terrace of 5 units. These would be Plot B40 = Birch 3; B41 = Birch 2; B42 = Birch 2; B43a = Birch 2; and, Plot B43b would be a Birch 3 dwelling. The differences between the dwellings are: Birch 2 has 2-beds, whilst Birch 3 has 3-beds.

2.5 The final element of these proposals would be the substitution of the 2 No. car parking spaces for the Plot B51 dwelling, located to the rear of the dwelling being used instead as a Bin Store/collection point of the B44 - B51 dwellings which would be accessible from the rear pedestrian passageway serving the se dwellings, whilst the car parking spaces for B51 would be located to the south-west on the other side of the turning head in this head of cul-de-sac location.

3.0 PLANNING POLICY

The land is designated as Proposed Residential, Industrial, Public Open Space, Community facility on Map 4 (Ballasalla) of the Area Plan for the South. The land is also linked to the Written Statement with Notation No.3. The application site is not within a Conservation area, or within an identified area as being at flood risk.

3.1 A previously prepared Development Brief (see PA19/00137/B) for this section of land at para 4.29, identifies the possible uses of the land and that considerations should be given

to the Ballasalla bypass route to the corner of Balthane, the junction details, potential site of archaeological significance, drainage masterplan, and protection to prevent any contamination of the Glashen Stream.

3.2 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
- 3 To respect the character of our towns and villages
- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 3 Identifies those Service Villages
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Wildlife and Nature Conservation
- 42 Respect the local character and identity

Housing Policy

- 1 General need for additional housing from 2011 -2026
- 2 Supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 5 Provisions for 25% affordable Housing

Business Policy

- 10 Retails in designated areas

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space
- 5 Links to the countryside

Community Policy

- 1 Community provisions and neighbourhood centres
- 2 Accessibility of community facilities
- 10 Fire Fighting provisions

Transport Policy

- 1 proximity to existing public transportation services
- 2 layouts to link to existing systems
- 3 No impact or compromise upon existing rail routes
- 4 Highway Safety
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions

Infrastructure Policy

- 1 Development and Connectivity to IRIS
- 2 Details of connectivity to IRIS

Energy Policy

- 5 Energy Efficiency

3.4 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

4.0 PLANNING HISTORY

4.1 19/00137/B - Residential development comprised of 282 dwellings, associated highway and drainage infrastructure and public open space, and the construction of a new by-pass road between Douglas Road and the rear of Railway Terrace to include a new roundabout on Douglas Road and a bridge over the IOM Steam Railway line. Fields 434764, 434116, 432719, 432607, 432608, 434113, 434114, 434115, 434089, 434090, And 434091 Douglas Road Ballasalla. APPROVED subject to a S.13 legal agreement with 19 Conditions by Planning Committee on 15/07/2019. Most of these conditions relate to the bypass and phase 1 of the development and highways infrastructure. Approved.

4.2 22/00139/B - Erection of 107 dwellings (amendment to dwelling types approved under PA 19/00137/B) (see 4.0 planning history) and approved with a number of conditions and subject to a legal agreement for 282 dwellings (phase 1 and 2)

4.3 21/01262/B - Third phase of development consisting of 128 dwellings, a neighbourhood centre with children's nursery and local shop units, and public open space including a children's playground - Field 434091 & Parts Of Fields 435106 (formerly 432719), 434974 (formerly 434089) And 434090 Adjacent To Railway Terrace, Ballasalla. APPROVED subject to a legal agreement with 14 conditions. Approved

4.4 20/00124/MCH - Minor changes application for PA 19/00137/B involving alterations, traffic calming features, new footpath link and pedestrian link. Field 434764, Douglas Road, Ballasalla. Approved.

5.0 REPRESENTATIONS (in brief - full reps can be read online)

5.1 Malew Commissioners (3/5/23) raises 'no objections'.

5.2 DoI Highways (9/2/24) (comments): -

Highways Comments:

"The applicant has had pre-app discussions with Highway Services HDC to discuss and amend the site layout design for the intensification of dwellings on the site. The applicant was asked to retain the PROW/active travel route through the site as was previously approved on the site, and to meet Manual for Manx Road (MfMR) standards on street layout, parking and vehicle manoeuvrability.

The layout proposed meets MfMR standards on shared street dimensions, provides adequate parking provision for each dwelling, allows large vehicles to safely manoeuvre through the site, and retains a PROW/active travel route through the site as was previously approved.

Additionally, the applicant should provide within the development EV charging points (passive) for each dwelling with a driveway and allocated spaces in front of dwellings without driveways as per MfMR guidelines - this should be conditioned on permission.

Therefore, taking into account of the above, Highway Services HDC do not oppose (DNOC) the application subject to conditions as set out below.

Planning Conditions:

o Site access and layout to:

o 01 - Site Layout

o A plan for the TRO parking bays and restrictions on the development site must be submitted and agreed with the planning authority and implemented before first occupation of the site and retained for the lifetime of the development.

o Boundary frontages onto the proposed adopted highway for all dwellings must be no more than 600mm in height and pedestrian inter-visibility for driveways onto path / public road connections of 2 x 2m must be retained without obstructions greater than 600mm in height for the lifetime of the development.

o Gradients: No residential driveways shall exceed gradients of 15% for the first 5.0m. No pedestrian or cycle paths shall exceed gradients of 7%.

o Provision of surfacing for parking and movement areas: Prior to the first occupation of the development, private drives, driveways and associated parking areas, non-residential hardstanding and associated parking areas must be properly consolidated and hard surfaced and drained and maintained in good working order.

o Completion of streets: Before any new proposed buildings on the site are first occupied the roads and footways shall be constructed to an appropriate level from the new buildings to the adjoining street and public highway - to ensure streets are completed prior to occupation and satisfactory development of the site.

o Details of secure covered cycle parking for non-garaged dwelling units to accommodate one space per bedroom with details required for approval and provided before first occupation.

o Construction Traffic Management Plan - details required for approval.

o Details of EV charging points to be submitted for approval and implemented before first occupation of the site. Agreements:

o S4 highway agreement required for roads adoption will need

o S13 agreement may need to be altered.

Recommendation: DNOC Code definition: DNOC - Do not oppose subject to condition"

5.3 DoI - Estates and Housing (9/2/24) comments:

"We refer to the aforementioned planning application, and we can confirm that we have looked at the detail of the application and have considered the provision of a 25% Affordable Housing requirement. We have also held preliminary discussions with the applicant.

Current data drawn from Housing Division records for the South of the Island indicates that there are 121 persons on the general public sector waiting list for affordable housing to rent in the South.

There are also 26 persons on the First-time Buyers Register seeking to purchase a first home in the South of the Island. Of this number, 18 are on the Active Purchaser List seeking to

purchase a home within the next 12 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide affordable housing, in this case based upon the calculation of 25% of the ten additional units approved within the application, this would be 2.5 affordable dwellings comprising 2 x 2Bed affordable dwellings and a Commuted Sum in lieu of 0.50 of an affordable unit.

Thank you for giving us the opportunity to comment on the proposal."

5.4 DEFA Ecosystems Policy Team (22/4/24) comments:

The Ecosystem Policy Team are glad to see that an Ecological Plan for bat and bird boxes (Drawing no. Balla2_50) has been provided with this application. We are content with the number and type of boxes proposed. However, we would like to request some amendments to the locations, so that the bat boxes are located closer to habitat features and bird boxes are not facing south (birds can overheat in south facing nest boxes). Therefore we would like to request that sparrow nest boxes 1 and 2 are moved to northerly elevations and then bat boxes 1 and 2 can be moved into these vacated locations. We would content for these details to be provided prior to determination, or for a condition to be secured for an updated bat and bird box plan to be provided within the first year following commencement of development.

We can confirm that we are content with the details in the proposed landscape plan (Drawing No. Balla2_30) and request that this is secured via a condition, as well as the standard replanting condition for the replacement of any tree or shrub which dies or becomes damaged within 5 years from the date of planting.

The south eastern boundary of this area contains a number of trees which are to be retained, these will need to be protected from construction activities and therefore we request that a condition is secured for no works to commence unless a tree protection plan, containing details of protective fencing, construction exclusion areas and root protection areas, has been provided to the Department and approved in writing. The development must then be undertaken in full accordance with this plan.

As per the previous approvals for this site (PA 19/00137/B and 22/00139/B), the following condition for the protection of biodiversity should be secured again: Any work including site clearance or soil stripping, shall be undertaken in accordance with the approved Precautionary Working Method Statement (PWMS) with Reasonable Avoidance Measures (RAMS) for lizards, frogs and breeding birds, as previously approved under Condition 15 of PA19/00137/B and undertaken in accordance with those details.

Reason: to ensure that the development complies with Environment Policy 4.

Lastly we request that a condition is secured for no works to commence unless a plan detailing the measures to prevent topsoil, subsoil, overburden or silt and any pollutants or particulates arising therefrom, from washing into the watercourses along with any runoff waters from the site, and the methods employed to control such run-off, has been submitted to and approved in writing by the Department. Such measures shall be put in place, retained and maintained for the lifetime of the construction period of the development.

Reason: For the protection of watercourses and the downstream Langness Marine Nature Reserve"

5.5 Three letters of representation from neighbours/third parties have been received in connection with the application. All raise objection to the proposed development. Concerns raised are:

"Live within the village adding additional housing creates more pressure on facilities that are already stressed and not meeting historical number tenants let alone an increase in numbers
Relationship to site: Close to the site" (please elaborate) 26 Meadow Court, Ballasalla.

47 Victoria Road, Douglas.

"As Sustainability consultants with Global links to similar groups we have been advocating for over twenty years for the Island to improve the standard of construction. This first major project since the introduction of legislation banning the use of fossil fuel heating systems while complying with the minimum level of current building control standards fails to address the critical needs to improve construction formats to mitigate the effects of climate change.

The developer makes clear in his Energy Impact Statement that he is conversant with the European accepted standards for energy efficient new builds yet cynically rejects them in what can only be construed as a desire to maximise both build density on the site and potential profit. MVHR is the most critical element of Sustainable new build and the failure of the developer to incorporate this into the project with continued reliance on some unstated level of air tightness and natural ventilation condemns the future occupants of these units to both poor internal air quality and significant loss of expensive thermal energy from the over large heat pumps required to meet the demands of naturally ventilated units. Our project at Clarecourt Gardens Victoria Road Douglas proved conclusively that units can be built to Passive House standard quickly and within current construction budgets yet little interest has been shown by the Islands developers or IOMG.

This project proves conclusively that IOMG must legislate for the necessary standards to bring us in line with countries like Germany and Sweden if the Island is to achieve its Carbon reduction goals. Our Swedish partner the architect and physicist Hans Eek recently completed the first units in the world to exceed Carbon Neutral and is available to continue advising the IOMG as he did during his visit of 2009 as a direct result of which the Janet's Corner passive houses were built. We must reject this scheme.

Relationship to site: Special Interest Group"

Derbyhaven Residents' Society Limited, 6 Chapel Court, Derbyhaven, IM9 1UD

Kindly note that the Derbyhaven Residents' Society (DRS) object to the above-mentioned planning application for the following reasons:

1. ONGOING SILT PROBLEM

DRS and other concerned Derbyhaven residents have been in contact with the Environmental Protection Unit (EPU) since 2020 regarding large amounts of silt discharges into the Derbyhaven Bay.

In this regard, it is useful to briefly set out some of the history of the ongoing silt problem as well as the correspondence to date:

a. A large amount of silt discharge was first reported at the end of 2020 and beginning of 2021. This was brought to the attention of both DEFA and Malew Commissioners at the time. A copy of DRS's emails dated 19 January 2021 and 18 May 2021, together with Elizabeth Charter's email dated 20 January 2021 are attached hereto as "A", "B" and "C" respectively.

b. On 7 and 17 July 2023, DRS made submissions to the Planning Department in relation to Dandara's planning application 23/00168/B for the construction of 45 industrial units at Balthane, DRS concerns being largely centred around the impact of the proposed

development on the water quality of the Ronaldsburn. A copy of this correspondence is attached as "D" and "E" respectively.

c. On 11 July 2023 DRS dispatched correspondence to the EPU raising concerns of the discharges into the Derbyhaven Bay. A copy of this correspondence is attached hereto as "F".

d. DRS received a reply from the EPU on 12 July 2023 stating that the EPU would do a site inspection. A copy of this correspondence is attached hereto as "G".

e. That there is an ongoing problem with the silt discharge in Derbyhaven Bay was highlighted by Manx National Heritage on 14 July 2023 in their consultation document regarding the erection of 45 Industrial Units in Balthane. A copy of this document is attached hereto as "H".

f. Again, on 10 October 2023 DRS reported silt in the watercourse to the EPU, the EPU responded on even date with feedback and raised that should there be silt DRS need to report it promptly. This correspondence is attached hereto as "I".

g. On 19 and 20 October 2023 and after rainfall, there was again silt in the watercourse, and this was reported immediately and marked as high importance. This was only responded to on 27 October 2023 where a Ms Bridgens provided us with feedback. A copy of this correspondence is marked as "J".

h. On 31 October 2023 DRS asked follow-up questions to regarding the mitigation and monitoring procedures. A copy of this email is attached hereto as "K".

i. A reply to this email was received on 7 November 2023 from. A copy of this correspondence is marked as "L".

j. A consultation was then held between DRS and Jason Moorhouse MHK where the silt issue was raised with him. Mr Moorhouse then raised this matter with Claire Barber, MHK for DEFA. A copy of such correspondence and the reply from the EPU is attached hereto as "M".

k. DRS then replied to this correspondence and raised ongoing concerns and queries regarding inter alia the nomenclature of the watercourses. A copy of this correspondence (sans annexures) is attached hereto as "N".

l. No response has been received to date regarding the concerns and queries.

m. On 7 February 2024 there was again silt streaming into the Derbyhaven Bay. This was raised with the EPU once again. A copy of the correspondence and annexures is attached hereto as "O".

n. The EPU acknowledged receipt of the complaint, but no further feedback has been received. Such acknowledgment is attached as "P" hereto.

From the above and the annexures attached hereto it can be seen that DRS have ongoing concerns and queries regarding the level of silt concentrations in the watercourses as well as the lack of suitable preventative measures being used by the Developer. The silt in the Bay occurred as recently as the evening of 28 February 2024. Further, Redacted 5 we still do not have clarity as to where the water sampling takes place and / or the revision of the Inland Water map to include the Ronaldsburn. This is the principal water course in the area and the one that is most likely to be impacted by poor water quality as a result of discharges from

Reayrt Mie and in turn, may have an adverse impact on the Langness, Derbyhaven and Sandwick ASSI.

DRS therefore urge the Planning Committee to defer the decision on this application until such time as the issue of the silt has been adequately addressed and resolved.

2. LACK OF AFFORDABLE HOUSING The Isle of Man Strategic Plan 2007 makes reference to affordable housing in Section 8.6 which includes Housing Policy 5:

" In granting planning permission on land previously zoned for residential development or now considered suitable for residential development or in predominantly residential areas the Department will normally require that (at least) 25% of provision should be made up of affordable housing (or a commuted sum be paid as an equivalent contribution to affordable housing elsewhere on the Island) . This policy will apply to developments of 8 dwellings or more."

DRS query the lack of affordable homes in this development, whether 25% of these homes have been allocated towards affordable housing and whether the policy is being implemented within the development as a whole, having special regard to the Island-wide problem of a lack of affordable housing as well as the drive to encourage young professional families to relocate to the Isle of Man."

6.0 ASSESSMENT

6.1 The proposal is relatively straightforward and has been submitted to reflect market demand for housing types that would see a smaller, different style of property on the same plots as previously approved for larger, dwellings comprising 12 detached units; 6 semi-detached units; and, 3 terraced units. The current proposal would provide 21 terraced units in 2 terraces of 4 units; 5 terraces of 3 units; 2 pairs of semi-detached units; 1 x separate semi-detached unit (attached to a dwelling off-site); and, 3 units at plots B113 to B115 comprising a pair of semis and a linked unit (effectively an offset terrace of 3 units). The overall design of the dwellings would be reflective of what has previously been approved and used in phases 1 and 3 of the proposal and the choice of materials would be reflective of this also.

6.2 The principle of the proposal is accepted given the sites planning history, however, the appearance and character of this part of the development would change substantially compared with the more spacious layout previously approved by the 19/00317/B permission. The addition of 10 dwellings, up from 21 to 31 on the same site area, and the employment of smaller house types, would give rise to a cramped appearance and a harder, less convivial character with an emphasis on car parking provision in rows to the front of dwellings, resulting in a vehicle dominated development that would have a harmful impact upon the visual amenity of the streetscene and is considered to be unacceptable. Specific concerns are:

- o Plot B105 - cramped appearance on the plot, poorly related amenity space especially to the rear of the dwelling - rear garden area scales at between 5m and 10m in depth. Garden area to side of garage is wasted space. Poor relationship with the rear aspects of dwelling to the north at Plots B101 and B102 and;
- o Plot B113 - similar concerns to plot B105. Cramped appearance on the plot, poorly related amenity space especially to the rear of the dwelling - rear garden area scales at between 5m and 10m in depth. Garden area to side of garage is wasted space. Poor relationship with the rear aspects of dwelling to the north at Plots B95 and B96 - especially when combined with siting and relationship of the pair of dwellings at B114 and B115. The B115 dwelling will appear overbearing in relation to the outlook from the rear of B113 and

overshadow the rear garden of Plot B113. The outlook from the front of B114 will appear oppressive owing to the extent of the forward projection of the Plot B114 dwelling;

- o Plot B120 - this dwelling is sited too close to the site boundary offering a hard edge to the Farmhouse and its grounds to the south. It would also project forward of the attached dwelling at Plot B119 and would appear overbearing in relation to the outlook from the front of B119 and would overshadow its front garden area;

- o All the parking is out front - only 2 of the Larch dwellings have garages at plots B105 and B113, the other 29 units have dedicated parking spaces. This would result in a vehicle dominated development that would have a harmful impact upon the visual amenity of the streetscene;

- o In particular, the parking spaces serving Plots B109 to B120 are located - 7 each side - directly opposite each other in a cul-de-sac. This creates a very poor, vehicle dominated environment - overall the revised layout is dominated by parking provision resulting in a poor living environment for the occupants of all these dwellings.

6.3 There are no outstanding issues raised with any drainage, flooding or highway safety aspects of the proposal. No objections have been raised by the ecosystems Policy Team subject to conditions being imposed in the event of an approval being granted. This proposal would not alter the affordable housing provision or open space requirement already approved.

Affordable Housing

6.4 The previously accepted S.13 was slightly updated to ensure that the previously accepted affordable housing of 20 dwellings on site with a commuted sum of £23,500 per unit paid in lieu of the remaining 50.5 units and £11,750.00 for half a unit of affordable housing, was secured. However, the sum payable in lieu of an AH unit has increased since April 2023, and is now charged at £40,000.00 per equivalent AH unit. The overall increase is for ten houses above what was previously approved. This would alter the overall provision of houses and the requirement for affordable housing under Policy HP5. The proposal offers 2 No. additional Affordable Housing Units and 0.5 of an AH unit secured as a commuted sum, which in this case would equate to £20,000.00.

6.5 In addition to the above, this application is proposing 10 additional housing units as well as a change of house types. This application would be giving a fresh approval for these parts of the site. Therefore a Deed of variation of the original Section 13 Legal Agreement would need to be undertaken.

6.6 With regard to the affordable housing and the increase of ten additional dwellings on site, this could be addressed through a Deed of Variation / an amendment to the S.13 legal agreement from the 2019 (original) application. Essentially based on that signed agreement, 2 AH units would be provided and a commuted sum of £20,000.00 would be payable, in this instance, to the Public Estates & Housing Division, and would be compliant with Housing Policy 5 which required 25% of affordable housing.

6.8 Whilst the proposals would offer 2 additional AH units and a commuted sum of £20,000.00 which would make the proposal Policy H5 compliant, this does not outweigh the concerns expressed above relating to siting, layout, design, density and neighbour amenity concerns.

7.0 CONCLUSION

7.1 It is considered that the 24/00082/B application would result in an overly cramped layout, and if developed as now proposed, would result in quite a different form of development to that previously approved by the 19/00317/B permission. When taken in conjunction with the 23/00451/B permission which added an additional 4 dwellings by making

the units smaller (up from 9 units to 13) at Plots B26 - B39 to the north, all bounding the railway, with underlying concerns that Dandara will keep coming back to add more units onto the site and overall it would be very different form of development to that which was originally approved.

7.2 As such, it is recommended that the planning application be refused for the reasons given above.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 20th May 2024

Item 5.10

Proposal : Creation of new parking area, installation of new footbridge, and installation of new foot path

Site Address : Part Field 615019
Land Adjacent To
The Salmon Lake Center
Mines Road
Laxey

Applicant : Ballannette Trust

Application No. : 23/00932/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.

C 2. During Construction, there must be no discharge of surface water to the watercourse abutting the western and southern boundaries of the site.

Reason: To ensure that the watercourse is not adversely affected by the discharge of harmful materials, such as concrete or washings.

C 3. The development hereby approved shall not be brought into use unless all parking and turning areas, have been provided in accordance with the details shown on the approved plan (Drawing No. 04 Rev 3). Once provided, the parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of adequate off-road parking in the interests of highway safety.

C 4. Notwithstanding the details submitted, the concrete slabs currently erected by the river shall be removed from the site within three months of the approval becoming final or prior to commencement of the approved works, whichever is the sooner.

Reason: To ensure proper control of the development and to reflect the information provided in the application.

Reason for approval:

The proposal is not considered to result in adverse impacts on the character and appearance of the site, immediate vicinity and surrounding countryside, and the works would facilitate the use of an existing nature conservation site, and the enjoyment/interpretation of the surrounding countryside in accordance with General Policy 3 (h), Environment Policies 1 and

4, and Strategic Policy 4, and no material considerations have been identified which would justify refusal.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site comprises Part Field 615019, which is land situated adjacent the Salmon Centre and associated mill pond, and runs behind the dwellings on Wheel Hill, and area of woodland below the Laxey Wheel car park. The site sits directly west and adjacent the Laxey River and is within the Laxey Glen.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Creation of new parking area, installation of new footbridge, and installation of new foot path.

2.2 The works would include:

a. Creating a new car park just north of the Salmon Lake that would be provide for 8 cars. This car park would have designated in and out access gates.

b. Creating a new footbridge just north of the new car park (and Salmon Lake), that would be 9.4m long, and 2m wide. This foot bridge would sit over cast in-situ concrete pads that would provide for minimum 300mm allowance over ground level (600mm over river level). The footbridge deck is to be constructed from 100 x 100mm tanalised timbers, fixed down to the track, and spaced at 200mm centres to allow for water to pass through in the event of flooding. The footbridge handrail to be 1.1m from the deck and constructed to match the existing bridge to the Salmon Lake Centre. The bridge would have ramps on both sides to allow disability access.

c. The creation of a footpath from the new bridge to the car park and linking existing footpaths that run along the lake.

2.3 No trees will need to be removed nor altered for the works. There would be no changes to the site level.

3.0 PLANNING POLICY

3.1 Site Specific:

3.1.1 The site lies within an area that is not designated for development on the Area Plan for the East. The site is not within the Laxey Conservation Area or a registered tree area and there are no registered trees on site. The site or the car park sits within an area of low-medium likelihood of flood risk, with the footbridge and footpath within areas of medium to high likelihood of flood risk.

3.2 Area: TAPE (2020)

3.2.1 The Character Appraisal within the Area Plan for the East states thus concerning the area - Laxey (D2):

3.2.2 Landscape Strategy:

"Conserve and enhance:

- a) the character, quality and distinctiveness of this area, with its relatively sparse settlement other than the characteristic settlement of Laxey;
- b) its distinct small-scale field pattern;
- c) its valley bottom woodland along National Glens;
- d) the setting of the various historic and archaeological features within the area.

Key Views

- o Dramatic views to an Upland backdrop to the North and West.
- o Channelled views East and West along the corridor of Laxey Glen.
- o Views to the instantly recognisable Lady Isabella water wheel as a landmark within the area.
- o Panoramic views eastwards across the sea from areas of higher land within the character area."

3.3 National: STRATEGIC PLAN (2016)

- a. Strategic Policy 4 - development proposals must protect and enhance the nature conservation of designated sites.
- b. General Policy 2 - 'Development Control' considerations.
- c. General Policy 3 - presumption against development outside allocated sites, other than specific exceptions which include, "location-dependent development in connection with the working of minerals" and "buildings or works required for interpretation of the countryside, its wildlife or heritage".
- d. Environment Policy 1 - protection of countryside and its ecology.
- e. Environment Policy 2 - protection of landscape.
- f. Environment Policy 4 - protection of ecology and designated sites/protected species.
- g. Environment Policy 7 - Seeks to prevent harm to watercourses, wetlands, ponds or dubs from developments.
- h. Environment Policy 13 - flood risk.
- i. Section 9.5 of the Strategic Plan provides guidance on Tourism and use of the Islands tourist resources which includes the islands countryside, landscape and features.
- j. Business Policy 11 and 14 provide guidance for tourism development in the countryside.

4.0 OTHER MATERIAL CONSIDERATIONS

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

4.2 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.

4.3 Section 143 of the Equality Act (2017) places a duty on public bodies to promote equality, eliminate discrimination, advance equality of opportunity and foster good relations.

5.0 PLANNING HISTORY

5.1 The site which is the subject of the current application has not been the subject of any recent planning application, although the adjoining lands to which the site is attached have

been the subject of several applications which are considered relevant in the assessment of the current application.

5.2 PA 10/01820/B for Conversion of existing factory into a cafe / restaurant, exhibition area and heritage shop and alterations to car park vehicular access, was approved by the Planning Committee in March 2011. The site sits just south of the Salmon Lake and is connected to the site which is the subject of the current application, in terms of use and ownership.

5.3 Planning approval was granted under PA 13/00246/B for Creation of footpath, erection of Foot Bridge and car park wall and amendments to PA 10/01820/B. This proposal extended the site area beyond that approved under PA 10/01820/B to include land further north, which included the Salmon Lake.

6.0 REPRESENTATIONS

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

6.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking, as additional off-street parking in the area is welcomed. They request conditions on no surface water run-off from onto the public highway, and the access and exit gradients being no than 7% for the first 6m from the public highway (11 August 2023/20 November 2023).

6.2 DOI Highways Drainage have stated that 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. They advise the applicant to demonstrate compliance with the clauses above as there is insufficient data such as levels (25 January 2024).

6.3 DOI Flood Risk Management have made the following comments regarding the application (24 November 2023):

- o They request that the bridge has a freeboard of 300mm above the river bank to prevent the obstruction to the flow of the river and catching debris washed down stream during high flow as per revised plans 17/11/23.
- o They suggest that the concrete slabs that have been placed in the river to act as a base to the Ford are removed, as they were placed without permission and cause erosion of the river banks and downstream of the ford which will affect the stability of the proposed bridge footings.

6.4 DEFA Fisheries have made the following comments regarding the application (12 September 2023):

- o They state that they have no objection to the installation of a footbridge providing the following conditions are met;
 - Any works to the watercourse bank and channel are restricted to the period July to September (inclusive). Reason: To avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.
 - Works are conducted according to written method statements agreed in advance with the Inland Fisheries Section of the Fisheries Division. Reason: DEFA Fisheries must provide advice on a suitable approach to development within a watercourse in order to reduce the possibility of injury or disturbance of fish within the river.

o They note that it is a legal requirement under the Fisheries Act 2012 that any disturbance of material within the aquatic environment requires an application for section 18 consent, and that this form is found online at <https://www.gov.im/media/787900/material-extraction-application-2022.pdf>

o The applicant is advised to contact Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval.

6.5 DEFA (Ecosystems Policy) team note that there is potential for this application to result in damage to and pollution of the Laxey River and Laxey Bay Marine Nature Reserve (MNR). As such, they request that a condition is secured for no works to commence unless a construction method statement has been submitted to Planning and approved in writing, which details the measures to be put in place for the protection of the watercourse during construction.

6.6 Garff Commissioners note that the proposals would enhance the amenity of the area, and as such have no objections (4 December 2023).

6.7 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

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

- a. Principle of development (GP3, EP 1, STP 4, BP 11 & 14, & Section 9.5);
- b. Visual and Landscape Impacts (EP1, STP 4, & GP2); and
- c. Ecological Impact (EP 1, 4 and 5).

7.2 THE PRINCIPLE

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

7.2.2 In terms of the acceptability of the principle of the erection of bridge and creation of a pathway, General Policy 3 sets out the instances in which it may be acceptable to set aside the presumption against development in the countryside. No provision is made for the erection of a bridge and creation of a pathway within General Policy 3. However there is provision made for buildings or works required for interpretation of the countryside, its wildlife or heritage with this scheme considered to comply with. The new proposed pathway and bridge would provide an alternative access from The Salmon Centre to the adjacent wooded area which exists as part of the Laxey Glen and sits just across the Laxey River to the west, and would link the existing tourists sites in the area to the extension of the Glen, which would ensure that visitors to the area would be more likely to proceed and use both the Salmon Centre and the Glen when in the area.

7.2.3 Whilst it is noted that there is an existing path and bridge in place from the Corn Mill car park, these do not proceed to the Glen, and there is no pedestrian access across the river. As such, it is considered that the introduction of the extended footpath and new bridge would further facilitate visitors access to the Glen; thus improving access to the surrounding countryside and its interpretation. It is further noted that no buildings would be introduced on site, although some works would be required to create the access and footbridge. Therefore the principle of the installation of a new bridge and pathway is considered acceptable and would inevitably encourage more visitors to the site and area.

7.2.4 With regard to the acceptability of the principle of the car park extension to create 8 additional parking spaces, it is noted that the use of the Salmon Lake area and nearby Laxey Wheel as a recreational/tourist area which supports a varied range of tourist activities is well established. Moreover, this car park would serve to support the governments Physical Fitness and Strategic Plan objective for a healthier population, as it would enable easy access to the outdoors by providing additional parking in an area frequented by tourists and those who seek to enjoy the islands countryside, and where parking is highly limited in supply.

7.2.5 Further to the above, the scheme would also promote the growing demand to develop local tourism opportunities within the island in line with Section 9.5 of the Strategic Plan which makes a case for the development of local tourist opportunities, as it would facilitate the varied use of the islands unique historical landscape, culture and heritage present in the area. Therefore, it is judged that the principle of providing the additional parking in the area is acceptable.

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

7.3 VISUAL/LANDSCAPE IMPACTS

7.3.1 In assessing the visual impact of the proposal, it is considered that that the proposed work areas are not readily visible from the adjoining highway, due to the screening offered by boundary treatment along this part of the highway, and the nature of the topography of the surrounding area. It is also considered that the works to create the bridge and footpath would be similar to other works that have already been carried out in the area as the design and materials seek to replicate the existing footpath and bridges. The works to create the car park would also not result in changes to the site topography or alter considerable the character of the site area, as the site proposed for the garage is already bare of vegetation, and would rely on existing accesses and exits to the area. Therefore, it is judged that the proposed works would be appropriate in visual terms for the area.

7.4 ECOLOGICAL IMPACT

7.4.1 In some exceptional cases, such as that proposals within the current scheme, the countryside may be able to accommodate low impact uses which provide the opportunity for members of the public to experience the Island without adversely affecting its character. This is considered to be specifically applicable to the current application given that the scale and nature of the proposed works would not result in significant adverse impacts on the site ecology and biodiversity, and as the works would likely replicate similar forms of development that serve to define the site and area.

7.4.2 Whilst the comments from the DEFA Ecosystem Policy Team which require the submission of a construction method statement to ensure there are no adverse impacts on the adjoining water course are noted, the requirement to submit this document falls outside the remit of Planning as it would be regulated by other legislation. As such, this could not be conditioned as part of the application. A precautionary note, would, however, be included to ensure that there is no discharge of contaminants during the construction phase of the footbridge or footpath.

7.5 OTHER MATTERS

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

7.5.2 There are also no concerns with flooding as the use of the area is not such that would place permanent use or occupancy within the flood prone areas.

7.5.3 It is also not considered that there would be any impacts on the adjacent highway as the scheme would utilize the existing entry and exit gates to the highway, with no alterations to access proposed within the current scheme. Likewise, the footbridge and is considerably below the road level where it would not exacerbate flooding of the adjoin highway, Besides, the bridge has also been elevated beyond its initially proposed level to ensure it does not impede the flow of the river or cause siltation of the river.

8.0 CONCLUSION

8.1 The development is not in a designated site nor does all the works proposed fall as exceptions allowed for by General Policy 3. However, the proposed works would facilitate the use of an existing nature conservation site, and the enjoyment/interpretation of the surrounding countryside in accordance with General Policy 3 (h), Environment Policies 1 and 4, and Strategic Policy 4, and no material considerations have been identified which would justify refusal.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

Item 5.11

Proposal : Installation of heron sculpture on former swing bridge platform
Site Address : Platform Adjacent To Thirtle Bridge
Castletown
Isle Of Man
Applicant : Castletown Commissioners
Application No. : 24/00412/B- [click to view](#)
Planning Officer : Lucy Kinrade

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:

Whilst there may be individual and subjective views as to the art work itself, on the basis of the planning assessment in respect of the policy, the proposal is considered to have an acceptable visual impact on the streetscape, on the Conservation Area and on the setting of the Castle in line with S16 and S18 of The Act, Strategic Policy 4, General Policy 2 (b, c, g), Environment Policies 35, 36 and 42 of the Isle of Man Strategic Plan 2016 as well as Landscape Proposals 4, 5 and 6, and paragraph 6.28 of the Area Plan for the South 2013 and in accordance with the principles of those policies within Planning Policy Statement: 1/01. The proposal is not expected to result in any harm to public amenity nor to highway safety nor is it expected to harm the operation of the harbour nor to impact any habitat or special interest of the harbour or watercourse and not to make worse the flood risk already established in this area in line with General Policy 2 (h, i and m) and Environment Policies 4, 7 and 13. The proposal is considered to promote public art and is a sculpture that is reflective of local wildlife found in such waterside environments and is considered to comply with Section 6.7, General Policy 9, and General Policy 3(h) and not to undermine Environment Policy 1 of the Isle of Man Strategic Plan 2016.

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):

- o The owners of No. 19 Queens Street, Castletown
- o The owners of Thie Ashlish, 2 Close Famman

as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy and they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE LAND IS NOT DESIGNATED FOR DEVELOPMENT AND MAY BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site relates to an existing concrete platform sitting on the northern side of Thirtle Bridge in Castletown. The bridge provides vehicular and pedestrian crossing over the river and harbour.

2.0 THE PROPOSAL

2.1 Proposed is the installation of an approx. 8m tall heron sculpture sitting on top of the concrete platform. The proposal includes a slightly smaller concrete plinth which the bird will sit on, and the overall dimensions of the bird are approx.8m tall, 5.5m wide and 1.3m deep and is to be finished in a mix of steel and galvanised steel.

3.0 PLANNING HISTORY

3.1 The wider harbour area has been subject to flood prevention measures in the raising of the harbour wall under 16/00635/B although not considered materially relevant to this specific application.

4.0 PLANNING POLICY

4.1 The site is not designated for development on the Area Plan for the South 2013 and although within the centre of Castletown its position sits outside of the settlement boundary line. The site is recognised as being at high risk of tidal and river flooding and is also within the Castletown Conservation Area. There are two statutory tests to take into consideration in this application S16 and S18 of The Act which covers the impact of development on the setting of Registered Buildings, and ensuring development preserves or enhances the Conservation Area. In addition we have both the Strategic Plan and the Local Plan policies to take into consideration as set out below.

4.2 In terms of IOM Strategic Plan 2016 the following are considered relevant in the assessment:

- o Strategic Policy 1 - make best and efficient use of sites
- o Strategic Policy 2 and Spatial Policy 3 - new development located in existing town centres, unless in line with GP3
- o Strategic Policy 4: development must 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.
- o Strategic Policy 5 - new development to make positive contribution
- o General Policy 2 - general standards towards acceptable development
- o General Policy 3 - exceptions to development in countryside including (h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

- o Section 6.7 - paragraphs relating to public art including sculptures and reflective of the cultural traditions or history of a particular area
- o General Policy 9 - inclusion of provision of art for the public
- o Environment Policy 1 - protection of the countryside (all land not designated and outside of settlements). Development that is adversely affecting not permitted unless there is an overriding national need.
- o Environment Policy 4 - protection of habitats
- o Environment Policy 7 - protection of watercourses
- o Environment Policies 10 and 13 - flood risk
- o Section 7.29 and Environment Policy 35 - protection or enhancement of Conservation Areas
- o Section 7.30 and Environment Policy 36 - views into and out of Conservation Areas
- o Section 7.34 and Environment Policy 42 - settlement character and character of locality
- o Transport Policy 13: Development in or around harbours should neither compromise the ability of the harbour to accommodate other commercial or recreational users in a viable manner, nor be detrimental to the character of those harbours of historic interest.
- o Transport Policy 14: Any proposed schemes likely to impact upon the ecology and/or archaeology of a harbour or the nearby coastline should be accompanied by an Environmental Impact Assessment.

4.3 In terms of Area Plan for the South 2013 the following are relevant:

- o Section 3.9 - recognises the qualities of Castletown, its historic importance and the implications in its landscape character assessment and the key features and landscape views to protect which is further elaborated in landscape proposals.
- o Landscape Proposal 4: The design of development on sites which adjoin the approach routes into Castletown should employ styles and materials which are sympathetic to those of the historic centre, and should be so sited as to safeguard views of the Castle and the old town from those routes.
- o Landscape Proposal 5: In determining applications for development within Castletown, regard should be had to the impact on views of, and from, the Castle; these include the roofscapes visible from the ramparts.
- o Landscape Proposal 6: In determining applications for development consideration should be given to the siting of tall vertical elements so that they do not affect the setting of King William's College and Castle Rushen.
- o Section 6.25 - recognises the importance of the harbours in the south including Castletown and development should not prejudice its use.
- o Employment Proposal 4: New industrial development within the harbour areas of Castletown and Port St Mary should be marine based, and of a scale which is appropriate for a relatively small port. Such development should where possible: be sited immediately adjacent to existing industrial uses; not adversely affect the amenity of neighbouring residents; and not prejudice the use of the harbour area for leisure or tourist development by virtue of restricting access to existing or possible future leisure facilities. New industrial buildings must be designed and finished to a high standard so as to acknowledge the prominence and importance of the harbour-side location.
- o Section 6.28 - recognises Castle Rushen as being of 'obvious international significance' along with a number of other sites within the town being of considerable interest and attraction. It states that the town has largely maintained the integrity of its historic buildings and streets and it is this integrity which attracts tourists and visitors to the town.

4.4 In addition it is also relevant to consider the Castletown Cullen Report and Planning Policy Statement: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man particularly RB/3, 4, 5 and CA/2 all which set out the

importance of the settling of Registered Buildings and Conservation Areas and the views into and out of Conservation Areas.

5.0 REPRESENTATIONS

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

5.1 Department of Infrastructure Highway Services - Do not oppose (12/04/2024) - no significant negative impact upon highway safety, network functionality and/or parking, as the position of the heron sculpture will not hamper the visibility splay at the Back Hope Street/Castle Street junction for a 20mph speed limit road on Castle Street. It is advised that the applicant confirms to the planning department that the sculpture can withstand extreme winds which can occur in this location so it does not fall onto the highway or harbour in an extreme weather event.

5.2 Department of Infrastructure Flood Risk Management - comments sought but no response received as of 13/05/2024.

5.3 DEFA Inland Fisheries - no objection (29/04/2024)

5.4 The owners of No. 19 Queens Street - objection (11/04/2024 and 26/04/2024) these have been split into material and non-material planning considerations in this case:

Material

- o out of keeping with the historic vista when entering Castletown particularly for those visitors using the historic steam railway.

- o Its height and scale would be a dominating feature significantly detracting from the Castle

Non-material

- o They raise question about the future maintenance cost implications to the local ratepayers and request a financial plan be submitted.

- o They have concerns about the applicant and the nature of their relationship to the commissioners.

5.5 The owners of Thie Ashlish, 2 Close Famman - objection (19/04/2024) these have been split into material and non-material planning considerations:

Material

- o Questions if there is an environmental impact as a result of an eye sore sculpture

Non-material

- o States it's a waste of tax/rate payers money that could be better spent on essential services.

5.6 Comments were also sought from the following but no comments received as of 10/05/2024:

- o Castletown Commissioners

- o DEFA Registered Buildings Officer

- o Manx National Heritage

- o Manx Utilities

6.0 ASSESSMENT

6.1 The application seeks approval for a large sculpture created by two local and internationally renowned artists situated alongside Thirtle Bridge on an existing concrete platform. 'The Heron' is earmarked to be a key piece on the developing Silverburn Art Trail which covers a route along the river from Castletown Harbour up to Silverdale Glen. The

Heron's construction is in two parts and comprises two legs precast into a concrete plinth and the body section which is to be bolted to the legs and secured by wire straps to the concrete base. Structural Engineer calculations have been provided including wind loads. The supporting statement further indicates that the two part construction on its own base also means that the Heron could be easily removed and relocated elsewhere if required. The applicant hopes that the artwork will attract positive public publicity increasing visitor numbers to the town as well as to the Island.

6.2 The key issues to consider in the case of this application are:

- i. Principle
- ii. Impact on the character and appearance of the Conservation Area
- iii. Impact on the setting of Castle Rushen and views into and out of the area
- iv. Impact on the harbour and its recreational use
- v. Whether there are any flood risk issues
- vi. Whether there are any other issues in respect of public safety, highway safety or impact on any local habitats.

6.3 i) Principle

6.3.1 The land is not designated for development and is outside of the Castletown settlement boundary line and so there is a general presumption against any kind of development. However, unlike isolated sites in the wider countryside, this site is right in the centre of Castletown and is surrounded by existing built development and clustered amongst land zoned for future development and so it would not be unreasonable to not strictly apply those policies relevant to the countryside and allow for some consideration to other policies in the consideration of some form of development in this specific location.

6.3.2 General Policy 3 sets out exceptions and includes at (h) works for the interpretation of wildlife and heritage. General Policy 9 also seeks to promote the inclusion of art work for public enjoyment and especially public art that reflects the cultural traditions or history of a particular area.

6.3.3 Herons are common place in such areas and often seen within the harbour and along the river edge. 'The Heron' will be a large sculpture reflective of this specific harbour side location as well as wider parts of the Island. Its location directly alongside an arterial route into the town means it will be visible to and serve a large portion of the public and its design working alongside the interpretation of the local wildlife and for these reasons the proposed art work is considered acceptable in principle in this location in line with GP3(h) and section 6.7 and GP9 of the Isle of Man Strategic Plan 2016.

6.4 ii) Impact on the character and appearance of the Conservation Area

6.4.1 There is no character appraisal for Castletown. The Cullen report sets out many key features within the town including its intimate spaces, its winding streets, beautifully controlled views of the sea and formal town square all of which contribute to the town being exceptional then added to which you have the Castle and sea and it 'becomes truly remarkable'. The bulk of the Cullen focuses on the nucleus around the Castle, the square, parade and sea side with its links from the quay side, down Castle Street, Malew Street and Arbory Street. There is little within the report about the harbour side or the site of the proposed sculpture except at page 12 where it outlines the river penetration into to the centre of town and how the sequence of water spaces is significant leading from the Silver Burn, under Alexandra Road, terminating in a weir with footbridge, the river flows into a yacht harbour which is separated from the channel to the sea by a swing bridge. Note that this system of water focuses on to the Castle.

6.4.2 Castletown has the highest proportion of Registered Buildings and it is these special buildings along with the harbour side port setting and the high density of traditional properties which line the narrow winding and intricate streets which all help to form the positive character and appearance of the Conservation Area.

6.4.3 Along the harbour edge and within the area there is a prevalence of Castletown limestone a grey stone material out of which many buildings are built and finished. The Heron is proposed to be finished in a mixed steel and galvanised steel finish to replicate the feathering of a heron, this grey and somewhat industrial appearance of the sculpture and in this specific setting alongside the harbour would be in-keeping with the industrial nature and palette of materials. The harbour is also a working port and so regularly visited by yachts with tall masts and vertical elements. The traditional buildings throughout the town are mostly tall and narrow with similar vertical prominence too. The tall nature of the Heron would also not be out of keeping with this verticality and is also a bird readily found in the area and again its siting here would not be out of place in this location.

6.4.4 Although permanent in its intention and finished in steel, the structure has also been designed to be completely removable and so any impact being reversible should it ever need to be moved or relocated. In this respect it is felt that the installation of the Heron sculpture of this size, scale and design and affixed to the existing concrete platform on the northern side of the bridge would not result in any adverse visual harm nor any unacceptable impact to the character and appearance of the Conservation Area which is to be preserved in line with S18 of The Act 1999, as well as Strategic Policy 4 and Environment Policies 35 and 36 of the Strategic Plan and not considered to result in any adverse visual impacts in line with those principles set out in Environment Policy 1. The proposal is also considered to meet with those principles of Landscape Proposal 4 of The Area Plan for the South 2013 and Planning Policy Statement: 1/01.

6.5 iii) Impact on the setting of Castle Rushen and views into and out of the area

6.5.1 The Heron is proposed to sit on the northern side of the bridge and away from the nucleus of the town centre and Castle. Its position remains fairly close to and read alongside those traditional properties along Hope Street and Back of Hope Street. When travelling along Bridge Street and into the town centre there will be clear public views of the Heron (its whole purpose as an art installation in this location) but those buildings to the rear help to form a backdrop to its position and the height of the Castle will still remain the tallest and most prominent feature in the skyline and streetscape.

6.5.2 As you travel closer to the town and crossing Thirtle Bridge, you will have opportunity to view the Heron up close with its mixed steel finish with some rusted and some shiny elements reflective of a Heron's feathering, and not at odd with nor detracting from the grey materials in the area including the Castle itself. Navigating this area the eye is then drawn to the bulk of the Castle, moving down towards the Quayside and the winding street past the Glue Pot and finally out to sea. At this point the Heron would be behind you and the central focus remains on the nucleus of the Town and the prominence of the Castle.

6.5.3 Travelling along Back Hope Street the Castle and those building along the Quay offer a similar backdrop, only when you near closer to the Heron would the height break the skyline, however minded of the siting amongst the harbour setting where there are existing vertical elements including lamp posts and yacht masts that the slender proportions of the heron would not be of such scale, massing or bulk as to harmfully impact nor detract from the views and setting of the Castle.

6.5.4 Minded of the above conclusions the proposal is not considered to result in any harm to views of nor to the integrity and setting of Castle Rushen and in this respect the proposal

is considered to comply with Strategic Policy 4, Environment Policies 36 and 42 of the Isle of Man Strategic Plan 2016 as well as Landscape Proposals 4, 5 and 6, and paragraph 6.28 of the Area Plan for the South 2013 and the principles of those policies within Planning Policy Statement: 1/01.

6.6 iv) Impact on the harbour and its recreational use

6.6.1 The Heron is to be located on a currently underused and vacant concrete platform. The heron's design is not expected to result in any notable overhang beyond the existing platform area and thus is not expected to compromise the commercial or recreational users of the harbour in line with Transport Policy 13 of the IOM Strategic Plan 2016.

6.7 v) Whether there are any flood risk issues

6.7.1 A flood risk assessment has not been provided and so on a technicality undermines Environment Policy 10. No comments have been received from DOIFRM. However given the design of the Heron and its location on top of an existing raised platform which used to form part of the previous swing bridge, the proposal is not expected to result in any change to the already established watercourse or flood risk of the area in line with Environment Policies 7 and 13. If water levels did exceed flood risk levels, the design will allow the flow of water through and over, and it would also be in the applicants best interest to ensure the sculpture concrete base was capable of withstanding any possibly water flows or movement, minded of course its two piece design which would allow for its removal in any anticipated severe weather or flooding event.

6.8 vi) Whether there are any other issues in respect of public safety, highway safety or impact on any local habitats.

6.8.1 The Heron is position at the end of a concrete platform and away from the nearest highways and is not expected to result in any overhang to any footpath or road networks and so no impact is expected on highway safety or network functions in line with GP2(h and i). The application has been provided with structural engineer calculations for wind loading which has been deemed as conservative having less drag than a sign section and calculations for its structural stability, including overturning, and this has been demonstrated as being acceptable. Anchorage in cables has also been calculated and concluded as needing 3t per anchor. The report is caveated that the sculpture itself had not been checked and that the fabricator should ensure suitable capacity and redundancy of the sculpture across all members, welds and other connections and that the centre of gravity kept central to the base. It would be in the applicant and artists best interest to ensure stability and safety of the structure in its own right but overall based on the evidence provided the structure is erected soundly and maintained would not result in any significant harm to overall public safety in line with General Policy 2(m).

8.2.2 The proposal is not expected to result in any impact upon ecology or on any archaeology of the harbour given its position on top of an existing and redundant concrete platform out of the water and not nearby any coastline and so not considered to require an EIA as set out in Transport Policy 14.

6.8.3 Inland fisheries have confirmed no objections and given the nature of the townscape and the design and siting of the structure out of the water and amongst existing built development that it would not result in any new or increased impact on any ecology or habitat beyond the exiting town setting as to warrant any concern in this case or to undermine Environment Policy 4.

7.0 CONCLUSION

7.1 Whilst there may be individual and subjective views as to the art work itself, on the basis of the above planning assessment in respect of the policy testing, the proposal is

considered to have an acceptable visual impact on the streetscape, on the Conservation Area and on the setting of the Castle in line with S16 and S18 of The Act, Strategic Policy 4, General Policy 2 (b, c, g), Environment Policies 35, 36 and 42 of the Isle of Man Strategic Plan 2016 as well as Landscape Proposals 4, 5 and 6, and paragraph 6.28 of the Area Plan for the South 2013 and in accordance with the principles of those policies within Planning Policy Statement: 1/01. The proposal is not expected to result in any harm to public amenity nor to highway safety nor is it expected to harm the operation of the harbour nor to impact any habitat or special interest of the harbour or watercourse and not to make worse the flood risk already established in this area in line with General Policy 2 (h, i and m) and Environment Policies 4, 7 and 13. The proposal is considered to promote public art and is a sculpture that is reflective of local wildlife found in such waterside environments and is considered to comply with Section 6.7, General Policy 9, and General Policy 3(h) and not to undermine Environment Policy 1 of the Isle of Man Strategic Plan 2016.

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 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.

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.