

Planning Report Amended to reflect decision of Planning Committee in respect of Party Status

PLANNING REPORT AND RECOMMENDATIONS

Application No. : 07/02358/B
Applicant : Alpbrook Properties Ltd
Proposal : Residential development layout for 12 dwellings with associated roads and sewers
Site Address : Fields 534051, 534052 & 534053
 Castleward Green
 Ballanard Road
 Douglas
 Isle Of Man

Considerations

Case Officer : Mrs F Mullen
Photo Taken :
Site Visit : 10.06.2008
Expected Decision Level : Planning Committee

Written Representations

Wadham House The Abbey Woods Douglas Isle Of Man	Objects to the proposal
Your Ref: C0195.002/MSH/cam 33 Athol Street Douglas Isle Of Man	Objects to the proposal
Seacliffe Old Castletown Road Ballaveare Braddan	Interest expressed
Refectory House The Abbey Woods Douglas Isle Of Man	Objects to the proposal
Ocean House 87 Circular Road Douglas Isle Of Man	Objects to the proposal
Carraghyn House 5 The Castletward Green Douglas Isle Of Man	Objects to the proposal
The Slatch Castleward Green Douglas Isle Of Man	Objects to the proposal
Fy Yerrey Ballanard Road Onchan Isle Of Man	Interest expressed
14 The Abbey Woods Douglas Isle Of Man	Objects to the proposal
Dreem Ard Ballanard Road Douglas Isle Of Man	Objects to the proposal
Cashlin The Castleward Green Douglas Isle Of Man	Objects to the proposal

Dandara Group Head Office Isle Of Man Business Park Coil Road Braddan	Objects to the proposal
7 The Castleward Green Douglas Isle Of Man IM2 5PS	Objects to the proposal
Ashley House The Castleward Green Douglas Isle Of Man	Objects to the proposal
Brickworks Cottage Ballanard Road Douglas Isle Of Man	Interest expressed

Consultations

Consultee : Highways Division
Notes : 15.02.08 Do not oppose

15.04.08 - Oppose as the applicant has failed to demonstrate that adequate visibility splays can be provided.

Consultee : Douglas Corporation
Notes : No objection

Consultee : Estates And Housing Directorate
Notes : Affordable housing memo sent 08.01.08

29.01.08 - Memo received

Consultee : Chief Fire Officer
Notes : See note

Consultee : IOM Water Authority
Notes : Note received

Consultee : Inland Fisheries Development Manager
Notes : Comments received

Consultee : S.P.M.C. & E.
Notes : Object

Consultee : Manx Electricity Authority
Notes : Note received

Consultee : Drainage Services Manager

Notes : No objection

Officer's Report

THE SITE

The application site is located to the west of Ballanard Road, Douglas and to the north of the existing residential development of Castleward Green. The site encompasses field numbers 534051, 534052 and 534053 and covers an area of some 7.5ha (18.5 acres) of open pasture. There are two separate frontages of 80m and 100 m to Ballanard Road separated by two residential properties, Brickworks Cottage and Bailrigg House.

PLANNING STATUS

The site is located within an area zoned as an area of Open Space in Agricultural Use in the Douglas Local Plan 1998. The two residential properties are recognised as such and zoned as Predominately Residential Use.

Within the adopted Isle of Man Strategic Plan, it is considered that the following policies are relevant in the consideration of this application:

Strategic Policy 2:

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

General Policy 3: (Paragraph 6.3)

"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(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."

PLANNING HISTORY

The following previous application is considered to be relevant in the consideration of this application:

PA 04/00966/B - Residential development comprising 177 dwellings with associated roads sewers and landscaping, Fields 534051, 534052 & 534053, Ballanard Road, Douglas. A Department of Local Government and the Environment planning application which was refused following an Inquiry, 11th March 2005. The reason for refusal was as follows:

"The site is not zoned for residential development in the Local Plan, and is within open countryside in a location which would encourage the use of private car rather than provide persuasive opportunities for people to use other modes of transport; the traffic generated by the development would add

traffic to a road of rural character where there are a number of hazards already; these shortcomings are not overcome by the affordable housing benefits that the development would bring."

THE PROPOSAL

The application seeks detailed approval for 12 dwellings with associated roads and sewers. The plans included with the application identify plots with vehicular access from a single access point onto The Castleward Green access road, to the south of the application site. An adopted highway is indicated giving access to plots 1-4inc. and 10 - 12 inc; private access road providing access to the remainder. A small area of Public Open space is indicated adjacent to plots 1 - 3 however the access to Plot 2 crosses this area. As part of the application submission, the applicants have submitted a Design Statement outlining the reasoning in relation to the location, demand relevancy of Strategic Plan policies. In addition, a letter from the Senior Business Development Manager of The Treasury is included.

REPRESENTATIONS

Douglas Corporation advise that they have no objection to the application and the Department of Transport Highways Division advise that they oppose the application on the grounds that the plans fail to demonstrate that suitable visibility splays can be provided at the junction of Castleward Green and Ballanard Road. This area is however outside the application site.

Douglas Corporation Drainage Division advise of no objection in principle subject to a number of conditions.

The Department of Agriculture, Fisheries and Forestry, Inland Fisheries Division request a standard condition/note in respect of there must be a minimum distance of 8m from the watercourse.

A number of objections have been received from local residents predominately on the grounds that the site is not zoned for residential development and would result in an unsustainable development on the edge of an existing settlement. Objections also relate to the impact on traffic and the local highway network and queries in relation to the justification put forward by the applicant in support of the application in relation to high net worth individuals.

The Society for the Preservation of the Manx Countryside and Environment objects to the proposal on the grounds that the site is not zoned and will lead to a loss of open countryside.

The Estates and Housing Directorate of the Department of Local Government and the Environment advise that based on the submission, 3 units would be required to comply with the Department's Guide to Public Sector Housing Standards Document. However, bearing in mind that the application proposes 12 dwellings each standing in approximately 1 acre, the nature of the properties would not be suitable for such a provision. As such, the Department advises that if approval were granted, they would seek a revised scheme that would incorporate suitably designed housing for affordable housing use on one part of the site, which they consider is large enough to provide such sub-division. This would not be possible in the current application as the applicants specifically seeks approval for 12 dwellings and the applicant states in their submission that they would be content to pay a commuted sum in lieu of on site provision.

Mr A Jessop, Seacliffe, Old Castletown Road, Port Soderick objects to the proposal.

Comments have been submitted by the Manx Electricity Authority, Isle of Man Water Authority and the Chief Fire Officer.

ASSESSMENT

The application proposes the construction of twelve dwellings on land that is not currently zoned for development within the Local Plan for the area. With regard to the policies contained within the Isle

of Man Strategic Plan, the applicants submit that the proposal will meet the housing needs of the wider community, as stated in Strategic Policy 11, which states:

"The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016."

This policy is repeated as Housing Policy 1, and at Paragraph 8.4.9, further explanation is given which states:

"It is clear from the residential land availability statistics (see Appendix 8) that there is presently sufficient land designated for development in adopted and emerging development plans to satisfy the demand for housing for the foreseeable future. However, what is also clear is that in some areas, whilst sufficient land is designated for development, this land is not coming forward for development either for reasons relating to appropriate infrastructure to service the development (in areas such as Lonan where there is inadequate public sewerage) or to the unwillingness of the owner of the land to release it for development." Housing Policy 2 then explains further the Departments approach to meeting the needs of the Islands residents in terms of housing:

"The Department will seek to ensure an adequate supply of housing land, based on the level of provision indicated in Housing Policies 1 and 3. The Department will keep under review land that is allocated for residential development in existing Local Plans and in the Area Plans to ensure that the land is available for development, to enable the number of dwellings to be built that are set out in Housing Policy 1. Where it appears to the Department that land that is allocated for development in a Local Plan or an Area Plan is not available for development, then it will consider, through a review of the Area Plan, making alternative land available and retaining the unavailable land in a land-bank for possible future development. In doing so, the Department will have regard to any phasing proposals for the development of land that are identified in the Area Plan."

As such, it can be seen that rather than permit development on land that is not zoned, the Departments stated aim is to keep under review land that is allocated, and respond through the formulation and review of Area Plans. In the applicant's submission, they state that "whilst the site is currently zone for Agriculture use, this is under the authority of a Local Plan which is now nine years old. As there has been a substantial and material change in the needs of the Isle of Man during that time, we feel that this zoning, on this site, is now redundant...". Such a "substantial and material change in the needs of the Isle of Man" has not it is considered been established, but is rather based on "anecdotal evidence suggesting that there is a shortage of housing on the Island commensurate with the requirements of "high net worth" individuals" (Letter dated 14th December 2007, Senior Business Development Manager, Treasury). In fact should such a need exist; the Department may make a Development Order in accordance with the Town and Country Planning Act 1999 which would itself be the subject of a public inquiry.

Setting aside the zoning of the site, the previous application was also refused on the grounds that the development of the site would encourage the use of the private car, rather than provide "persuasive opportunities for people to use other modes of transport" and that the traffic generated by the development would add traffic to a road of rural character where there are a number of hazards already.

The current application would result in the development of the site with considerably less dwellings than that previously proposed, however the Department of Transport Highways Division have objected to the proposal on the grounds that the application fails to demonstrate that a 2.4m x 70m visibility splay can be met at the proposed junction, at the junction of Castleward Green Road and Ballanard Road. As previously stated, only the northern side of this junction is within the ownership and/or control of the applicant.

RECOMMENDATION

It is recommended that the application be refused.

CONDITIONS

Whilst it is recommended that the application is refused, should the Planning Committee approve the application, the following conditions are submitted for consideration:

Note

1) It is recommended that Planning Committee delegate to officers the granting of planning permission subject to the satisfactory completion of a Section 13 Agreement in relation to the payment of a commuted sum in lieu of the on site provision of affordable housing to comply with the Departments Guide to Public Sector Housing Standards Document and subject to conditions in the attached schedule.

Conditions

- 1) The development hereby permitted shall commence before the expiration of four years from the date of this notice.
- 2) This permission relates to the residential estate layout of 12 dwellings with associated roads and sewers, Fields 534051, 534052 & 534053, as detailed in Drawing no's 012/002; PL196/2/1 and Design Statement submitted and date stamped 21st December 2007 and Drawing no. D4567/300/P6 and Soakaway calculations submitted and date stamped 17th March 2008.
- 3) Visibility splays of 2.4m x 70m must be provided from the Castleward Green and Ballanard Road junction.
- 4) There must be no development within 8m of the nearby watercourse in order to minimise the risk of disturbance to the river, and to retain a natural wildlife corridor.
- 5) There must be no discharge of surface water to the main foul sewer.
- 6) No groundwater will be permitted into any public foul sewer (either pumped or by gravity) so as to comply with the requirements of the Department of Transport Drainage Division. The applicant is advised to consult with Douglas Corporation Drainage Services prior to the commencement of work on site.

PARTY STATUS

It is considered that the following parties, who submitted comments, accord with the requirements of Planning Circular 1/06 and are therefore, afforded interested party status:

Douglas Corporation

Department of Transport Highways Division

Department of Agriculture, Fisheries and Forestry Inland Fisheries

The owner/occupier 7 The Castleward Green, Douglas

The owner/occupier Ashley House, The Castleward Green, Douglas

The owner/occupier 10 Castleward Green, Douglas

The owner/occupier Brickworks Cottage, Ballanard Road, Douglas

The owner/occupier Cashlin, The Castleward Green, Douglas

Department of Local Government and the Environment Estates and Housing Directorate

The owner/occupier Fy Yerrey, Ballanard Road, Douglas

The owner/occupier The Slatch, Castleward Green, Douglas

The owner/occupier Carraghyn House, 5 The Castle ward Green, Douglas

Accordingly the following parties are not granted Interested Party Status:

The owner/occupier Highton, Ballanard Road, Douglas

Isle of Man Water Authority

Manx Electricity Authority

Mr A Jessop, Seacliffe, Old Castletown Road, Port Soderick

The owner/occupier Refectory House, The Abbey Woods, Douglas

The owner/occupier Wadham House, The Abbey Woods, Douglas

Heritage Homes Ltd, Isle of Man Business Park, Cooil Road, Braddan
The owner/occupier Dreem Ard, Ballanard Road, Douglas
The owner/occupier 14 The Abbey Woods, Ballanard Road, Douglas
Society for the Preservation of the Manx Countryside and Environment
Chief Fire Officer
Isle of Man Newspapers.

Recommendation

Recommended Decision: Refused

Date of Recommendation: 10.06.2008

Conditions and Notes for Approval / Reasons and Notes for Refusal

C : Conditions for approval
N : Notes attached to conditions
R : Reasons for refusal
O : Notes attached to refusals

R 1.

The application proposes development on land that is not currently zoned for development within the adopted plan for the area and as such is contrary to the established policies of the Department in relation to development. Furthermore, the Residential Land Availability Study published by the Department in 2007 indicates that there is not at this time a shortage of supply of sites which are either approved or zoned for residential development in the East of the Island; and as such it would be premature to grant approval for the development of unzoned land in the East of the Island until such time as a full site selection process has been undertaken as part of the preparation of the Eastern Area Plan.

R 2.

The applicant has not demonstrated that a satisfactory visibility splay can be provided at the junction of The Castleward Green and Ballanard Road, contrary to the interest of highway safety.

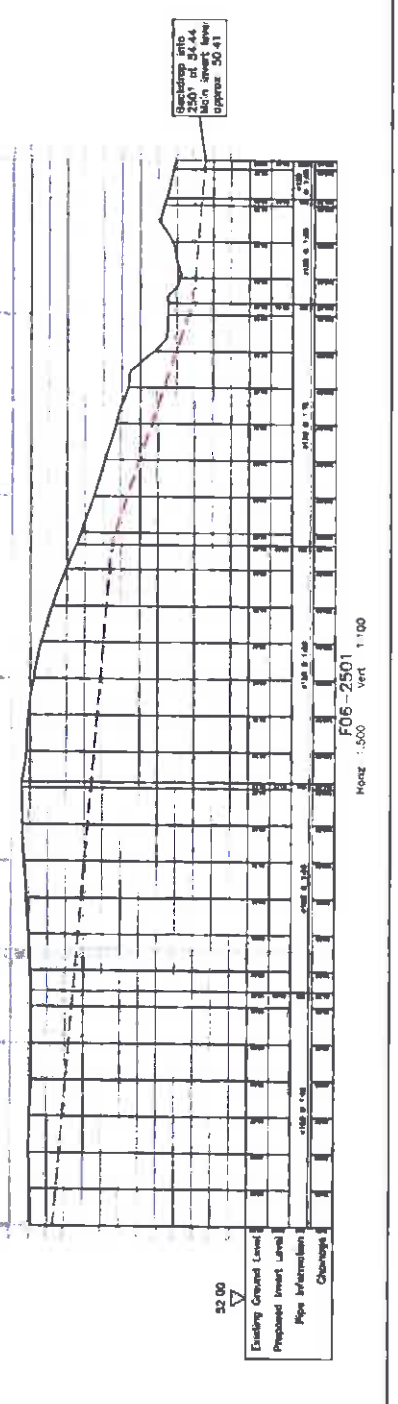
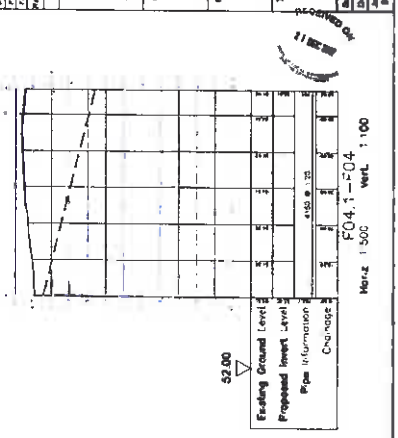
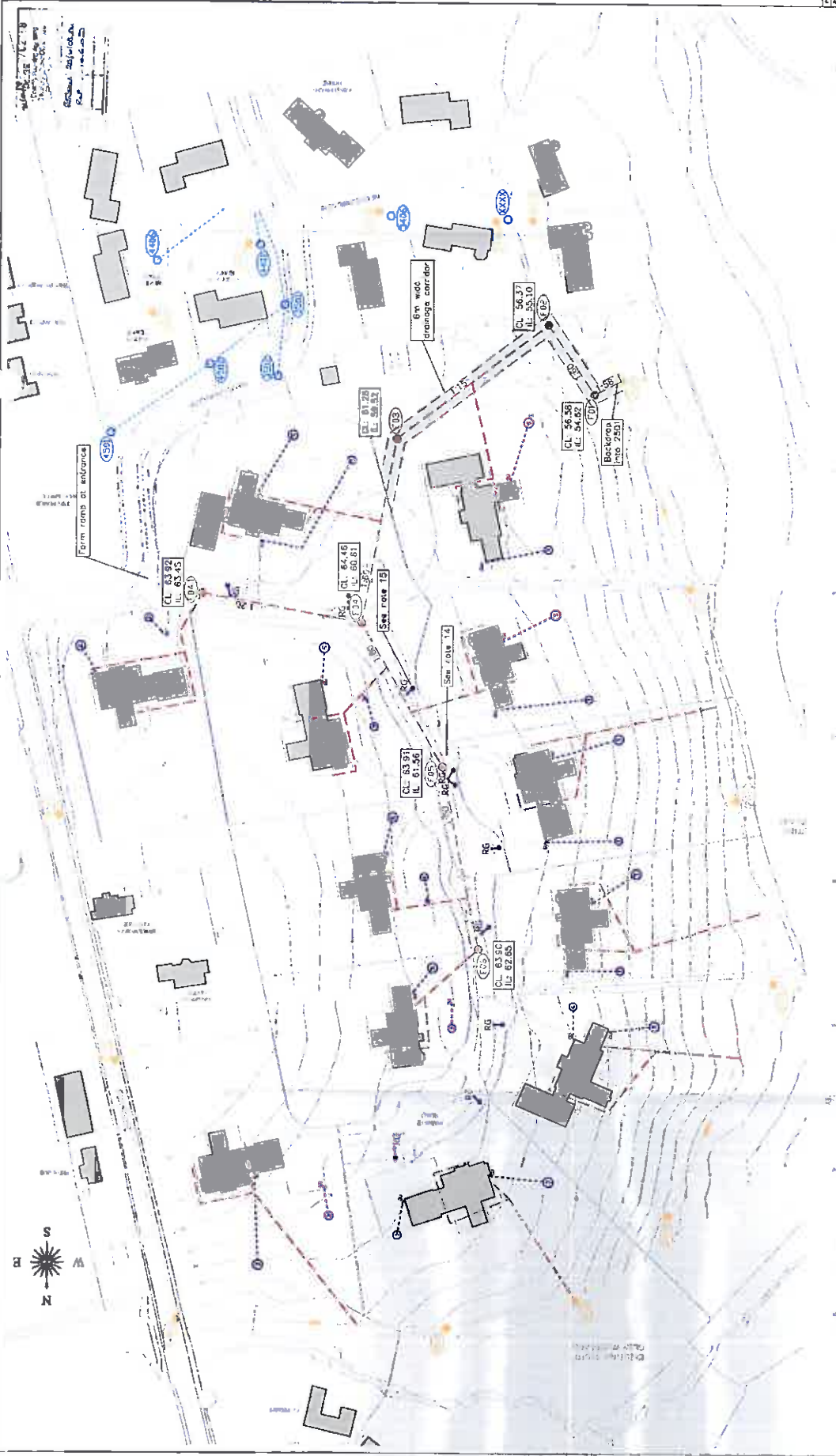
REF
Decision Made :

Committee Meeting Date : *20/6/08*

NOTES:

1. All work shall be in accordance with the City of San Diego Engineering Specifications.
2. The proposed sewer lines shall be installed in accordance with the City of San Diego Engineering Specifications.
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Item	Description	Quantity	Unit	Notes
1	Excavation			
2	Backfill			
3	Concrete			
4	Rebar			
5	Manhole			
6	Valve			
7	Flowmeter			
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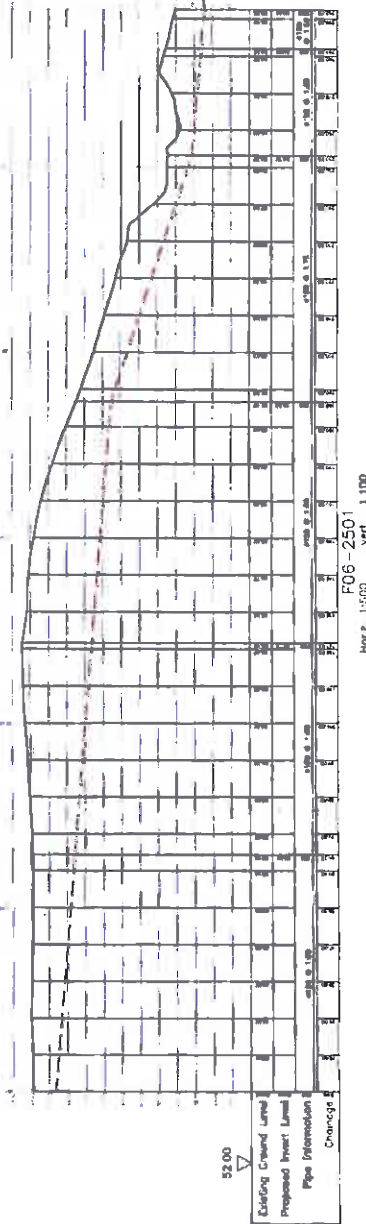
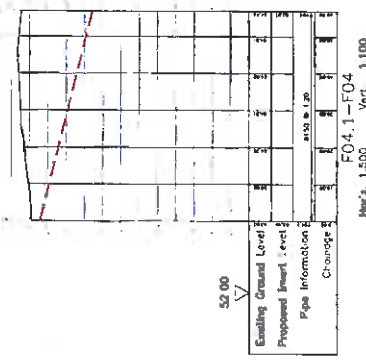
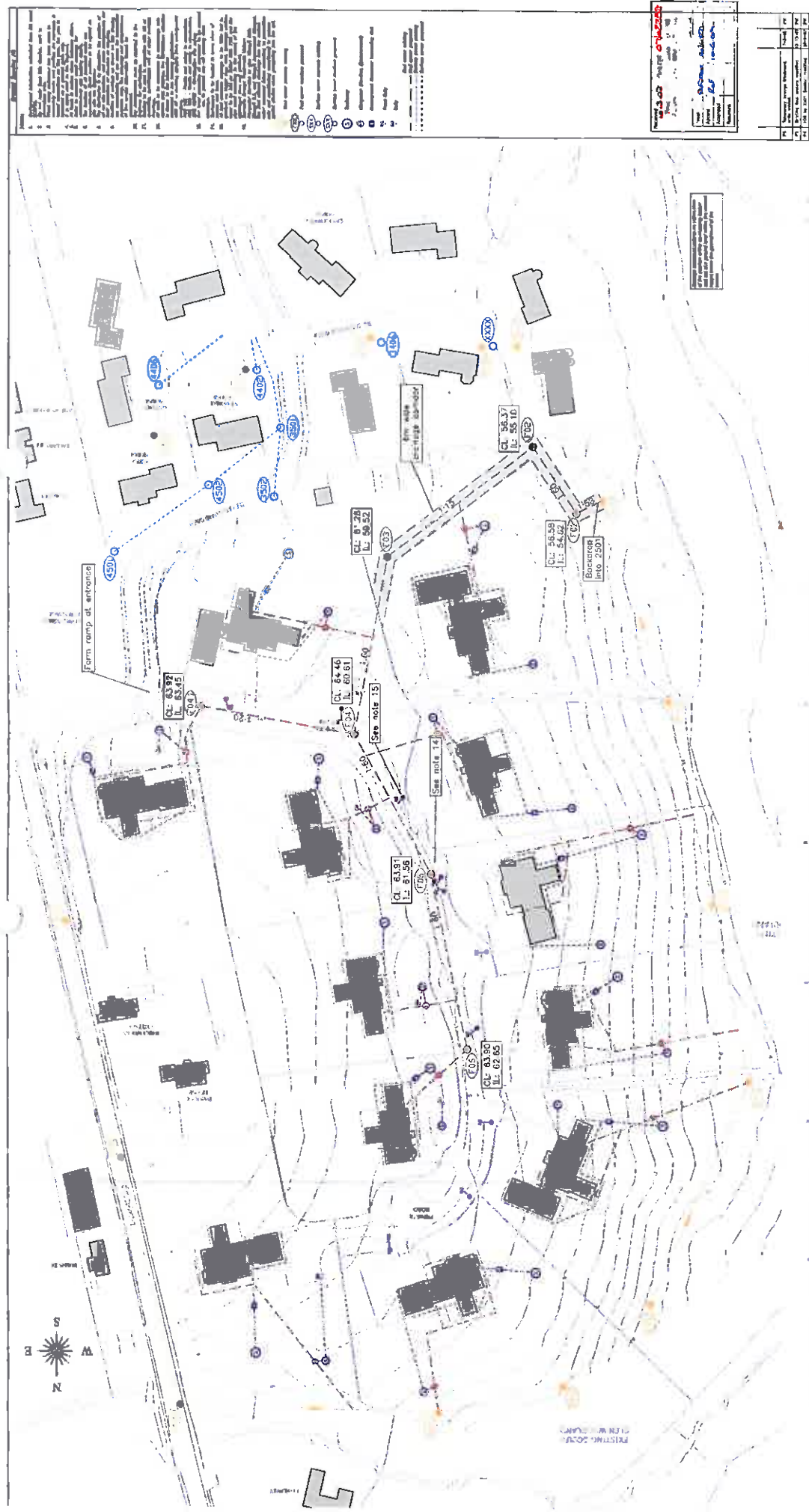


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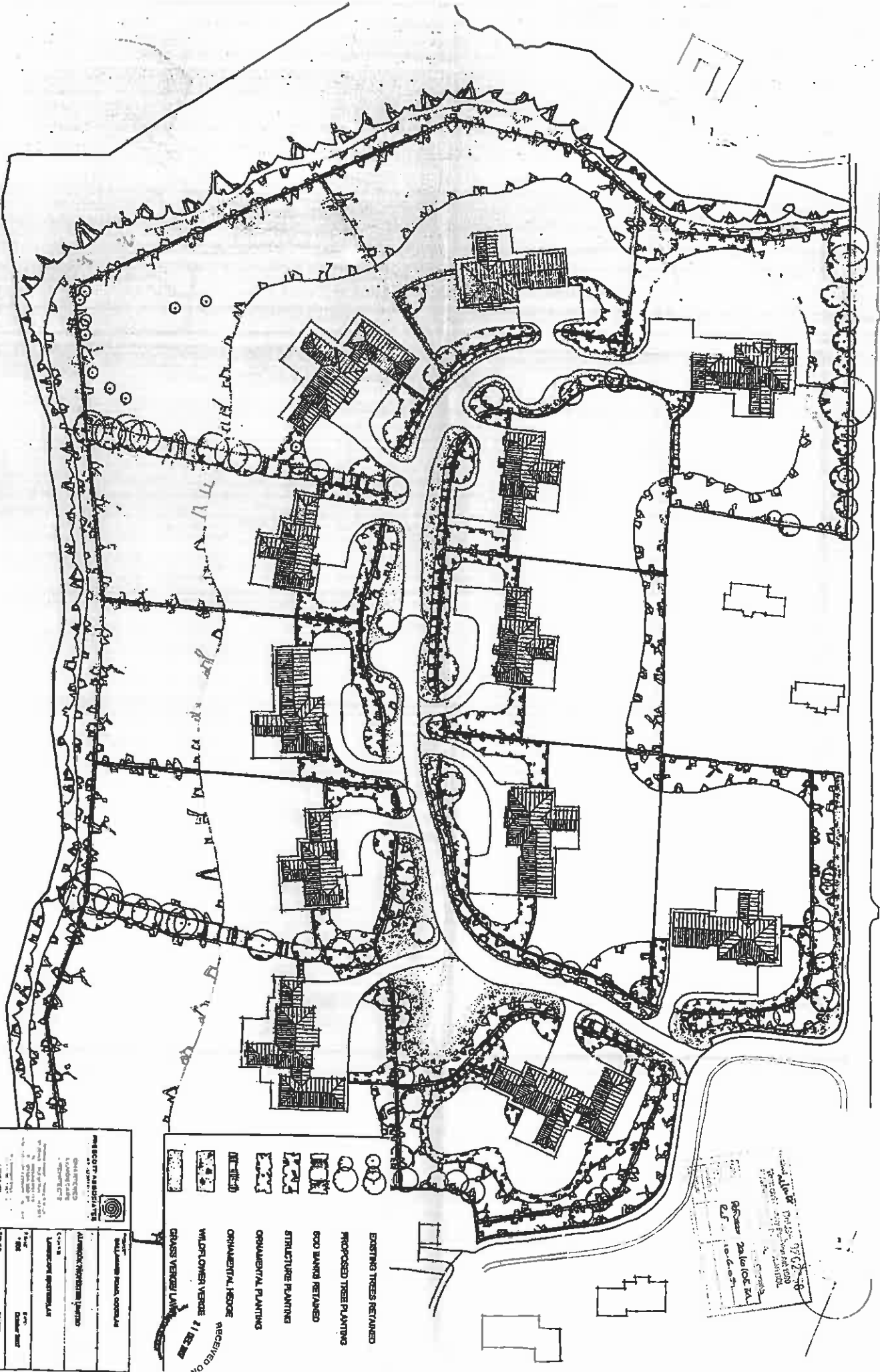


1. All elevations are in feet above mean sea level unless otherwise noted.
 2. All dimensions are in feet and inches unless otherwise noted.
 3. All work shall be in accordance with the latest edition of the Uniform Code of Ordinances.
 4. All work shall be in accordance with the latest edition of the National Electrical Code.
 5. All work shall be in accordance with the latest edition of the International Building Code.
 6. All work shall be in accordance with the latest edition of the International Plumbing Code.
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PROJECT NO. 07-2025 07-2025	
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Architect: [Architect Name]	Date: [Date]
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Geotechnical Engineer: [Geotechnical Engineer Name]	Date: [Date]
Environmental Engineer: [Environmental Engineer Name]	Date: [Date]
Electrical Engineer: [Electrical Engineer Name]	Date: [Date]
Mechanical Engineer: [Mechanical Engineer Name]	Date: [Date]
Civil Engineer: [Civil Engineer Name]	Date: [Date]
Professional Seal: [Seal]	Date: [Date]

Horiz. 1:500 Vert. 1:100
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Horiz. 1:500 Vert. 1:100
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CLIENT
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DATE
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SCALE
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REVISIONS
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- EXISTING TREES RETAINED
- PROPOSED TREE PLANTING
- ROAD BANKS RETAINED
- STRUCTURE PLANTING
- ORNAMENTAL PLANTING
- ORNAMENTAL HERBAGE
- WATER LOVER VEG. 21' MIN.
- GRASS VEGET. LAWN

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- 1. The owner of the land proposed to be developed shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
- 2. The owner shall ensure that the development is in accordance with the relevant planning and zoning regulations.
- 3. The owner shall ensure that the development is in accordance with the relevant environmental and heritage regulations.
- 4. The owner shall ensure that the development is in accordance with the relevant fire and safety regulations.
- 5. The owner shall ensure that the development is in accordance with the relevant utility and infrastructure regulations.
- 6. The owner shall ensure that the development is in accordance with the relevant health and safety regulations.
- 7. The owner shall ensure that the development is in accordance with the relevant accessibility regulations.
- 8. The owner shall ensure that the development is in accordance with the relevant noise and vibration regulations.
- 9. The owner shall ensure that the development is in accordance with the relevant flood and coastal erosion regulations.
- 10. The owner shall ensure that the development is in accordance with the relevant biosecurity and pest management regulations.
- 11. The owner shall ensure that the development is in accordance with the relevant waste management regulations.
- 12. The owner shall ensure that the development is in accordance with the relevant energy and sustainability regulations.
- 13. The owner shall ensure that the development is in accordance with the relevant water and sewerage regulations.
- 14. The owner shall ensure that the development is in accordance with the relevant telecommunications regulations.
- 15. The owner shall ensure that the development is in accordance with the relevant transport and road regulations.
- 16. The owner shall ensure that the development is in accordance with the relevant aviation and marine regulations.
- 17. The owner shall ensure that the development is in accordance with the relevant defence and national security regulations.
- 18. The owner shall ensure that the development is in accordance with the relevant international trade and customs regulations.
- 19. The owner shall ensure that the development is in accordance with the relevant immigration and border control regulations.
- 20. The owner shall ensure that the development is in accordance with the relevant tax and financial regulations.
- 21. The owner shall ensure that the development is in accordance with the relevant intellectual property and copyright regulations.
- 22. The owner shall ensure that the development is in accordance with the relevant consumer protection and advertising regulations.
- 23. The owner shall ensure that the development is in accordance with the relevant privacy and data protection regulations.
- 24. The owner shall ensure that the development is in accordance with the relevant anti-money laundering and financial crime regulations.
- 25. The owner shall ensure that the development is in accordance with the relevant anti-terrorism and counter-terrorism regulations.
- 26. The owner shall ensure that the development is in accordance with the relevant anti-bribery and corruption regulations.
- 27. The owner shall ensure that the development is in accordance with the relevant anti-trust and competition regulations.
- 28. The owner shall ensure that the development is in accordance with the relevant anti-discrimination and equality regulations.
- 29. The owner shall ensure that the development is in accordance with the relevant anti-fraud and financial reporting regulations.
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- 48. The owner shall ensure that the development is in accordance with the relevant anti-trust and competition regulations.
- 49. The owner shall ensure that the development is in accordance with the relevant anti-discrimination and equality regulations.
- 50. The owner shall ensure that the development is in accordance with the relevant anti-fraud and financial reporting regulations.

- NOTE**
1. HOUSE FOOTPRINTS ARE INDICATIVE ONLY AND WILL BE SUBJECT TO A DETAILED PLANNING APPLICATION
 2. DRIVEWAYS TO BE NO WIDER THAN 4.12
 3. FORM DRIPPED KERBS AT ALL DRIVEWAYS TO ROAD
 4. ALL ADOPTED ROADS TO BE CONSTRUCTED IN ACCORDANCE WITH MAINT ROADS 2
 5. AREAS OF ROAD MATCHED DEPOSIT BLOCK PAVED
 6. PRIVATE ROAD TO BE FINISHED WITH COMPLEMENTARY STYLE AND BOND OF PAVERS
 7. ALL BOUNDARY WALLS TO BE 1.50m HIGH REINFORCED BLOCKWORK WALLS EXCEPT UP TO 1.80m HIGH GORDON GATE PILLARS.
 8. PROVIDE EACH DRIVEWAY WITH 1.80m HIGH TIMBER GATES
 9. PUBLIC OPEN SPACE TO BE ADOPTED BY LOCAL AUTHORITY

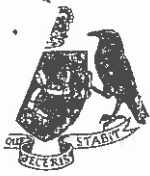
- LEGEND**
- TREE TO BE REMOVED
 - EXISTING TREE

BOUNDARY OF SELF SEEDING SMALL TREES:
 TREES TO BE REMOVED TO PROMOTE OPEN SPACE AND, THESE WILL INCORPORATE THE REMOVAL OF PEACH TREES AND ALSO TO ALLOW ROOM FOR GROWTH OF THESE TREES AND PLANTING OF ADDITIONAL TREES TO IMPROVE SPECIES MIX. AREA UNHATCHED WITHIN SELF SEEDING TREE BOUNDARY INDICATES LAND TO BE CLEARED OF ALL TREES TO FACILITATE THE FORMATION OF LANDSCAPED GARDENS.



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Project Name	18-21 Prospect (R)
Client	Deagles
Site of Plan No.	1167
Plan No.	01/24/00003
Project Name	18-21 Prospect (R)
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Plan No.	01/24/00003



Isle of Man
Government

Rheynn Reilys Ynnydagh as y Chymmlytaght

CD33

Department of Local Government and the Environment
Rheynn Reilys Ynnydagh as y Chymmlytaght

Murray House,
Mount Havelock,
Douglas,
Isle of Man, IM1 2SF.
Tel: (01624) 685859
Fax: (01624) 685945
E-mail: ceo@dlge.gov.im
Chief Executive
K. A. Kinrade

Please reply to the Chief Executive

Our ref: KAK/AJC/MC

10th June 2009

Dear Sir/Madam,

ON APPEAL: PA 07/2358/B – Alpbrook Properties Ltd – Residential development layout for 12 dwellings with associated roads and sewers, Fields 534051, 534052 & 534053, Castleward Green, Ballanard Road, Douglas, Isle of Man

I refer to the recent appeal hearing in respect of the above planning application.

In accordance with the provisions of the Town and Country Planning (Development Procedure) Order 2005, I am enclosing herewith a copy of the report of the person appointed to hear this appeal.

Having considered the report, it appears to the Minister that the principal issue in this case is whether there are sufficient grounds at this time to make an exception to adopted policy in respect of development on land which, although next to an existing residential area and within the Town boundary, is not allocated for development and is in fact in the countryside. The reasons advanced by the applicant for making such an exception are, in essence, that there is an overriding national need to provide suitable housing for "high net worth" individual moving to the Island as a direct result of Government financial policy. Linked with this reason is a contention that there is a shortfall in the provision of housing land in the East of the Island.

The Minister accepts the appointed person's conclusion that, whilst "it may be that the appeal site will be found acceptable for housing and suitable for high net worth individuals to build their homes", such a judgement "should be achieved by way of a logical and wide-ranging assessment of all issues involved". This is what happens as part of the process of formulating an Area Plan, and he has noted that the timescale for the Eastern Area Plan has been judged to be not unreasonable. It is indeed "far better to take a reasoned and careful assessment of housing allocations than to make an isolated decision upon developing the appeal land".

Continued/.....

Our ref: KAK/AJC/MC

10th June 2009

The Department of Transport has accepted the amended access and the traffic implications, and the issues of sustainability and impact on the character and appearance of the locality will no doubt form part of the Area Plan assessment. The Minister has therefore accepted the recommendation that the appeal should be dismissed, albeit on the grounds that the land is not zoned for residential development, that there are not at this time sufficient reasons for making an exception to adopted policy, and that it would be premature to permit the development in advance of a full site selection process that will be carried out as part of the preparation of the Eastern Area Plan.

Formal notice of this decision is enclosed herewith.

The Minister has also directed that, in order to assist all those with an interest in these matters, the Department should prepare a Planning Policy Statement which indicates how it will deal with applications for such housing pending the preparation and adoption of the Area Plans.

Yours faithfully

A handwritten signature in black ink, appearing to read "K. Kinrade", with a horizontal line underneath the name.

Chief Executive

Please see over for circulation list/.....

THE TOWN AND COUNTRY PLANNING ACT 1999

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE)
ORDER 2005**

TO: Alpbrook Properties Ltd,
19/21 Prospect Hill,
Douglas,
Isle of Man, IM1 1ET.

[Copies as per Circulation List]

In pursuance of his powers under the above Acts and Order the **MINISTER** for Local Government and the Environment, following report by the appointed person, does hereby **REFUSE** the application by **Alpbrook Properties Ltd – Residential development layout for 12 dwellings with associated roads and sewers, Fields 534051, 534052 & 534053, Castleward Green, Ballanard Road, Douglas, Isle of Man**, for the following reasons:-

- 1. The proposed development would be on land that is zoned as Open Space in Agricultural Use in the Douglas Plan and is not in an area intended for residential purposes. There are not at this time reasons sufficient to make an exception to General Policy 3 of the Strategic Plan on grounds of national need for the provision of housing for high net worth individuals. Furthermore, the availability of reasonable and acceptable alternatives for such development has not fully and properly been carried out. It would therefore be premature to permit the proposed development on land not intended for development in advance of a full site-selection process that will be carried out as part of the preparation of the Eastern Area Plan.**

Date of Issue: 10th June 2009.

By Order of the Minister

Murray House,
Mount Havelock,
Douglas,
Isle of Man.



Chief Executive

Note 1: A copy of the report of the appointed person is appended hereto.

Note 2: To the extent that the decision does not follow the recommendations of the appointed person the reason for the decision is also appended hereto.

Circulation List – PA 07/2358/B

1. Albrook Properties Ltd, 19/21 Prospect Hill, Douglas, IM1 1ET,
2. Douglas Corporation, Town Hall, Ridgeway Street, Douglas,
3. Estates and Housing Directorate, DLGE, Murray House, Mount Havelock, Douglas,
4. IOM Fire & Rescue Service, Fire Service Headquarters, Elm Tree House, Elm Tree Road, Onchan, IM3 4EF,
5. IOM Water Authority, Head Office, Tromode Road, Douglas, Isle of Man,
6. Inland Fisheries Development Manager, DAFF, Rose House, 51-59 Circular Road, Douglas, IM1 1AZ,
7. S.P.M.C.&E., Glebe Cottage, Church Road, Maughold, IM7 1AS,
8. Manx Electricity Authority, PO Box 177, Douglas, IM99 1PS,
9. Drainage Services Manager, Borough of Douglas, Borough Engineer & Surveyor's Department, PO Box No 2, Town Hall, Ridgeway Street, Douglas,
10. Mr & Mrs Worth, Wadham House, The Abbey Woods, Douglas, Isle of Man,
11. Dickinson Cruickshank and Co, (Ref: C0195.002/MSH/cam), 33 Athol Street, Douglas, IM1 1LB,
12. Mr A Jessopp, Seacliffe, Old Castletown Road, Ballaveare, Braddan, Isle of Man,
13. Mr M Sheehan, Refectory House, The Abbey Woods, Douglas, Isle of Man,
14. Richard Green Associates, Ocean House, 87 Circular Road, Douglas, IM1 1AX,
15. Mr & Mrs Moore, Carraghyn House, 5 The Castleward Green, Douglas, Isle of Man,
16. Mrs S Dryden, The Slatch, Castleward Green, Douglas, Isle of Man,
17. J R G Bathgate, Fy Yerrey, Ballanard Road, Onchan, Isle of Man,
18. R W Forster, 14 The Abbey Woods, Douglas, Isle of Man,
19. Mr & Mrs Walters, Dreem Ard, Ballanard Road, Douglas, IM2 5PR,
20. Mr & Mrs Williams, Cashlin, The Castleward Green, Douglas, Isle of Man,
21. Heritage Homes Ltd, Dandara Group, Head Office, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man,
22. SJ & LM Keegan, 7 The Castleward Green, Douglas, IM2 5PS,
23. Capt I & Mrs F Morris, Ashley House, The Castleward Green, Douglas, IM2 5PS,
24. Mr & Mrs Bridson, Brickworks Cottage, Ballanard Road, Douglas, IM2 5PT,
25. Department of Transport, Highways Division, Sea Terminal Building, Douglas, IM1 2RF,
26. The Editor, IOM Newspapers, Publishing House, Peel Road, Douglas,
27. Manx Radio Newsroom, Douglas Head,
28. Ms J Clague, 6 Thomas Keig Road, Johnny Watterson's Lane, Douglas, Isle of Man,
29. Radio 3FM, 45 Victoria Street, Douglas, IM1 3RS,
30. Energy FM, 100 Market Street, Douglas, IM1 1PH,
31. Secretary, Planning Appeals,
32. Secretary, Planning Committee,
33. Mr T O'Hanlon, Treasury,
34. Chairman and Members, Planning Committee.

APPEAL No 08/0108 .

PLANNING APPLICATION No.07/02358/B .

Appeal by Alpbrook Properties Limited against the refusal of residential development layout for 12 dwellings with associated roads and sewers, Fields 534051, 534052 and 534053 Castleward Green, Ballanard Road, Douglas.

1. The Inquiry into this appeal was held on Wednesday 14 January and Tuesday 17 March 2009, the site inspection having been carried out on Monday 12 January 2009.

SITE AND DEVELOPMENT DESCRIPTIONS

2. The appeal site is located to the west of Ballanard Road and to the north of existing housing in Castleward Green; the land has an area of 7.5 hectares and consists of open pasture. The appeal site is zoned Open Space in Agricultural Use in the 1998 Douglas Local Plan; two existing adjacent residential properties are zoned Predominantly Residential Use. It is proposed to erect 12 detached dwellings with one vehicular access onto the Castleward Green access road.

THE CASE FOR THE APPELLANT

The material points are:

3. The Department of Transport has now confirmed that amended plan 012/003 fully resolves reason for refusal 2. The Isle of Man Strategic Plan does allow for exceptions to its policies and General Policy 3 refers to development of overriding need where no alternative sites exist. The scheme conforms to the overall aims of the Structure Plan by stimulating the economy and maintaining the high quality of life. It would also meet the need for housing and a particular type of housing in short supply in Douglas and elsewhere, namely accommodation for high net worth individuals.
4. The scheme would be a sustainable form of development, avoid coalescence of settlements, allow access to local services, supports Douglas as a focus for employment and services and would not be detrimental to the character of the area. The 2008 Housing Supply Study shows a shortage of housing within the eastern area and given the lead time for the Eastern Area Plan, it is unlikely for that Plan to occur for 3 years. It is not good planning to effectively block all development on unallocated land. Government policy of attracting high net worth individuals to the Island cannot be fulfilled until adequate and suitable housing is provided.
5. There is no justification in claiming the scheme is premature because it is modest with only 12 dwellings on 7.6 hectares. The appellants have provided a report

- from Savills showing a demand for houses in excess of £1 million in value; the scheme would have 12 plots of varying sizes from 0.4-0.53 hectares. Landscaping would allow assimilation into the rural landscape. The existing Douglas Local Plan 1998 is out-of-date and takes no account of developments of the type now proposed. The Strategic Plan accepts the principle of development on land that is not zoned and where the development is recognised as being of national need. The Minister for the Treasury, Mr A Bell MHK, strongly supports the proposal as he states his greatest frustration in developing economic activity on the Island is for potential new residents to find appropriate accommodation.
6. Local estate agents confirm there is a need. There is also a low take-up of zoned housing land; Savills estimate this to be only 39%. Improvements in roads and junctions and the lower number of proposed dwellings since the last appeal means there would be no material impact on traffic conditions; there is a regular bus service on Ballanard Road. No objections have been raised on the grounds of drainage, water, electricity or gas supply; no wildlife objections have been made.
 7. The appeal site is 1.3 kilometres from the nearest shop and 3.2 kilometres from the centre of Douglas; it is 15.3 kilometres from the airport. A drainage scheme has been specifically designed for the site and no objections have been raised by the Drainage Services Manager of Douglas Corporation. All information points to a buoyant demand for high net worth individual housing. Following the adjournment, the appellants produced a supplementary proof of evidence which related to two appeals that had been quoted (PA 07/625/A and PA 08/582/A) as well as the latest housing figures produced by the Department of Local Government and the Environment (DOLGE).
 8. It should be pointed out that the housing estimates are based on 2007 figures and in view of the recent trends in housing land availability, the shortfall will have increased; the DOLGE figures support the evidence produced by the appellants. The Braddon appeal has little relevance other than the site was not zoned for development and the German appeal was only for one dwelling and not targeted at the high net worth individual market. The Inspector for the latter appeal did not dispute the benefits of such a scheme; he simply felt that it would not outweigh the harm to the character of the area. In his decision, the Minister did not reject the principle of granting planning permission, whilst the possibility of a change in policy is considered through the Area Plan process. However, there is no need for a change to policy as General Policy 3(g) allows for an exception on the basis of national need; the time delay involved in the Area Plan process would impact upon the provision of such housing.
 9. In terms of land use planning, the proposal for high net worth individual housing reflects on the economy of the island, although it is not strategic; the development

would not be speculative as houses would be built for specific clients. The discrepancy between 17 and 50 such persons moving to the Island that was highlighted at the Inquiry does not affect the appellant's case. It was also said that Section 10(4) of the Planning Act states that regard should be had to the Development Plan and all other material considerations; because there is no specific policy for high net worth individuals does not mean planning permission cannot be given. The Development Plan is sufficiently flexible to changing circumstances. Contrary to the views of DOLGE, high net worth individual housing is a clear material consideration and the Strategic Plan seeks to support economic progress for the Island; housing policies seek a range of housing types and there is clear support from the Treasury Minister.

10. It is not sufficient to wait until the publication of the Eastern Area Plan or a Development Order to meet the need for high net worth individual housing; it would be wrong to refuse on the ground of prematurity. In terms of the effect upon the countryside, the proposal would be a well designed and contained scheme and quite different to that of the 2005 proposal; no reference in the reasons for refusal to indicate that there would be an environmental effect upon the countryside. It would be a suitable extension to the built-up area and follow the existing pattern of development and topographical constraints. Given the economic climate, the completion figures suggested in the Savills report are only likely to get worse; there is a need for additional housing irrespective of the need for high net worth individual homes.
11. The appeal land is a most sustainable location for low density housing; there are powerful material considerations that should outweigh objections to developing land that is not zoned. The scheme would not set a precedent. Subject to some amendments, the appellants accept the conditions suggested by DOLGE.

THE CASE FOR THE PLANNING COMMITTEE

The material points are:

12. The site is not zoned for housing; the Department's stated aim in Housing Policy 11 is to keep under review land that is allocated and respond through the formulation and review of the Area Plans. The appellants' suggestion that the Local Plan and the existing zoning is redundant due to the length of time and changed circumstances on the Island has not been substantiated and is purely anecdotal. The previous refusal on the appeal land was based on the grounds of the encouragement of the use of the private car and would add to traffic hazards on roads with a rural character. Whilst the current scheme involves fewer dwellings, the scheme does not provide for proper 2.4 by 70 metre visibility splays at the junction of Castleward Green and Ballanard Road; only the northern side is within the control of the appellants.

13. At the resumed Inquiry on 17 March, the representative of the Planning Committee agreed that in view of the current views of the Department of Transport, he did not intend to pursue the second reason for refusal relating to inadequate sight lines at the junction of Castleward Green and Ballanard Road. He also introduced extracts from the spatial distribution of future housing from the Strategic Plan 2007 which indicates that for the Eastern Area the number of residential units approved in the period 2001- 6 was 1,889; of the overall maximum housing requirement for the Island of 6,000 dwellings between 2001-16, the Eastern Area is intended to provide 2,500. In terms of the provision of housing units in Douglas parish for 2001-2007 there was a total of 1572; an updated set of figures for 2006-7 shows some 189 dwellings for Douglas. A table for planning approvals and projected figures for the Island indicates that in the Eastern Area there is a need to provide an additional 71 dwellings to make up an existing deficit in the period up to 2016 in order to meet the Strategic Plan target.
14. Prior to the adjournment on 14 January, a copy of a decision of the Minister for Local Government and the Environment had been submitted in respect of a proposal for a dwelling at German (PA 08/582/A); in that decision, the Minister noted references in the Inspector's report to accommodation for residents of high net worth. He concluded that if the need arises for a change to the Department's planning policies in respect of such dwellings in the countryside, it would be prepared and considered in accordance with the procedures prescribed by the Town and Country Planning Act 1999. In the meantime, the preparation of the Area Plans will provide for a full range of housing types.
15. It was said that the Department relied upon the Minister's decision in determining applications submitted in pursuance of the provision of high net worth individual properties. The present scheme is premature and it was not accepted that the provision of such housing was an overriding national need. Although there was at present a deficit in housing provision, that was a "rolling issue" because the overall figures are spread over a number of years and there is likely to be sufficient developments coming forward to meet requirements without the appeal site development. The conclusions in the Savills report was questioned; based on the pronouncements of the Treasury Minister, it is not likely that the Island will suffer as great a slow-down in economic terms as the United Kingdom.
16. There is no specific policy relating to high net worth individual housing and the economic policies of the Treasury were not national considerations upon which a planning decision should be based. Such a matter should only be put in the balance when considering the merits of a case. Furthermore, there are other areas on the Island where development on land of at least one acre is permitted and would be suitable for such housing. The representative of the Planning Committee confirmed that it was not the intention to introduce a new policy or a Development Order for that type of housing.

APPEAL No 08/0108 .

PLANNING APPLICATION No.07/02358/B .

17. Neither had the Department sought to resolve the discrepancy between the Treasury Minister's Answer to Questions in Tynwald of 17 high net worth individuals and his letter to the appellants stating some 50 such persons had moved to the Island. It was confirmed that the Southern Area Plan would be published before October of this year and work would then start on the Eastern Area Plan; the latter would have a timescale of 12 months to publication.

THE CASE FOR THE BOROUGH OF DOUGLAS

The material points are:

18. No objections.

THE CASE FOR THE DEPARTMENT OF TRANSPORT

The material points are:

19. No objections subject to the provision of 2.4 x 70 metre vision splays.

THE CASE FOR THE DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

The material points are:

20. There must be no development within 8 metres of watercourses and means must be put in place to safeguard such watercourses from run-off and sedimentation.

THE CASE FOR THE ESTATES AND HOUSING DIRECTORATE

The material points are:

21. Consideration should be given to an alternative layout incorporating suitably designed housing for affordable homes.

THE CASE FOR THIRD PARTIES

The material points raised in representations on the file are as follows:

- The scheme represents unplanned and unsustainable development in the countryside; all alternatives need exploring and that is what a Local Plan is intended to do.
- In 2004, the Department for Local Government and the Environment tried to obtain planning permission for housing on the site and the Inspector said there

- was a strong objection because the land was not zoned for housing; Ballanard Road was said to be in the countryside and in a locality where development would encourage the use of the private motor car and cause traffic hazards.
- The proposed development would be contrary to the Development Plan and is zoned for agriculture; the situation has not changed since the previous appeal.
 - The development cannot be regarded as infilling as it is surrounded by fields; existing houses that are for sale have not been bought and the housing would not be occupied due to the financial crisis.
 - Development should not be allowed to spoil the countryside; Ballanard Road is inadequate in width and has narrow footpaths.
 - There is already a scheme for low density housing of 17 dwellings on land to the south of the appeal site and where it is zoned for housing; at the present time there are already 45 houses for sale throughout the Island of between £750,000-£2,500,000.
 - Disposal of foul water via the existing sewer is opposed as there have already been blockages; the area is prone to flooding and there is no bat report.
 - The site is not a natural extension of housing; five bedroom properties often generate 5 cars each; the only bus service locally is on Barrule Road in Willaston.
 - The scheme includes part of the entrance to Castleward Green; access should be direct from Ballanard Road
 - At the Inquiry, Mr Moore submitted correspondence involving Written Answers to Questions in Tynwald for 20 January 2009; the Treasury Minister had stated that the total number of persons qualifying for the Tax Cap was 17. Mr Moore also submitted a current timetable for buses using Ballanard Road.
 - He stated that the appeal site represents a rural area and not a semi-rural location; it is the only remaining large area zoned as open space within Douglas.
 - The appellants rely upon the Treasury Minister's letter that states some 50 persons have qualified for the Tax Cap and are moving to the Island, whereas the true figure is 17. Other sites are available in the area, including land designated for low density housing in Parkland; General Policy 3 of the Strategic Plan gives the exceptions for development in the countryside and land for high net worth individuals is not in that list.
 - Reference was made to the various conclusions made by the Inspector dealing with the previous Inquiry. Mr Moore also stated that in his opinion there would be plenty of sites becoming available up to 2016 to provide the necessary overall level of development.
 - Mr Moore considered the letter from the Treasury Minister to be incorrect and inaccurate; he accepted that the basis of the Tynwald quoted figure of 17 could be due to the figures being up-dated annually.

CONCLUSIONS

22. Having considered the matters raised at the Inquiry and in the written submissions, I have concluded that the main issues in this appeal are firstly, whether there are sufficient exceptional circumstances to allow the proposed development contrary to adopted planning policy for development located in the countryside. Secondly, whether the proposed access would cause significant harm to interests of highway safety, thirdly whether the proposed development could be regarded as a sustainable form of development and lastly, whether the proposal would cause significant harm to the setting of the urban area of Douglas and the environment generally.
23. The appeal site is zoned under the Douglas Local Plan 1998 as an area intended for Open Space with an Agricultural use; as it is not zoned for residential use, the appeal should be considered against the various policies of the Strategic Plan 2007 and all other material considerations. Under Strategic Policy 2 it is stated that "New development will be located primarily within our existing towns and villages, or where appropriate, in sustainable urban extensions of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."
24. At the Inquiry I was referred to paragraph 6.3 which sets out General Policy 3. That policy lists exceptions to opposing development outside of areas zoned for such purposes; the exception relating to the appeal proposal was said to be sub section (g) which refers to "development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative."
25. In February 2005, another Inspector held an Inquiry and submitted a report upon two applications by the Department of Local Government and the Environment (DOLGE) in respect of housing development in Douglas. The applications were a response to an urgent and identified need for the provision of First Time Buyer and Public Sector homes on the Island. As a direct response to that situation, it was the will of Tynwald that Development Orders were brought forward to provide development at prices able to be afforded by young people and families; this was in advance of the provision of Area Plans that were being suggested in the then Draft Strategic Plan.
26. One of those sites was the current appeal land and the proposal was for 177 dwellings ranging from 2 bedroom apartments to 5 bedroom detached houses, of which 89 would be for First Time Buyers. In his conclusions the Inspector found that the Ballanard Road site was clearly in the countryside and well beyond the built-up area of Douglas; he found that in the vicinity of the appeal land, the

character of the road changed to that of a rural locality with limited sporadic development. In terms of accessibility, he considered Ballanard Road at this point to be narrower with limited footways; he also considered there were limited facilities in terms of shops, schools etc and due to the nature of the roads and footways, few people would either walk or cycle to such facilities. Accordingly, he found the application site could not be regarded as an urban extension and is not in a sustainable location.

27. It was found that the Ballanard Road site had an intrinsic value as countryside. Also, that part of the proposed development would be at a density of 23 dwellings/hectare, which he considered to be an inefficient use of land. That situation was said to be partly due to its rural setting which itself called into question whether the site would be suitable for development. Having assessed the need for affordable housing, the Inspector accepted that there may be a very real problem for persons wishing to enter the housing market for the first time, but emphasised that the provision of such a need must be a balanced judgement and set against the planning merits of the site. He noted the lack of a vigorous Urban Capacity Study whereby other sites often within urban areas may be overlooked; reference was also made to the preparation of Area Plans to review likely development sites and that such a process would better accord with the principles of the old and new systems of development plans and the basis upon which development control decisions were made.
28. In comparing and reviewing the two application sites, the Inspector found strong objections to the development of both sites, but of the two he found the Johnny Watterson's Lane site less objectionable than the current appeal site. He concluded that the Ballanard Road site was within open countryside, in a location that would encourage the use of the private car, add traffic to a road of rural character and be poor in locational terms to the various local facilities. He noted that the proposal would only yield 89 affordable homes and the remaining 87 private houses would be on land where development would not normally be countenanced. He recommended that, on balance, the Johnny Watterson's Lane development be approved, but the Ballanard Road scheme be refused due to serious shortcomings and which were not overcome by the affordable homes benefit. The Governor in Council accepted the conclusions and recommendations of the Inspector and refused the Ballanard Road development.
29. I now turn to examine whether there are any substantial differences or circumstances whereby planning permission should be granted for developing the current appeal land. In terms of numbers of dwellings, the current scheme would be at a very low density indeed with just 12 houses on the 7.5 hectares of land. Although the application was submitted in outline form, the plan does indicate a road and plot layout and an indication of the form of the detached houses. Vehicular access would be into the existing Castleward Green and thence into

Ballanard Road. At the Inquiry, the representative of the Planning Committee accepted that as the Department of Transport had not raised objections to the increased use of Ballanard Road for the amount of traffic likely to be generated from the 12 houses or the sight lines able to be achieved under the amended access plan. Accordingly, reason for refusal No.2 would not be pursued.

30. Nevertheless, as with the comments of the previous Inspector, the narrow character of this part of Ballanard Road does not seem to me to be an ideal location for introducing further traffic movements, albeit with far fewer numbers of vehicles involved than the previous scheme. Due to the poor road and footway provision, it is most unlikely that new residents from the development would either walk or cycle to local shops or other facilities. It is more likely that they would be encouraged to use a motor car and to choose to drive into the centre of Douglas where the range and choice of facilities is much greater. Furthermore, as pointed out at the Inquiry, there is a very limited level of public transport facilities along Ballanard Road. Because of the location of the appeal land on the periphery of Douglas, it is my opinion that the proposed development could not be claimed to be a sustainable form of housing as suggested on behalf of the appellants or required by paragraph 11.2.3 of the Strategic Plan.
31. I also concur with the previous Inspector in terms of the appearance and character of the site. As the Johnny Watterson's Lane development progresses and when taken with the existing Castleward Green development, there will be a distinct change in character when one passes the latter housing area and travelling north on Ballanard Road. It is true that there is some sporadically sited development further north, but generally the impression one has of the appeal land is that it is rural in appearance and forms part of the open countryside beyond. For that reason it provides a distinct and significant setting for the adjacent urban area of Douglas. In my opinion, to allow housing on the appeal site without exceptional reasons would cause significant harm to the character and appearance of this part of Douglas. Indeed, the scheme would extend what is already a substantial protrusion of the urban area into the countryside in a way that would not consolidate development around Douglas in a sustainable manner.
32. In their representations, the appellants put forward an argument that was perhaps their main reason for promoting the development. It was said that an exception should be made for housing in accordance with General Policy 3 (g) of the Strategic Plan as there is an overriding national need to provide suitable housing for high net worth individuals moving to the Island as a direct result of the Government's personal income tax cap of £100,000 established in 2006. The present scheme, although only in outline form, is intended to allow such persons attracted to living on the Island to build detached houses of a value in excess of £1 million each.

33. It is said that no land elsewhere is available and there is a demand for such housing. In support of that suggestion, the appellants submitted a letter from the Minister for the Treasury dated 14 July 2008 in which it is said that the present scheme is exactly what the Island needs to fill the shortage of such properties; properly landscaped with high quality designs, the development would be a positive step to attracting more high net worth residents to the Island and thereby generating more income for the Government. The Minister suggests that his greatest frustration in developing his economic policy is the inability of such potential residents to find suitable accommodation. Other support was given in correspondence by Treasury officials and in a response from the Treasury in a questionnaire that forms part of the Saville report.
34. Whilst I do not doubt the enthusiasm and commitment of the Minister for the Treasury, Treasury officials or other persons contributing to the support of the appellants' proposals, I am not convinced that the provision of housing for high net worth individuals represents an overriding national need in land use planning terms. Neither has a full and proper examination been made to establish whether there are any reasonable and acceptable alternatives as required by General Policy 3 (g) of the Strategic Plan. Unless that test has been properly satisfied, I do not agree that an exception should be made on the basis put forward by the appellants. I do acknowledge that the appellants have listed various sites that could be used for low density housing, but that has not been carried out under the same rigorous assessment and circumstances as land considered under an Area Plan procedure.
35. It is of course true that one of the aims of the Strategic Plan is to pursue manageable and sustainable growth based on a diversified economy. The purpose of that strategic aim is to raise the standard of living of the people of the Island and to provide the resources to sustain and develop public services. But those objectives also apply for example to persons needing affordable homes and to that extent it was the will of Tynwald that the Development Orders were made in respect of this land and the Johnny Watterson's Lane site. Such circumstances could also have been considered to be of an overriding national need. I note that the Estates and Housing Directorate ask for the current scheme to be amended to include affordable homes. However, both the previous Inspector and the Governor in Council considered the current appeal site should not be developed for either affordable housing or private market homes.
36. It is an objective of the Strategic Plan to provide a range of housing types and that could include housing for high net worth individuals. But such housing is only one aspect of the range of housing needed for the Island for both existing and potential residents. I suggest it would be quite wrong and contrary to the objectives of planning legislation adopted by Tynwald and the Government to make housing for high net worth individuals an exception to normal planning policy and considerations in the circumstances of this appeal.

37. The requirement under General Policy 3 (g) for an investigation into whether there is any reasonable and acceptable alternative has not been thoroughly carried out. To my mind, the proper and most reliable way in which future development proposals for the area should be assessed or located would be by way of the provision of an Eastern Area Plan; such a system of providing the basis for development control decisions was set out in the Strategic Plan.
38. From the evidence that was given to me at the Inquiry, the Southern Area Plan will be published by October of this year and preparations for the Eastern Area Plan would then be started, with a timescale of 12 months. In my opinion, it would be far better and more reliable to await the outcome of the latter Plan in balancing the demand, location and extent of housing against the harm it may cause to any particular area. In that way, a reliable assessment can be made of the reasonable and acceptable alternative sites for both general housing and specific types of housing as required by the Strategic Plan.
39. In this context I have noted the opinions of the Minister of Local Government and the Environment when recently determining an appeal for one house at German (PA 08/582/A). The Minister stated that "... should the commitment to attracting individuals of High Net Worth give rise to a need for change in the Department's planning policies in relation to dwellings in the countryside, such a change will be prepared and considered in accordance with the procedures prescribed by the Town and Country Planning Act 1999. Meanwhile, in the preparation of the Area Plans, the Department will plan for the provision of sites to accommodate a full range of housing types ...". I entirely concur with the Minister's conclusions as to the way housing for high net worth individuals should be determined. To permit the current scheme as an exception to adopted planning policy would be to create an ad hoc system of planning for future development requirements and that would cause significant harm to the future environment of the Island, as well as putting in doubt the proper and acceptable housing provision for existing and potential residents.
40. I do realise that the preparation of the Area Plan will take time, but it is far better to take a reasoned and careful assessment of housing allocations than to make an isolated decision upon developing the appeal land. I do not consider that in the overall assessment of planning on the Island, the time scale stated on behalf of DOLGE to be unreasonable for the publication of the Eastern Area Plan.
41. Reference was made at the Inquiry as to whether the number of high net worth individuals that have moved to the Island was 50 as suggested in the letter from the Minister for the Treasury dated 14 July 2008 or his Answer to Questions in Tynwald of 17; the questionnaire completed by Treasury officials also mentioned

17 persons. There may be varying explanations for the discrepancies, but it is clear that some persons of this category have been attracted to the Island and are likely to need accommodation. But that situation does not mean development should be permitted contrary to adopted planning policy or without the proper assessment of all options that would be provided within an Area Plan.

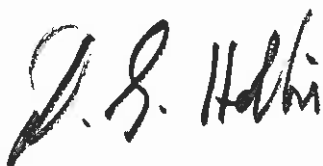
42. Some reliance was also placed by the appellants upon a shortfall in the provision of housing in the Eastern Area of the Island. From the evidence provided to me it would appear that there is a current shortfall of 71 dwellings. I note that the figures are likely to have been based upon assessments made in previous years and may not be fully up-to-date. Also the Savills report concluded that the take up rate for housing had dropped to 39% and may get worse. However, even with the current economic situation and a shortfall in provision, the Plan period for such housing provision does not expire until 2016. In my opinion, it is likely that the economic situation and development rates will improve within that time and may well result in targets being met. Accordingly, I do not consider this situation to be a reason to permit the proposed development contrary to planning policy.
43. In summary, I consider there are very significant issues relating to environmental impact and sustainability of permitting development on the appeal site that need to be properly assessed and resolved. In accordance with the opinions of the Minister of Local Government and the Environment relating to the provision of housing for high net worth individuals, I suggest such assessments, as well as reasonable and acceptable alternative solutions should form part of the Eastern Area Plan considerations. I recommend that the current scheme be regarded as premature to allow a proper assessment and balance to be achieved between the effect development would have upon the local environment and the need for additional housing in the area, as well as alternative sites.
44. It may be that the current appeal land will be found to be acceptable for housing and suitable for high net worth individuals to build their homes, but that should be achieved by way of a logical and wide ranging assessment of all issues involved. It would appear that the Department of Transport find the increased use of the existing Castleward Green link to Ballanard Road to be acceptable subject to proper sight lines. Accordingly, it would not be reasonable to include the Planning Committee's reason for refusal No.2 as an objection to the proposal. But I do consider that reason for refusal No.1, as well as reference to the significantly detrimental effect that the present scheme would have upon the character and appearance of the rural locality and the poor sustainability of the site for transportation issues should be included in the reasons for refusal.
45. I have taken into account all other matters raised at the Inquiry and in written representations, but none were sufficient to outweigh the conclusions that led to my recommendation.

APPEAL No 08/0108 .

PLANNING APPLICATION No.07/02358/B .

RECOMMENDATION

46. That the appeal be dismissed with the effect that the decision of the Planning Committee is upheld for the following reasons:-
1. The proposed development would be on land that is zoned as Open Space in Agricultural Use in the Douglas Plan and not in an area intended for residential purposes. Under the provisions of Strategic Policy 2 of the Strategic Plan 2007, it is intended that development should primarily be located within towns and villages or where appropriate, in sustainable urban extensions of those towns and villages. Whilst General Policy 3 (g) does allow exceptions for housing within countryside locations, it is not considered that the provision of high net worth individuals housing should be regarded as being of overriding national need in planning land use terms. Furthermore, the availability of reasonable and acceptable alternatives for such development has not fully and properly been carried out. It would therefore be premature to permit the proposed development on land not intended for development in advance of a full site selection process that will be carried out as part of the preparation of the Eastern Area Plan.
 2. Due to the poor road and footway provision adjoining the site, the location of the various local facilities and the level of public transport in the area, the proposed development would extend the urban area of Douglas in an unsustainable manner contrary to the requirements of the Strategic Plan 2007. Furthermore, the development of land that has an intrinsic value as countryside would cause significant harm to the rural setting of this part of Douglas and the environment generally contrary to adopted planning policy.



David G Hollis
Inspector

APPEAL No 08/0108 .

PLANNING APPLICATION No.07/02358/B .

APPEARANCES:

FOR THE APPELLANT

Mr J Easton of Counsel
Mr G Bridge
Mr Brew
Mr Kennaugh

FOR THE PLANNING COMMITTEE

Mr I Brooks

FOR THIRD PARTIES

Mr G Moore
Mr S Keegan
M/s M Bridson

DOCUMENTS:

1. Lists of persons attending the Inquiry on 14 January and 17 March 2009.
2. Bundle of documents submitted by Mr Brooks being the Spatial Distribution of housing needs from the Isle of Man Strategic Plan 2007, housing figures for Douglas and the East, planning approvals and projection figures in Table 1 for the Island, a further supplementary table to assist the understanding of Table 1, an appeal decision at German (PA 08/582/A) and a copy of the decision notice issued by the Governor in Council dated 11 March 2005 relating to a report upon an Inquiry held in September 2004 on the appeal site and the Johnny Watterson's Lane site.
3. Residential Demand from high net worth individuals in the Isle of Man – report dated 27 November 2008 by Savills (including questionnaires completed by The Treasury and local estate agents).
4. Extracts from Tynwald Proceedings dated 20 January 2009 and a bus timetable relating to services along Ballanard Road submitted by Mr Moore.
5. Bundle of documents submitted by Mr Bridge including extracts from Manx Radio News, Local Market Analysis, Douglas Local Plan Map No.3, extracts from the Strategic Plan 2007, Tynwald Court of 21 February 2006, copy of letter dated 14 July 2008 from Mr A Bell MHK, Treasury Minister, a letter from the Senior Business Development Manager of The Treasury dated 14 December 2007, Circular 8/89, sites available for low density housing and a letter from the Department of Transport dated 17 October 2008 regarding visibility splays.
6. Letters from local residents.