



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

**TOWN AND COUNTRY PLANNING ACT 1999
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

Agenda for a meeting of the Planning Committee, 6th November 2023, 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 16th November 2023.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any applications where Section 13 Agreements have been concluded since the last sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for 20th November 2023.

PLANNING COMMITTEE Meeting, 6th November 2023
Schedule of planning applications

<p>Item 5.1 Land At Ballahane House Erin Rise Port Erin Isle Of Man IM9 6FF</p> <p>PA23/00539/B Recommendation : Permitted</p>	<p>Erection of a single detached dwelling with associated car parking</p>
<p>Item 5.2 Millmount Complex New Castletown Road Douglas Isle Of Man IM2 1HD</p> <p>PA22/00865/B Recommendation : Permitted</p>	<p>Erection of 9 light industrial units with associated road infrastructure, parking and amendment to site levels and ground infill</p>
<p>Item 5.3 Field 334666 Ballachrink Farm Dalby Isle Of Man IM5 3BN</p> <p>PA23/00584/B Recommendation : Permitted</p>	<p>To erect a new stable block which consist of two stables, a hay store and change of use to equestrian use</p>
<p>Item 5.4 Ballaoates Farm Ballavagher Road St Johns Isle Of Man IM4 3JE</p> <p>PA23/00157/B Recommendation : Permitted</p>	<p>Temporary Change of Use for siting of a static caravan</p>
<p>Item 5.5 Reayrt Aalin Ballavitchel Road Crosby Isle Of Man IM4 2DN</p> <p>PA23/00749/B Recommendation : Refused</p>	<p>Erection of timber cabin and replacement garden shed/store</p>

PLANNING AUTHORITY AGENDA FOR 6th November 2023

Item 5.1

Proposal : **Erection of a single detached dwelling with associated car parking**
Site Address : **Land At Ballahane House**
 Erin Rise
 Port Erin
 Isle Of Man
 IM9 6FF
Applicant : **Haven Homes Limited**
Application No. : **23/00539/B- [click to view](#)**
Planning Officer : **Mr Toby Cowell**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the occupation of the dwelling hereby approved, all new soft landscaping shall be undertaken in strict accordance with the proposed site plan (Drawing No. 101.02 Revision N) dated August 2023. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the provision of an appropriate landscape setting to the development and in the interests of promoting biodiversity.

C 3. Prior to the occupation of the dwelling hereby approved, the bat and bird bricks shall be installed in the new dwelling, in strict accordance with the details contained in the Plan, Elevations and Sections As Proposed (Drawing No. 102.01 Revision N) dated August 2023.

Reason: In the interests of biodiversity and ensuring the delivery of appropriate bird and bat roosting provision.

C 4. All tree removal shall be undertaken in strict accordance with the Tree Removal Plan (Drawing No. TR-281022revA) dated 14th July 2023. All remaining trees within the site shall be retained in perpetuity and protected during construction. The Tree protection measures detailed within the Tree Protection Plan (Drawing No TP-121022revA) dated 14th July 2023, shall be implemented in strict accordance with the approved details.

Reason: To ensure that the health and vitality of retained trees are appropriately safeguarded.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 6. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposed development is considered to be of an appropriate design, scale and form, providing a degree of visual interest within the immediate streetscene and amounting to an efficient use of the site, without detriment to the amenities of surrounding residential properties. The development is further considered to be acceptable in the context of arboricultural constraints and the site's biodiversity credentials, without impacting the safety and convenience of the local highway network. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 2, General Policy 2, Environment Policies 3, 4, 5 and 42 and Transport Policies 4 and 7 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

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

Department of Infrastructure Highway Services
Manx Utilities Authority

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

39 Erin Way, Port Erin
41 Erin Way, Port Erin

43 Erin Way, Port Erin
45 Erin Way, Port Erin
47 Erin Way, Port Erin
1 Erin Rise, Port Erin
2 Erin Rise, Port Erin

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

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

3 Erin Rise, Port Erin
4 Erin Rise, Port Erin

Whilst the above have explained how the development would impact the lawful use of land owned or occupied by them, both properties are located in excess of 20m from the application site and therefore do not comply with paragraph 2B of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE OBJECTIONS TO THE APPLICATION INCLUDING THAT FROM THE LOCAL AUTHORITY

0.0 PREAMBLE

0.1 This application was considered by the Committee on 16th October 2023 and deferred for a site visit.

0.2 The Site visit was carried out on Thursday 19th October 2023.

0.3 During the site visit, the location of the proposed dwelling was marked out within the site and an inspection of the dwelling's potential impact upon properties within Erin Way to the north-east was considered by Members.

1.0 THE SITE

1.1 The application site relates to an irregular shaped parcel of land comprising the rear portion of the garden serving Ballahane House, on the southern/eastern side of Erin Rise; a cul-de-sac. The site also includes a portion of Erin Rise itself to accommodate required drainage connections. The site benefits from a reasonable degree of mature tree coverage and is bounded by a mature hedgerow adjacent to the streetscene, with agricultural fields adjoining the site to the east.

1.2 Erin Rise consists of 4 no. detached dwellings located to the west of the site of a uniform vernacular, together with Ballahane House itself to the south-west. A row of 4 no. terraced properties are located to the immediate north-east of the application site which fall within Erin Way.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a 4-bedroom detached dwellinghouse with parking for 2 vehicles and the creation of a new access off Erin Rise. The new dwelling would comprise split levels to correspond to the site's downward sloping topography from the

south-west to the north-east, with the front section effectively being single-storey with the rear portion comprising two storeys. The property would be set at an angle to the streetscene whereby the principle elevation would face towards the south-west and the north-west flank elevation interacting with the streetscene. Given the retention of much of the existing mature vegetation within the site, together with additional planting proposed, only the single-storey element of the dwelling would be effectively visible in the context of Erin Rise.

2.2 The proposals would however necessitate the removal of 11 trees, the majority of which have been graded as category C and U in accordance with British Standard guidance together with 2 no. category B trees. Substantial tree groups would however remain, with additional hedging and low level planting proposed to offset this loss.

2.3 The proposed dwelling comprises a fairly modern and innovative design, utilising a dual pitched roof with a central valley separating the single and two storey elements, with a centrally located hipped porch/front entrance, and full height dual pitched projections on the rear elevation. The proposals include stepped access from the front to the back given the site's topography, with a paved pathway to be provided from the streetscene to the front entrance.

2.4 The dwelling would be finished in a combination of white render and timber cladding, dark grey natural or cement fibre roof tiles, dark grey fascia's and rainwater goods, together with dark grey aluminium or UPVC window and door frames. Frameless glass balustrades are proposed to enclose a paved area of hardstanding to the side of the dwelling, with solar panels proposed on the rear (south-western) roofslope of the two-storey element. Rooflights are proposed in both roofslopes of the single-storey element.

3.0 PLANNING HISTORY

3.1 None.

4.0 PLANNING POLICY

4.1 The application site is identified on the Area Plan for the South as land zoned for 'predominantly residential' purposes within the settlement boundary of Port Erin. The site is not within a Conservation Area or an area identified as being at risk of flooding.

4.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

Strategic Policy

- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 5 Design and visual impact

Spatial Policy

- 2 Development in Service Centres

General Policy

2b,c,g General Development Considerations

Environment Policy

- 3 Development to safeguard woodland of high amenity value
- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 42 Designed to respect the character and identity of the locality

4.3 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.

5.0 REPRESENTATIONS

5.1 Port Erin Commissioners - The Board of Port Erin Commissioners considered the above application at its meeting held on 13 June 2023 and resolved to object against the proposal. The Board agrees with each of the concerns raised in the submissions by the residents of 41 Erin way, 43 Erin Way, 45 Erin Way, 47 Erin Way, 1, Erin Rise, 2 Erin Rise, 3 Erin Rise and 4 Erin Rise. (16.06.23)

The amendment to the above planning application will be considered by the Board of Port Erin Commissioners at the next Ordinary Board meeting scheduled for 12th September 2023. (29.08.23)

[officer note - to date no further response has been received from Port Erin Commissioners]

5.2 Highways Services - The revised plan and cover letter have provided the required information requested by Highways in the initial response dated 02/06/2023. The extent of the red line boundary has been stated to integrate the above, on or below ground services that will be included for use in the proposal, which is why the highway is included. Provision of a paved pathway from the existing gated access off the footway link behind No. 45 and 43, to the cycle storage has now been included. This will remove the need for any cycles to be carried up or down stairs and will ensure soft landscape can be avoided if necessary. The information and revisions provided means Highways DC raise no objection to the proposal. The applicant is advised that a Section 109a agreement will be required post planning consent. (24.08.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team can confirm that we are now content with the details contained in the various updated drawings and therefore we remove our objection to this application.

Should this application be approved, we request that conditions are secured on approval for the following:

All new soft landscaping to be undertaken as per the Site Plan (Drawing No. 101.02 Revision N) dated August 2023. - this includes the new hedging and low level planting along the front (west) of the new dwelling.

Bat and bird bricks to be installed in the new dwelling, as per the details contained in the Plan, Elevations and Sections As Proposed (Drawing No. 102.01 Revision N) dated August 2023. Tree removal to be undertaken in line with the Tree Removal Plan (Drawing No. TR-281022revA) dated 14th July 2023, and all other trees to be retained and protected.

Tree protection measures to be implemented as per the Tree Protection Plan (Drawing No TP-121022revA) dated 14th July 2023. (24.08.23)

5.4 DEFA Fisheries - No objection (12.09.23)

5.5 Manx Utilities Authority - 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, 1 communication fee will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system. (08.09.23)

5.6 Representations have been received from 9 surrounding residential properties objecting to the scheme. Detailed copies of all representations can be found on the online planning file, however a brief summary/overview of issues raised are as follows:

- Extent of site includes a portion of the public highway. Development would block access to the front of neighbouring properties and further impact access and use for emergency services;
- Narrowing of the access would pose a safety hazard;
- Position of the access on a sharp bend poses a hazard;
- Impact from construction works and associated construction traffic;
- Development would pose an overbearing impact resulting in loss of outlook and overshadowing creating an oppressive living environment;
- Proposals are not in keeping with the context or scale of the local area;
- Could cause potential environmental wildlife impacts;
- Development could potential lead to loss of habitats for bats, birds and hedgehogs;
- Proposals necessitate the felling of a large number of trees which poses an environmental impact;
- Potential impact on retained trees in the future;
- Loss of/harm to existing outlook;
- Impact on privacy and loss of light as a result of the development's scale and significant use of glazing;
- Increased traffic and parking issues.

6.0 ASSESSMENT

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

- Principle of development (SP2)
- Design and visual impact (STP5, GP2, EP42)
- Impact upon neighbouring amenity (GP2, g)
- Arboriculture and Biodiversity (EP3,4,5)

6.2 PRINCIPLE

6.2.1 The site falls within the settlement boundary of Port Erin and an area zoned for residential development, where there is a general presumption in favour residential development, including news dwellings, provided that such proposals would be of an appropriate design and scale, safeguard the amenities of surrounding residential properties, and be further acceptable in all other relevant material planning matters.

6.3 DESIGN AND VISUAL IMPACT

6.3.1 The proposed dwelling seeks to correspond with the site's natural topography through the use of split-levels, whilst the orientation has largely been informed by the presence of trees most worthy of retention. The design and built vernacular of the dwelling clearly diverges from that which is present in the immediate locality to some degree, however the

use of conventional pitched roofs, gable end and full height gabled projections do provide a nod to the general character and form of dwellings within the site's vicinity.

6.3.2 The materials palette is noted as being largely different to that which is on display within the immediate locality, which is typically characterised by off-white render, varying shades of brickworks and red/grey roof tiles. That being said, there is a general uniformity to the design and materials palette on offer in the locality which, whilst not unattractive, is not particularly inspiring from a design and visual aesthetic standpoint. By contrast the proposed development, with the use of white render, timber cladding and dark grey accents from the fenestration, fascias and roof tiles introduce a more visually striking and interesting piece of architecture into the vicinity resulting in a statement development in the streetscene.

6.3.3 It is accepted that the concept of design can be somewhat subjective, and the proposals clearly deviate from the uniform vernacular of dwellings within the wider locality, whilst introducing built development in a location which is well vegetated and comprising a significant number of mature trees. Nevertheless, the proposals are considered to appropriately correspond to the site's obvious topographic and arboricultural constraints, whilst resulting in an efficient use of the site and providing a new dwelling in a location that is zoned for residential development. The development is considered to be interesting and varied from an architectural standpoint which, on balance, adds more to the character and appearance of the streetscene than it detracts from it.

6.3.4 On this basis, the proposals are considered to be acceptable from a design and visual impact perspective, and such that they would be compliant with General Policy 2 (b) & (c) of the Strategic Plan (2016).

6.4 NEIGHBOURING AMENITY

6.4.1 Concerns have been raised from numerous properties within close proximity to the site, particularly in the context of potential overlooking, loss of light and loss of outlook. The agent has subsequently submitted plans demonstrating that development's compliance with the 20m back-to-back rule between the upper floor windows of the rear elevation of the dwelling and adjacent properties within Erin Way to the north (nos. 39-45). Whilst it is clear that a degree of overlooking would be afforded into the rear gardens of these properties from the first-floor bedroom, such views would be partial and indirect, whilst further being partially obscured from retained mature vegetation with a retained back-to-back distance in excess of 20m; as required in the Residential Design Guide.

6.4.2 Outward views from the first-floor window on the side (northern) elevation of the dwelling do appear to breach the 20m distance in respect of No. 45 Erin Rise, however this represents a side-to-back relationship with the window in question serving an en-suite bathroom (i.e. a non-habitable room).

6.4.3 Any potential loss of outlook or view as a result of the development is not a material planning consideration and therefore cannot be afforded any weight in the application's determination. It is also noted that the development would not breach a 25 degree angle measured upward from the ground-floor windows of adjacent properties as demonstrated by additional plans submitted by the agent, thereby ensuring the proposals would be acceptable in the context of daylight/sunlight. The proposals are further not considered to result in a demonstrable uplift of overshadowing in the context of rear garden serving those aforementioned properties within Erin Way.

6.4.4 In light of the above, whilst it is recognised that the proposed development would result in a marginal degree of impact upon the amenities of the adjacent properties, it is not considered that such impacts would be significantly harmful or indeed warrant the refusal of

planning permission in isolation. Consequently, the proposals are considered to be acceptable from a neighbouring amenity perspective, in compliance with General Policy 2 (g).

6.5 ARBORICULTURE AND BIODIVERSITY

6.5.1 Following the submission of additional information and amended plans, particularly with respect to additional planting within the site, the previous objection raised by the Ecosystems Policy team has been withdrawn. The proposals seek to remove a number of trees within the site, only two of which however are considered to be of a reasonable quality and have therefore been classified as category B specimens, with the remainder comprising category C and U specimens. A substantial number of mature trees within the site would remain, with appropriate mitigation measures put forward within the submission which can be suitably secured by condition. Details of additional planting and landscaping have been supplied in order to provide some degree of mitigation following the loss of trees to accommodate the development.

6.5.2 Given the removal of the previous objection by the Ecosystems Policy team and the additional detail provided over the proposals tree protection measures, the proposals are considered to be acceptable in the context of arboriculture and ensuring that the site's biodiversity credentials would not be demonstrably impacted.

6.6 HIGHWAYS AND PARKING

6.6.1 No objections have been raised by highways services over the impact of the development upon the safety and convenience of the highway network, with sufficient off-street parking proposed to serve the development for 2 vehicles. The proposals do not seek to narrow the existing road, with the site boundary encompassing a portion of the highway to factor in below ground service connections required to facilitate the development. On this basis the proposals are considered to be acceptable from a highways perspective, and in particular the addition of a single dwelling in this location is not considered to materially impact traffic flows in the locality or present a demonstrable highways/traffic hazard. Concerns raised related to construction traffic/general disturbance as a result of construction are noted, however such matters cannot be afforded weight in the application's determination, and indeed any degree of disruption associated with construction is inevitable but not a permanent condition.

7.0 CONCLUSION

7.1 The proposed development is considered to be of an appropriate design, scale and form, providing a degree of visual interest within the immediate streetscene and amounting to an efficient use of the site, without detriment to the amenities of surrounding residential properties. The development is further considered to be acceptable in the context of arboricultural constraints and the site's biodiversity credentials, without impacting the safety and convenience of the local highway network. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 2, General Policy 2, Environment Policies 3, 4, 5 and 42 and Transport Policies 4 and 7 of the Strategic Plan (2016). The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;

- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 6th November 2023

Item 5.2

Proposal : **Erection of 9 light industrial units with associated road infrastructure, parking and amendment to site levels and ground infill**

Site Address : **Millmount Complex
New Castletown Road
Douglas
Isle Of Man
IM2 1HD**

Applicant : **WDS Ltd**

Application No. : **22/00865/B- click to view**

Planning Officer : **Mr Toby Cowell**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The development hereby approved shall be undertaken in full accordance with drwg. no. JTM2170-P-08 C, in relation to the access and site layout.

Reason: In the interests of highway safety.

C 3. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to the Department for approval in writing. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety.

C 4. Prior to the commencement of the development hereby permitted, and notwithstanding information already received to date, a detailed landscaping scheme and updated ecological enhancement plan shall be submitted to the Department for approval in writing. The plan should contain the following information:

- Details, including type and location, of nesting bird boxes to be erected on the new buildings.
- Details, including type and location, of bat boxes to be erected on the new buildings.
- Details of the shade tolerant ground flora - including seed mix, species composition, and details of how this area is to be created and managed.
- Details of the new tree planting, including species and timing of planting.

All hard and soft landscaping works shall be completed in full accordance with the approved details prior to the occupation of the relevant building/s i.e. dwellings, nursery/retail unit and

thereafter retained. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of the character and visual amenity of the site, and to enhance and safeguard biodiversity.

C 5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Department, with all works to be undertaken in accordance with the approved detail. The CEMP will need to incorporate the following measures and detail:

- A responsible eradication and/or avoidance plans for Wildlife Act 1990 Schedule 8 Japanese knotweed, montbretia and Griselinia.
- Measures to be taken to ensure that the proposals do not result in the degradation and pollution (including light pollution) of the River Dhoo and ultimately Douglas Bay Marine Nature Reserve, either through direct impact or as a result of run-off entering the watercourse;
- Construction exclusion areas and other measures to prevent damage to retained trees and surrounding vegetation.
- Measures to be taken to ensure that bats are not harmed by the works - pre-demolition checks and emergence surveys of the buildings and crumbling walls, and measures to be taken should bats be found during the works.
- Reasonable Avoidance Measures for nesting birds to ensure they are not harmed by the works - vegetation removal outside of the nesting season, or thorough checks prior to removal.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 6. No permanent lighting shall be installed within the site unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 on Bats and Artificial Lighting (12th September 2018), has been submitted to the Department and approved in writing.

Reason: In the interests of biodiversity.

C 7. Prior to the commencement of the development hereby permitted, and notwithstanding the information already received, detailed information of tree protection measures, including the technical specification of fencing and signage, shall be submitted to the Department for approval in writing. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure the protection of retained trees within the site.

C 8. Notwithstanding the meaning of development in Section 6 of the Town and Country Planning Act 1999 or any act revoking or re-enacting that Act, no mezzanine floor shall be constructed without a further application for planning approval being submitted and approved.

REASON: the parking provision is considered acceptable on the basis of the floor area of the proposed units as shown in the submitted plans and on only one floor of accommodation per unit.

C 9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the units hereby approved shall only be used for General industrial (Class 2.3) and/or Storage/distribution (Class 2.4) and for no other purpose at any time.

REASON: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

C 10. The development hereby approved shall not be occupied or operated until the vehicle parking and turning areas have been provided in accordance with approved plans and the parking and turning areas shall thereafter be kept available for the parking and turning of vehicles associated with the development.

REASON: In the interests of highway safety.

C 11. No items of machinery or any equipment or other goods shall be kept outside of any buildings and all activities shall be undertaken within the buildings unless otherwise agreed in writing by the Planning Authority.

REASON: To protect the neighbouring amenity and parking areas

C 12. The buildings shall be used only from Monday to Saturdays inclusive and no business shall be carried out therein on Sundays or Bank Holidays unless otherwise agreed in writing with the Planning Authority.

REASON; To safeguard the character of the area

C 13. The development shall be implemented strictly in accordance with the drainage plan/details referenced; JTM2170-P-10 C. No part of the development shall be occupied until the agreed drainage strategy has been implemented. The drainage system shall be permanently retained thereafter in accordance with the submitted details

REASON: In order to ensure that adequate drainage/flood control measures/facilities are provided, and retained, in the interests of the amenity of the area.

Reason for approval:

The application site forms part of land zoned for industrial purposes, with the development considered to amount to a highly efficient use of land whilst providing increased employment opportunities, without detriment to the character and appearance of the locality of the amenities of surrounding residential properties. The proposals would further ensure no net loss of on-site biodiversity, whilst being acceptable from a highways, drainage and flooding perspective following the submission of revised plans. The proposals are therefore considered to accord with Strategic Policies 1,2,5,7,10, Spatial Policy 1, General Policy 2, Environment Policies 4,10,22,42, Business Policies 1,2,5-6, and Transport Policies 4,7-8 of the Isle of Man Strategic Plan 2016 and relevant policies of the Area Plan for the East 2020.

Interested Person Status – Additional Persons

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE TOTAL COMMERCIAL FLOORSPACE OF THE PROPOSALS EXCEEDING 500SQM

1.0 THE SITE

1.1 The site is the a parcel of developed land which accommodates an existing three storey Warehouse building, together with two further warehouse buildings and associated areas of hardstanding for parking/vehicular storage. The site sits to the southern side of New Castletown Road, south of Mylchreest Motors complex and west of the National Sports Centre complex. The River Dhoo bounds the site to the immediate east, with the southern portion of the site having fairly recently been removed off all previous trees and vegetation.

1.2 The site is accessed via an existing access which serves Mylchreest Motors and industrial commercial units outside of the application site. The site previously accommodated 2 vacant dwellings of The Laurels and The Hollies which were in a ruined state, and have since been entirely demolished.

2.0 THE PROPOSAL

2.1 Planning permission is sought for a comprehensive redevelopment of the site, comprising a total of 9 no. light industrial units, with associated parking, an internal access road and engineering works by way of moderate infilling and altering to site levels.

2.2 The proposals include the retention of the existing warehouse and erection of 5 no. attached units (labelled units 1-5), a further 2 no. attached units to the immediate west adjacent to the site's western boundary (labelled units 8-9), and the erection of 2 no. units to the north of units 1-5, both of which would also be conjoined but staggered (labelled units 10-11).

2.3 Units 1-5 and 8-9 would be effectively identical in appearance, comprise a shall dual-pitched roof with a central ridge, 5m high grey roller shutter doors to the front elevation and a pedestrian security immediately adjacent for each unit. The units would comprise an eaves height of 6m and ridge height of 7.286m, whilst being finished in grey profiled roof and wall cladding.

2.4 Units 10-11 would be finished in the same materials as above but comprise a mono-pitched roof profile sloping downward from east to west, with a maximum height of 5.76m and minimum height of 3.37m. The units would be complete with 3.5m high roller shutter doors, a pedestrian entrance do and additional 3.5m high surround glazing.

2.5 The proposals include a total of 38 on-site parking spaces to serve the development, with a dedicated secure refuse/recycling to the immediate north of Unit 9, with covered cycle storage areas (10 spaces) in the south-western corner of the site (together with a dedicated pedestrian/cyclist access point) and immediately adjacent to the north-western corner of the existing warehouse. The proposals include a one-way clockwise internal vehicular access

around the existing warehouse, continuing southward and then turning back north between units 1-5 and units 8-9.

2.6 It is worthy of note that this application has been amended on a number of occasions with the quantum of development having been reduced due to highlighted flooding issues. The resultant development now proposed is reflective of comments largely received from the Department of Infrastructure's Flood Risk Management Division, insofar as built development from the southern portion of the site having been affectively omitted.

3.0 PLANNING HISTORY

3.1 The site has been the subject of a fairly extensive planning history, the majority of which is not however considered to be of particular material relevance to this application. The following more recent applications are however listed below for reference:

20/01185/A - Approval in Principle for area of residential development - approved

20/01067/REM - Reserved Matters application in association with PA17/01308/A concerning access matters to the proposed site - refused

17/01308/A - Approval in principle for the construction of 24 apartments - approved

4.0 PLANNING POLICY

4.1 The application site is identified on the Area Plan for the East as land zoned for 'industrial use' within Douglas. The site is not within a Conservation Area, however the southern and eastern sections of the site are identified as falling within an area of high flood; both in terms of fluvial and surface water flooding due to the site's proximity to the River Dhoo.

4.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

Strategic Policy

- 1 Efficient use of land and resources
- 2 Development focussed in existing towns and villages
- 5 Design and visual +impact
- 7 Retention and protection of undeveloped land zoned for industrial purposes
- 10 Sustainable transport

Spatial Policy

- 1 Development within the Douglas urban area

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Protection of species and habitats
- 10 Development and flood risk
- 22 Protection of environment and/or residential amenity from pollution
- 42 Designed to respect the character and identity of the locality

Business Policy

- 1 Support for employment related development which accords with policy
- 2 Land for industrial development to be designated throughout the Island

- 5 Industrial related development only in land zoned for industrial use, with retail development not permitted except in certain circumstances
- 6 Area Plan development briefs to support land zoned for industrial use

Transport Policy

- 4 Highway Safety
- 7 Parking Provisions
- 8 Requirement of Transport Assessment for major development

4.3 Area Plan for the East (2020)

Employment Proposal 1 states that the development of existing industrial land will be supported for the following uses only: manufacturing; warehousing and distribution; office accommodation (subject to compliance with Strategic Plan Business Policy 7); or retail outlets (subject to compliance with Strategic Plan Business Policy 5).

Paragraph 8.5.1 of the Area Plan further adds that:

There are a number of existing (established) industrial estates and business parks which include smaller vacant plots and areas. These were originally identified and recorded in the Site Identification Report (during the Preliminary Publicity Stage) as 'Site Assessment Framework (SAF) Category 1 Sites'. This label meant that given their size, nature and surrounding land use there was no real policy decision that needed to be made as part of the plan process and it was appropriate simply to colour wash these areas on the maps to reflect the wider land use. A purple 'hatch' or colour wash represents industrial land. Sites identified as SAF Category 1 and under 0.35 hectares are not specifically shown on the Proposals Map and Inset Maps.

5.0 REPRESENTATIONS

The following relates to the most recent comments received from consultees based on the most up to date information and revised plans that the application is now being considered on. Full details of previous representations made can be found online.

5.1 Douglas Borough Council - This application has previously been considered by the Council and there does not appear to be any major concerns with the amendments that would warrant the Council withdrawing its support of the development. (18.08.23)

5.2 Highways Services - The site is well placed with pedestrian and cycle access available from the:

- o Via the existing access junction from New Castletown Road.
- o Utilising the bridge at the National Sports Centre and adjoining paths
- o Between Groves Road and New Castletown Road and directly from Groves Road

Within the site, the proposed units are to have pedestrian pathways around their perimeter to aid safe movement around the site. Bus connections can be made from the bus stops either side of Groves Road, such as outside of the NSC, and further away on Peel Road. There are links for cyclists and the proposal is to provide secure enclosures for 30 bicycles at the north of the site outside of Units 1-10 and to the west outside of Units 11-12. The storage will be of a suitable type. Each unit is to electric charging point infrastructure enabled for discretionary installation by the owner / tenant of the units. This is welcomed.

The proposal includes modifications to the access junction from New Castletown Road based on a previous consent which may no longer be extant to be relied upon and may require an additional submission. These need to include exit visibility splays at 2.4 x43m in each direction to accord with the 30mph speed limit, drainage, and alterations to the kerb lines to

better accommodate pedestrians and the turning of larger vehicles. These changes aim to provide greater and safer flow of traffic into and out from the site by speeding entry to reduce any queuing on the New Castletown Road. The proposal includes tactile paving and dropped kerbs at the pedestrian crossing points to aid awareness of the crossing and vehicular access/egress from the site. The existing gulley at the entrance to the site from the New Castletown Road is to be relocated in line with the proposed altered radius to ensure effective drainage and to safeguard the gulley from vehicular damage.

The works in the highway will require a separate permission from Highway Services under a s109(A) Highway Agreement after grant of any planning consent. On construction of the vehicular access, the existing road drainage must either be retained or an effective alternative scheme provided at the Applicant's / Developer's expense on a satisfactory arrangement being drawn up and agreed with the Highway Services' Drainage team. Works may be commissioned from a contractor accredited to work on a public road and constructed to commercial specification to the satisfaction of Highway Services.

The proposal indicates a section of two-way movement and shared use between the access junction and the southern end of the existing units. There would be an introduction of a 5mph speed limit, reconfiguration of existing parking to one side and angular to allow an installation of a passing place, markings and signage to indicate parking and no parking areas before providing an one-way clockwise circulation around the proposed units.

This arrangement would allow more convenient two-way movements at the northern end of the site larger vehicles at, the narrowest point and provide a low speed environment to help vulnerable users, such as cyclists, motor cyclists and pedestrians navigate safely through the site where there is a mixture of motorised vehicle traffic. The proposed one-way road system would allow larger vehicles to reverse into the unit forecourts and facilitates parking around the site as well as providing more forward visibility for oncoming drivers of vehicles.

It would further make for more convenient waste collection as demonstrated by a swept path analysis shown on the submitted Transport Plan, Drawing JTM2170-P-08 C. Units 1-10 are each to have 3 no. 240l refuse/recycling bins to be positioned at the rear of each building whilst Units 11-16 are each to use a shared refuse/recycling points with a minimum 14 no. 1100l bins. Douglas Borough Council may comment further on suitability of the waste collection facilities. It may be prudent to provide a construction management plan given existing users and pinch points adjacent existing buildings. Surface water run-off is to be contained within the site.

The proposal provides a total of 31 parking spaces, including three disabled bays to add to the eight no. parking spaces at the site on reconfiguration. This equates to at just under 2no.spaces per unit, but lower than required under the IOM Strategic Plan car parking standards for light industrial units of one space per 30sqm where 56 spaces would be needed but closer to the general industrial standard of one space per 50sqm, equivalent to 33 spaces. This is acceptable on there being more than adequate on-site cycle parking exceeding the Manual for Manx Roads criteria for employment uses of one space per 1,000sqm short stay and one space per 500sqm for long stay. Additionally, there are positive locational aspects for connectivity and alternative parking provision. There being bus and walking routes as well as public car parking nearby at the Bowl car park. Parking arrangements would need to be made clear to existing and future owners/ tenants and visitors to avoid overspill issues.

The proposal does not raise significant road safety or network functionality issues. There has been one slight personal injury related collision in the latest three-year period between the 01/11/2019 and 31/10/2022. This was on the A5 to the west of Spring Valley Crescent and was not located near the access to the site. The Stage 1 Road Safety Audit identified four

problem areas mainly at the access to address pedestrian and cyclist crossing the A5 and drainage plus to the existing parking arrangements. These matters are addressed in the amended scheme.

As amended the proposal is acceptable in highway terms for no opposition to be raised subject to conditions:

- a) If necessary, site access modification - further details to be submitted for approval, including alteration to the kerb lines, highway drainage and visibility splays.
- b) Site layout to accord with Proposed Ground Floor plan depicted on submitted Drawing JTM2170-P-03 Rev D.
- c) Construction Management Plan.

The Applicant is advised of the need for a s109(A) Highway Agreement for works to the access junction. (20.12.22)

Highways Development Control notes the amendments uploaded on 9 February 2023 with the reduction in the number of units from 16 to 11 and adjustment to parking numbers from 31 to 26 spaces, including three bays for mobility impaired use, plus revisions to the layout on retaining an existing warehouse. These changes would remain acceptable in highway terms. Accordingly, HDC continues to not oppose this proposal subject to conditions for:

- a) Access and site layout to accord with the named Drawing: Proposed Transport Plan; No: JTM2170-P-08 Rev C.
- b) Construction Management Plan.

The Applicant is advised of the need for a s109(A) Highway Agreement for works to the access junction. (17.02.23)

"Highways Development Control notes the amendments uploaded on 9 February 2023 with the reduction in the number of units from 16 to 11 and adjustment to parking numbers from 31 to 26 spaces, including three bays for mobility impaired use, plus revisions to the layout on retaining an existing warehouse. These changes would remain acceptable in highway terms. Accordingly, HDC continues to not oppose this proposal subject to conditions for:

- a) Access and site layout to accord with the named Drawing: Proposed Transport Plan; No: JTM2170-P-08 Rev C.
- b) Construction Management Plan.

The Applicant is advised of the need for a s109(A) Highway Agreement for works to the access junction. (15.08.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team acknowledge the changes to the proposed number and location of bird boxes as a result of the removal of one of the buildings from the proposed plans. From 19 boxes to 15. We are content with this change. Our comments from our response dated 8th March 2023 are still relevant:

We question the inclusion of the 16 Douglas Fir Trees. We don't object to this but think the applicant should consider their planting in regards to the size they will eventually grow to in relation to the Millmount Complex and their purpose. We think a mixture of species, including native broadleaved species should be selected instead.

We would also request that some of the south facing bird boxes are changed to bat boxes, in line with the MWTs recommended ecological mitigation recommendations. Should this application be approved, we request that a condition is secured for an ecological mitigation plan to be submitted to Planning for written approval prior to any works, including site clearance, from taking place. The on-site mitigation must then be undertaken in strict accordance with these agreed measures.

This plan should encompass the following:

Details, including type and location, of nesting bird boxes to be erected on the new buildings.

Details, including type and location, of bat boxes to be erected on the new buildings.

Details of the shade tolerant ground flora - including seed mix, species composition, and details of how this area is to be created and managed.

Details of the new tree planting, including species and timing of planting.

A condition should also be secured on approval for no works to take place, including clearance and enabling works, unless a Construction Environmental Management Plan (CEMP) has been provided to Planning and approved in writing. The CEMP will need to contain details of the roles, responsibilities, training, procedures and monitoring on site which will ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to.

The CEMP will need to incorporate the following avoidance and mitigation measures and the works must be undertaken in strict accordance with these measures:

- A responsible eradication and/or avoidance plans for Wildlife Act 1990 Schedule 8 Japanese knotweed, montbretia and Griselinia.
- Measures to be taken to ensure that the proposals do not result in the degradation and pollution (including light pollution) of the River Dhoo and ultimately Douglas Bay Marine Nature Reserve, either through direct impact or as a result of run-off entering the watercourse;
- Construction exclusion areas and other measures to prevent damage to retained trees and surrounding vegetation.
- Measures to be taken to ensure that bats are not harmed by the works - pre-demolition checks and emergence surveys of the buildings and crumbling walls, and measures to be taken should bats be found during the works.
- Reasonable Avoidance Measures for nesting birds to ensure they are not harmed by the works - vegetation removal outside of the nesting season, or thorough checks prior to removal.

Lastly, we have not yet seen details of any lighting requirements for the site, but lighting has the potential to lessen the value/ make redundant some of the ecological mitigation measures on site and therefore we request that a condition is secured for no permanent lighting to be installed unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 on Bats and Artificial Lighting (12th September 2018), has been submitted to Planning and approved in writing. Lighting should be avoided on any trees and vegetation, any part of the river, and the proposed bat and bird boxes.

5.4 DEFA Forestry - Further to the submission of amended plans and additional arboricultural information, I would like to withdraw my objection to this planning application for the following reasons:

- All trees, bar 1 - a category U sycamore, are proposed to be retained and protected during the development.

- Sufficient information has been provided to properly judge the arboricultural impact of this proposal.
- The amended plans greatly reduce the potential impact to the trees.
- The proposal is unlikely to significantly increase pressure to remove any of the trees.
- No tree planting has been proposed, however, mitigation for cumulative tree loss at this site has been administered through a re-planting condition issued under the Tree Preservation Act.

An outline tree protection plan has been provided, it would be prudent, however, to seek the technical specifications for fencing and signage that will be erected around the construction exclusion zone. I would therefore request that this information is sought through a precommencement condition, and that a condition is in place to ensure these tree protection measures are implemented throughout the entire development process.

5.5 Manx National Heritage - The development application has been amended to allow planting of a small number of trees, which we acknowledge, but feel that level of mitigation does not satisfy the recommendations laid out in the MWT Preliminary Ecological Appraisal (PEA) which was submitted as part of the application process. The PEA states that planting should be at least equivalent to the area of semi natural habitat which would be lost and that it should include suitable ground flora rather than flower beds.

The proposed mitigation does not meet either of the above criteria through the revised application. In general, where a development would result in a loss of habitat and or species, as is the case at Millmount, it is anticipated that mitigation measures would be in place to not only compensate for the loss but to increase opportunities for nature conservation with the overall aim of increasing biodiversity net gain.

Additionally the report from DEFA forestry highlights that the implementation of the tree protection plan is unlikely to be sufficient to prevent a significant and detrimental impact on trees. The deterioration and possible loss of trees, which are marked as being retained, would obviously further reduce biodiversity at this site.

For the above reasons MNH are unable to support this application in the current form. (11.01.23)

Having read through the environmental amendments made to this application we have no additional concerns to address. (01.03.23)

5.6 Highways Drainage - Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. The applicant is to provide details of measures to prevent surface water from flowing onto the highway. (31.01.23)

5.7 Flood Risk Management - We are happy with the finding in the flood risk assessment provided and that it is conditioned that the new units have a finished flood level of 12.5mAD02. (10.10.23)

5.8 Manx Utilities Authority - 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:-

- o Public sewerage crosses this site. The line of the sewer(s) must be identified before development work commences. The sewer(s) must be fully protected whilst all building works are being carried out. No part of the proposed development may be constructed, nor any

trees planted within three metres of any public sewer either at the time of construction or any time in the future.

- o Prior to any works commencing MU also would like to have a cross section drawing through the proposed soakaway units in relation to the combined sewer.

- o If the applicant wished for the foul drainage do be adopted, discussion with MU should take place post planning and before construction.

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, 9 communication fees will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system. (08.09.23)

5.9 DEFA Fisheries - I can confirm that DEFA, fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. As the proposed works are in close proximity to the watercourse, precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river. The proposed waste material interceptor and soakaway must meet the required capacity to avoid any contaminated surface water entering the adjacent watercourse. Fisheries have also recommended that all new tenants using the proposed light commercial units be given a welcome pack, giving best practice advice on disposing of hazardous materials from the site. (12.01.23)

5.10 Department for Enterprise - The Department's Officers are pleased to provide their comment and support for this application. The Department's Officers comments are based on a consideration of the application and how it delivers upon the policies and strategies set out in the Island Plan, the Isle of Man Economic Strategy: November 2022, the Department for Enterprise's Department Plan and the Isle of Man Climate Change Plan.

The Department's Officers note that the land is designated for 'Industrial' use within the Area Plan for the East, which came into operation on the 1st December 2020 and that in that regard, the proposals for the erection of 16 light industrial units would appear to accord with that designation.

The Department's Officers also note that the site is included on the Unoccupied Urban Sites Register: East (Update 1) as site reference UUS 69 in the Cabinet Office's December 2022 update, which forms a part of the cohesive evidence base for both Government and the private sector to help focus resources and facilitate the development of brownfield sites. In so doing, the Department's Officers also note that the objective 'Building Great Communities' in Our Island Plan makes a strong commitment to "focus development on brownfield sites".

The proposals represent valuable investment in the redevelopment of a former industrial site via the replacement of the existing 455.9sqm/4907sqft warehouse with 1673sqm/18,000sqft of light industrial units, representing a 27% increase in useful floor area as well as providing much needed modern, well insulated and secure units to foster small business. The Department's Officers note that units of this scale represent valuable 'start up' opportunities for small businesses.

The configuration of units 1-5, 6-10, 11-12 and 13 and 14 offer flexibility to increase in increments of 11,500sqft to 12,500sqft to accommodate business use, or expansion. Representatives of the Department regularly engage with companies looking for circa 2025,000sqft, so this flexibility could accommodate such businesses, particularly in the much sought after Douglas/eastern area.

In respect of Climate Change, sustainability and Environmental, Social and Governance ('ESG') goals, the application utilises Kingspan insulated panels produced in the UK, which are certified to BES 6001 (Framework Standard for the Responsible Sourcing of Construction Products) 'Very Good'. All Kingspan insulated panels manufacturing facilities across the UK and Ireland are 100% Net Zero Energy, with the insulated panels procured using steel that is made from 15 - 25% recycled content. As a result, Kingspan insulated panels directly contribute to BREEAM@ / LEED@ credits.

In conclusion, and having considered the scheme within the context of the Island Plan, the Economic Strategy, the Department's Plan and Isle of Man Climate Change Plan, I wish to provide my support for these proposals which seeks to actively regenerate and repurpose a previously developed site, which is in my view, is entirely in keeping with Government's ideal direction - to reuse and maximise a previously developed site rather than develop greenfield sites. (26.01.23)

6.0 ASSESSMENT

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

- Principle of development (STP1,2,7, SP1, BP1,2,5,6)
- Design, layout and visual impact (STP5, GP2, EP42)
- Neighbouring amenity (GP2)
- Ecology, biodiversity and arboriculture (EP4)
- Highways impacts and parking (STP10, TP4,7,9)
- Drainage and flooding (EP10)

6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 The application site falls within an area zoned for 'industrial' use within the Area Plan for the East, and therefore the principle of its redevelopment for light industrial use is considered to be compatible with its land use zoning and the relevant policies of the Strategic Plan and the Area Plan for the East.

6.3 DESIGN, LAYOUT AND VISUAL IMPACT

6.3.1 The design, built form and materials palette of the proposed development corresponds to a fairly standard vernacular and visual aesthetic for modern light industrial units, particularly those seen in recent years in the UK. The site is zoned for industrial use and forms part of a wider zoning including existing commercial development both within the site and to the immediate north, and therefore the introduction of the built development proposed would not appear incongruous in this respect. Likewise, the design and form of the proposed units are considered to be acceptable in their own right, and in particular would comprise a marginally reduced scale relative to the existing warehouse building to be retained.

6.3.2 In any case, the development would not be visible within the context of the principle streetscene of New Castletown Road, whilst being further largely screened from residential development to the immediate west from retained mature trees along the site's western boundary. Additional tree planting in the form of 5 trees (2 no. Field Maple and 3 no. Birch) is proposed along the site's southern boundary to bolster existing and retained tree coverage. Likewise, the proposals include additional planting of 16 no. Conifer tree along the site's

eastern boundary adjacent to the River Dhoo to compensate for previous tree loss within the site whilst further screening the development from the grounds of the National Sports Centre.

6.3.3 The proposals are therefore considered to be acceptable from a design perspective, without resulting in a detrimental impact upon the visual amenities of the wider locality, in compliance with General Policy 2 (b) and (c) and Environment Policy 42.

6.4 NEIGHBOURING AMENITY

6.4.1 The site forms part of an area zoned for industrial purposes which already contains a number of active commercial buildings, and it is therefore evident that a significant amount of activity already occurs within a large portion of the site. The proposed expansion of activity, particularly with respect to vehicle movements and additional noise and disturbance associated with the increased commercial activity is noted. However, given the current level of operations taking place within the site and adjacent commercial units to the north and north-east, it is considered unlikely that the proposals would result in a significantly harmful impact upon the amenities of residential properties immediate surrounding the site over and above the current situation.

6.4.2 In any case, the site is largely well-screened with development primarily focussed in the site's centre adjacent to the existing warehouse. Units 8-9, sited adjacent to the site's western boundary, would include an eastward facing activity frontage away from residential properties in the greatest proximity to the site, with an existing access track running adjacent to the same boundary provide a further buffer.

6.4.3 The residential property most likely to be impacted by the proposals is Primrose Cottage, sited within close proximity to Units 10-11 to the immediate north-east and Units 8-9 to the south-east. However, this property is sited on higher ground than the application site and therefore potential impacted related to overshadowing, loss of proximity or loss of sunlight/daylight would not be reasonably evident. With respect to general noise and disturbance, the property is already located within close proximity to significant commercial activity associated with current operations occurring within the site and to the immediate north. Therefore, whilst the proposals would clearly result in a marginal degree of impact due to the increased proximity of built development towards this property, such an impact is not considered to be sufficiently harmful to warrant objection to the site's proposed redevelopment.

6.4.4 On balance therefore, the proposals are not considered to result in a significantly harmful impact upon the amenities of surrounding residential properties, and are therefore further compliant with General Policy 2 (g) and Environment Policy 22.

6.5 ECOLOGY, BIODIVERSITY AND ARBORICULTURE

6.5.1 The application is accompanied by a Preliminary Ecological Appraisal carried out by Manx Wildlife Trust, the content of which, including the evaluation of ecological impacts as a result of the proposals and recommendations/mitigation out forward, has been found acceptable by the Ecosystems Policy Team. Likewise, the proposals include the submission of an ecological enhancement plan, which details the inclusion of eaves level birds boxes throughout the development, together with compensatory tree planting and additional planting. Some queries has been raised over the choice of trees together with the lack of bat boxes, whilst further noting that no details of lighting have been provided. It is considered that such matters can be suitably addressed through the submission of a detailed landscaping scheme and ecological enhancement plan by way of condition, together with details of an ecological friendly external lighting scheme should this be required. Over all it is considered that the proposals would ensure that there would be no overall net loss of biodiversity within the site and are therefore acceptable in this regard.

6.5.2 Following the submission of an Arboricultural Impact Assessment by Manx Roots and amended plans, the Forestry Officer has since removed their objection and is largely content with the level of information supplied. In particular, they note that changes to the scheme have greatly reduced its potential impact upon the health of retained trees within the site. Further information is however sought in relation to details of tree protective fencing (i.e. technical specifications), whilst it is noted that some of the information supplied relates to outdated plans. Therefore, it is considered reasonable that further details of tree protection measures be supplied by way of condition. Additional tree planting within the site has been provided since the latest response received by the Forestry Officer, however updated/detailed landscaping will be required by way of condition as noted in the above paragraph.

6.6 HIGHWAYS IMPACTS AND PARKING

6.6.1 No concerns have been raised by Highway Services with respect to both the initial proposals and as subsequently amended with respect to access, vehicle manoeuvrability and parking. A detailed assessment of an earlier iteration of the proposals by Highway Services is noted within this report and received on 20.12.22, with no concerns raised following subsequent amendments to the scheme. It has been recommended that a Construction Management Plan is submitted for assessment and approval by way of condition due to potential pinch points within the site adjacent to existing buildings, which is considered to be reasonable.

6.6.2 The proposals are further considered to provide a more than sufficient level of on-site parking with respect to the amended 9 unit scheme, with additional cycle parking to also be provided. The site is further located in a highly sustainable location in close proximity to bus and walking routes, with further public car parking available at the nearby Bowl car park. It is further noted that surface water run-off would be contained within the site,

6.6.3 The proposals are not considered to pose a detrimental impact upon highway safety, whilst providing a suitable internal access route and convenient manoeuvrability for larger vehicles and waste collection, whilst providing sufficient on-site parking. The proposals are therefore considered to be acceptable with respect to highways and parking matters, in compliance with Transport Policies 4 and 7.

6.7 DRAINAGE AND FLOODING

6.7.1 A large portion of the site falls within an area of high fluvial and surface water flood risk, with the initial scheme having been amended on a number of occasions largely in response to concerns raised by the Flood Risk Management (FRM) Division and the outcome of a Flood Risk Assessment produced by JBA Consulting on behalf of the application.

6.7.2 On the outcome of the FRA and recommendations contained therein, Units 6-7 in the southern portion of the site were removed from the scheme, with a recommendation that ground levels in the western portion of the site be raised to 12.3mAOD, with finished floor levels to be set at 12.5mAOD. Such measures have been reviewed and accepted by FRM, who are now in support of the revised scheme of 9 commercial units providing that the proposed finished floor levels be conditioned. On this basis the revised proposals are considered to be acceptable from a flood risk perspective, in compliance with Environment Policy 10.

7.0 CONCLUSION

7.1 The application site forms part of land zoned for industrial purposes, with the development considered to amount to a highly efficient use of land whilst providing increased employment opportunities, without detriment to the character and appearance of the locality of the amenities of surrounding residential properties. The proposals would further ensure no net loss of on-site biodiversity, whilst being acceptable from a highways, drainage and flooding perspective following the submission of revised plans. The proposals are therefore

considered to accord with Strategic Policies 1,2,5,7,10, Spatial Policy 1, General Policy 2, Environment Policies 4,10,22,42, Business Policies 1,2,5-6, and Transport Policies 4,7-8 of the Isle of Man Strategic Plan 2016 and relevant policies of the Area Plan for the East 2020. It is therefore recommended that the planning application be approved for the reasons contained within this report, subject to conditions attached to any forthcoming decision notice.

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 (DEFA) 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 6th November 2023

Item 5.3

Proposal : To erect a new stable block which consist of two stables, a hay store and change of use to equestrian use

Site Address : Field 334666
Ballachrink Farm
Dalby
Isle Of Man
IM5 3BN

Applicant : Mr Lee McCarthy

Application No. : 23/00584/B- [click to view](#)

Planning Officer : Miss 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.

C 2. In the event that the stable building approved is no longer used or required for the stabling of horses, the stable building and its associated hardstanding shall be removed and the ground restored to its former condition within 24 months of the date the use ceased.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided and its subsequent retention without that need would result in an unwarranted stable building in the countryside. The restoration time limitation takes into account the length of time it can take to find a new horse as per the applicants email dated 31/10/2023.

C 3. The building hereby approved must be used only for equestrian purposes in association with the residential dwelling Ballachrink Farm and shall not be used for any commercial use or commercial purposes.

Reason: The application has been assessed on this private use only as requested in the application for the stabling of horses and keeping of equipment and feed in association with the horses.

C 4. The building must be finished externally in accordance with the details listed under 'Formation of Stable Block' on approved elevation and roof plan drawings (dwg: 01, 02, 03, 04, 05 and 06) and retained thereafter.

Reason: The application has been assess on this basis and in the interest of visual amenities of the area and impact of the building in the landscape.

C 5. The planting as shown in drawing 08 rev 004 (received 25/07/2023) shall be planted within the first available planting season following the first use of the building approved, and in the event any of those plants die within 5 years of planting they shall be replanted with native species and all shall be retained and maintained thereafter.

Reason: The application included additional planting and this would assist in further visual mitigation to the stable in the interest of visual amenities of the area and impact of the building in the landscape.

C 6. The change of use of land to private equestrian use relates only to the area outlined in red as shown on drawing number BCF-002-23-07 01 rev 004 Site Location Plan received 25/07/2023.

Reason: The application has been assessed on this area only for private equestrian use.

C 7. In the event that the stable building is removed in line with C2 above, the equestrian use of the land must also cease.

Reason: the equestrian use of the land is considered on an exceptional basis for the need for horse grazing and in the event that need ceases the land shall also revert to its original use and purpose.

C 8. For the avoidance of doubt there shall be no permanent siting or any external storage of any horse jumps, horse boxes or any other associated equestrian paraphernalia on the land edged red on drawing number BCF-002-23-07 01 rev 004 Site Location Plan received 25/07/2023

Reason: The application has been assessed on the change of use of the fields for general exercise and grazing only and not for any other use. In the interest of ensuring no overspill of equestrian equipment over the fields in the interest of visual amenity.

N 1. The applicant is to be reminded to contact Manx Utilities in relation to undertaking the works given the proximity to electrical power infrastructure.

Reason for approval:

The need for a stable and use of the land for equestrian use has been demonstrated and the siting, size, design and finish of the proposed stable and equestrian use of the land is not considered to result in any material harm to the overall character or appearance of the locality or the rural landscape, and in the absence of any identified harm to the amenity and living conditions of the The Granary and Shilley Marrey the proposal is considered to meet the tests of Environment Policies 1, 19, 20 and 21 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

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

- o Manx Utilities - proximity of power line

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

- o The Granary, Ballachrink Farm, Dalby
- o Shilley Marrey, Dalby

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

Planning Officer's Report

THE APPLICATION IS BEFORE COMMITTEE AS THE LAND IS NOT DESIGNATED FOR ANY USE AND THE PROPOSED EQUESTRIAN USE MAY BE CONSIDERED CONTRARY TO THE LAND USE DESIGNATION AND RELEVANT DEVELOPMENT PLAN POLICIES PROTECTING THE COUNTRYSIDE FOR ITS OWN SAKE.

1. SITE

1.1. The sloping site extends to roughly 2.5ha and relates to field number 334666. The site sits north of Dalby road and slopes steeply down towards Glen Maye glen. The field boundary along the road is defined mostly by a post and wire fence.

1.2. The fields down to the glen and wrap around to the east behind the neighbour's house and to the rear of the applicants dwelling and outbuildings.

2. PROPOSAL

2.1. Permission is sought for the erection of a rectangular stable building to accommodate 2 stables plus a hay store along the western side of field within a natural corner of 334666 and towards the bottom of the field. The proposal also seeks associated equestrian use of the land around the stable (outlined red on the site location plan).

2.2. The building would be clad in timber. With a monopitched sloping roof with a maximum height to roof would be 3.5m at the end of the overhang. The main body of the building would be 13.7m long and 3.75m wide. The overhang area 1.25m wide. The building is to stand on top a concrete pad measuring 14.3m x 5.6m.

2.3. The plans also show additional hedge planting alongside the stable.

2.4. The stable is to sit 9m from the overhead power line running through this part of the site.

2.5. Supporting information provided by the applicant indicates that one of their horses has become of poor health and needs constant monitoring and taking care of. Whilst tree's offer some shelter in the summer there is no winter shelter on the land.

2.6. They indicate that the upper paddock behind their house is used to make hay which has restricted grazing and siting the stables here would also be closer to the neighbour's house. The lower field is suitable to graze but not suitable for the building due to its steepness and limited access in wetter months. They state that the "field and location selected to erect the proposed stables and hay store has the most suitable and shortest access route which is already in place. The location is the flattest area and the furthest point which we can erect the stables from view of the road to minimise the visual impact. We intend to plant native Manx trees & hedges in front of the stables to completely conceal the

stables from the road." They also clarify that the site already has fresh water supply and would be nine meters from a water course which is an environmental requirement for erection of the stables.

3. PLANNING HISTORY

3.1. The site of the proposed stable has not been subject to any previous applications, however there have been a number of previous applications for Ballachrink Farm (applicant's house) including applications relating to two existing outbuildings alongside the house. In the late 1990's approval was granted for the conversion of the outbuildings into dwellings. There were two later applications in 2004 for works to these outbuildings:

3.2. 04/00750/B - approved for roofing works to the outbuilding closest to the main road. The application form indicated the existing and proposed use being agricultural and drawings showing internal heights.

3.3. 04/00780/B - approved for erection of replacement tractor store/shed. The existing and proposed use being agricultural and was conditioned for agricultural use only.

4. PLANNING POLICY

4.1. The site is within an Area of High Landscape Value and Scenic Significance on the 1982 Development Plan. The site is not within a Conservation Area nor recognised as being at any flood risk. The Soil Map Classification recognises the area as Class 3 soil.

4.2. There is a general presumption against any kind of development across the countryside and in AHLV's as outlined in established policies within the IOM Strategic Plan 2016 (Environment Policies 1 and 2, and General Policy 3), however the same plan also contains a number of paragraphs and policies that explicitly relate to, and offer support to, the development of new equestrian-related development (Paragraph 7.15.1 and Environment Policies 19, 20 and 21) as long as they do not result in the loss of any high quality agricultural land, harm highway safety or by reason of their design detriment the character, appearance and quality of the countryside. These policies also state that cavity wall construction should not be used and that there will be a presumption against large scale equestrian development including new buildings and external arena's in AHLV unless there are exceptional circumstances.

4.3. 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."

4.4. 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."

4.5. Paragraph 7.15.1 states: "Equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. These activities can generally take place only on open, rural land, and often represent a useful way of diversifying traditional farming. The use of land as grazing land falls within the definition of agriculture (section 45 of the 1999 Town and Country Planning Act), and does not therefore involve development, but the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. Whilst horses should be well housed, it will seldom be appropriate to use cavity-wall construction for stables, since such buildings may too easily be adapted for residential uses, so thwarting other policies of this Plan. Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose."

4.6. Environment Policy 19 states: "Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the local highway network can satisfactorily accommodate any increase in traffic"

4.7. Environment Policy 20: "There will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance unless there are exceptional circumstances to override such a policy."

4.8. Environment Policy 21 states:"Buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to that character and appearance of the countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose; in particular, cavity-wall construction should not be used"

5. REPRESENTATIONS

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

5.2. Patrick Parish Commissioners - no objections (21/07/2023 and 29/08/2023).

5.3. Department of Infrastructure Highway Services - No highways interest (25 and 28th July 2023).

5.4. DEFA Ecosystems - No objections (20/06/2023) - the works are outside the ASSI and not likely to impact.

5.5. Manx Utilities - Comments 20/06/2023 - they have assets nearby and build works need to not impact on these. The applicant should contact MU prior to works.

5.6. The owners of Shilley Marrey - Objection (01/07/2023) - state that the works will spoil and impact views from their property, and they have concerns for animal waste and where this will run off too. They also outline that the applicants already have a stable block on their property which could be used instead.

5.7. The owners of The Granary, Ballachrink Farm, Dalby - objections (27/06/2023 and 15/08/2023) - there is no access to the stables except over their land and any construction

traffic would impact on established trees and their property. They also state that the proposed stable would be an eyesore and that the applications recognise it has visual impact by seeking to plant hedging around it. They share concerns that the proposal will result in effluent running into glen and river, and that they applicants already have outbuildings which could be used and so the proposal stable is unnecessary.

6. ASSESSMENT

6.1. General Policy 3 resists development out with those areas zoned for development other than in specified exceptional circumstances.

6.2. Environment Policy 1 confirms that the countryside and its ecology will be protected for its own sake. Development that would adversely affect the countryside is not permitted unless there is an overriding national need in land use planning terms and for which there is no reasonable alternative.

6.3. Equestrian pursuits are addressed at section 7.15 of the Strategic Plan. Paragraph 7.15.1 recognises that equestrian activities are becoming increasingly popular and may have an adverse impact on the character and appearance of the countryside. Among other things, sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such impacts. Environment Policy 19 allows for the development of equestrian activities in the countryside where there would be no loss of local amenity, no loss of high-quality agricultural land and where there would be no highways issues. Environment Policy 21 resists the construction of stables in rural areas where they would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose. Environment Policy 20 indicates that there will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance unless under exceptional circumstances.

6.4. The main issue in the assessment relate to the need address siting and existing buildings, effect of the proposed development on the prevailing character and appearance of the surrounding countryside and AHLV, and other matters will also cover construction access and impact on the glen.

6.5. Need

6.5.1. The application seeks to have equestrian use of the land outlined red on submitted plans and provide a stable with two stable stalls and a hay store. The applicant explained during a site visit and in submitted information that they have one horse that is of poor health that requires being looked after daily and they have another horse on site to help keep their horse company. It is considered that the building is sized to meet the basic needs of a horse and any companion as well as associated basic food store and any necessary equipment for keeping the horses. Equestrian use of land is not an agricultural use, thus constitutes development requiring an application. The equestrian use of the land in this instance would meet the need to provide suitable grazing area for the keeping of horse and without loss of any high quality agricultural land. Minded that this equestrian use would not prevent any agricultural use in the future minded that use for agricultural does not constitute development and can be undertaken without the need for a planning application in line with The Act 1999.

6.5.2. The applicant indicates that the steepness of the site limited where the stable could be located, and that the natural flattest part being the western side and furthest from the neighbours and so this site selected.

6.5.3. During a site visit the existing two outbuildings situated nearest the applicants dwelling were investigated and their internal construction having low level internal floors would not lend themselves to providing sufficient head height to accommodate their horse (or any horse or large/medium pony) and during the time of visit were filled with gardening equipment, tools, household items along with equipment for mushroom growing and cultivating.

6.5.4. Moving to the application site, this would be located in a natural levelled area and the stabling proposed would clearly contribute to good animal husbandry and help with the poor health condition of their horse as well as offering a companion shelter offering protection from bad weather as well as shaded area during summer and shelter at time of illness.

6.5.5. Having regard to the health of the appellant's animal, and that horses should be kept with at least one companion and being mindful of animal welfare requirements, and that there are no existing outbuildings readily available for suitable stabling that it is considered the need for a stable of the size sought has been acceptably demonstrated in this case.

6.5.6. The question of acceptability then turns to the impact on the character and appearance of the countryside and AHLV.

6.6. Character and Appearance

6.6.1. The appeal site lies within countryside for the purposes of planning policy. General Policy 3 resists development in the countryside other than in specified circumstances, none of which is applicable in this case. However, Environment Policy 19, 20 and 21 do explicitly allow for equestrian development in the countryside, but only where, by virtue of its siting, design, finish or size it would not be detrimental to the character and appearance of the area, and that large scale equestrian buildings and arenas are resisted in AHLV.

6.6.2. The timber building proposed is small scale and would have the appearance of a typical low level stable block as seen all over the Island. The topography of the site and area is as such that there are far ranging views down over the fields and beyond to the coast and sea, as well as across to the other side of Glen Maye valley as the land slopes back up towards Peel.

6.6.3. There would be views of the proposed stable from the road, although these would be fairly long range and given the size of the stable, its low profile, its siting below the road and read amongst the valley backdrop behind, it would not be seen as an unduly intrusive or incongruous feature in the countryside here and would not break the skyline nor be of any dominating visual impact. Planting behind the building also helps to provide backdrop and any additional planting as shown on the plans would help to soften and minimise views further still.

6.6.4. The proposal is not considered to be large scale equestrian development and is not considered to adversely harm the general countryside landscape.

6.6.5. Environment Policy 19 resists equestrian buildings where there would be a loss of local amenity. In this case however, even noting that the stable site is lower than then neighbours and the distance separation combined with intervening vegetation, would be more than sufficient to ensure that there would be no material harm in this regard. Whilst there may be some views within their outlook it is not considered to be of such scale or of harm as to impact their living conditions.

6.6.6. The proposal is for private equestrian use and so there will be no increased commercial nature and so no harm on neighbouring living conditions in this respect. A condition will be added to clarify this private use only.

6.7. Other Matters

6.7.1. The occupiers of The Granary raise concerns in relation to impact of construction access and the need to access the site over their land. Matters of landownership and access for construction would be outside the remit of planning and to be discussed between the two parties should it be required (although it appears access could be achieved from within the applicants own land).

6.7.2. Also raised as a concern is the run off of effluent into the nearby glen. The site and surrounding fields have been in agricultural use and for grazing. The proposal would present a stable area where waste may be concentrated too, however the application has received comments from Ecosystems and they have indicated the site being outside the ASSI and not likely to impact. The proposal is also approx.110m from the river and the area of hard surfacing for the stable is considered to be small with significant permeable soft landscaping fields surrounding. There is not expected to be any increased impact beyond the agricultural or proposed equestrian use as to cause any new or increased harm.

7. CONCLUSION

7.1. The proposal is of small scale providing only the space necessary to house the applicant's horse and a companion, with an associated hay store. The proposal is of typical stable appearance in terms of its timber construction and proportions and its siting away and below the road and read with the valley and vegetation backdrop results in no adverse or material harm to the character and appearance of the area, and given its private use and distance and relationship with the neighbours means there would be no harm on the living conditions for occupiers of The Granary or Shilley Marrey.

7.2. A need for the stable has been demonstrated and overall there would be no material harm to the character or appearance of the area as a consequence of its siting, design, finish or size, and there would be no conflict in this regard, with Environment Policies 1, 19, 20 and 21 of the Strategic Plan 2016 which seek to protect such interests, and in the absence of any identified harm to the amenity and living conditions of the The Granary and Shilley Marrey.

8. 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 6th November 2023

Item 5.4

Proposal : Temporary Change of Use for siting of a static caravan
Site Address : Ballaoates Farm
Ballavagher Road
St Johns
Isle Of Man
IM4 3JE
Applicant : Mr John Kneen
Application No. : [23/00157/B](#)- click to view
Planning Officer : Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The occupation of the temporary accommodation hereby approved is limited to those associated with the implementation of the conversion works approved under 22/01380/B and the accommodation may remain occupied only until 1st November 2025 or on completion of the conversion works, whichever is the sooner.

Reason: the site is not designated for development and what is being approved is a residential unit on the site which, if retained on completion and occupation of the converted barn, would amount to a second dwelling on the site, contrary to the Strategic Plan.

C 2. If the use of the static home hereby approved ceases for period exceeding 6 months, the building and any supporting base shall be removed and the ground restored to its former condition within 3 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.

Reason: The building has been exceptionally approved solely to meet the applicants need and its subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

Whilst there is a presumption against development on this site due to the land designation, the accommodation is clearly temporary in nature and appearance and is directly associated both with a clear time frame and a development so that enforcement of a time frame would be possible via condition. As such the proposal would comply with the principles of Environment Policy 1 & 2 of the Isle of Man Strategic Plan 2016

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED TO BE CONTRARY TO POLICIES WHICH PRESUME AGAINST THE CREATION OF NEW RESIDENTIAL ACCOMMODATION IN THE COUNTRYSIDE

THE APPLICATION SITE

1.1 The application site is land situated to the North East of Ballaoates Farmhouse within the existing courtyard area. The overall site forms part of the wider agricultural holding of Ballaoates Farm, which includes a collection of more modern agricultural buildings to the north-east of the dwelling, together with additional stone outbuildings to the immediate west adjacent to the highway.

THE PROPOSAL

2.1 The current planning application seeks approval to install a temporary static caravan within the existing courtyard for the duration of the demolition and re-building of Ballaoates Farmhouse, approved under PA22/01308/B.

2.2 Within the supporting statement it is stated that it is hoped that the demolition and re-building of the property should take approximately 18 months from start to finish.

2.3 The design of the static caravan whilst not confirmed and example has been provided which is the Avon model from Pemberton and measures 30ft by 12ft. The static home proposed will have two bedrooms and open plan lounge, kitchen and diner.

2.4 The reasoning for the static caravan is that the existing lease of the applications is up and they have had to sell their property to fund the overall build, with the proposal enabling the applicants to stay on site whilst the demolition and re-build is occurring.

PLANNING HISTORY

3.1 There are several applications upon the site of which the most relevant to this assessment is PA22/01308/B which was "Demolition of existing farmhouse and outbuildings and erection of replacement dwelling" and was Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Not for Development" and within an "Area of High Landscape or Costal Value and Scenic Significance" on the 1982 Development Plan. The site is not within a Conservation Area but is within a low-medium surface water Flood Risk Zone.

4.2 There are no current provisions within the Isle of Man Strategic Plan 2016 for policies which relate to temporary accommodation, though there is a reference within the Housing Policy section which states, "8.11.3 It is unlikely that permission will be given for permanent replacement of dwellings which were never intended to have a permanent residential use, such as chalets and other structures built of materials for only temporary or seasonal use."

4.3 Whilst there are no policies regarding the temporary accommodation there are other policies within the Isle of Man Strategic Plan which are relevant to this application these are Environment Policy 1 and 2.

REPRESENTATIONS

5.1 Highway Services have considered the proposal and state, "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking." (08.03.23)

5.2 German Commissioners have objected to the proposal on the basis that they do not think there is a requirement for the proposal. (11.04.23)

ASSESSMENT

6.1 The fundamental issues to consider in the assessment of the planning application is whether the proposed temporary accommodation would have any adverse impact on the character or appearance of the area.

6.2 The proposal for the static home has arisen from the need for the applicants to house themselves during the works approved under PA22/01308/B, which was for the "Demolition of existing farmhouse and outbuildings and erection of replacement dwelling." The applicants have stated that their existing lease is ending its term and to fund the overall build, they will need to be sited on site during the works, with the suggested time period of 18 months.

6.3 In terms of siting, the static caravan is situated within the existing cluster of buildings, and within an area which is unlikely to be seen due to the mature trees, hedging and the overall elevation change of not only the site in question but also the main road. As such it is unlikely that the proposal would impact the overall streetscene.

6.4 Turning towards neighbouring properties, there are no neighbours near to the proposal which would be impacted by the proposed development.

6.5 It is noted that there is an objection to the proposal from the local authority, whilst their objection has been noted, temporary accommodation pending the completion of a building project is not unprecedented with there being many applications for static caravans or similar which have been approved and refused over the years. The planning statement within this application provides a reasoning why they require the static caravan and gives a clear timeline for the keeping of the static caravan.

CONCLUSION

7.1 Whilst there is a presumption against development on this site due to the land designation, the accommodation is clearly temporary in nature and appearance and is directly associated both with a clear time frame and a development so that enforcement of a time frame would be possible. As such the application should be approved subject to a condition which limits the occupation to those associated with the implementation of the conversion works approved under PA22/01380/B.

7.2 There should also be a secondary condition to state that the accommodation is to remain occupied until 1st November 2025 or on completion of the conversion works, whichever is the sooner. This is an additional period over the stated 18 months, but due to the current economic climate and the fact that providing the extra time provides an acceptable buffer for the proposal, it will allow the works to commence in earnest during these uncertain times and for the owners to relocate/ to accommodate any additional time needed to complete the conversion works.

INTERESTED PERSON STATUS

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

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

(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 6th November 2023

Item 5.5

Proposal : Erection of timber cabin and replacement garden shed/store
Site Address : Reayrt Aalin
Ballavitchel Road
Crosby
Isle Of Man
IM4 2DN
Applicant : Mr William Cullen
Application No. : 23/00749/B- [click to view](#)
Planning Officer : Mr Paul Visigah

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 cabin represents the erection of a new dwelling in the countryside. Such development is contrary to the presumption against development in the countryside as set out in General Policy 3, Environment Policy 1, Strategic Policy 2, Spatial Policy 5 and Housing Policy 4 of the Isle of Man Strategic Plan 2016.

R 2. The cabin by virtue of its design, size, appearance, finish and location is not sympathetic to the existing site character and surrounding landscape of which it forms a part, being in an area not designated for development, in addition to increasing the quantum of built development on the site as viewed from the surrounding countryside, particularly from Bluebell Lane. Accordingly, it is considered that the building is contrary to the provisions of Environmental Policy 1 of the Strategic Plan.

R 3. It is considered that insufficient justification has been provided to demonstrate that there is an overriding national need for the development and that there are no reasonably acceptable alternatives. It is therefore considered that the proposal would be contrary to the policies within the Strategic Plan which seek to protect the countryside for its own sake (Strategic Policies 2, Spatial Policy 5, General Policy 3, and Environment Policy 1 of the Isle of Man Strategic Plan 2016).

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site relates to an existing detached dwelling which sits on the eastern side of the Ballavitchel Road and around 150m from the junction with the A1 road linking Douglas to Peel. This dwelling has most of its boundary enclosed in mature landscaping comprising trees, mature hedges, and shrubbery. Views to its northern elevations are achievable via gaps in the boundary which afford views to a small polytunnel, as well as the existing shed at the rear of the detached garage from Bluebell lane that flanks the northern boundary.

1.2 The existing dwelling is a two storey, non-traditional dwelling which is set back from the road edge. It has two existing conservatories a smaller porch one on the north facing elevation and a larger one on the eastern elevation. On the south elevation is an existing ground floor terrace area looking over the garden.

1.3 The site slightly sloped from North to South with the South garden being at a lower elevation than the existing property.

2.0 PROPOSAL

2.1 Planning approval is sought for erection of timber cabin and replacement garden shed/store. This proposal would involve two elements which shall sit at the rear of the existing garage.

2.2 The first element of the scheme would involve removing the existing pitch roofed shed at the rear of the existing double garage which measures about 5m x 3.3m, with footprint measuring 16.5m, and replace it with a larger shed/garden store measuring 6.5m x 4m (26sqm in footprint and 9.5sqm larger than the existing). This replacement shed which would have a lean-to roof would be 2.1m where it join the rear of the garage, and 2.8m on the north-east elevation. There would be a double door at the northwest elevation. The shed would be finished externally in Composite cladding.

2.3 Also proposed within the scheme is the erection of a cabin that would measure 11.1m long and 6.9m wide, with an indented section that would create a northeast elevation measuring 5.3m. This cabin, which would have an asymmetrical pitch roof over would be 3.6m to tall (to the ridge), 2.2m to the southeast eaves, and 2.7m to the northeast eaves. The building would also be finished externally in composite cladding finish. The roof over the cabin would be laid in green living roof finish.

2.4 This cabin which would be set about 1.5m lower than the roof ridge of the garage would have a layout for a two bedroom accommodation. The building would have an open plan living/kitchen/ and dining area, a bathroom, a large bedroom, as well as a medium sized bedroom/study. The footprint of the cabin would measure about 68sqm.

2.5 The Application is supported by a Planning Statement which relies of General Policy 2, Strategic Policy 1, and Strategic Policy 2 of the Strategic Plan as the basis for the scheme. They argue that the location of the development is right on the perimeter of the village boundary and as such it can be classed as a sustainable urban extension, although they reiterate that the scheme is not a new development to be taken on its own.

2.5.1 They provide the following justifications as reasons for the scheme:

"3.0 Reason for Proposal

3.1 The proposed ancillary accommodation would be used specifically by the owners of Reayrt Aalin. It is proposed to be utilised by the applicant's parents who are in their older years. The parents currently live on island in a property they have owned for many years. This property is multiple storey and given its age needs regular maintenance work to keep in

check. This work is unfortunately outside the remit of the parents given their age and reduced mobility.

3.2 The applicant's parents are starting to require more regular assistance with day to day chores and this is not possible in their current property. As such the proposal would see them move to the applicant's site and allow for more direct assistance as and when it is needed.

3.2 It is important to create an environment that allows for on-site assistance when required but still creates an environment of independence and privacy for the family from both sides.

3.3 Given the rising cost of living and especially the cost of property and development, thorough research has been undertaken by the applicants into how they can create more space for their family in a nearby location. This is ever more the case given the increasing mortgage rates and lack of properties on the market that would allow suitable access over one level. The conclusion as above was to utilise their existing site whilst not over developing the site or impacting the surroundings.

3.4 Having this cabin on site allows the family to be on hand when they need to be in case of assistance whilst still giving independency.

3.5 Given the requirements of the parents, access requirements are critical and future proofing.

The below options were considered but not deemed suitable:

a) Extend existing detached garage above to create accommodation: Would increase the height of the existing garage and also not be user friendly or future proofed as level access could not be created.

b) Create annex within the existing dwelling: The family is large and to create a sufficient space on the ground floor that work for all involved would be detrimental to the existing house and users."

3.0 PLANNING POLICY

3.1 The site is not designated for development on the Area Plan for the East 2020 as it sits outside the Crosby settlement boundary. The site is not in a Conservation Area or 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 East states thus concerning the area:

3.2.1 Union Mills, Glen Vine & Crosby (C3):

3.2.2 Landscape Strategy:

"Conserve and enhance:

a) the character, quality and distinctiveness of the well-treed valley with some scattered and nucleated settlements.

Key Views

- o Open views up to the Northern Uplands and the upper slopes of Foxdale in places.
- o Glimpsed views in the East towards the urban edge of Douglas".

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), although General Policy 3 makes provisions for some exceptions which would be allowable.

3.4 There is no provision within General Policy 3 for the erection of domestic structures such as garages, sheds, cabins, outbuildings or such like, although some of these things can be built, subject to conditions, without planning approval under the provisions of the Town and Country Planning (Permitted Development) Order 2012. In this case, the proposed outbuilding would exceed the size provided in the Order and there already exists a double garage on site which meets the Permitted Development conditions for the erection of a garage within a curtilage, which would mean that the proposed cabin which is proposed as a replacement for the existing shed could not be built without planning approval.

3.4.1 General Policy 3 states in part:

"Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(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."

3.5 The IOMSP also includes Environment Policies which are relevant:

3.5.1 Environment Policy 1: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5.2 The presumption against development outside of identified settlements is also referred to in the Strategic Aim, Strategic Objectives, Housing Policy 4, and Strategic Policy 2.

3.5.3 Spatial Policy 5: New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3.

3.6 Although the application site is not zoned for development, it will also be vital to consider General Policy 2 in the assessment of the application particularly GP2 b, c, d, f, h and j.

3.7 Paragraph 7.34.1 (in Part):

"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."

3.8 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.

3.9 Paragraph 4.3.8 of the Strategic Plan echoes these principles prescribed in SP5 by stating that:

"The design of new development can make a positive contribution to the character and appearance of the Island. Recent development has often been criticised for its similarity to developments across the Island and elsewhere - "anywhere" architecture. At the same time some criticise current practice to retain traditional or vernacular designs. As is often the case the truth lies somewhere between the two extremes. All too often proposals for new developments have not taken into account a proper analysis of their context in terms of siting, layout, scale, materials and other factors. At the same time a slavish following of past design idioms, evolved for earlier lifestyles can produce buildings which do not reflect twenty first century lifestyles including accessibility and energy conservation. While there is often a consensus about what constitutes good and poor design, it is notoriously difficult to define or prescribe."

3.10 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

4.0 PLANNING HISTORY

4.1 There have been a number of previous applications for the site, some of which are considered relevant in the assessment and determination of the current proposal.

4.2 Planning approval was granted under PA 91/00158/B for Construction of garage/workshop/store - Approved.

4.3 PA 92/00312/B for Construction of garage - Approved.

4.4 PA 04/00020/B for Erection of a replacement porch and conservatory - Approved.

4.5 PA 22/01111/B for Removal of both conservatories and erection of a replacement conservatory with porch and installation of replacement windows, doors and additional windows and roof lights. Installation of decking and reinstatement of entrance gates, was approved on 22nd November 2022.

4.6 The current scheme seeks to replace the shed attached to the rear of the existing detached garage on site with a larger shed. A new cabin would also be erected at this position.

5.0 REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that there is 'No Highway Interest' (28 July 2023).

5.2 Marown Parish Commissioners have no objection (17 August 2023).

5.3 No comments have been received from neighbouring properties.

6.0 ASSESSMENT

6.1 The key considerations in the assessment of this application are:

- a. The principle and need for the proposals; and
- b. The potential impact upon the visual amenities of the countryside.

6.2 THE PRINCIPLE (GP 3, EP1, STP 1 & STP 2, & SP 5))

6.2.1 The proposal should be judged against Environment Policy 1 which does protect the countryside for its own sake but with the knowledge that the site has permission for residential use through the existence of a dwelling. It is also considered that the site falls within definition of previously developed land as articulated in the Strategic Plan. However, the site lies outside the boundary of any settlement and within the countryside, where Environment Policy 1 protects the rural landscape for its own sake, while Strategic Policy 2 and General Policy 3 resist new development other than in specified exceptional circumstances. It is, however, worth noting that while the Strategic Plan allows for some exception for developments allowable in the countryside (under GP 3), the proposal does not fall within any of those categories. Besides, the allowance provided within Strategic Policy 1 for optimising the use of previously developed land does not bring any presumption in favour of further dwellings within an existing curtilage in the countryside, as the definition for 'Previously Developed Land' within the Strategic Plan expressly states that there is no presumption that the land which is previously-developed is necessarily suitable for housing or that the whole of the curtilage should be developed.

6.2.2 Whilst the applicants have relied on the arguments for the scheme as being within a previously developed land as sufficient justifications to allow the development, the exceptions contemplated by GP3 include the redevelopment of previously developed land containing significant existing buildings, where the continued use is redundant and the redevelopment would reduce the impact of the current situation and lead to improvement to the landscape and wider environment. However, it would be difficult to argue that the current scheme would meet these conditions as the scheme would increase the quantum of built development on site above the current situation (which cannot be judged to reduce the impact of the current situation on the landscape), and there is nothing within the submission that suggest improvements to the landscape or wider environment. This would, however, be better assessed in the sections assessing visual and landscape impacts.

6.2.3 As detailed in the supporting statement for the application, the applicants have stated that the cabin is to serve as ancillary accommodation by elderly family members (parents) with mobility restrictions, who are currently not able to use their own dwelling which has multiple storeys and given it's age needs regular maintenance work to keep in check and as such is unfortunately outside the remit of the parents given their age and reduced mobility. Whilst it is noted that the proposed development aims to cater for family members who have mobility restrictions, as identified in paragraph 4.3.8 of the Strategic Plan in terms of accessibility for occupants, the development does not sit comfortably with GP3 which provides the framework for permitting developments in the countryside. It is considered that the principle of the development is not acceptable as the cabin does not meet any of the criteria set out in the Strategic Plan for such development in the countryside such as GP3, EP1 and EP3, Strategic Policies 1 and 2, Spatial Policy 5 and the Strategic Aim.

6.2.4 As well, the design and size of the cabin does not suggest that it is a short term solution to cater for the intended occupants, and there is nothing to say that the existing dwelling on site could not be adapted/extended without the need for an additional permanent residential unit on the site. Moreover, the understandable but transient personal needs and preferences of the applicants family do not amount to an overriding justification for setting aside the protective planning policies cited above, which are adopted in the wider public interest. It is, therefore, considered that there is insufficient justification for the erection of the cabin within the current setting on site.

6.2.5 With regard to the principle of demolishing the existing shed and erecting a larger shed, it is considered that the needs of the site for site management and storage would allow for a slightly larger shed, given the extent size of the site. Whilst it is noted that there is no

provision within General Policy 3 for the erection of domestic structures such as garages, sheds or such like, some of these things can be built, subject to conditions, without planning approval under the provisions of the Town and Country Planning (Permitted Development) Order 2012. Besides, the proposed shed would replace an existing shed, although its size would be beyond that acceptable under Permitted Development, which would mean that the new shed could not be built without planning approval. Notwithstanding the above, as has been noted, the size relative to the existing site, and requirements for site management would mean that it would be acceptable.

6.3 POTENTIAL IMPACT UPON THE SURROUNDING COUNTRYSIDE (EP1, GP3, GP2, STP 5, & Character Appraisal in Area Plan for the East)

6.3.1 In assessing the visual impacts of the proposal, it is considered that the proposed cabin would be substantially screened from the main thoroughfare of Ballavitchel Road, although views would be achievable from public viewpoints along Bluebell Lane, which flanks the northern boundary of the site through gaps along the existing plantings on the site boundary, with very clear views achievable when directly northeast of the proposed site. It is also noted that the building is set lower than the existing garage which would largely screen it from the site access. Thus the design has evidently sought to moderate the degree of impact on the rural landscape and the visual effect on the wider environment would be diminished.

6.3.2 Notwithstanding the benefits the existing shrubbery and reduced height relative to the existing detached garage would offer in diminishing its visual impacts, the proposal would considerably increase the quantum of built development on the site, as viewed from the adjacent lane, with the proposed cladding (which would not weather and grey over time) causing the cabin to stand out, thus serving to spread the built development as observed from the north over the site area and exacerbating the visual impact as viewed from this part of the surrounding countryside. It should be noted that the views achievable would increase during the winter months when a good number of the surrounding trees would lose their leaves.

6.3.3 It would be vital to note that the guidance offered within GP 3 (c) with regard to proposed development in the countryside on land that is considered a previously developed land should result in improvements to the landscape or wider environment. In this case, it is not considered that spreading the built development on site as proposed would result in improvements to the landscape or wider environment.

6.3.4 Crucially though, this additional built development would intensify the residential use of the site at a part of the site that is currently open and separated from the existing built form on site by greens, despite the mitigating circumstances outlined in connection with the existing landscaping on parts of the site boundary. The effect is that the site is now more domestic and urban in both appearance and character than would be the case without the cabin. In this regard, it is judged that the development would cumulatively erode the local landscape and fails to make any positive contribution to the Island environment, in terms of STP5 (as the design of the cabin is not reflective of countryside buildings on the island, but a contemporary building with large glazed areas and non-traditional finish). Moreover, the cabin does not respect the site and surrounding landscape in terms of its scale, form, design and material as required by GP2(b) and (c), given its basic appearance and the use of materials which do not in any way relate to the main dwelling and garage on site. It follows that the development fails also to protect the countryside for its own sake, as required by EP1 of the Strategic Plan.

6.3.5 With regard to the visual impact of the proposed replacement shed, it is noted that this structure would be slightly positioned almost at the rear of the garage where it would be

largely screened. Whilst it is noted that there would still be views attainable as has been noted earlier, its scale, form and positioning within the site would make it less obtrusive when viewed from the surrounding landscape. When considered in the context of its surrounding landscape and site character, it is noted that the proposed finish over the timber finish of the existing structure (shed) would be unfortunate. However, its scale and location would ensure that it does not result in significant adverse impacts on the site and surrounding area. As such, it is considered that this element of the proposal would not be sufficient to warrant refusal of the scheme.

6.3.6 Overall, it is considered that although it could be argued that there would be reduced impacts on the surrounding countryside due to screening provided along parts of the site boundary, it must be emphasized that any impacts on the site character is somewhat linked to the surrounding area, in that any visual impact is by extension an impact on the countryside. It is also important to establish if any real harm would result with respect to ecological and environmental concerns, particularly as some land would have been cleared and excavation would have been undertaken. These issues are assessed with due regard to the Environment Policies 1 and General Policy 3 outlined in Section 3.3 of this report.

6.4 Other Matters

6.4.1 Future use of Cabin

6.4.1.1 With any countryside development and the erection of a new structure with the proposed layout and footprint, there is a concern that it may be used to facilitate a future severance of the site as a standalone dwelling. In this regard, it is noted that the floor area is large enough to allow for use as a detached two bedroom dwelling under the Housing (Standards) Regulations 2017. Moreover, the design of the cabin, which would enable it to be used as a separate dwelling and its position within a large site area considerably away from the main dwelling, and where its operation could be easily detached from the use of the main dwelling would facilitate the ease of severance from the main dwelling in the future, although it is noted that there currently is no secondary access to the site.

7.0 CONCLUSION

7.1 Overall, it is concluded that although the proposed erection of the replacement shed would be acceptable, it is considered the proposal would contravene the relevant policies as indicated within the Isle of Man Strategic Plan, given that the need for proposed cabin which is sought to accommodate two family members with mobility difficulties, and which is understandable but considered to comprise transient personal needs and preferences for the applicants family, do not amount to an overriding justification for setting aside the protective planning policies within the Strategic Plan (GP3, EP1, and STP 3 and 5), which are adopted in the wide public interest. 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