



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, 4th December 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 20th 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 18th December 2023.

PLANNING COMMITTEE Meeting, 4th December 2023
Schedule of planning applications

<p>Item 5.1 14 Sydney Street Douglas Isle Of Man IM1 3JG</p> <p>PA23/00845/B Recommendation : Permitted</p>	<p>Conversion of existing shop premises to community cafe and shop</p>
<p>Item 5.2 Gloccamora Douglas Head Douglas Isle Of Man IM1 5BW</p> <p>PA22/01113/B Recommendation : Refused</p>	<p>Demolition of existing dwelling and redevelopment of the site and adjacent land with an apartment block accommodation seven apartments with associated drainage, access, basement parking and landscaping</p>
<p>Item 5.3 Fields 335082, 335081, 335048, 335213 And 332048 Sound Road Glen Maye Isle Of Man IM5 3BJ</p> <p>PA23/00765/C Recommendation : Permitted</p>	<p>Proposed creation of Private Memorial Woodland</p>
<p>Item 5.4 17 The Park Onchan Isle Of Man IM3 1HP</p> <p>PA23/01177/C Recommendation : Permitted</p>	<p>Additional use as tourist accommodation</p>

PLANNING AUTHORITY AGENDA FOR 4th December 2023

Item 5.1

Proposal : Conversion of existing shop premises to community cafe and shop
Site Address : 14 Sydney Street
Douglas
Isle Of Man
IM1 3JG
Applicant : Ms Katy Kaslik
Application No. : 23/00845/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 use of the food and drink establishment hereby approved shall be limited to be preparation and sale of cold food, and explicitly restricts the preparation, cooking and selling of hot food on the premises. This restriction does not extend to the reheating of food prepared off-site.

Reason: The preparation and cooking of hot food did not form part of the application and would require further assessment as to its wider impact.

C 3. The shop and community café hereby approved shall only operate between the hours of 08.00 and 20.00 hours Monday to Saturday inclusive, and 10.00 and 17.00 hours on Sundays inclusive.

Reason: To accord with the application details on which the application has been considered and in the interests of residential amenity.

C 4. Prior to occupation of the development hereby approved, full details of the cycle parking and outdoor seating area shall be submitted to the Department and implemented in accordance with the approved details.

Reason: In the interests of highway safety and the visual amenities of the locality.

C 5. The approved raised landscaped planters fronting the adopted highway shall not exceed 600mm in height when measured from ground level of the adjacent pavement.

Reason: In the interests of highway safety.

Reason for approval:

The proposed change of use and are considered to be acceptable in principle, whilst not resulting in a detrimental impact upon the character and appearance of the streetscene. The proposals are further considered to be acceptable in the context of highway safety, whilst not resulting in a demonstrably harmful impact upon the amenities of surrounding residential properties; particularly with respect to noise, disturbance and odour. The proposals are therefore considered to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policy 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 Highways Services

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:

10 Sydney Street, Douglas
11 Sydney Street, Douglas
13 Sydney Street, Douglas
8 Spring Gardens, Douglas
6 Brisbane Street, Douglas
28 Brisbane Street, Douglas
29 Brisbane Street, Douglas

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 also recommended that the following be granted Interested Person Status:

13 Birdwood Gardens, Mathern, UK

as they have confirmed that they are acting on behalf of the applicant as their representative and are therefore automatically granted Interested Person Status in accordance with Article 4(2) of the Town and Country Planning (Development Procedure) Order 2019.

It is further recommended that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

11 Brisbane Street, Douglas
26 Brisbane Street, Douglas
14 Dalton Street, Douglas
3 Sydney Street, Douglas

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

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE PLANNING COMMITTEE DUE TO THE NUMBER OF OBJECTIONS HAVING BEEN RECEIVED

1.0 THE SITE

1.1 The application relates to a ground-floor retail unit which forms part of but is distinct from the residential property of No. 14 Sydney Street which adjoins the commercial unit to the immediate west and above. The site comprises a corner plot on Sydney Street (north) and Brisbane Street (east) with a hardsurfaced forecourt noted outside the premises adjacent to both streetscenes.

2.0 THE PROPOSAL

2.1 Permission is sought for a change of use of the premises from a shop (Class 1.1) to a mixed use comprising a shop (Class 1.1) and community café (Food and Drink - Class 1.3). The proposals do not necessitate any external alterations to the existing property, but would include the provision of raised landscaped planters along the perimeter of the external forecourt, the provision of outdoor seating and a push chair/cycle store area.

2.2 The submitted planning statement has indicated that the purpose of the development is to sell refreshments, hot and cold drinks, sandwiches, cakes, packaged foods, together with some hot snacks. These would be prepared off-site and delivered for sale from the premises. The café and seating area has been described as providing a space for consuming purchased food and drink and for socialising, with the application seeking to encourage groups and individuals to meet at the café to invigorate social interaction. The proposed hours of use have been described as a maximum of 8am to 8pm, and presumably 7 days a week.

3.0 PLANNING HISTORY

3.1 85/00207/C - Use of premises as fish and chip, restaurant and food take away, formerly, Grocers and Off Licence shop - Refused on Review

3.2 85/00049/C - Use of premises as Antique and second-hand shop, former Grocer's and Off-Licence Shop - Withdrawn

4.0 PLANNING POLICY

4.1 The site lies within an area zoned for 'predominantly residential' purposes within the Area Plan for the East. The site is not located within a Conservation Area.

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

Strategic Policy

- 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

- 1 Development in Douglas

General Policy

- 2 General Development Considerations

Environment Policy

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

Transport Policy

- 4 Highway safety
- 7 Parking

5.0 REPRESENTATIONS

5.1 Douglas Borough Council - No objections. (06.10.23)

5.2 Highway Services - The proposals are acceptable due to the following:

- The existing site has permission for a shop which generates vehicle and non-motorised trips, and there are shop premises in the immediate vicinity so this type of use would not be unexpected for the area which it sits.
- The site is in a sustainable location in Douglas centre to attract non-motorised trips.
- The existing surrounding streets are protected by parking restrictions.
- Bin storage facilities are provided within the site to the rear of the building.

Therefore, HDC do not oppose (DNOC) the application subject to conditions:

- The planters fronting the adopted highway shall be no higher than 600mm in height from footway level.
- Details of cycle parking to be submitted and approved, and implemented before first occupation. (28.09.23)

5.3 Manx Utilities Authority - no response received at the time of writing.

5.4 11 letters of representation have been received objecting to the proposals. The following provides a summary of comments received, full details of which can be found on the online planning file.

- Impact on traffic on congestion;
- Detrimental impact on parking provision within the area;
- Proposed opening hours inappropriate and would impact amenities of surrounding residents as a result of noise and disturbance;
- Increase odour/smell in the area;
- Impact on privacy;
- Proposals would give rise to additional litter/rubbish and potential vermin;
- Already enough food outlets/cafes in the areas;
- Premises has been vacant for a long period of time.

5.5 One further letter of representation has been received writing in support of the proposals, a summary of their comments are as follows:

- Proposals accord with policy and represent the re-use of an existing neighbourhood shop in a residential area of Douglas where such are part of the nature of the area;
- Proposals do not involve any external alterations, external shop frontage will be significantly improved whilst the outside area will be enhanced;
- Does not affect visual amenities of the locality;
- Includes provision for bicycle parking and pram storage to facilitate and encourage sustainable travel;
- Does not result in an unacceptable impact on road safety or traffic flows;
- The key customer base will be the local community and those within walking distance to the shop;
- Proposals do not give rise to unacceptable impact on amenities of nearby properties in terms of pollution, emissions, vibration, odour, noise or light pollution.
- Proposals would assist in helping to ensure the future viability of the unit with its retention aligning within the aims of the Strategic Plan.

6.0 ASSESSMENT

6.1 The site is located within an area zoned as 'predominantly residential' within Douglas' town centre, whilst comprising an existing retail unit. It is recognised that the premises has been vacant for some time, however the lawful use of the premises as a shop remains and therefore could be brought back into use at any point. The principle of development is therefore considered to be acceptable.

6.2 No external changes are proposed to the premises, with the addition of raised planters around the site's perimeter noted. The proposals would therefore give rise to a modest visual improvement to the immediate locality and are therefore acceptable from a design and visual impact perspective, in compliance with General Policy 2 (b) and (c).

6.2 It is noted that a number of objections have been received from local residents, with concerns raised over potential traffic/parking issues, general noise and disturbance, together with litter issues and odour associated with the proposed use. Further concerns have been raised over the proposed opening hours.

6.3 The proposals seek to re-use the premises as a shop, whilst combining it with a café element selling hot and cold drinks, sandwiches, cakes and similar goods. The proposals specifically do not include the preparation, cooking and selling of hot food. The application has further made clear that the resultant establishment would not seek to serve hot food prepared and cooked on the premises, and it is therefore considered reasonable to restrict its use and operation to this affect as such activities would require further assessment in terms of noise, ventilation and residential amenity impact in the context of odour. In the interests of clarity, the reheating of food would not fall into this category and would therefore be appropriate without further assessment.

6.4 On this basis, it is not considered that the proposals would give rise to an unacceptable level of harm with respect to odour or general cooking smells, and would therefore not give rise to an unacceptable impact on residential amenity in this regard.

6.5 Moreover, given the site's town centre location and the variety of uses present within the locality, the proposed opening hours of 08.00 to 20.00 are not considered to be objectionable or indeed give rise to an unacceptable level of noise/disturbance; particularly given the modest nature of the proposed use. However, it would be considered reasonable to reduce opening hours on Sundays from 10.00 to 17.00, which could be appropriately conditioned. The proposals are considered to sufficiently safeguard residential amenity, in compliance with General Policy 2 (g).

6.6 No concerns have been raised by Highway Services over the proposals, who note that the existing site has permission for a shop which generates vehicle and non-motorised trips. Given there are existing shop premises in the site's immediate vicinity, this type of use would not be unexpected for the area which it sits. The site is also noted to be within a sustainable location in Douglas' town centre which is likely to attract non-motorised trips, with the surrounding streets already protected by existing parking restriction. The proposals notably include provision of cycle storage, however full details of this would need to be provided by way of condition.

7.0 CONCLUSION

7.1 The proposed change of use and are considered to be acceptable in principle, whilst not resulting in a detrimental impact upon the character and appearance of the streetscene. The proposals are further considered to be acceptable in the context of highway safety, whilst not resulting in a demonstrably harmful impact upon the amenities of surrounding residential properties; particularly with respect to noise, disturbance and odour. The proposals are

therefore considered to comply with Strategic Policy 5, Spatial Policy 1, General Policy 2, Environment Policy 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 in Article 6(4) who should be given Interested Person Status.

Item 5.2

Proposal : **Demolition of existing dwelling and redevelopment of the site and adjacent land with an apartment block accommodation seven apartments with associated drainage, access, basement parking and landscaping**

Site Address : **Gloccamora
Douglas Head
Douglas
Isle Of Man
IM1 5BW**

Applicant : **Mr John Barton**

Application No. : **22/01113/B- [click to view](#)**

Planning Officer : **Mr Toby Cowell**

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The application site partially falls within land not zoned for any form of development in the Area Plan for the East. The principle of a high density residential development is therefore contrary to the Island's spatial strategy, and does not meet one of the defined exceptions to the presumption against new development in the countryside in accordance with General Policy 3 of the Strategic Plan (2016). The development is therefore further contrary to Spatial Policies 1 and 5.

R 2. The design, scale, form and massing of the proposed development is considered to be out of character with the largely open and undeveloped nature of Douglas Head, to the detriment of its character, appearance and visual amenity. By reason of its substantial scale, massing and architectural vernacular, the proposals are further considered to be unduly prominent in the context of key long distance public vistas within Douglas Bay and offshore, to the detriment of the wider landscape, townscape and seascape setting. The proposals are therefore considered further contrary to Strategic Policies 3 and 5, General Policy 2 (b) and (c), and Environment Policy 42 of the Strategic Plan (2016).

R 3. The application site falls within the inner consultation zone of a major hazardous installation, with the nature and high density of the proposed development deemed to be inappropriate in this location due to the potential health and safety risk to members of the public, contrary to Environment Policy 29 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 Highways Services

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:

Manx Radio Ltd, Broadcasting House, Douglas Head, Douglas

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

It is further recommended that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

Isle of Man Natural History and Antiquarian Society, 95 Malew Street, Castletown
Manx Wildlife Trust, 7-8 Market Place, Peel
11 Marine Gardens, Ramsey
9 Fort William, Head Road, Douglas
Ballaqueeney Lodge, Ballaquayle Road, Douglas
4 Park Avenue, Douglas

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

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE ON THE ADVICE OF THE DIRECTOR OF PLANNING AND BUILDING CONTROL

1.0 THE SITE

1.1 The application site relates to Gloccamora, a two-storey flat roofed detached dwellinghouse and its associated curtilage to the front and rear, together with a larger irregular portion of land to the immediate west which falls under the applicant's ownership. The adjoining land in question has recently been largely cleared of vegetation and rises sharply north to south away from the streetscene. The land immediately adjoining the residential property and associated curtilage to the south is also on noticeably higher ground and occupied by the Manx Radio building,

1.2 The site is located on the southern side of Fort Anne Road on Douglas Head, whilst benefitting from long distance views northward to Douglas Harbour, The Promenade and the entirety of Douglas Bay. A formal area of communal amenity land (The Remembrance Garden) is located immediately opposite the site to the north on the opposite side of the road. The property is located immediately in front of the three-storey Manx Radio building and associated telecommunications mast, with the ornate Douglas Head apartment block located further south.

1.3 A small brownfield site is located immediately adjacent to the site to the east, and which was previously occupied by a residential property known as Stanley House. The redevelopment of the site to provide a 6 unit apartment block was granted in 2004. The expiration date of this permission was subsequently extended to July 2010, however it does not appear that this permission was lawfully implemented and therefore has expired with the site remaining vacant.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the demolition of the existing dwelling and redevelopment of the entire site to provide a four-storey 7-unit apartment block with associated landscaping and basement car parking for 10 vehicles.

2.2 The apartment block would incorporate a flat roof with the top floor staggered from back to front to accommodate a penthouse apartment and associated private front terrace. The design and form of the proposals demonstrates a strong vertical emphasis utilising a significant degree of glazing in the principal elevation, together with a combination of white, light and dark grey coloured blocked rendering, cedar and aluminium cladding for the exterior. The proposals would include a Manx stone base/plinth to the building to be built up from ground level in response to the site's varied topography, whilst further providing vehicular access to the basement car parking and bin stores.

2.3 The development further makes use of Oriel windows on the western elevation of the building as an added feature, together with a total of 59 solar panels mounted on the sedum green roof. Additional landscaping in the form of a communal grassed garden area is further proposed, reinforced with new native tree and shrub planting. Further planting is proposed to the front and side of the building. A gabion retaining wall is further proposed at the rear of the communal garden, terraced area at the point where the site steeply rises, with the plans further indicated that the existing scrub land at the very rear of the site would remain undisturbed.

3.0 PLANNING HISTORY

3.1 The site benefits from a fairly extensive planning history, which is listed as follows:

- 11/00407/B - Demolition of existing dwelling and erection of replacement dwelling, Gloccamora and Adjacent Land - Permitted
- 06/01205/A - Approval in principle for residential development, Land adjacent to Gloccamora and Adjacent Land - Approved at Appeal
- 04/01510/A - Approval in principle for the erection of a dwelling to replace existing, Gloccamora and Land Adjacent to Gloccamora - Refused
- 99/00186/A - Approval in principle for the erection of apartment block, Gloccamora - Refused at Appeal
- 97/00695/A - Approval in principle for three residential building plots, Land adjacent to Gloccamora - Refused
- 95/01499/A - Approval in principle for erection of a take-away refreshment unit (single storey), Gloccamora - Refused at Appeal
- 95/00540/C - Change of use for siting mobile refreshment van, Gloccamora - Refused

4.0 PLANNING POLICY

4.1 The application site is identified in the Area Plan for the East partially land zoned for 'predominantly residential' purposes within the settlement boundary of Douglas, whilst partially land not zoned for any form of development (i.e. countryside). The site is not within a Conservation Area or an area identified as being at risk of flooding, but does fall within the non-statutorily designated Douglas Head and Marine Drive Wildlife Site.

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

Strategic Policy

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

Spatial Policy

- 1 Priority to Douglas for development
- 5 Development only in countryside in accordance with General Policy 3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 29 Development within hazardous installation consultation zones
- 42 Designed to respect the character and identity of the locality

Transport Policy

- 4 Highways safety
- 7 Parking

4.3 Area Plan for the East (2020)

This document confirms the planning land use zoning of the site (i.e. mixed residential and land that is not zoned for development). The Island Spatial Strategy promotes a 'Sustainable Vision' for the Island, part of which forms a framework describing where new development should be located. In terms of the East, this means that development should be concentrated, at an appropriate scale, in Douglas (Main Centre), Onchan (Service Centre), Union Mills and Laxey (Service Villages) and the five Villages of Crosby, Glen Vine, Baldrine, Strang and Newtown.

4.4 Residential Design Guide (2021)

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

4.5 UK Health and Safety Executive (HSE) land use planning methodology (2021)

This document provides advice for planning applications and development which could be affected by major hazard establishments in the UK. Local planning authorities are required to consult the HSE on certain planning applications within the vicinity of major hazard establishments. The methodology contained within this document was adopted by the Isle of Man's Health and Safety at Work (HSWI) in 2004 and is therefore a strong material consideration in the determination of planning applications within consultation zones associated with major hazard establishments across the Island.

5.0 REPRESENTATIONS

5.1 Douglas Borough Council - Following consideration of the above planning application at a meeting of the Council's Environmental Services Committee held on the 17/10/22 I can advise that the Committee has resolved to object to the application.

The Committee was of the opinion that the application failed to comply with IOM Strategic Plan 2016 GP 2 (c) and (g).

Having considered the application it was believed that the application would adversely affect the character of the landscape and that it would adversely affect the amenity of the local residents and the locality.

It was also believed that the application was contrary to TAPE landscape Proposal 6 (Douglas Head) as the applicant had failed to demonstrate that the development can be suitably integrated into the surrounding landscape particularly with regards to the scale of the proposed development in comparison to the existing dwelling on the site.

The Council also noted the comments made by the Head of Health and Safety regarding the site's location being within the Inner Zone of the Princess Alexandra Pier licenced dangerous goods site and how the H&S at Work Directorate would advise against this development due to the risks associated with the development site's location.

Should there be any changes to the design or a reduction in its mass or other amendments that may mitigate against the affects the development may have on the landscape/townscape and the amenity of local residents then we would be happy to review the application. (18.10.22)

The above planning application was considered by Douglas Borough Council's Environmental Services Committee at a meeting held on the 13/03/23 when it was resolved to withdraw the Council's previous objection based upon the amended application and the additional information provided.

Having now had the opportunity to review the application the Council no longer objects to the proposed development. (13.03.23)

5.2 Highway Services - Previous Highways response dated 21/09/2022 opposed the proposal due to the access height to the basement garage, vehicular access to spaces No.8 and No.14 appearing to require numerous and awkward movements, and various accessible mobility insufficiencies to the ground floor level. The amendments now altered the plans to address these concerns.

The proposal has now reduced the number of bedrooms to be created, therefore also dropping the vehicular parking requirement. The previous plans resulted in a parking requirement of fourteen vehicles. The alterations now mean a total number of ten bedrooms are provided, four one-bed apartments and three two-bed apartments, giving a total parking requirement of ten spaces. The alterations to the basement parking area reflect this with ten parking spaces provided. The parking places are well spaced away from the entrance and the walls meaning movement in and out of the spaces can easily be achieved. The reduction in parking requirement and spacious arrangement means the swept path analysis is no longer required.

No alterations have been proposed to the access arrangements or visibility achievable from the access and will therefore remain acceptable to Highways. Electric vehicle spaces have been retained at a rate greater than 10% which is welcomed by Highways.

The applicant is again advised that a Section 109(A) Highway Agreement is required for the alteration to the highway post planning consent.

The reduction in bedrooms has also resulted in a reduction in the number of bicycle parking spaces required. At a rate of one per bedroom, the bicycle parking requirement now stands at ten spaces and has been fulfilled in the new proposal. Bicycle storage is provided through semi-vertical bicycle racks which are an acceptable storage method. The new location for the bicycle parking is on the ground floor, to the rear of the building. Access can be gained through a door to the rear outside of the building to a designated bicycle storage room. The new location of the bicycle storage means no alteration is required to the garage access height. Arguably, bicycle storage in the garage is a more sensible and more convenient location, especially at times of inclement weather. However, the full requirement has been provided, is easily accessible from the rear and garage storage may require extensive structural redesign to allow for the headroom clearance. The location and capacity of the bicycle storage is acceptable to Highways.

Improvements have been made to the exterior of the building in order to facilitate pedestrian and mobility impaired access. Handrails have been added to all ramped sections of pedestrian areas in order to support pedestrian access. In addition, the access ramps have been altered so that the maximum gradient of 1:15 only has a 'going' of the maximum 5m. In between ramps of this gradient, flat landing sections have been added to support wheelchair users when accessing the building. Pedestrian access to the entrance to the front of the building has been increased to the minimum requirement of 1.5m. Mobility around the exterior of the building along the block paving has been improved through widening. The majority of the area around the building exceeds the desirable 2m width requirement. Instances where the design of the building means outcrops protrude, width of the minimum acceptable 1.5m are still achieved. From scaled measurements, there appears to be only one section where a width of 1.2m is given. This is to the north-western side of the development, past the main entrance where a stepped look appears. The 1.2m width at this point is instantaneous and of a section where pedestrian conflict is unlikely to occur. The mobility improvements to the exterior of the building now meet the minimum requirements and are acceptable to Highways.

As stated in the previous response, the gradient of the garage means there is a chance surface water from the highway will drain into the basement garage. Additionally, surface water could be discharged onto the highway from the pedestrian access. The suitability of surface water drainage proposals should be reviewed and accepted by Highway Services Drainage Team.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all access arrangements accordingly to drawing Nos. P-10-04 and P-10-06. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent. (15.03.23)

5.3 DEFA Biodiversity - Although we are not supportive of development of this type within Wildlife Sites, having been to view the site, we acknowledge the following:

- the area included in this planning application is not the best part of the Wildlife Site, and has previously been cleared;
- the remaining area of habitat, which has not been cleared, is to be retained and managed for wildlife;
- the development area is fairly small;
- the applicants have now proposed a number of measures in their updated plans to avoid and mitigate their impacts.

A member of the Ecosystem Policy Team met with the applicants on site to talk through the plans and potential mitigation, and we are pleased to see that all of the mitigation has been incorporated. However, it has since come to light that the development site is not zoned for development and we therefore believe that this application should be refused on this basis. The Ecosystem Policy Team will therefore be retaining our objection, and our preference would be that this site is not developed and is instead restored, protected and managed for its ecological interest going forward, but should Planning be minded to approve this application, we recommend that conditions are secured to ensure that any ecological impacts are minimised. (03.04.23)

5.4 Health and Safety at Work Inspectorate (summary of latest comments) - This assessment is a revised version of the assessment provided to your Planning Office in September 2022. The assessment was carried out in line with the HSE's Land Use Planning Methodology and a decision was made in accordance with the 'Decision Matrix' which can be found on the HSE's website. This methodology was adopted by the Isle of Man's Health and Safety at Work Inspectorate in around 2004.

1) Assessment to identify the site location in relation to the hazardous installation:

i) The development is identified as being in close proximity to the Princess Alexandra Pier (PAP) hazardous compound managed by Islands Energy Group (Isle of Man Energy).

ii) The main hazard for consideration is the 600te spherical LPG gas storage vessel AGI.

iii) Using the measuring function on the Isle of Man Government Manngis mapping system the property identified as Gloccamora is approximately 232 metres from the outer wall of the 600te spherical vessel to the property boundary.

iv) HSWI zoning for the PAP site (also stored on Manngis) provides the dimensions of 3 zones (Inner, Middle and Outer) the Outer Zone also acts as a Consultation Distance and where consultation requests are received it is assumed that all requests are within the Consultation Distance, section v) below confirms this to be the case.

v) PAP 600te sphere Zones: Outer Zone (Consultation Distance) 606m Middle Zone 452m Inner Zone 339m As the development is within the 606m Outer Zone (Consultation Distance) it is correct that HSWI were consulted by Planning in this case.

vi) The development falls within the Inner Zone (339m); the approximate distance from the vessel wall to the property boundary is 232m.

vii) A consideration when determining advice is the type and use of the premises. Where the development is a dwelling the maximum occupancy levels of the site must be considered. PA22/01113/B is designed and proposed as an apartment block consisting of 6 x two bedroomed apartments over three floors and a larger 2/3 bedroomed apartment on the 4th floor. The maximum occupancy level of this development is therefore 30 persons however it is accepted that it is unlikely that the maximum occupancy level will be achieved.

2) HSE land use planning methodology decision matrix.

i) Sensitivity levels

Sensitivity Levels are based on a clear rationale in order to allow progressively more severe restrictions to be imposed as the sensitivity of the proposed development increases. There are 4 sensitivity levels:

Level 1 - Based on normal working population;

Level 2 - Based on the general public - at home and involved in normal activities;
Level 3 - Based on vulnerable members of the public (children, those with mobility difficulties or those unable to recognise physical danger); and
Level 4 - Large examples of Level 3 and very large outdoor developments.

ii) The assessment considers the guidance in the HSE methodology

Conclusion

This assessment has determined that the development has a sensitivity level of '2' and is situated within the Inner Zone of a hazardous installation.

The HSWI, on behalf of DEFA therefore advises against this development.

The aim of health and safety advice relating to land use planning is to mitigate the effects of a major accident on the population in the vicinity of hazardous installations, by following a consistent and systematic approach to provide advice on applications for planning permission around such sites. (08.03.23)

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

5.6 Manx Wildlife Trust - Manx Wildlife Trust wish to highlight that this planning application falls within the 'Douglas Head and Marine Drive Wildlife Site' which was formally designated on 18th April 2012 by the multi-agency Wildlife Sites Selection Panel formed of representatives from DEFA Biodiversity, DEFA Planning, the DOI, Manx National Heritage, Manx Wildlife Trust and the Mammal Society.

The Isle of Man Strategic Plan 2016 defines Wildlife Sites as follows (at p. 120):

'Wildlife Sites Places which are of high wildlife value but are not statutorily designated or recognised by law, but they are protected through the planning system (as they are designated as Sites of Ecological Interest in Local and Area Plans). They are the most important places for wildlife outside legally protected land, such as Areas of Special Scientific Interest (ASSIs).'

Environment Policy 4 states, 'Development will not be permitted which would adversely affect... species and habitats of local importance such as Wildlife Sites.' Of note, at present there are only 67 Wildlife Sites on the Island, covering just 2.15% of the terrestrial area. If, contrary to Environment Policy 4, this application is approved, Manx Wildlife Trust will require notification in relation to the ongoing management of the network of Manx Wildlife Sites. (06.03.23)

5.7 Isle of Man Natural History and Antiquarian Society - Isle of Man Natural History & Antiquarian Society has as its object "shall have for its objects the advancement of the knowledge, promotion and conservation of, Natural History and Human History and Cultural Development, especially in the Isle of Man and countries related thereto."

The Society is aware that the Douglas Head Locality has been suggested for designation as a Conservation Area and that suggestion is still on the 'books'.

Conservation Areas are designated on the basis of being "an Area of Special architectural or historic interest, the character of which it is desirable to preserve or enhance". Their designation takes into account the character of existing buildings but also of the spaces between them. The Society recognises that Gloccamara and its neighbour Stanley House are /

have not been buildings of architectural interest in themselves; however the scale of the buildings as they exist at present is of relevance in the context of the current application.

The Society would therefore draw attention to the recent appeal decision on PA 21/00918/B Fort William within the same suggested Conservation Area. In his report the Independent Inspector considered that even though such a Conservation Area has not been designated, it is important to consider any proposals in the context of any such future designation - paras 27 and 44 of the attached report refer.

Isle of Man Natural History & Antiquarian Society would, therefore consider that, regardless of previous consents, the current proposal which would dominate its location above Douglas Head Road is, by virtue of its scale and design, inappropriate within the locality. The Society objects to the application. (26.11.22)

Further to our previous comments, IOMNHAS would like to forward the attached images which show the scale of development previously existing on Douglas Head.

1. What is now the current radio station building being built up during war time; below it is Stanley House.

2. A view of Douglas Head taken in 1993 showing the scale of the then existing buildings in relation to the Radio Station.

Most of the current application site appears to fall outside of the settlement boundary for Douglas as defined in the Area Plan for the East.

The Isle of Man Strategic Plan emphasises the importance of Douglas Harbour as a Strategic entry point to the Island. It is therefore one from which residents, visitors and potential investors need to gain a favourable impression of how the Island treats both its natural and built environment particularly in terms of its Biosphere status.

The Society does not believe that the proposed development by virtue of its scale and design would either maintain or enhance the appearance of the Douglas Head locality. (18.12.22)

5.8 Manx Radio (summary of comments) - Objection

- Scale of development would lead to significant loss of natural light to our building and areas of the building utilised for long periods of staff working;
- Development would adversely impact the surrounding area in terms of its conservation value;
- Design and scale of the development is inappropriate and not sympathetic to the area's value as a proposed conservation area and its national historical importance;
- Proposed development is at least 1km from nearest public transport service and proposals would exacerbate current parking problems on Douglas Head. (31.10.22)

Objection maintained on the basis of amendments to the scheme, which considers that the issue of the development's impact upon the Manx Radio building has not been suitably addressed, with previous points raised deemed to remain valid. (29.03.23)

5.9 A total of 4 further letters of representation have been received in relation to the application. Whilst full details of comments can be viewed in the online planning file, the following provides a general summary of the comments received:

- Fewer parking spaces will be available for the public;
- Development is not in keeping with the area;

- Site located 1km from nearest public transport and difficult to navigate by foot up a steep slope. Future residents would therefore be dependent on cars;
- Pollution from exhausts and light in the area as a result of additional cars;
- Proposed flats are at luxury end of the market and not affordable;
- Safety concerns for other residents in the event of a major event which will be difficult for emergency vehicles to reach the top of the roadway;
- Development would set a dangerous precedent for similar forms of development on Douglas Head;
- Development contrary to zoning of the area for Mixed Use in the Area Plan for the East [officer note - this is incorrect, site is zoned for a mix of residential and land that is not zoned for any development);
- Proposals are contrary to previous appeal decisions and planning reports;
- Adverse impact on nature conservation and biodiversity opportunities;
- Inappropriate layout and density of building design, visual appearance and materials proposed.

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, SP5, GP3 & Area Plan for the East)
- Hazardous installation consultation zone (EP29)
- Design and visual impact (STP5, GP2, EP42)
- Residential amenity (GP2, EP29)
- Ecology and biodiversity (EP3,4,24,27)
- Highways and parking (TP4,7)

6.2 PRINCIPLE

6.2.1 As noted in Map 4 - Douglas of the Area Plan for the East, the application site spans two distinct land designations. The existing residential property of Gloccamora and its immediate curtilage to the north and south falls within an area zoned for 'predominantly residential' purposes, which also includes the adjacent building plot which once contained the property of Stanley House. Likewise, additional land to the immediate south and east, which include the Manx Radio building, Douglas Head apartments and The Point apartments building are zoned as 'mixed use'.

6.2.2 By contrast however, the remainder of the application site (i.e. the scrub land to the west of the dwelling), falls outside of Douglas' defined development boundary and is not zoned for development. This position is broadly similar to the site's previous designation as Public Open Space in the now defunct Douglas Local Plan.

6.2.3 The applicant's agent has provided the following commentary in an addendum to the submitted Design Statement addressing the issue of land use zoning in the context of this application:

"The application site currently houses a residential property which has an extant approval under PA 11/00407/B, for the demolition of the existing dwelling and its replacement with a large single dwelling. Within that extant approval, the residential curtilage of the property was defined by a red line.

This application follows exactly the same residential curtilage as that defined and approved under PA 11/00407/B.

We note that in Map 4 of the Area Plan for the East, the delineation of the extent of the settlement boundary and shading of residential use of the application site has not been

correctly defined to accord with the extant approval of PA 11/00407/B. Nevertheless, we would contend that the residential curtilage of the application site should be considered as that identified and approved under the extant PA 11/00407/B."

6.2.4 In response to the above points, it is recognised that the red line plan associated with the approved replacement dwelling appears to be largely contiguous with the red line plan provided as part of the current submission. That being said, it does not automatically follow that the resultant curtilage approved in connection with the replacement dwelling has or should have resulted in a change to the land use zoning, or indeed that a more intensive residential development would be appropriate on this site vis-à-vis a replacement dwelling (i.e. no net increase of residential development).

6.2.5 Indeed, the following commentary is noted in the officer report for the 2011 report, which is considered to appropriately sum up the Department's stance on this matter:

"The development is not entirely compatible with the land use zoning of the area, as part of the application site extends into open space, which is to the west of the existing dwellinghouse. This would be contrary to the Isle of Man Strategic Plan, as it would result in the loss of open space. However, this issue has been carefully considered at appeal for back in March 2007 for an approval in principle for the erection of a replacement dwelling (06/01205).

The independent inspector states that "The parties are agreed that it would be appropriate for the dwelling on this land to be replaced; that a complementary development to that approved on adjacent land would be desirable; and the consequence of this is likely to be that the residential curtilage would extend in some degree onto the open land, to be replaced fully or in part by open space between the two buildings."

"There is thus no objection to an approval in principle. However, the Planning Authority is correct to express concern that this should not be seen as a licence to develop anywhere on the open land. It seems to me that this concern would be adequately safeguarded if an approval in principle were subject to reservation of the siting and design of the proposed dwelling. The same planning considerations regarding protection of open space would apply to any more detailed plan, and an inappropriately sited proposal may be refused planning permission.

Furthermore, the parties to this appeal have made it clear that the constraints on development encroaching unreasonably for onto the open land are understood, and recorded. Thus any third party seeking to benefit from the permission would be aware of the constraints."

6.2.6 On the basis of the above, it is not considered that the previous grant of planning permission at the site for a replacement dwelling and an enlarged residential curtilage represents a precedent or indeed license for any form of residential development to be appropriate, which would in any case be contrary to the site's land use zoning. Moreover, even if such a permission was considered to be a sufficient precedent, no evidence has been supplied to suggest that the 2011 planning permission has been implemented and is therefore extant. On the basis that the permission appears to have expired and was determined against an out of date Local Plan and previous iterations of the Strategic Plan, it is not considered that such a permission could be used as sufficient precedent to weigh in favour of the current scheme in any case.

6.2.7 The fact remains that a large portion of the site falls outside of land zoned for development, and therefore the principle of a high intensity residential development is

considered contrary to Spatial Policy 5 and General Policy 3 of the Strategic Plan, whilst being further in conflict with the land use zoning identified within the Area Plan for the East.

6.3 HAZARDOUS INSTALLATION ZONE

6.3.1 As noted in the detailed response form the Health and Safety at Work Inspectorate (HSWI), the site falls within the Inner Zone of the Princess Alexandra Pier license dangerous goods site Consultation Zone. The main hazard for consideration in this instance is the 600 tonne spherical LPG gas storage vessel AGI. The Inner Zone has been qualified as a spherical distance of up to 339m from the centre of the hazardous installation. The application site is located 232m from the centre of the hazardous installation.

6.3.2 At assessment of the scheme was carried out by HSWI in accordance with the UK's HSE Land Use Planning Methodology with a decision made in accordance with the Decision Matrix outlined within this document. This methodology was adopted by HSWI in 2004 and is therefore a strong material planning consideration.

6.3.3 The assessment noted that the development corresponds to Development Type DT2.1 - Housing in the Matrix, which includes residential development up to 30 dwellings units and at a density of no more than 40 dwellings per hectare. Such development corresponds to Sensitivity Level 2 outlined in the Matrix. The decision matrix contained within the HSE's document notes that a decision of 'Advise Against' development will be provided in the instance of such development being classified as comprising a sensitivity level of 2 within an Inner Zone.

6.3.4 On this basis, and given that a decision of 'advise against' would have been provided by HSE in the context of the proposals, HSWI have also stated that their decision would be to 'advise against' development in this instance due to the assessed safety concerns associated with the proposals in this location.

6.3.5 HSWI has further clarified their decision in an email to the applicant's that:

"HSWI advise on individual planning applications and as far as assessment conclusions are concerned, it cannot change the advisory outcome of a particular assessment because a previous, similar application has been accepted or rejected. HSWI's advice forms a singular aspect of the planning authority's decision making process and it is for them to consider whether it accepts or rejects a planning application."

6.3.6 From a planning perspective, the consideration of development in the above context is framed within Environment Policy 29 of the Strategic Plan, which states that:

"In considering development proposals within Consultation Zones as designated on the Area Plans or published Consultation Zone Maps, the Department will consult with the Health and Safety at Work Inspectorate to determine the appropriateness of the development. In all cases, the health and safety of the public will be the overriding consideration. Developments which would conflict with the requirements of health and safety will not be permitted."

6.3.7 Given the above, the and in light of the nature of the proposed development within the Inner Zone of a consultation zone associated with a hazardous installation, the development is not considered to be appropriate in the context of ensuring the health and safety of the public, and by extension potential future occupants of the development.

6.3.8 In an addendum to the agent's Design Statement, the following information has been provided in response to the issues raised:

"The assessment however does not 'advise against' a hostel, hotel, or guest house providing accommodation for up to 10 beds, (with beds being defined as provision for number of resident's / visitor's sleeping accommodation). This interpretation is, as we understand, after detailed consultation with ... (the Head of Health and Safety) the current position taken by the HSWI.

However, on examination of planning precedent, we note that in the case of a previous application, as located on the immediately adjacent site, (which also sits within the same 'inner zone'), i.e. Stanley House (PA01/00032/B) for a block of six apartments the HSWI, under ... (the) former Chief Health and Safety Inspector, applied a different interpretation. His interpretation was based on 10 bedrooms as the limiting acceptable factor, rather than 10 sleeping spaces. The application on this adjacent site was subsequently approved, (at Planning Appeal stage), with the development of six apartments totalling 10 bedrooms."

6.3.9 Firstly, it needs to be corrected that the reference number cited by the agent should instead read PA04/00032/B. Secondly, the response provided by the former Chief Health and Safety Inspector made reference to an exception that guest houses of up to 10 beds could be acceptable in accordance with the Decision Matrix of the previous (now outdated version) of the Methodology. This exception or 'exclusion' is consistent with the current advice from HSE, but the wording of this exclusion clearly states: "Smaller - guest houses, hostels, youth hostels, holiday homes, halls of residence, dormitories, holiday caravan sites, camping sites". This falls within the wider category of DT2.2 - Hotel/Hostel/Holiday Accommodation, but not dwellinghouses.

6.3.10 The commentary provided by the former Chief Health and Safety Inspector does at no point state that this should equate to 10 bedrooms in the context of dwellings, and in any case the guidance from HSE is clear in differentiating between dwellings and holiday accommodation, the latter of which is far more transitory in nature in terms of occupants vis-à-vis permanent dwellings. Consequently, it remains the Department's view that the HSWI's decision to 'advise against' the development is correct and accords with the UK HSE's methodology and accompanying Decision Matrix.

6.4 DESIGN AND VISUAL IMPACT

6.4.1 The application site is located within an area that is largely open and devoid of substantial built development, whilst being in a highly prominent location on Douglas Head that is visible not just within the immediate streetscene but at almost every point along The Promenade around Douglas Bay.

6.4.2 The principal structures within close proximity to the site comprise the Manx Radio building to the immediate south and the Douglas Head Apartments complex to the south-east; both of which are generally prominent and visible within the wider landscape. However, such development is historic and has been in situ for a significant period of time, whilst being further set back from the principal streetscene and, in the case of the apartment building, of a generally positive built vernacular.

6.4.3 The proposed apartment block comprising 7 no. flats is significant in its scale and width, whilst comprising substantial bulk in terms of massing which is emphasised by the angular proportions of its design whilst articulating a strong vertical emphasis. The design, form and vernacular of the development is not considered to be necessarily poor in isolation, but would appear far more suited to a higher density urban environment than the application site.

6.4.4 Due to the site's prominent elevated location in relation to the wider landscape, townscape and seascape setting, there are strong concerns that the development would

appear unduly prominent and out of character with its immediate surroundings. The immediate locality is further characterised by a general sense of openness, which the development would clearly puncture on approach up the hill in addition to its long distance impacts upon key public vistas.

6.4.5 Moreover, Douglas Head is a prominent natural landmark within the setting of the wider bay and on approach to the Island by sea. The proposed development would therefore be clearly visible in this context and highly visible to those travelling to the Island. Given the substantial scale, bulk and massing of the development, together with the design and architectural vernacular of which is considered to be out of character and context with its immediate surroundings; the proposals are not considered to result in a positive contribution to the visual amenities of the locality and therefore fail from a design and visual impact perspective.

6.4.6 Finally, it is noted that the planning submission is not accompanied by a thorough design analysis of the proposals in the context of their surroundings, including key public viewpoints, with no meaningful justification provided for the choice of design and materials palette. On this basis, the proposals are considered contrary to Strategic Policies 3 and 5, General Policy 2 (b) and (c), and Environment Policy 42.

6.5 RESIDENTIAL AMENITY

6.5.1 The application site and closest point of the proposed apartment block is located circa. 60m from the closest point of the Douglas Head Apartments building; the only residential property or development within relative proximity to the application site. The site in question is further sited at a significantly lower land level than Douglas Head Apartments, whilst the Manx Radio building is sited directly to the rear of the application site effectively blocking any clear line of site between the two sites. Therefore, the potential for overlooking, loss of light or overshadowing is effectively non-existent.

6.5.2 Concerns have been raised from Manx Radio over the potential for the development to result in a significant loss of natural light, including areas of the building utilised by staff for long periods of time. The issue of potential impacts of development upon the working conditions of staff in this context is not specifically covered in policy, with General Policy 2 (f) only making specific reference to the impact of the development upon the amenity of local residents only. That being said, it is still considered that the impact of a development upon the working conditions of those within the building should be considered, particularly with respect to loss of light and outlook.

6.5.3 In this instance, it is noted that the closest point between the Manx Radio building and the proposed development is circa. 15m, and therefore in reasonable proximity with each other. However, the site is on noticeably lower ground, with the proposed apartment block to be located to the north-east of the Manx Radio building, as opposed to directly in front of it. Therefore, all of the primary windows on the front elevation of the building would retain unimpeded northward views, whilst only likely being subject to a degree of overshadowing in the latter part of the afternoon.

6.5.4 The main element of the Manx Radio building likely to be affected is where it cuts the corner on the north-western elevation, and therefore windows on this elevation would likely receive a reduction in natural light and increased overshadowing for longer periods of the day. However, the total amount of windows to be affected represents only a small portion of the total serving the building, and in any case would only be occupied by staff during the working day as opposed to primary habitable windows of a dwelling/apartment block. On balance therefore, whilst it is recognised that the development would clearly pose a degree of impact upon the Manx Radio building with respect to loss of light and overshadowing, it is not

considered that the impact would be sufficient enough to warrant refusal of the application on this ground alone.

6.5.5 Conversely, due to the positing of the proposed development relative to the Manx Radio building, it is not considered that the amenities of future occupants would be demonstrably impeded from an overlooking perspective. Windows in the north-east elevation of the Manx Radio building would likely only be afforded partial or glancing views of high-level windows serving a single bedroom of apartment 6 on the second floor and apartment 7 on the top-floor. Moreover, such bedrooms are only likely to be occupied during parts of the day/night when staff would not be present in the office. Additional primary windows further along the rear elevation of the proposed development would be effectively screened by the stairwell/lift element which protrudes outward at the rear.

6.5.6 Each proposed apartment would comprise a sufficient level of internal accommodation with respect to floorspace, with multiple aspects throughout each apartment to ensure a suitable degree of outlook and natural light. The development would be served by communal amenity space in the form of a rear garden area and terrace/patio at the rear, whilst the top-floor apartment would further benefit from an enclosed patio/terrace to the front. This level of provision is considered to be sufficient, particularly in the context of the proximity of The Remembrance Garden to the immediate north of the site.

6.5.7 In light of the above, the proposals are considered to sufficiently safeguard the amenities of surrounding residential properties and the working conditions of staff within the Manx Radio Building, whilst providing a sufficient level of amenity for future occupants of the development, in compliance with General Policy 2 (g) and (h).

6.6 ECOLOGY AND BIODIVERSITY

6.6.1 The site falls within the non-statutorily designated Douglas Head and Marine Drive Wildlife Site which is considered to constitute an area of high wildlife value. An initial objection from the Ecosystems Policy Team was based on the lack of information provided with respect to species and habitats present within the site together with no form of mitigation/ecological enhancement incorporated in the proposals.

6.6.2 Following a site meeting between a member of the Ecosystems Policy Team and the applicants, it was recognised in a subsequent consultation response that:

- the area included in this planning application is not the best part of the Wildlife Site, and has previously been cleared;
- the remaining area of habitat, which has not been cleared, is to be retained and managed for wildlife;
- the development area is fairly small;
- the applicants have now proposed a number of measures in their updated plans to avoid and mitigate their impacts.

6.6.3 Notwithstanding the above, the initial objection has not been removed on the basis that it is acknowledged that a large portion of the site falls within an area not zoned for development. Therefore, the Ecosystems Policy Team have considered that the application still be refused on the basis that the site should not be developed and instead restored, protected and managed for its ecological interest going forward. However, in the event that the decision to grant planning permission is recommended, it has been recommended that various conditions relating to ecological mitigation and enhancement should be attached to any forthcoming decision notice.

6.6.4 Commentary from the Ecosystems Policy Team, Manx Wildlife Trust and various further representations on ecological and biodiversity matters are noted. Moreover, the site's importance as part of a wider designated Wildlife Site is not underestimated. However, it has been recognised that the portion of the application site proposed for development is presently of very limited ecological value, with the proposed development seeking to incorporate ecological enhancement and mitigation measures which, in the round, would likely assist in ensuring a biodiversity net gain at the site. Likewise, the site is not located within the Area of Special Scientific Interest (ASSI) of the same name, and therefore a greater degree of flexibility with respect to built development can be applied in this location versus the designated ASSI.

6.6.5 Issues relating to the site's planning land use zoning are considered to be a separate matter which have already been considered in this report. Therefore, in light of the above, and in the context of matters purely relating to ecology and biodiversity, the proposals are considered to be acceptable subject to the attachment of suitably worded conditions to any forthcoming decision notice.

6.7 HIGHWAYS AND PARKING

6.7.1 Following revisions to the initial submission, Highway Services note that the proposals contain a suitable number of vehicular and bicycle parking spaces at basement level, whilst the layout of the parking area is considered to be appropriate to allow sufficient movement. Likewise, further amendments to the exterior of the scheme in the form of handrails, 1:15 gradient access ramps and widened pedestrian access around the exterior have been welcomed.

6.7.2 With respect to details of surface water drainage, and the potential for drainage both into the basement garage area and onto the highway, further details would need to be secured via condition should planning permission be forthcoming. The proposed access arrangements and visibility splays onto the highway have further been found acceptable by Highway Services. Consequently, the proposals are considered to be acceptable from a parking and highway safety standpoint, in compliance with Transport Policies 4 and 7.

7.0 CONCLUSION

7.1 The proposals would result in a high density residential development outside of land formally designated for any form of development, contrary to the Island's spatial strategy, with insufficient information having been provided justifying the development in this context. Likewise, the proposals would represent an over dominant and bulky form of development which would be at odds with the established character of the immediate locality. The proposals would further represent an unduly prominent form of development which would be clearly visible within key public vistas around the entirety of Douglas Bay and offshore, to the detriment of the wider landscape, townscape and seascape character of the locality. The development is therefore contrary to Spatial Policies 1 and 5, Strategic Policies 3 and 5, General Policy 2 (b) and (c) and Environment Policy 42 of the Strategic Plan.

7.2 In addition to the above, the proposals have the potential to represent a significant health and safety risk to future occupants of the development by reason of the site falling within the inner zone of a hazardous installation consultation zone. The development is therefore considered to be unacceptable in the context of the UK's Health and Safety Executive (HSE)'s guidance on development within proximity to hazardous installations and is therefore further contrary to Environment Policy 29.

7.3 In light of the above, it is recommended that planning permission be refused for the proposed development.

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 4th December 2023

Item 5.3

Proposal : Proposed creation of Private Memorial Woodland
Site Address : Fields 335082, 335081, 335048, 335213 And 332048
Sound Road
Glen Maye
Isle Of Man
IM5 3BJ
Applicant : David Lancaster Funeral Directors Limited
Application No. : 23/00765/C- [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 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 fields may only be used as a memorial woodland, together with the existing agricultural use.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and any alternative uses for the field other than the approved use or agricultural use will require further consideration.

C 3. There shall be no creation of hard surfaced paths, erection of structures (including street furniture) or display of signage at the site of the development hereby approved.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

Reason for approval:

Whilst the proposal is situated within a site not designated for development and the proposal would not meet the exceptions within General Policy 3, the proposal is considered to be of a scale and nature which would not have an unacceptable impact upon the environment and surrounding countryside. Which ultimately will correspond with the overall principles of Environment Policy 1 and therefore regarded as acceptable and recommended for approval.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject

matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

11 West View, Peel & 15 Creggan Ashen, Glen Maye Park as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE

1.1 The application site is a parcel of land situated to the West of the U54 Public Right of Way which leads to the Sound Road. The parcel of land includes fields 33082, 335048, 335213 and 332048, which are all within the ownership of Ballacreggan Farm.

1.2 The site is currently accessible either via the public right of way, which is impassable for certain users and unsafe in sections or via the land owners other fields.

THE PROPOSAL

2.1 The current planning application seeks the approval for the creation of a woodland which will include the burial of cremated ashes.

2.2 The below are some points raised from the provided Planning Statement;

- The proposal is to compensate for the loss of trees through ash die back
- The woodland will be planted gradually but will eventually extend to 0.6a
- The land is currently unused and unmanaged
- The intention is that the site would not be regularly or frequently visited
- There will be no seats, formal paths, plaques or toilets
- Relatives and friends of the deceased may participate in the initial planting and then only visit occasionally if at all afterwards
- The site would remain unmanaged bar to check the trees are healthy
- Trees planted will be species suitable for the location
- There will be grid system to identify each tree with a simple marker at the end of each row to identify particular trees and signage on the footpath
- Those wishing to attend the initial planting of the tree or thereafter could be so by pre-arrangement with the land owners consent.

PLANNING HISTORY

3.1 There are no previous applications on the site which would be relevant to the assessment of this application.

PLANNING POLICY

4.1 The site lies within an area zoned as "Areas of Private Woodland or Parkland" and an area of "Nature Conservation Zones, Nature Reserves & Sites of Ecological Importance for Conservation" on the 1982 Development Map. The site is not within a Conservation Area nor a Flood Risk Zone.

4.2 The Strategic Plan (2016) does not contain any specific reference to burial woodlands, but does set out:

- Strategic Policy 10 (Development Located/Designed to support an integrated transport network)
- Spatial Policies 1-7 (Settlement Hierarchy)
- General Policy 2 (Development Control considerations)
- General Policy 3 (Circumstances in which the presumption against development in the countryside may be set-aside, none of which relate to this proposal)
- Environment Policy 1 (Protection of Countryside and Landscape)
- Environment Policy 3 (Protection of Woodland)
- Environment Policy 4 - Wildlife and Nature Conservation
- Environment Policy 14 - Loss of agricultural soils
- Strategic Policy 4, Environment Policies 4-5 (Protection of Biodiversity)
- Strategic Policy 4, Environment Policies 40-41 (Archaeology)
- Recreation Policy 2 (Protection/Provision of Open Space)
- Community Policy 2 (Location of Facilities)
- Community Policy 7 (Designing Out Crime)
- Transport Policy 7 (Parking Provision)

4.3 Another material consideration is the Agricultural soils of the Isle of Man report which states that the land is within an area of slates, flags and shales and an agricultural soil class of 3.

REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state they do not oppose subject to a condition that visitors are allowed to the site by appointment only. (17.07.23)

5.3 Patrick Commissioners have considered the application and have concerns regarding the access and parking. (21.07.23)

5.4 The Arboricultural Officer has considered the application and they have stated they have no objections or concerns with the application. (24.10.23)

5.5 The Environmental Protection Officer has written in to state that they have no objections and request that if works are done to the watercourse that the applicants contact them prior to. (28.09.23)

5.6 The Ecosystem Policy Officer has written in and have no objection subject to the existing trees on site being retained and the planting proposed being supplementary, no features are damaged and that the planning is undertaken in accordance with Appendix 1 of the Planning Statement. (18.10.23)

5.7 DEFA Environmental Health have written in to state that the scattering of ashes outside of burial grounds are not covered by the Act and is inherently low risk to Public Health. (29.09.23)

5.8 The owner/occupier for No.11 West View, Peel have written in to state that they think it should be approved. (10.07.23)

5.9 The owner/occupier for No.15 Creggan Ashen, Glen Maye Park have written in to object to the proposal on the basis of leaking into the local river and the eco system. (13.07.23)

ASSESSMENT

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

- principle
- character and appearance
- highway safety
- neighbouring properties

6.2 PRINCIPLE

6.2.1 The starting point for this application is the land designation which is a) not for development b) within an area of private woodland or parkland and c) a nature conservation zone, with regards to this the site can be seen in two parts firstly the woodland and secondly the additional elements of the use of the site.

6.2.2 The planting of a woodland would meet with the existing land zoning of the site, and as such the principle from this point of view is acceptable.

6.2.3 Turning towards the proposed burial part of the site, when looking at the information received from the agent on behalf of the applicant, this use is going to be infrequent with the likelihood that visitors to the site would only be on the onset of planting the tree and then minimally afterwards with permission from the landowner.

6.2.4 When looking at the principle of this part of the application, it's noted that the land is zoned as class 3 under the Agricultural Land Use Capability Map and as such would not be removing quality land and would comply with Environment Policy 14.

6.2.5 With the above in mind and turning towards the land zoning of the site, as stated at the beginning of this assessment, the site is not designated and the proposed use as a burial site would not fit within the exceptions of General Policy 3, whilst this is the case there is potential that this proposal could be put under part (g), development recognised to be of overriding national need where no reasonable acceptable alternatives have been proposed, of which no other alternatives have been provided within this application.

6.2.6 Having looked at the information provided within the application and the information above, the proposed site would be a suitable location for the proposal, it's situated within a site where additional trees and the burying of ashes would not compromise the site, with there being confirmation that the site will still be farmed, and confirmation from the relevant consultees that this would be acceptable.

6.2.7 Whilst the site is on land which is not public, and as such permission would be required for anyone who would want to directly go onto the site, the site is viewable from the public right of way, whilst the right of way is difficult to manoeuvre and not suitable for vehicles, it does add an avenue for relatives to walk up and see the trees from a distance.

6.3 CHARACTER AND APPEARANCE

6.3.1 As stated above the site is near a wooded area, as such the addition of the trees would add to the existing character of the area, with the site being farmed in the interim. Ultimately from this point of view, it is unlikely that there will be a change to the site, with any change being incremental and slowly done over time.

6.3.2 Overall the character and appearance of the change to the site is acceptable, it is noted that the agent on behalf of the applicant has stated that no structures or street furniture would be within the site and as such this should be conditioned.

6.4 HIGHWAY SAFETY

6.4.1 Turning towards whether the proposal would have an impact upon Highway Safety, this can be looked at in two ways.

6.4.2 Firstly the use of the public right of way, whilst anyone visiting from this point would not be allowed on the land without prior permission, it is necessary to check whether there would be an impact. As there are no parking places along the Sound Road, the likelihood is that visitors to the site from the right of way will park within the already existing parking in the surrounding, such as the car park for the Glenmaye Waterfall or within the already existing on street parking. This would be the same whether it was a visitor to the site or separate user of the public right of way. As such it is deemed that there would be no impact from this point of view.

6.4.3 The second part of Highway Safety would be when clients are visiting the site for either the initial tree planting or visiting the site afterwards. From the information provided by the agent on behalf of the applicant states, that clients will park within the courtyard area of the farm and will travel up to the farm through the farmers' fields.

6.4.4 When looking at the impact of this, it is noted that Highway Services have stated they do not oppose subject to a condition regarding there being appointments. Having discussed this with Highway Services, on the enforceable nature of such a condition, Highway Services have stated that they would be accepting of the proposal without such a condition.

6.4.5 As the farm is a working farm, it is unlikely that the owners would want a lot of visitors to the site, which has been confirmed with the agent stating the use as being infrequent. It would also self-enforce itself with the available parking for the site being minimal and the likelihood that such planting would be a personal intimate ceremony.

6.5 IMPACT TO NEIGHBOURING PROPERTIES

6.5.1 Taking into account the infrequent use of the site, it is unlikely that the proposal would have significant adverse impacts upon the living conditions of neighbouring properties along Sound Road, and as such in this regard complies with General Policy 2.

CONCLUSION

7.1 Overall, whilst the site is within an area not designated for development, it is within a class 3 soil classification and the overall use would not be distracting from the existing agricultural use, with the site still being farmed. The character and appearance of the site would ultimately change over time but this would be no different if an orchard were to be planted, or if the trees were planted as per the Permitted Development order for afforestation.

7.2 Due to the nature of the site it is unlikely that there would be large amounts of traffic to the site, with this being self-governed by land owners themselves and with the area that is available for parking within the farm itself.

7.3 Whilst clients can at any time walk up the right of way to visit the site (with prior permission, if they are going to go upon the site), this is deemed to not impact the site overall.

7.4 As such, noting that there is need for such a proposal upon the Island, the proposal would not have conflict with the overall principles of Environment Policy 1 and General Policy 3 and as such is deemed acceptable.

7.5 As such the application is recommended for approval.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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.

Item 5.4

Proposal : Additional use as tourist accommodation
Site Address : 17 The Park
Onchan
Isle Of Man
IM3 1HP
Applicant : Adorn Properties Limited
Application No. : 23/01177/C- click to view
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The house is located near existing bus route and the additional parking need is of a temporary and intermittent nature. Therefore, the lack of additional parking provision is considered to have an acceptable impact on parking provision.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS PRESENTED TO THE COMMITTEE BECAUSE THE LOCAL AUTHORITY HAS MADE WRITTEN REPRESENTATIONS OBJECTING TO THE APPLICATION.

1.0 THE SITE

1.1 The site is 17 The Park, Onchan, a single-storey bungalow located on the northeast of the Park. There are three bedrooms in the house.

2.0 THE PROPOSAL

2.1 The proposal is for the additional use of the dwelling as a tourist accommodation. The agent has clarified that this is for a self-contained unit (use class 3.6).

3.0 Planning History

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

4.0 Planning Policy

Site Specific

4.1 The site is within an area designated as Predominantly Residential in the Area Plan for the East.

Strategic Policy

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

- o Strategic Policy 5
- o General Policy 2 (b), (g), (h), (i), (m), (n)
- o Transport Policy 7
- o Appendix 7
- o Business Policy 13

Permission will generally be given for the use of private residential properties as tourist accommodation providing that it can be demonstrated that such use would not compromise the amenities of neighbouring residents.

- o Community Policy 7, 10 and 11

PPS and NPD

4.3 There is no relevant Planning Policy Statement or National Policy Directive that applies to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no strategy or guidance materially relevant to this application.

6.0 REPRESENTATION

6.1 Onchan District Commissioners objects to this application (14.11.2023). The comment states that if the owner of the property were to occupy the property at the same time with the tourists, there is insufficient parking provision within the site.

6.2 DoI Highway Services does not oppose this application (03.11.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

7.0 ASSESSMENT

Elements of Assessment

7.1 The key considerations in the determination of the application are its impact on parking provision and on the amenities of the neighbours.

Parking Provision

7.2 When the house is occupied by one group of tourists, their parking demand and behaviour is considered to be the same as a typical household. There is no increase in parking standard and the current parking provision is considered acceptable.

7.3 It is not proposed that the property would be occupied by both the owner and tourists, it is proposed that it would be used either as a home or a self-contained tourist unit. However it should be noted that a dwelling may also be used as a B&B under PD - see below.

7.5 There is no objection from highway services, the impact on parking is considered to be acceptable.

7.6 The house is located near existing bus route.

7.6 Given the above it is considered that the parking provision is acceptable.

Neighbouring Amenities

7.7 It is difficult to assess how an individual would behave, whether as a tourist or a resident. As a tourist, a person may be out a lot of the time, but may also have greater late nights and be disruptive on return. In the meantime, both tourists and permanent residents have incentives for organising gatherings, which can easily be carried out till late at night. In general terms, however, the majority of people tend to behave well and raise no concerns. Therefore, it is unlikely for this change of use to have a significant impact on the living conditions of the neighbouring properties.

Fall-back

7.9 The Permitted Development (Change of use) Order allow a dwelling to be used as guest house with three or less bedrooms without making an application. The proposal would be in compliant with the PD, meaning a refusal would be in contrary with an approval given by existing legislation.

8.0 CONCLUSION

8.1 It is considered that the proposal would not give rise to an unacceptable impact on amenity or impact on highway safety. The proposal is considered to comply with General Policy 2, Business Policy 13 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for an approval.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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