



**Isle of Man**  
Government

*Reillys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

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

**Agenda for a meeting of the Planning Committee, 15th January 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://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 18<sup>th</sup> December 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 29<sup>th</sup> January 2024.

**PLANNING COMMITTEE Meeting, 15th January 2024**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Land At Poyldooey Fields And Part Fields  134271, 134253, 134270, 134272, 131273,  131276, 132274 &amp; 134274 Ramsey Isle Of  Man</p> <p><b>PA22/00679/B</b>  <b>Recommendation : Permitted</b></p>	<p>Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access</p>
<p><b>Item 5.2</b>  White Oaks 54 King Edward Road Onchan  Isle Of Man IM3 2AT</p> <p><b>PA23/00124/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of double storey side extension, enlarging existing rear raised patio area, alterations to existing conservatory finish and extension of driveway.</p>
<p><b>Item 5.3</b>  Field 530509 Lower Ballacashin Abbeylands  Isle Of Man IM4 5EG</p> <p><b>PA22/01307/C</b>  <b>Recommendation : Permitted</b></p>	<p>Creation of a private non-commercial fenced arena area for the exercising of the applicants horses and change of use of field from agricultural to equestrian use</p>
<p><b>Item 5.4</b>  Land Off Main Drive &amp; South Of Keyll Darree  The Nobles Hosital Site Strang Douglas Isle  Of Man IM4 4RJ</p> <p><b>PA23/01125/B</b>  <b>Recommendation : Permitted</b></p>	<p>Creation of a mobile site consisting of a 15 meter tree mast with multiple mobile panel antennas/dishes/radio kit with associated ground equipment cabinets and boundary fence</p>
<p><b>Item 5.5</b>  St Josephs Church Snaefell Road Douglas Isle  Of Man IM2 6PD</p> <p><b>PA23/01332/B</b>  <b>Recommendation : Permitted</b></p>	<p>Removal of wall mounted statue to front elevation</p>
<p><b>Item 5.6</b>  St Josephs Church Snaefell Road Douglas Isle  Of Man IM2 6PD</p> <p><b>PA23/01341/D</b>  <b>Recommendation : Permitted</b></p>	<p>Installation of non-illuminated signage to front elevation</p>

## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.1

**Proposal :** Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access

**Site Address :** Land At Poylldooey  
Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274  
Ramsey  
Isle Of Man

**Applicant :** Blythe Church Investments Holdings Ltd

**Application No. :** [22/00679/B](#) - click to view

**Planning Officer :** Mr Hamish Laird

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-100-302 Rev. C, hereby permitted, shall be begun before the expiration of four years from the date of this permission.

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

C 2. The development of the Spine Road within the land outlined in red on drawing numbers 296-300-101 Rev. C and 296-300-102 Rev. C, hereby permitted, shall be completed up to base course level for the entirety of its length including ironwork, the footways on the highway frontage; visibility splays; and, a site compound and car park have been constructed in accordance with the Construction Environment Management Plan (CEMP) required by Condition No. 11 prior to the first building of any residential units permitted by this planning permission.

Reason: In the interests of the proper development of the application site by providing a road connection between Auldyn Walk and Poyll Dooey Road at the earliest opportunity; and, to act as a flood defence barrier to the development proposed located on the south side of the Spine Road.

C 3. Prior to the commencement of development on Phase 1 of the site area, samples and details of the materials proposed to be used for the main walls and roofs of the dwellings, hereby permitted, shall be submitted to and approved in writing by DEFA Planning. The development shall be carried out in accordance with the approved details. For all other construction materials for the external surfaces of the dwellings such as rendering; window

and door frames; guttering and downpipes; the details outlined on the approved drawings for each dwelling type shall be adhered to.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 4. No excavated materials, building materials, plant or machinery associated with the Phase 1 development shall be stored on any part of the site area located to the north of the line of the Spine Road.

Reason: To safeguard components of habitats and wider ecological networks located to the north of the site including areas of salt marsh along the Sulby River; and, to protect priority species.

C 5. Before any part of the development hereby permitted is begun within the land outlined in red on drawing number 296-100-302 Rev. C, application for approval of the Reserved Matters of the layout, scale and appearance of the buildings and the landscaping of the site shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: This part of the application was submitted in outline with access approved and all other matters of layout, scale, appearance and landscaping reserved for future consideration (the Reserved Matters) in accordance with the provisions of Part 3 (1) (2) and (4) of Schedule 1, Part 3 of the Town and Country Planning (Development Procedure) Order 2019, or any Order revoking or re-enacting that Order.

C 6. Prior to the commencement of development on Phase 1, and to the submission of any Reserved Matters application, a Landscape and Ecology Mitigation Plan (LEMP) shall be submitted to and approved in writing by DEFA Planning. This information shall include:

A. An annotated, visual and ecological constraints and opportunities plan highlighting visually sensitive areas, distinctive trees, hedges, sod banks, buildings, and view corridors out to the surroundings to the north incorporating the Poyll Dooey Nature Reserve up to the Sulby River where it runs to the north and east of the site between the White Bridge and the Spine Road access onto Poyll Dooey Road.

B. An annotated landscape and ecological impacts plan that provides details of the physical impacts of the proposals on the landscape and ecological features detailed in A above; and

C. Avoidance/mitigation/compensation/enhancement measures.

D. Timescale for implementation and ongoing management (minimum 10 years required).

The plan should demonstrate how existing landscape and ecological value is being conserved as far as possible, how impacts have been minimised, and what opportunities for enhancement have been taken; and, include an ecological habitat balance sheet that sets out losses and gains as well as the likely time lag between loss and effective habitat gain. The LEMP shall apply to both the Full and Outline elements of the site (Phases 1 and 2) and any Reserved Matters applications for the site shall incorporate the approved landscape and Ecology Mitigation Plan (LEMP). The development shall be carried out in accordance with the approved details.

Reason: To identify, map and safeguard components of habitats and wider ecological networks and to protect priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity in accordance with the provisions of General Policy 2, and Environment Policies 1, 3, 4, 5, 7, 13, 22, 24 and 42 in the Isle of Man Strategic Plan 2016.

C 7. The detailed drawings required to be submitted by Condition 5 (reserved matters) shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all public open space and green infrastructure, arboricultural method statement and tree protection plan to BS 2012:5387 to include any engineering details required for no-dig construction and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To enable DEFA Planning to consider whether adequate provision is being made for the matters referred to in the condition in the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

C 8. Prior to the commencement of any development across the application site (both Phases), for Phase 1 and the first Reserved Matters application to be submitted a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas of public open space). The strategy document shall set out the funding, management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant green infrastructure and public open space areas. The Reserved Matters application for the site shall incorporate the approved details and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To ensure that green infrastructure and public open space is delivered for the amenity of future residents in a timely manner in accordance with the approved Masterplan drawing number 296-300-100 Rev. F for the site.

C 9. The application(s) for Reserved Matters to be submitted shall include details of a package of proposals to enhance public understanding and enjoyment of the areas of public open space to be created throughout the site in relation to the Sulby River and the adjoining Poyll Dooley Nature Reserve and the nearby salt marsh environment. Such proposals shall include interpretation materials. The development shall be carried out in accordance with the approved details.

Reason: To provide public benefits in the form of interpretation and understanding of the site and surroundings with emphasis on the relations of the site to the Sulby Riverside, saltmarsh and Poyll Dooley Nature Reserve.

C 10. The first occupation of any dwelling in both Phase 1, and as part of any Reserved Matters submission(s) for Phase 2 shall not take place until the following works have been approved in writing by DEFA Planning and constructed and made available for use:

A. The street lighting for the spine road and cul-de-sacs and footpaths has been erected and is operational;

B. The car parking and other vehicle access facilities required for the dwellings by this permission has/have been completed;

- C. The verge and service margins and vehicle crossing on the road frontage of any dwelling have been competed with the highway properly defined; and,
- D. The street name-plates for the spine road and cul-de-sacs have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for traffic attracted to the site.

C 11. No development on any Phase of the Full and Outline elements of this permission shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by DEFA Planning. The CEMP, which shall apply to the whole of the site, shall include:

- a. The timetable of the works
- b. Details of any road closure;
- c. The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials, and waste will be stored during the demolition and construction phases;
- d. Areas on site where delivery vehicles and construction traffic will unload building materials, finished or unfinished products; parts, crates, packing materials, and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by DEFA Planning;
- e. The means of enclosure of the site during construction works;
- f. Details of wheel washing facilities and obligations, and measures to be employed to prevent egress of mud, water and other detritus onto the public and any non-adopted highways;
- g. Photographic evidence of the condition of the adjacent public highway prior to commencement of any work;
- h. The steps and procedures to be implemented to minimise the creation of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development to include the recommended mitigation measures identified in Chapter 6 'Noise and Vibration' and Chapter 7 'Air Quality' of the submitted Environmental Statement.

All construction works shall be carried out in accordance with the approved CEMP.

Reason: To minimise the impact on the highway network, nearby residential properties, the Sulby Riverside environment and Poyll Dooley Nature Reserve.

C 12. In respect of foul and surface water provision, the development, hereby permitted, across the whole site on Phases 1 and 2 shall be carried out in accordance with the details outlined in Chapter 9 'Water Resources and Water Quality' of the submitted Environmental Statement; and,

Drawing No. 0001 Rev. P01 Sheet No. 1 of 1 - Outline Foul Drainage Layout;  
Drawing No. 0002 Rev. P01 Sheet No. 1 of 1 - Outline Foul Drainage Layout;  
Drawing No. 0003 Rev. P01 Sheet No. 1 of 1 - Outline Foul Drainage Layout;  
Sulby Riverside Development 'Foul Drainage Assessment - Final Report' - Dated 21/12/2022 - received 8/2/2022; and,  
Manhole details - Manhole Reference SC44946605 Rev. C with Flap Valve Fitted by Manx Drain Surveys Ltd for Manx Utilities;

The foul and surface water drainage details shall be installed in accordance with the approved details and shall thereafter, be retained and maintained in accordance with these details and their management specifications.

Reason: To ensure that the developments permanent foul and surface water drainage management systems remain fully operational throughout the lifetime of the development.

C 13. Notwithstanding the provisions of Schedule 1, Class A, of the Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015, the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land where planning approval has previously been granted following an application, is expressly prohibited by this condition.

Reason: The erection of any such building or creation of a compound for the storage of plant, machinery, construction materials etc. shall be carried out in accordance with the provisions of Conditions 2; and, 11, parts d, e, and f, of this permission owing to the ecologically sensitive nature of the site and surroundings.

C 14. Prior to the occupation of any dwellings, details of the addition of bee bricks and swallow cups to dwellings (on favourable elevations of dwellings away from opening windows); starling and house sparrow nest boxes, to be installed as part of the development shall be submitted to and approved in writing by DEFA Planning and the development carried out including these measures and undertaken in accordance with these details, prior to the first occupation of the host dwelling. Thereafter, these details shall be permanently retained and maintained.

Reason: To ensure that the development has an acceptable impact on the environment.

#### N 1. FOR YOUR INFORMATION

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

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

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

Reason for approval:

Overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application accords with the provisions of the following relevant Policies in the Isle of Man Strategic Plan 2016, which are:

Chapter 4 - Strategic Objectives: STRP1, STRP2, STRP3, STRP4, STRP10, STRP11;

Chapter 5 - Island Spatial Strategy: SPP2, SPP3;

Chapter 6 - General Development Considerations: GEN2, GEN3, GEN4;

Chapter 7 - The Environment: ENV1, ENV3, ENV4, ENV5, ENV7, ENV10, ENV13, ENV22, ENV24, ENV28, ENV42;

Chapter 8 - Housing: H1, H2, H5;

Chapter 10 - Sport, Recreation, Open Space and Community Facilities: RP1, RP4, RP5; and, CP1, CP2, CP11;

Chapter 11 - Transport, Infrastructure and Utilities: TP1, TP2, TP3, TP4, TP5, TP6 and TP7.

and the advice contained in the Ramsey Local Plan (RLP) 1998; and, West Ramsey Development Framework (WRDF) 2004; and, is recommended for approval subject to the prior signing of a Section 13 Agreement.

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### **Interested Person Status – Additional Persons**

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 6(4):

Watersmeet, Westfield Drive, Ramsey, IM8 3ER  
2 Belmont Villas, Jurby Road, Ramsey, IM8 3PF  
West View, Westfield Drive, Ramsey, IM8 3ER  
Pine View, Westfield Drive, Ramsey, IM8 3ER  
River House, Riverside, Ramsey, IM8 3DA  
47 Lezayre Park, Ramsey, IM8 2PT  
26 Greenlands Avenue, Ramsey, IM8 2PE  
6 Dreeym Ollay, Ramsey, IM8 2QA  
16 Fairway Drive, Ramsey, IM8 2BB

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

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

Flood Management Division (DOI)  
Manx Utilities Drainage

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### **Planning Officer's Report**

23/00679/B - THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE BECAUSE IT PROPOSES A MAJOR DEVELOPMENT ON AN ALLOCATED SITE AND A SECTION 13 LEGAL AGREEMENT IS PROPOSED

#### 1.00 THE SITE

1.1 The application site comprises an area of approx. 8.55 ha of agricultural land interspersed with wooded areas, sod banks, hedgerows, a pond and grassland and is located to the south and west of the Sulby River where the river is running to the east curves in an arc northwards away from the site. The site is bounded to the south by the former Ramsey - Peel railway line, now a footpath/cycleway which bounds an area to the south of industrial units and some housing at Greenlands Avenue. To the north east is Poyll Dooey House and Barn, whilst to the north between the site and the Sulby River is the non-statutory designated Poyll Dooey Nature Reserve. The land to the west of the site comprises the recently built Auldyn Meadow Housing development (Dandara Homes) where there is road access provision



made up to the sites western boundary. Footpath access along the river frontage and to the footpath cycleway is derived from Poyll Dooey Road to the west, where there is a pedestrian crossing across the road. The western edge of the site lies within 500m of Ramsey Town Centre and the harbour side. A Public Right of Way runs across the site.

## 2.00 THE APPLICATION

2.1 The hybrid application (part full/part outline) seeks permission for the following: Combined approval in principle and full approval for a residential development seeking planning permission for the erection of 66 dwellinghouses and 12 flats, site access, Spine Road through the site, drainage, car parking and associated landscaping (Phase 1). Outline Planning permission for development of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access

2.2 The site area comprises: "Land at Poylldooey, Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274, Ramsey, Isle Of Man".

2.3 The application is accompanied by full plans for the 'full' element of the application, a Masterplan (covering both the full and outline elements), and a range of documents indicating how the site is proposed to be developed. These documents also include an Environmental Impact Assessment which introduces the development proposals and addresses:

- o Alternatives and Design Evolution;
- o Methodology and Approach of the EIA;
- o Transport;
- o Noise and Vibration;
- o Air Quality;
- o Flood Risk;
- o Water Resources and Water Quality;
- o Socio-Economic Issues;
- o Greenhouse Gas Emissions;
- o Cumulative and Interactive Effects; and,
- o Residuals effects and Conclusions;

2.4 Other submitted documents include a Flood Risk Assessment and Management Plan containing proposed mitigation measures; and, Biodiversity and Protected Species Surveys comprising a preliminary Field Ecological Assessment; Bat Activity Survey; Greenhouse Gas Calculation; and Climate Change Resilience Risk Assessment. These details and documents propose mitigation measures including provisions for further survey work to inform the Reserved Matters stages of the outline element of the application.

## 3.00 PLANNING POLICIES

3.1 The site, as part of larger area, was first allocated for mixed use development in the Ramsey Local Plan 1982. In the Ramsey Local Plan (RLP) 1998, it was allocated for a mixture of light industrial development (mostly the eastern part) and residential on the western part of the application site and the site immediately to the west built on by Dandara at Auldyn Meadows. The site to the north of Auldyn Meadows, and west of the application site was consented for residential development on a plot by plot basis subject to it being protected by a 4.0m high bund from flooding from the Sulby River. This area has not been developed. In the West Ramsey Development Framework (WRDF) 2004, a public house/community facility was included in this document. The content, land allocations and Policies contained in the RLP; and, the WRDF are afforded substantial weight.

3.2 The Policies outlined in the Isle of Man Strategic Plan 2016 are of relevance and are listed below. The SP is the main development plan covering the island. It seeks to promote sustainable development such as that proposed on allocated sites taking into account access,

appearance, landscaping layout, and scale siting, with policies relating to impacts on the character of the area and surroundings, flood risk, ecology, affordable housing community facilities and to constrain and protect areas of the Island which have visual, historic, landscape, and wildlife value and/or are constrained by flood risks issues. The Plan was first adopted in 2007, with the 2016 version being an update with minor changes. The Policies contained in the IOM SP 2016 are afforded full weight.

The relevant Policies in the Isle of Man Strategic Plan 2016 are:

Chapter 4 - Strategic Objectives: STRP1, STRP2, STRP3, STRP4, STRP10, STRP11;  
Chapter 5 - Island Spatial Strategy: SPP2, SPP3;  
Chapter 6 - General Development Considerations: GEN2, GEN3, GEN4;  
Chapter 7 - The Environment: ENV1, ENV3, ENV4, ENV5, ENV7, ENV10, ENV13, ENV22, ENV24, ENV28, ENV42;  
Chapter 8 - Housing: H1, H2, H5;  
Chapter 10 - Sport, Recreation, Open Space and Community Facilities: RP1, RP4, RP5; and, CP1, CP2, CP11;  
Chapter 11 - Transport, Infrastructure and Utilities: TP1, TP2, TP3, TP4, TP5, TP6 and TP7.

3.3 In June, 2022, a Draft Area Plan for the North and West (DAP) of the Island was published and comments on it sought. The plan promoted the deletion of the application site as an allocated site for development, with it being put forward as an area of 'Proposed Open Space'. No further work has been carried out on the DAP since publication and given that the proposed policies and allocations contained therein have not been the subject of public scrutiny, it is effectively for information only, and as a consequence, holds no weight.

3.4 In terms of Flood Risk, in 2017 the Isle of Man Government produced Indicative Flood Risk Maps for the Island which show parts of the northern and western areas of the site being at risk from River and Tidal flooding, where in the case of river flooding the extent of a flood with a 1% (1 in 100) chance of happening in any year is shown; and, in the case of flooding from the sea, the extent of a flood with a 0.5% (1 in 200) chance of happening in any year, is shown. In respect of the risk from surface water flooding, the site and immediate surroundings are shown as not being at risk from such events.

#### 4.00 PLANNING HISTORY

4.1 In terms of planning history, the site was the subject of the following applications:

91/01487/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping land at Poylldooey - 91/01487/A - APPROVED at Appeal -1.1.94.

91/00575/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping, land at Poylldooey, Ramsey (amended) - 91/00575/A - REFUSED -1.1.94.

00/02041/A - Approval in principle for change of use of land for mixed purposes including, residential, commercial/retail, business park, industrial and car parking on Land off Gardeners Lane Poylldooey Ramsey - REFUSED -13.6.2001.

PA Refs: 01/01462/A for Approval in principle for residential and business park development; and 05/01191/A for Approval in principle for the erection of a manufacturing plant for the processing and packaging of medical foods including R & D and administration facilities - both on Land off Gardeners Lane Poylldooey Ramsey, were respectively Withdrawn on 8/2/2005 and 19/12/2005.

#### DEVELOPMENT ON ADJOINING LAND

4.2 Adjoining the site to the west, the Dandara scheme at Auldyn Meadows PA 11/00990/B for 45 dwellings was consented in May, 2012. This site formed part of an originally larger area of land which extended to the north of Auldyn Meadows and was covered by PA 03/00790/B for "Residential estate development comprising of roads, plots, sewers, flood protection measures, drainage, public open space and layout for 26 semi-detached dwellings, 69 terraced dwellings, 42 apartments and 38 self-build plots. This was approved in April, 2006, however, the area of the site consented for residential development on a plot by plot basis was subject to it being protected by a 4.0m high bund from flooding from the Sulby River. As the applicant did not own all the land covered by the site area, this element of the proposals was not implemented.

5.00 REPRESENTATIONS - These are available to view in full on the DEFA Planning website under Ref: 22/00679/B.

5.1 Representations have been received from a number of Government bodies and from Manx Natural Heritage. DOI Highways and Ramsey Town Commissioners have both raised NO OBJECTION to the proposed development. DEFA Minerals has no comments to make. The Inland Fisheries manager requested more information which was received, however, no further comments were made. The Environmental Health Unit requests conditions restricting time limits for noisy operations and standard hours of work on the site.

5.2 The following raise objections to the proposals:

DEFA - Climate Change Transformation Team - strongly objects due to the impact on the Poyll Dooley saltmarsh - approximately 2.630 hectares - arising from its proximity to the development site. "Even though mitigation measures might be in place for flood prevention to the housing, this does not extend to protection of the river system from increased sedimentation and surface water flow rates (especially during the site clearing and construction phases). Given that this is an important habitat and so close to the site, a development of this sort would be detrimental to the ecosystem health of the saltmarsh and its ability to function as an important carbon store."

DoI Public Estates and Housing initially advised that 25% Affordable Housing provision should be secured via a S13 Agreement. DoI Housing was subsequently asked to comment on the submitted Affordable Housing Viability Assessment. Following discussions with the Public Estates and Housing Team, the following comments were received on 3/1/24:

"It is clear from the application that the cost of the Spine Road and much of the extraordinary costs for the infrastructure will be incurred during the currency of Phase 1, and if we are to consider any relaxation in the provision of affordable housing then even for cashflow purposes it would be during this phase that the Department may agree to a reduction in the 25% provision. As you state, once the phase 1 works are complete then it would be easier for the applicant to provide an acceptable number of affordable homes in Phase 2; accordingly, the Department would agree to flexibility in the timing of delivery of affordable homes but in view of the current FTB Register numbers and the waiting list for homes for rent in Ramsey and the North we see it as imperative that a site such as this should be capable of yielding at least a substantial proportion of the stipulated number of affordable homes.

Clause 5.4 in the Operational Policy on Section 13 Agreements states in the third para that 'It is important not to lose the opportunities to deliver affordable housing due to the timing of developments and consequently if a development proposal suggests affordable housing is not viable at the current time, then consideration should be (given) to refusing the application and waiting until such time as it is viable'. It appears that this application, in part at least, is unviable but that the later phase when seen as a development entity in isolation will likely be

viable. It would be better if the Section 13 could include a fixed number of dwellings for production after Phase 1 completion rather than on review in order that there is a degree of certainty. There is evident need in the region for affordable housing and that is this Department's principal concern when considering Section 13 Agreements."

DoI Flood Risk Management Division: The FRM Team do not support any construction on a greenfield site within a flood plain, a comment it re-iterates in subsequent correspondence. FMD are still waiting for the Draft FMD Policy Document to be approved as well as the completion of the new Flood Risk Maps (due February 2024) to support their Objection.

DoI Public Rights of Way (PROW): "I have received a request for several public rights of way to be presumed dedicated through uninterrupted use. We are processing the order to add them on the definitive map. but it may not be released before the planning committee meet. I have attached the map for your reference."

MNH - Has concerns about the loss of woodland habitat, wetland and hedgerows; the potential for flooding on and adjacent to an intertidal area and floodplain. Despite receipt of Ecology, Final report, October, 2022, MNH remain concerned about sediment entering the water course and potentially being deposited further downstream or across the saltmarsh, which is in the IOM Climate Change Action Plan 2022-23 identifies as priority carbon sequestering habitat. MNH "do not feel that the significant loss of the ecology as a result of this development CAN be addressed given that part of the application site supports habitat which is significant enough to have already met the criteria of an Area of Special Scientific Interest." Any further comments received will be reported.

MUA - 29/7/22 - commented: Manx Utilities will not be able to support this application as the applicant has failed to demonstrate how the development will be adequately drained with both foul and surface water. MUA has since been re-consulted - 15/12/23, and 8/1/24, and has raised no objection to the condition relating to the proposed foul and surface water drainage schemes.

## 6.00 REPRESENTATIONS

6.1 15 letters of representation have been received from local residents - all raise concerns regarding the proposals. 3 letters are from one local address; and, 3 representations are from the Manx Wildlife Trust. Concerns raised are summarised as:

- o Loss of wildlife area;
- o Adverse impact on animals, birdlife, wild plants and flowers from human and vehicular traffic movements;
- o Development would compromise the IoM's unique UNESCO Biosphere status;
- o Development would ruin the landscape;
- o Do not build on the flood plain - it will surely flood;
- o None of the land is designated as 'residential'. It is unacceptable to build on a Nature Reserve;
- o Poor design of new houses which are ugly, and out of character with their surroundings;
- o This area is becoming congested and will most certainly be a huge problem for traffic at the exit;
- o All new developments should be forced to build properties with solar panels, heat pumps etc. thereby making them as carbon neutral as possible;
- o Noise disturbance and light pollution from both the development and from events at the PH;

- o The use of the PH would adversely impact on wildlife from dog walkers and visitors frequenting the PH;
- o Disturbance from construction works;
- o Existing riverside residents have concerns about flooding as river overflows in to rear garden areas and existing river retaining walls need to be maintained;
- o Sending water back up river will inevitably lead to more flooding further up the Sulby river to landowners fields and houses;
- o A café would be more appropriate than a Public House;
- o Three pubs in Ramsey have recently closed is there a need for another one;
- o This application should be refused as the Government has designated the land in question as 'open space, or 'proposed open space', and none of the proposed development site falls within an area zoned for commercial or residential usage;
- o The pictures make this area look like a Spanish island but the reality is it is wet, cold Isle of Man where the rainfall is above the average and drainage is extremely poor;
- o There are over 5000 houses on this beautiful island that are not lived in, run down properties and brown field spaces which are more in keeping with small developments;
- o Coastal erosion is now a threat to our island, especially along the northern coast. Bad news for those in Laxey (given) the news about the landslide recently;
- o Local residents cannot afford to buy the houses on offer and there is no option of renting affordable housing;
- o Manx Wildlife Trust consider the site to be of national importance for biodiversity;
- o MWT object to the above planning application as the proposal will cause irreparable damage to one of our Island's most important areas for biodiversity, home to key species & priority habitats and a vital green space in an urban setting. The proposal does not constitute sustainable development as outlined in the Strategic Aim of the Strategic Plan. Furthermore, it will undoubtedly lead to net biodiversity loss, contrary to legislation and Government policy;
- o MWT considers that the proposal will cause irreparable damage to one of our Island's most important areas for biodiversity, home to key species & priority habitats and a vital green space in an urban setting. Furthermore, it will undoubtedly lead to net biodiversity loss, contrary to legislation and Government policy.

## 7.00 SUMMARY OF ISSUES

7.1 The section below highlights the benefits and dis-benefits of the proposed development:

### Benefits of the scheme

- Development of an allocated Site in the Local Plan providing 205 dwellings, commercial and retail development; and, a PH/Community Facility for the benefit of Ramsey.
- Closest developable site to Ramsey Town Centre - easy walking/cycling distance of 500-600m.
- Provision of new Spine Road linking Poyll Dooley Road with Auldryn Walk and Gardeners Lane - allows link to the town centre without involving the A3. Also serves the Greenlands Ave and Lezayre Park resi devts.
- New Spine Road set at a level of between 5.0m and 6.5m AOD acting as a flood barrier for the resi devt to the south of it and to existing devt around the site to the south.
- New Spine Road set at a level of between 5.0m and 6.5m AOD acting as a flood barrier for the resi devt to the south of it and to existing devt around the site to the south.
- 5.4 Ha of Open space provision including a LAP, LEAP a NEAP and informal POS - secured via a S13 Agreement.

- Significant measures of biodiversity mitigation and landscaping are proposed and can be conditioned via a LEMP.
- The staging and nature of how the development would be undertaken with priority given to the installation of the Spine Road would not result in a significant amount of increased sedimentation and surface water flow rates (particularly during the site clearing and construction phases).
- No highway safety concerns subject to conditions. New Bus Stop provided on Spine Road.
- The site and development can be delivered within a reasonable time-frame - 136 months.
- In addition to construction jobs, the development would create approx. 156 new jobs when complete and operational.
- Possibility of Affordable Housing provision at the Reserved Mattes stage for the outline element with dwellings secured via a S13 Agreement.

#### Dis-benefits of the scheme

- Visual impacts - change to the character of the area. The development will appear as an extension of Ramsey into the open countryside.
- Flood risk issues - objection from DoI Flood Risk Team in respect of development in the floodplain being contrary to adopted Policy. Although, no comments on the FRA to substantiate their objection have been provided.
- Impact on Protected Species - objection from MNH and DEFA Ecosystems Policy Officer through loss of trees and habitat, and lack of submission of habitat and species surveys.
- Impact on the Sulby River and marine life in both the river and the sea - Objection from MNH, DEFA Ecosystems Policy Officer and DEFA Climate Change Team.
- No Affordable Housing Provision for Phase 1 as per Policy H5 - 25% of 78 dwellings = 19.5 AH units.
- The development would result in a significant amount of increased sedimentation and surface water flow rates (especially during the site clearing and construction phases).
- The development would be counter to several public rights of way to be presumed dedicated through uninterrupted use across the site. The PROW Team is processing an Order to add them on the definitive map.
- Impact on adjoining Poyll Dooley Nature Reserve from increased usage - dog walking etc.

7.2 The main issues are whether the development of the site in the manner proposed is acceptable in principle; the harm that would arise from the visual impact of the development; and, whether it would lead to an unacceptable increase in flood risk - both on site and downstream; whether the impact on biodiversity through loss of wildlife habitat, and impact

on the river environment and marine life out in the Ramsey Bay would be acceptable. A further issue is whether the provision of no Affordable Housing, at least in the first Phase, would also be acceptable.

#### PRINCIPLE OF DEVELOPMENT

7.3 The site was allocated for mixed use development in the Ramsey Local Plan 1982, and in the Local Plan update of 1998. Map No. 2 (South) in the 1998 LP shows the majority of the site extending west as being allocated for Light Industrial Uses; and, the eastern part of the site to the south of Poyll Dooey House, allocated for residential uses. It is also shown on the Key Diagram in the West Ramsey Development Framework (WRDF) 2004 as comprising:

- 1 - The Ballachrink Mixed Industrial and Business Use Area (undeveloped);
- 2 - Medium/High Density Housing Area (Partly built out by the Dandara Audlyn Meadow Housing Scheme); and,
- 3 - Low Density Housing (Partly on the site of the PA 03/00790/B to the north of the Dandara site)

7.4 The Ramsey Local Plan 1998 remains in force as the development plan for the area and the land allocations within it remain relevant and pertinent. It has not been superseded. It sits under the Isle of Man Strategic Plan 2016 as the planning policy document guiding development for the Island - its policies are relevant and pertinent to the development proposed. The site, and the Poyll Dooey Nature Reserve to the north are shown in the June, 2022, Draft Area Plan (DAP) for the North and West of the Island as 'Open Space for Particular Purposes'. This document is a published draft which has not been tested publically, let alone adopted as planning policy by the Minister. Its content is 'aspirational' and holds little weight in the planning balance.

7.5 The application site comprises a number of agricultural fields separated by hedgerows and sod banks that have not been used for agricultural purposes (grazing or cropping) for a number of years. The site has benefitted from an ecological secondary succession whereby it has become a relatively diverse area and habitat for wildlife (flora and fauna). It does, however, remain as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, tomorrow without any recourse to DEFA Planning. The fact that on the ground it has benefitted wildlife does not diminish its agricultural status or that it is allocated for development as outlined in the RLP 1998, and as per the contents of the WRDF. Given the above, the principle of development for the development as proposed is accepted. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP10, STRP11, SPP 2, SPP3, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

#### QUANTUM OF DEVELOPMENT RELATIVE TO ITS STATUS AS AN ALLOCATED SITE

7.6 Please see paragraphs 7.3 and 7.4 above. In favour of the application, the development would bring 205 new dwellings to the Ramsey area in a sustainable location within 500-600m of Ramsey Town Centre; it would be constructed over a period of approx. 136 months; and, would provide employment opportunities, both during the construction phase, and 156 jobs post development in the Industrial Units, Shop Kiosks; and, new Public House/Community Facility. It would provide open and recreational space that would promote Sulby riverside in this area which in conjunction with the PH would provide improved access and opportunities to enjoy the Riverside, Poyll Dooey Nature Reserve and to improve connectivity to the White Bridge (footbridge) over the Sulby River at the head of Gardeners Lane. This links the area with existing residential development on and around Jurby Road in the northern part of Ramsey. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP3, STRP4, STRP11, SPP2, ENV28, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

#### THE SPINE ROAD

7.7 It would also provide a Spine Road that would link Poyll Dooley Road to the east of the site with Auldryn Walk to the west where access to this adjoining development is facilitated and expected. The Spine Road would provide a link for the development; Auldryn Walk, and existing dwellings at Greenlands Avenue and Lezayre Park to the south of Auldryn Walk. There are no ransom strips affecting connectivity of the Spine Road. This would provide an alternative through route between these areas and Poyll Dooley Road by the Post Office Depot offering a direct link to Ramsey Town Centre that avoids the A3 Lezayre Road and Parliament Square. This would be most effective during periods of road closure on the A3 (TT fortnight and Manx GP etc.). (See IoM Strategic Plan 2016 Policies STRP10, RP5, TP2, TP5)

#### FLOOD MITIGATION MEASURES

7.8 The second aspect of implementing the new Spine Road is that it would be set at a level of between 5.0m and 6.5m AOD2 (Douglas) acting as a flood barrier for the new residential and commercial development to the south of it and to existing development around the site to the south. The applicants have provided an EIA and Flood Risk Assessment which indicates that despite part of the site being in a Flood Risk Area in respect of river and tidal flooding, the measures outlined in the FRA indicate that the 1% (1 in 100) chance of a case of river flooding any year; and, in the 0.5% (1 in 200) case of flooding from the sea, with a chance of happening in any year, would be avoided as a result of the flood protection measures that the scheme would provide. This would have the further benefit of adding protection from flooding for existing development to the south. This is shown in the Masterplan and such resilience to flooding is aided by the bulk of the new development being sited behind (to the south) of the Spine Road with the flats to the north of the Spine Road, being flood resilient with their living accommodation being raised on stilts. The same principle would apply to the new Public House/Community Facility whilst the Industrial Units located between the PH site and the Spine Road would be flood resilient, in that they would be designed to withstand flood events.

The flood mitigation measures proposed included in the design to ensure that the development is safe from flooding and there is no increase in flood risk, are:

- o A protected area in the south-west part of the site that contains most of the residential properties. The area is protected by the spine road and a road that connects to the developed area south of the site. The level of these roads is 6.50 m AD02, about 0.5 metres higher than the projected 0.5% flood level in the year 2120 of 6.01 m AD02;
- o Flood resilient residential and non-residential buildings outside the protected area with a typical minimum Finished Floor Levels of 6.65 m AD02, about 0.65 higher than the projected 0.5% flood level in the year 2120;
- o High level access to all residential properties with a minimum level of 6.50 m AD02, about 0.5 metres higher than the projected 0.5% flood level in the year 2120;
- o A landscaped floodplain flow path to improve fluvial flood flows across the floodplain north of the spine road and reduce fluvial flood levels.

7.9 DoI FMD has objected to the proposals on the grounds that it represents development in the floodplain. The FMD Team has commented that it has general areas of concern but is waiting for the Draft FMD Policy Document to be approved as well as the completion of their new Flood Risk Maps (due February 2024) to support their Objection. The FMD Team has raised no specific objection to the proposals other than the objection that that the scheme lies within the floodplain. In response to the floodplain objection from FMD, the applicants specialist advisers HR Wallingford produced a further document (dated 1/12/2022) outlining the threats proposed by the identified sources of flood risk - rivers and the sea - the approach to managing flood risk; and, the flood mitigation measures as part of a comprehensive Flood



Risk Assessment received on 10/2/2023. This expands on the findings of the Flood Risk; and, Water Resources and Water Quality sections of the Environmental Statement; and the hydraulic modelling report (2022) produced by JBA Consulting, working in tandem with HR Wallingford. Both HR Wallingford and JBA Consulting are well regarded as Flood Risk Management experts who are leading practitioners in their respective fields in the UK, and abroad.

7.10 The evidence presented by both is considered to be reliable, acceptable, and the measures proposed, achievable in minimising the flood risk implications arising from the development. Further correspondence between the Case officer and FMD has garnered no constructive response. It is considered that the Flood Risk Measures prepared and proposed by both HR Wallingford and JBA Consulting in support of the application are acceptable, deliverable and when implemented should not lead to undue flood risk to the development, or to the increased risk of flooding beyond the site along the Sulby River, or in the Ramsey Harbour area. In this regard, the proposed development is policy compliant. (See IoM Strategic Plan 2016 Policies ENV5, ENV10, ENV22 and ENV28).

#### IMPACT ON BIODIVERSITY

7.11 As indicated in paragraph 7.5 above, the site comprises a number of agricultural fields separated by hedgerows and sod banks that have not been used for agricultural purposes (grazing or cropping) for a number of years. The site has benefitted from an ecological secondary succession whereby it has become a relatively diverse area and habitat for wildlife (flora and fauna). It does, however, remain as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, tomorrow without any recourse to DEFA Planning. The fact that the current ground conditions have benefitted wildlife does not diminish its agricultural status or that it is allocated for development as outlined in the RLP 1998, and as per the contents of the WRDF. The site, adjoins the Poyll Dooey Nature Reserve to the north, and its wildlife and biodiversity qualities have benefitted from this proximity and by it not having been actively farmed or otherwise developed for a considerable number of years.

7.12 The comments received from the Flood Risk Team - which are silent on any biodiversity implications arising from the development - the Climate Change Team; the Ecosystems Policy Officer, Manx Natural Heritage; the Manx Wildlife Trust, and third parties, are all noted. The Climate Change Team and MNH have advised that the development would result in harm to the Sulby Riverside; River bed; and, to the bay beyond the harbour, particularly through the deposition of fines, sediment, and erosion, and from other material arising from on-site excavations, and storage of material which may then be subject to wind and rain erosion, weathering, and to run-off entering the river system with consequent harm to the riverbank/salt-marsh environment, with such material covering over the river bed and breeding areas for invertebrates, fish a, molluscs and shellfish. It is appreciated that as per the Climate Change Act 2011 Schedule, Section 6, the maximisation of carbon sequestration must be taken into account in the forthcoming amendments to the national policy directive or a development plan (i.e. Strategic Plan) by 2025, with this section of the Act expected to be commenced in 2024. However, it is noted that none of the approx. 2.63 Hectares of salt marsh or other protected habitat is contained within, or forms part of the site.

7.13 The Ecosystem Policy Officer has advised on 20th July, 2023, that "because of how sensitive the site and its surroundings are we really believe that pretty much all of the surveys really need to be done prior to determination, because there is no point approving something with set number of buildings, layout etc, or even approving something in principle, if development cannot be accommodated on site without extremely detrimental impacts to the ecology. The outcomes of the surveys are required to inform the layout of the site. Also the

surveys will help to determine if development is appropriate on the site full-stop, which at the moment we do not believe it is."

7.14 Whilst the above comments are acknowledged, it is noted at both paragraphs 7.5 and 7.10 that whilst the site has become a relatively diverse area and habitat for wildlife (flora and fauna), it remains as agricultural land and it could be ploughed or grazed, with hedgerows trimmed, scrub removed, and trees cut back or felled, without any recourse to DEFA Planning. The main benefit of surveys would be to inform the Reserved Matters development where the layout has not yet been fixed. The habitat comprising the site area covered by the full element of the application and SR would, anecdotally, appear to be at less risk from disruption through development, as they are closer to existing development, and further from the River, where the more ecologically sensitive areas lie. This is a balancing act. Does the ecology and habitat protection take precedence on a statutorily unprotected site, or does the development of the site in the manner proposed prevail on this allocated site within easy walking distance of Ramsey Town Centre, with as much environmental mitigation as possible secured by way of conditions to minimise the environmental impact, whilst being for the social and economic benefit of Ramsey. And, if refused, where would a development of this variety and scale go for the benefit of Ramsey and the northern part of the Island offering what it does to the populace in general, when an alternative development on unallocated land to the west has been ruled out, and another alternative development some distance away to the north of Ramsey has yet to be considered?

7.15 The main areas of excavation and construction on site would be the Spine Road itself, and on land to the south of the Spine Road. Development would occur in phases with the SR being the main objective of the first phase of the development - covered by the Full element of the application (Phase 1) - and it is considered that any storage or deposition of excavated material would be located to the south of the SR. The application is accompanied by an Environmental Impact Assessment (EIA) which - inter alia - covers aspects of the development such as those raised in the CCTT's and others concerns. The development of the site would occur in at least two phases with the first phase being the SR installation and the development of the Full element (Phase 1). It is unlikely that any excavation or storage of excavated material would occur north of the SR until the Phase 1 of the development has been completed. It is also considered that a CEMP - Construction Environment Management Plan should be conditioned which would cover both the Full and Outline elements of the development with possible revision at the Reserved Matters stage which would identify all measures to be taken to minimise any adverse impacts arising from deposition of fines, sediments, and erosion from material arising from on-site excavations, and its storage on the site. In addition, a LEMP - Landscape Environment Management Plan in conjunction with conditions requiring landscaping; the implementation of landscaping; and, biodiversity mitigation measures - should assist in minimising such impacts in respect of the development of the site; the impact of the development on adjoining land; the Poyll Dooey Nature Reserve; and, the salt marsh environment and river/marine environment beyond.

7.16 Officers have consulted with the Ecosystem Policy Officer with a view to formulating conditions that should be applied in the event of an approval being granted which would limit the impacts of the development on the site and surroundings. Clearly, the development of this allocated site in the manner proposed offers an imperfect solution. However, what solution would be perfect? No development would benefit wildlife and the immediate environment but would offer no economic and social benefits to the people of Ramsey and the surrounding area.

7.17 It is considered that on balance, the proposed development is acceptable in terms of its potential for adverse impacts on the existing ecology and habitat of this statutorily unprotected, allocated located site within easy walking distance of Ramsey Town Centre, with

as much environmental mitigation as possible secured by way of conditions, including securing a CEMP; a LEMP; A Landscaping Scheme; Implementation of Landscaping, securing the addition of bee bricks and swallow cups to dwellings (on favourable elevations of dwellings away from opening windows) to minimise the environmental impact of the development.

7.18 This would accord with the allocation of the site in the Ramsey Local Plan 1998, as informed by the WRDA Development Brief 2004; and, the provisions of Policies STR2, STR4, STR5, GEN2, ENV3, ENV4, ENV5, ENV7, ENV13, ENV22, ENV24 and ENV42.

#### PUBLIC RIGHTS OF WAY

7.19 The DEFA Public Rights of Way Team (PROW) has advised that they have received a request for several public rights of way to be presumed dedicated through uninterrupted use across the site and is processing an Order to add them on the definitive map. The Order has yet to be confirmed. Rights of Way could be maintained across the site where they do not conflict with the proposed layout of the development, particularly in phase 1, and could be adjusted and incorporated into the outline layout at the Reserved Matters Stage. It is considered that the proposals by the PROW Team to confirm the Rights of Way would not preclude the development of the site.

#### LOCATION, DESIGN AND SCALE OF THE PROPOSED DWELLINGS - FULL ELEMENT

7.20 With regard to the design and visual impact of the proposed development, the submitted masterplan Drawing No. 296-300-100 (Rev. F) outlines how the site would be developed with the Spine Road running across the site in an east-west direction. The bulk of the built form of development would be to the south of the Spine Road, where it would relate to existing development on the south side of the former railway line and to the west at Audlyn Meadow. In respect of design features, the proposed dwellings for Phase 1 of the development, where Full PP is sought, are a mix of:

- o House Type A x 10 - 2-Storey Town House; 3B/5P - Terraced - located to south of Spine Road;
- o House Type B x 12 - 3-Storey Corner Apartments (1 per level); 1B/2P - located to S of SR and on corners of Streets 1, 2 and 3;
- o House Type C x 48 - 2-Storey Semi-Detached; 3B/5P - located S of SR - see Streets 1, 2, 3 and Crescent;
- o House Type D x 2 - 2-Storey Detached; 3B/5P - located S of SR - see Streets 1 and 3;
- o House Type E1 x 4 - 2-storey Town House; 3B/5P - located on Street 9 - N of SR;
- o House Type E2 x 2 - 2-storey Town House; 3B/5P - located on Street 9 - N of SR;

Total No. of Units = 78.

Total No. of Beds = 203

Total No. of Persons = 258

7.21 All Phase 1 dwellings would be capable of having Solar PV panels and Air Source Heat Pumps installed. Those dwellings with 1 or more car parking spaces would have 50% of their car spaces surfaced with a permeable finish - grass-crete.

7.22 It is considered that the scale, design and layout of the proposed development for Phase 1, to the south of the Spine Road; the relationship of the dwellings to each other, and adjoining development; the inclusion of the LAP and LEAP; and the ability to connect with

Auldyn Meadows; Poyll Dooley Road via the Spine Road, and via footpath links to the south onto the footpath cycleway of the old railway line, would result in a form of development that was well related to and well-integrated into its surroundings, and is considered to be acceptable in these regards. (See IoM Strategic Plan 2016 Policies STRP1, STRP2, STRP3, STRP4, STRP11, SPP2, GEN2, ENV7, ENV10, ENV13, ENV22, ENV24, HP1, HP2, RP4, RP5, TP2, TP3, TP4, TP5)

#### COMMENTS ON THE LACK OF AFFORDABLE HOUSING - SP POLICY H5

7.23 In terms of the western and northern parts of the application site which are the subject of the Outline Planning permission element of this application, the details of how the development is proposed to be laid out in respect of up to 127 new residential units in the form of dwellinghouses and flats, flexible commercial space, a new public house and new retail space with all matters reserved save for access, are indicated on the submitted masterplan Drawing No. 296-300-100 (Rev. F). This outlines the flatted residential development on the north side of the Spine Road, and residential and commercial development to the east side of Street 3 (including Streets 4-7); the commercial units and Public House and picnic area on the north side of Street 8; the NEAP; and, the commercial units/kiosks on the north side of and with lay-by access onto the Spine Road. It is considered that as the line of the Spine Road is fixed, and that it would be installed prior to development on the outline application area commencing, that the indicative layout of the development proposed for this part of the site would be very likely to occur in the manner shown on the Masterplan, and as per the submitted house types for the residential units as per the Full part of the application. As this element of the proposals is less likely to be required to cross-subsidise the Spine Road because it should already be installed, the applicants have advised that they would be willing to accept a review clause in any S13 Agreement where the question of the provision of some Affordable Housing could be made within the outline application area. The starting point would be 25% of the approx. 127 Housing Units this area could provide (approx. 31.5 AH Units).

#### DESIGN AND VISUAL IMPACT - OUTLINE ELEMENT OF THE APPLICATION

7.24 This outline element of the application is considered to be acceptable because it would secure the development of the rest of the allocated Sulby Riverside site with the majority of the proposed residential development (127 of 205 new dwellings) most likely being reflective of the appearance, layout, and scale of those for the full element of the proposals, with access being fixed (Spine Road) at the outline stage. This element of the proposals would provide all of the 156 non-construction jobs within the Commercial Units/Shop Kiosks/Public House. It would also provide a NEAP, picnic area associated with the PH, retention of existing mature trees, and natural water storage/drainage areas close to the bend in the Sulby River which adjoins the sites NE boundary. (See SP Policies GEN2, and ENV1).

#### 8.00 SUMMARY & CONCLUSION

8.01 The proposed development is on an allocated site in the 1998 Ramsey Local Plan as advised in the WRDA Development Brief 2004. The provision of a Spine Road underpins the development of this allocated site as was envisaged in these valid Policy Documents. The Draft Area Plan for the North and West (DAP) - published June 2022 - promoted the deletion of the application site as an allocated site for development, with it being put forward as an area of 'Proposed Open Space'. No further work has been carried out on the DAP since publication and given that the proposed policies and allocations contained therein have not been the subject of public scrutiny, it is effectively for information only, and as a consequence, holds no weight.

8.02 There is a lot of pressure on environmental grounds from various bodies both within and outside Government for no development to take place and for the site to remain as a 'wild area' which may flood occasionally, and over time, it is likely to increase in its

biodiversity offering. However, this would need to be undertaken via a programme of active management which does not exist. It is noted that the site could also be farmed (cattle/sheep grazing) as of now which would diminish its biodiversity value. The environmental comments, are therefore, also based on the hope that the site will become an area of Open Space as outlined in the Draft Area Plan for the North and West (published June, 2022). However, as advised above, this Plan and its policy objectives remain as aspirations.

8.03 Against the retention of the site in its current state is that the proposals offer a unique development opportunity for Ramsey on allocated land that should not easily be dismissed when the flood risk issues are addressed in the EIS, Flood Risk Assessment and additional FR documentation which is provided by a leading UK consultancy (who has informed the DoI in updating its Flood Risk Maps - to be published in 2024), with mitigation provided (Spine Road) amongst other things. It is unhelpful that constructive comments have not been forthcoming from DoI FMD.

8.04 The main conclusion of this Report is that if there is no Spine Road, the development in the manner proposed on this allocated site would not occur. The cost outlay in implementing the Spine Road means that Affordable Housing in Phase 1 will not be secured. In the IoM Governments publication "Operational Policy on Section 13 Agreements (2020)", Clause 5.4 reads:

"Where there is a longer anticipated build-time for a development (for example for larger housing estates) and it is accepted that a lower affordable housing contribution is acceptable, a requirement to reassess whether this can be increased prior to commencement of each phase may be included in the Section 13 Agreement. Nevertheless, where a development can only provide a reduced level of affordable housing due to viability issues this will weigh against the development in reaching a balanced decision as to whether it should receive planning approval."

8.05 The applicants have provided a viability argument that the cost of implementing the Spine Road up front obviates their ability to provide Affordable Housing on the Full, Phase 1 element of the proposals. This is accepted by Officers. The applicants have advised that they would be willing to accept a review clause in any S13 Agreement where the question of the provision of some Affordable Housing could be made within the outline application area. It is appreciated that the lack of AH 19.5 AH Units (25% of 78) on Phase 1 is significant and that it would make a difference in the Ramsey area and in the north of the Island as far as AH provision goes. In any review mechanism secured by the S13 Agreement for AH provision on the Outline Phase 2 element of the application, the starting point would be 25% of the approx. 127 Housing Units this would provide (approx. 31.5 AH Units). This would comply with the provisions of SP Policy H5. On balance, it is considered that given the sustainability argument for this allocated site - it is within easy walking distance of Ramsey Town Centre - and, that the SR would secure an alternative route from the new development on the site, and existing housing at Greenlands Avenue/Lezayre Park/Audlyn Walk to Ramsey Town Centre avoiding Parliament Square, these benefits to local people and road users, plus the flood alleviation measures that the Spine Road would provide, outweigh any concerns in respect of the lack of any AH provision within the Full element of the application.

8.06 It is considered that the proposals contained in this hybrid application offer an acceptable form of development that strikes a balance between benefitting Ramsey and the surrounding area in terms of housing and employment provision, community facilities and flood defence for both the site and existing development of land to the south in conjunction with open space and play space provision and achievable goals in relation to wildlife and habitat management. Members should also be mindful that the site off Lezayre Road to the west of Ramsey for 138 dwellings (PA 20/01080/B) was refused at appeal on 1/3/23; and,

that the Hartford Homes site (PA23/00744/B) on the north side of Ramsey for up to 153 dwellings and Community Uses - some distance from the town centre - has yet to be considered. Therefore, this hybrid application which includes provision for up to 202 dwellings, at a sustainable location within easy walking distance of Ramsey Town Centre, would make a significant difference to Housing Supply and also to the Government's ultimate target for a 100,000 Island population.

## 9.00 RECOMMENDATION

Overall, the application is considered to be acceptable as the benefits offered by the proposed development are considered to outweigh the dis-benefits. The application is recommended for approval subject to the prior signing of a Section 13 Agreement to secure:

In the Full element:

- o The provision of the Spine Road;
  - o Off-Site Highway Improvement Works;
- Open Space and Estate Management comprising:
- o The provision of the LAP and LEAP with their relevant play equipment;
  - o The provision of a commuted sum for the maintenance costs for the LAP and LEAP;

In the outline element:

- o That the Spine Road shall be completed prior to the implementation of the first of any approval of Reserved matters for the development of the outline element of the site;
  - o A clause/mechanism to secure the provision of some on-site Affordable Housing;
  - o The provision of the Commercial Units
  - o The provision of the Public House/Community Facility including picnic area;
  - o The provision of the shop/kiosks
- Open Space and Estate Management comprising:
- o The provision of the NEAP with its relevant fully equipped play areas/courts/pitches /fencing and associated equipment;
  - o Waymarking, signage and landscape interpretation boards along the Sulby Riverfront from the access onto Poyll Dooley Road in the east linking in with the Poyll Dooley Nature Reserve to the west;

And subject to conditions.

## 10.0 INTERESTED PERSON STATUS

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

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

10.2 The decision maker must determine:

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

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

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

## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.2

**Proposal :** Erection of double storey side extension, enlarging existing rear raised patio area, alterations to existing conservatory finish and extension of driveway.

**Site Address :** White Oaks  
54 King Edward Road  
Onchan  
Isle Of Man  
IM3 2AT

**Applicant :** Tim And Emma Cox  
**Application No. :** 23/00124/B- [click to view](#)  
**Planning Officer :** Mr Toby Cowell

**RECOMMENDATION:** To APPROVE the application

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### 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 proposed development is acceptable in terms of its form, mass and design by providing suitable additions to an existing residential property and as such comply with Strategic Policy 5, Spatial Policy 2, General Policy 2 and Environment Policy 42 of the Isle of Man Strategic Plan (2016).

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### **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  
Department of Infrastructure Highways Drainage  
Manx Utilities Authority

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

56 King Edward Road, Onchan



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):

93 King Edward Road, Onchan

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.

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### **Planning Officer's Report**

THE APPLICATION IS BEFORE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNING OFFICER

#### 1.0 THE SITE

1.1 The application site relates to a 4-bedroom detached dwellinghouse and its associated curtilage located on the corner of King Edward Road (north) and Majestic Drive (west), Onchan. The property and adjoining dwelling effectively mirror one another and, aside from a sun lounge to the rear of each property, do not appear to have been significantly altered since initial construction. The pair of dwellings in question effectively mirror those on the opposing corner of the King Edward Road/Majestic Drive junction at Nos. 50 and 52, and have been built in the style of the Baillie-Scott to the east in the mid 1950s.

1.2 This particular stretch of the southern side of King Edward Road includes dwelling of a noticeable mix of houses type and architectural vernacular, ranging from the adjacent pair of semi-detached dwellings to the immediate east in a form of arts and craft style (Baillie Scott houses - both of which are Registered), an Art Deco detached dwelling displaying flat roofs of varying heights (no. 66), and more modern detached dwellings further east.

1.3 The dwelling which is the subject of this application is somewhat reflective of the Arts and Crafts architectural styled on offer for the adjacent pair of Registered properties, such as including the use of dormer windows spanning the eaves to facilitate first floor accommodation and a hipped roof on the flank elevation with an elongated slope. Properties on the northern side of King Edward Road are noted to be on marginally higher land than those on the southern side, and also display a wide range of architectural styles; many of which comprise detached bungalows.

1.4 The property in question benefits from a generous front garden area enclosed by low-level rendered stone walls and vegetation, with a reasonable level of garden space noted at the rear. The Manx Electric Railway line runs parallel to King Edward Road to the north, with views of the sea and Onchan Head available from the top of Majestic Drive looking southward.

#### 2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a first-floor side extension above the rear portion of the existing attached garage and utility, and a storey-storey side/rear extension. Following amendments to the original scheme, the proposed extension would be substantially set down from the ridge of the existing dwelling and set back from the principal

elevation, incorporating front, rear and side gabled dormer windows spanning the eaves. The proposals would further include the addition of rear patio doors and an enlargement to the existing raised rear terraced enclosed up to the mutual flank boundary with the adjoining property of No. 56. The resultant patio would be further enclosed by glass balustrades.

2.2 The extension would be finished in painted render and Rosemary roof tiles to match the existing dwelling. Additional works include upgrading the western flank wall of the existing rear conservatory to match the remainder of the dwelling, and an extension of the front driveway area to include an additional dedicated parking space.

### 3.0 PLANNING HISTORY

3.1 None.

### 4.0 PLANNING POLICY

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

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

#### Strategic Policy

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

#### Spatial Policy

- 2 Development in Service Centres

#### General Policy

- 2 General Development Considerations

#### Environment Policy

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

### 4.5 Residential Design Guide (2021)

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

### 5.0 REPRESENTATIONS

5.1 Onchan District Commissioners - recommend approval (23.03.23)

5.2 Highway Services - Development would have no significant negative impact upon highway safety, network functionality and /or parking. (03.03.23)

5.3 Highways Drainage - Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. The applicant should be aware of the above clauses and demonstrate compliance. (06.03.23)

5.4 Manx Utilities Authority - We have no separate surface water drainage in the area, therefore we will not allow any SW into the combined system. Confirmation is therefore requested over how SW will be discharged. If soakaways are going to be used you then

demonstration will need to be provided that the ground is suitable for a soakaway by carrying out a percolation test. We will need to see a copy of this before we can support the application. (17.03.23)

Subsequent correspondence received from MUA - It is confirmed that due to the issues that have been raised Manx Utilities will allow the SW discharge into the combined sewer, there will be no need for a percolation test. (26.04.23)

This position was further confirmed by email correspondence with MUA direct on 09.01.24.

5.5 Two letters of representation have been received objecting to the proposals on the following grounds:

- Proposals are out of character and appearance within the streetscene;
- Development is visual overdominant and will disrupt sense of openness within the streetscene;
- Overbearing impact upon outlook and set a precedent to making the streetscene appear like a terrace, out of place and character;
- Loss of symmetry;
- The property was built to mirror the Baily Scott building alongside. The proposals would be detrimental to the streetscene, surrounding properties and the iconic vista when leaving Douglas on the tram;
- Detrimental impact on privacy, loss of light and sunshine of adjoining property.

## 6.0 ASSESSMENT

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

- Principle of development (SP3)
- Design and visual impact (SP5, GP2, EP42)
- Impact upon neighbouring amenity (GP2, g)
- Other matters

## 6.2 PRINCIPLE

6.2.1 The site falls within the settlement boundary of Onchan and an area zoned for residential development, where there is a general presumption in favour of extensions to existing properties provided such development would not have an adverse impact on either adjacent properties or the surrounding area in general.

## 6.3 DESIGN AND VISUAL IMPACT

6.3.1 The proposed extensions to the property are considered to generally modest, both in terms of scale and footprint, and in the context of the existing property, whilst of a design and form which would respect the built vernacular of the existing dwelling. The proposals would further ensure a sufficient portion of the rear garden would remain undeveloped, and therefore would not constitute an overdevelopment of the plot.

6.3.2 Following amendments to the original scheme, the revised proposals represent a significant reduction in scale, form and massing which are considered to be more sympathetic to the character and appearance of the host dwelling. Moreover, the existing property occupies a prominent corner plot on entrance to Majestic Drive, whilst comprising one of a pair of semi-detached properties which flank the entrance to the streetscene (nos. 50/52 and 54/56). In this context it was considered that any works to the property on its eastern would represent a material change to the character of the property, especially when noting its prominent location as forming part of the 'entrance' to Majestic Drive. On the basis of the reduced scale and massing of the proposed side extensions however, it is considered on

balance that the revised properties would not give rise to a demonstrable level of visual harm and represent proportionate additions to a modest residential property.

6.3.3 Moreover, the use of small gabled dormer spanning the eaves of the extension, together with the addition of a further dormer on the eastern flank elevation, represent a continuation of the property's original character whilst mirroring the general vernacular of the adjacent property of No. 52 on the opposite corner. It is further noteworthy that the side extension as now proposed is largely identical to an extension approved to No. 50 in 2005 (PA 05/00884/B). On this basis and in the context of the above assessment, the proposals are considered to be acceptable from a design and visual impact perspective, in compliance with General Policy 2 (b) & (c).

#### 6.4 NEIGHBOURING AMENITY

6.4.1 The resultant patio as proposed, whilst extending to within greater proximity with the shared boundary with No. 56, would remain reasonably offset from the boundary by circa. 2m. Given the siting of an existing close boarded timber fence along the boundary, it is considered unlikely that potential views from the edge of the resultant patio into the neighbouring plot (i.e. garden and primary rear windows) would be significant or indeed demonstrably harmful. On this basis, it is considered that the privacy of the adjoining property would be sufficiently safeguarded.

6.4.2 The proposed side extension would not extend past the rear building line of the existing dwelling and, given its location within the site, would not pose any material impact upon the amenities of the adjoining property. No further concerns are considered apparent with respect to the development's impact upon residential amenity, rendering the proposals compliant with General Policy 2 (g).

#### 6.5 OTHER MATTERS

6.5.1 Comments received from Highways Drainage in relation to surface water runoff onto the highway are noted. However, the proposals only relate to a minimal extension to the existing hardstanding to accommodate an additional parking space with no works to the existing vehicular access, whilst the proposed extensions to the property would not involve any alterations to the site's boundary and relationship with the adjoining highway. On this basis, no conditions are considered necessary to be attached to any forthcoming decision notice.

#### 7.0 CONCLUSION

7.1 The proposed development is acceptable in terms of its form, mass and design by providing suitable additions to an existing residential property and as such comply with Strategic Policy 5, Spatial Policy 2, General Policy 2 and Environment Policy 42 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

#### 8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.3

**Proposal :** Creation of a private non-commercial fenced arena area for the exercising of the applicants horses and change of use of field from agricultural to equestrian use

**Site Address :** Field 530509  
Lower Ballacashin  
Abbeylands  
Isle Of Man  
IM4 5EG

**Applicant :** Mr & Mrs Damon & Donna Waddington

**Application No. :** 22/01307/C- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### 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 riding arena hereby approved shall be for private use only and not for any commercial or private livery use.

Reason: Due to the location of the site in the open countryside, the nature of the access to the site, and adjoining highway, the Department does not consider the site suitable for anything other than private use in accordance with General Policy 3, Environment Policies 1, 19 and 21 of the Isle of Man Strategic Plan 2016.

C 3. The arena hereby approved must be used only for equestrian purposes in association with the existing barn and residential dwelling at Lower Ballacashin, Abbeylands, and shall not be used for any commercial use or commercial purposes.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided.

C 4. In the event that the riding arena, hereby approved, is not used for equestrian purposes for a period exceeding 6 months, the stable building and hard standing shall be removed and the ground restored to its former condition within 9 months of the stables last being used.

Reason: The building has been approved to meet the equestrian need of the applicant and its subsequent retention would result in an unwarranted intrusion in the countryside in accordance with General Policy 3, Environment Policies 1, 19 and 21 of the Isle of Man Strategic Plan 2016.

C 5. There shall be no external lighting at the site unless full lighting plan details have been first submitted to and approved in writing by the Department, such details shall include position of lights, level of illumination and cowl details. Any external lighting shall then only be installed in full accordance with the approved lighting plan.

Reason: For the avoidance of doubt and to ensure that development of the site is carried out in the interest of the character and appearance of the site and surrounding countryside.

Reason for approval:

It is considered that the siting, size, design and finish of the proposed riding arena is not considered to result in any material harm to the overall character or appearance of the locality or the rural landscape, and in the absence of any identified harm to the amenity and living conditions of the neighbouring properties, the proposal is considered to meet the tests of Environment Policies 1, 19, 20 and 21 of the Strategic Plan 2016.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO COMMITTEE AT THE REQUEST OF THE DIRECTOR OF PLANNING AND BUILDING CONTROL

#### 1.0 THE APPLICATION SITE

1.1 The site represents Field 530509 which is associated with Lower Ballacashin, Abbeylands. The application field has its entire eastern boundary comprising mature trees, while the other boundaries are comprised mainly of sod hedges.

1.2 The existing stable block within the site, which are considerably screened by mature trees sits directly northwest of the site and by the main access to the field which is accessed via the driveway to the main dwelling at Lower Ballacashin. The dwelling sits directly southwest of the existing stables and the site of the proposed arena.

1.3 The trees and sod banks that line the highway, the driveway, and the site boundary provide screening for the dwelling, the stables and field from the highway, although there would be glancing views via gaps along the sod banks and trees.

1.4 The entire field, including the area for the existing stables and outbuilding measure about 9,050sqm (2.24 acres or Hectares).

#### 2.0 THE PROPOSAL

2.1 The planning approval is sought for creation of a private non-commercial fenced arena area for the exercising of the applicants horses and change of use of field from agricultural to equestrian use.

2.2 The proposal description has been amended to exclude 'removal of two trees from the allocated area' following submission of revised plans to address concerns raised by DEFA Forestry.

2.3 The proposed development details would include:

2.3.1 Creating a fenced arena that would measure 40m x 20m situated directly east of the existing stables situated north of the field. The arena would be fenced in timber post and rail fence that would be about 1.5m high from the ground level. An existing Sycamore tree is to be removed from the site. There would be no change to the site level.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is largely free of flood risks, although a strip with low surface water flood risk cuts through the field. There are no registered trees on site, and the site is not within a registered tree area.

3.2 The Character Appraisal within the Area Plan for the East states thus concerning the area:

3.2.1 Conrhenny & Groudle (D3):

"Landscape strategy

Conserve and enhance:

- a) the character, quality and distinctiveness of this area of relatively sparse settlement;
- b) its valley bottom woodland;
- c) its National Glens;
- d) the various archaeological features within the area."

3.2.3 "Key Views:

Dramatic views to an Upland backdrop to the North and West.

Dramatic, panoramic views eastwards across the ever-changing colour and nature of the sea and sky, contribute to strongly recognisable sense of place.

Close and distant views to the northern edge of Onchan/ Douglas settlement, which is visually harsh in places.

Channelled views along the corridor of the Groudle River, which is enclosed in places."

3.3 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of the planning application;

3.4 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

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

3.6 Whilst there is a presumption against development as set out in GP 3 and EP1 of the Strategic Plan, there are policies and texts within the Strategic Plan which support some equestrian-related developments, as follows:

3.6.1 Environment Policy 19 states: "Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the



local highway network can satisfactorily accommodate any increase in traffic (see Environment Policy 14 for interpretation of Class 1 and 2)."

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

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

#### 3.6.4 Paragraph 7.15.1

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

3.7 Other relevant policies within the strategic Plan include:

3.7.1 Environment Policy 14: Development which would result in the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to  
(a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and  
(b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map.

3.7.2 Transport Policy 4: The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.

3.7.3 Environment Policy 4 protects biodiversity (including protected species and designated sites).

## 4.0 OTHER MATERIAL CONSIDERATION

### 4.1 IOM Biodiversity Strategy 2015 to 2025

#### 4.1.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

#### 4.1.2 Habitat loss actions

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

## 5.0 PLANNING HISTORY

5.1 The application site has not been the subject of any previous planning application. Also, the previous applications for the broader site area (which includes land defined by the blue line boundary) are not considered relevant in the determination of this application.

## 6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 4 November 2022. They have also noted that they find the application to have no significant negative impact upon highway safety, network functionality and /or parking.

6.2 DEFA Forestry has made the following comments regarding the application (23 November 2022):

The proposal involves the removal of two trees. One of which, the elm, is of very high quality (category B/A) and thus the Directorate will be objecting to this application as result of its proposed removal.

6.2.1 Following receipt of the comment from DEFA Forestry, the applicants have amended the scheme to ensure that the Elm Tree is retained, with the proposed arena set about 2m away from the root outline and 10m away from the tree trunk.

6.2.2 No further comments have been received from DEFA Forestry, although they were consulted for additional comments.

6.3 Onchan Commissioners have recommended that the application be approved for planning purposes subject to comments by DEFA Forestry regarding trees (15 November 2022).

6.4 No comments have been received from neighbouring properties.

## 7.0 ASSESSMENT

7.1 The main issues to be assessed in the consideration of this application are:

- i. The principle of the development (EP1, EP 20 and Paragraph 7.15.1);
- ii. The impact of the development upon the surrounding area is acceptable (EP1 and EP21);
- iii. Whether the proposal is acceptable in terms of highway safety (EP 19);
- iv. The loss of high quality agricultural land (EP 19); and
- v. Impact upon the amenities of existing properties.

## 7.2 THE PRINCIPLE

7.2.1 The Strategic Plan seeks to direct new development towards existing settlements in order to protect the amenities of the Island's countryside. There is however a number of exceptional forms of development that can take place in areas that are not zoned from development either because their location is essential or because they result in little or no harm.

7.2.2 Equestrian development, by virtue of its requirement for land, is generally located within rural areas. The current proposal is for a horse riding arena, measuring 40m by 20m,

including fencing and drainage; which would be used solely for private use. The application also seeks to have equestrian use of the site restricted to the redline boundary shown on the submitted site location plan, which includes the existing stables on site currently used by the applicants. The equestrian use of the land in this instance would meet the need to provide suitable grazing area for the horses in association with the stable on site. Minded that this equestrian use would not prevent any agricultural use in the future given that use of the land for agricultural purposes does not constitute development and can be undertaken without the need for a planning application in line with The Act 1999.

7.2.3 The stables and field for the arena are also connected directly to the dwelling on the broader site area (which is within the blue line boundary); a condition that would ensure that the stables remain for personal use and do not become a commercial enterprise. The scheme is also of a scale that would not pass for a large scale equestrian development.

7.2.4 Notwithstanding the factors that have been highlighted above, the acceptability of the proposal should therefore depend on the consideration of further issues discussed.

### 7.3 IMPACT OF THE DEVELOPMENT UPON THE SURROUNDING COUNTRYSIDE

7.3.1 Environment Policy 21 indicates that buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. Whilst the proposed scheme is not for a building, the proposed arena is an operation required to support horses on the site, as such, it is important that it does not result in adverse landscape impacts.

7.3.2 The proposed location of the horse riding arena is adjacent to the existing stables, which in turn is to be close to the access road and would only be partially visible during the winter months when the vegetation on the boundary is sparse, although it would be read largely in the rural context of the site with its field stock fencing, existing sod hedges and trees further reinforcing this character, as it would be screened by an existing sod bank. Thus, the impact on principal public views is likely to be considerably limited, which would serve to diminish any potential the impact on the character and appearance of the area as viewed from the surrounding highways.

7.3.3 It is also judged that the site chosen is a suitable location, being adjacent to the existing stable, outbuilding and residential curtilage; similar to what you would expect when considering agricultural development of this size and seeking such buildings being close to existing farm buildings. As well, the arena would be at least 218m at its closest point to the Lanjaghan Road, which has mature sodbanks and a large woodland area along its southern stretch where the application site is situated.

7.3.4 Based on the foregoing, it is not considered for the reasons indicated above that the proposal would adversely affect the countryside or have detrimental impacts on the character and appearance of the countryside.

### 7.4 LOSS OF HIGH QUALITY AGRICULTURAL LAND

7.4.1 EP19 allows for equestrian development provided that they do not result in the loss of high quality agricultural land. High quality agricultural land is defined as being Class 1/2, Class 2/3 and Class 3/2 as annotated on the Agricultural Land Use Capability Map. The proposal site is shown as being Class 3 and as such falls outside the defined land protected by EP19. Accordingly, it is considered the proposal would be acceptable in this regard.

### 7.5 IMPACTS ON HIGHWAY SAFETY

7.5.1 The existing stables on site are for the private use of the owners of the land and the access is already in use. As such, it is not considered that creating the riding arena to support the existing stables on site would alter the existing site relationship with the adjoining highway to such a point that would be beyond the capacity of the existing highway network. Besides, Highways Services do not object to the proposal, whilst also finding the proposal to have no significant negative impact upon highway safety, network functionality and /or parking.

7.5.2 Therefore, it is judged that this would be acceptable given the fact the access and site layout is capable of accommodating any vehicles uses likely to be associated with the development.

## 7.6 AMENITIES OF EXISTING PROPERTIES

7.6.1 With regard to impact on local amenity, it is noted that the nearest property 'Barravore', Abbeylands is about 216m away from the south-eastern boundary of the proposed development, with the other neighbouring properties more than 350m away. Given the distance the arena would be positioned from any neighbouring property and landscaping between; it is not considered the proposals would result in significant adverse effects on local amenity.

7.3.3 Moreover, as has been noted, the proposal is for private and not commercial use which could result in significant intensification of activities with potential impacts on local amenity, particularly the highway network. Therefore, it is considered that due to the smaller scale of the domestic use, the number of vehicle movements expected on the site is relatively low and wouldn't be out of keeping with the existing site and there would also be sufficient parking available on the site. Any other potential noise or odour from the proposed equestrian use would not be out of keeping with the existing site character. A condition will be added to clarify the proposed private use.

## 8.0 CONCLUSION

8.1 For the reasons outlined above it is considered that the planning application is in accordance with Environment Policies 1, 19 and 21 of the Isle of Man Strategic Plan 2016 and it is therefore recommended that the planning application be approved.

8.2 Overall, there would be no material harm to the character or appearance of the area as a consequence of its siting, design, finish or size, and there would be no conflict in this regard, with Environment Policies 1, 19, 20 and 21 of the Strategic Plan 2016 which seek to protect such interests, and in the absence of any identified harm to the amenity of neighbouring properties.

## 9.0 INTERESTED PERSON STATUS

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

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

(f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed in Article 4(2) who should be given Interested Person Status.

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

## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.4

**Proposal :** Creation of a mobile site consisting of a 15 meter tree mast with multiple mobile panel antennas/dishes/radio kit with associated ground equipment cabinets and boundary fence

**Site Address :** Land Off Main Drive & South Of Keyll Darree  
The Nobles Hosital Site  
Strang  
Douglas  
Isle Of Man  
IM4 4RJ

**Applicant :** Sure (Isle Of Man) Ltd

**Application No. :** 23/01125/B- [click to view](#)

**Senior Planning Officer :** Mr Jason Singleton

**RECOMMENDATION:** To APPROVE the application

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### 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. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or telecommunications structure must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

C 3. The development hereby approved shall not commence until further details of the antennas, dishes and remote radio heads to be installed have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and shall be retained as such thereafter unless a variation or alteration is permitted under Schedule 2 of the Town and Country Planning (Telecommunications) Development Order 2019 (or any alteration/replacement of that order).

Reason: To ensure appropriate use of the mast for telecommunication equipment.

C 4. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any amendment or replacement of that order) no fencing, walling or gates shall be erected at the site other than: as shown on the approved plans; permitted by the Town and Country Planning (Permitted Development) (Temporary Use or

Development) Order 2015; and/or as shown on the drawing entitled, "Temporary Mast and Temporary Work Area".

Reason: to ensure the development is carried out in accordance with the approved plans in the interests of the visual amenity of the area.

C 5. The temporary work area / fencing as shown on the drawing entitled, "Temporary Work Area" shall be removed from the site within 2 weeks of the new mast being brought into use.

Reason: to prevent the retention on site of temporary works which would be detrimental to the visual amenity of the area.

C 6. The proposed 1.8m high close boarded timber fence shall be painted green to match the colour of the 15m FLI Cypress tree Mast and maintained and retained in perpetuity.

Reason; To minimise any visual impact within the existing wooded area.

C 7. No development shall be commenced on site until a planting scheme has been first submitted to and approved in writing by the Department showing details of existing and proposed type of native trees and bushes to bolster the existing levels of planting to those areas of open parts of the site, and a programme of implementation. All planting shall be carried out in accordance with the approved details.

Reason: In the interests of the wooded appearance of the development and the surrounding area.

C 8. The 15m tree mast, climbing frame and their associated antennas/dishes/ radio kit hereby approved shall be painted in a dark green colour and maintained and retained in perpetuity.

REASON: In the interest of visual amenity

C 9. The 15m Cypress tree mast hereby approved, shall be maintained to a high standard of visual appearance, including the branches. If at any point the mast or branches becomes damaged, broken or missing, works must be undertaken to repair the structure within 1 month of such damage having occurred. Should the mast become damaged or structurally unsound beyond reasonable repair, it must be replaced with an identical structure within 3 months of such damage/structural deficiency having occurred. Should the need for the structure no longer remain in accordance with its approved purpose, it shall be dismantled and removed from the site immediately.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the wider locality.

Reason for approval:

The proposed application is not considered to harm the use and enjoyment of neighbouring properties and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, specifically those sections of Environmental Policy 22; General Policy 2 (b,c,g); and Infrastructure Policy 3 is recommended for approval.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS BEING REFERRED TO THE PLANNING COMMITTEE DUE AT THE REQUEST OF THE DIRECTOR

#### THE SITE

1.1 The application site is at the far southern edge of the hospital site where it borders Vagabonds car park. The site is characterised as densely planted area with some mature trees surrounding the site and adjacent to the 'Millennium wood' public walks area. The immediate footprint of the site is within a clearing between existing planted areas and adjacent to two stone walls. The site is currently used for the informal depositing of grass cuttings as noted from the site visit.

#### THE PROPOSAL

2.1 Planning permission is being sought for the creation of a new Sure Mobile mast site that will consist of a compound area fenced with 1.8m high close boarded timber fencing of a footprint measuring 7.0m x 4.7m with a single point of access for a pedestrian gateway.

2.2 Within the compound would see the installation of 15m high green mast in the appearance of green Cypress Tree that would measure 16m to the top of the foliage, to which would be mounted; 3x panel antennas at a higher level; then below this 1x dish; below this are then 6x remote radio heads, with two associated ground equipment cabinets (0.7x0.75x1.8m).

2.3 It is to be noted during the building works, two separate areas would be fenced off with Herras fencing, one around the site to protect the existing trees and their root area, and the other to the north west of the site as a compound area away from the trees.

2.4 At present the specification of the 'antennas' are not known but the agents confirm; "Equipment Cabinets & Antenna sizes/locations and quantities are indicative as the final vendor decision has not yet been made, sizing will be confirmed with planning ahead of installation"

2.5 The application has been submitted by one of the Island's licensed operators (Sure Mobile) and is accompanied by a certificate of compliance with the World Health Organisation's ICNIRP guidelines for public exposure. (ICNIRP - "International Commission on Non-Ionising Radiation")

2.6 The applicant notes the proposals will; "improve the mobile coverage in the Hospital and also the Hospice, as we are the official mobile telecoms provider for the Isle of Man Government, by relocating the site to the proposed area, it would enable us to provide greater coverage to the Nobles estate as the proposed structure would be in better geographical position for coverage in the area, the proposed relocation would also benefit other Sure customers in the surrounding housing estates".

#### PLANNING HISTORY

3.1 12/01458/B - Erection of three mobile phone communications antenna (on previously approved floodlighting masts) and associated electrical equipment cabinet. Vagabonds RUFC Playing Fields, Ballafletcher Road. Strang. Approved.



C.1 The development hereby permitted shall commence before the expiration of four years from the date of this notice.

C.2 This permission relates to the installation of two mobile phone communication antennae and microwave dish and the creation of an equipment enclosure as shown in drawing numbers 1, 2, 3 and photographs date stamped 25th October 2012 and drawing number 4 dated 2nd January 2013, and Planning Application Supporting Statement prepared by Cable and Wireless dated 22nd October 2012, Declaration of Conformity with ICNIRP Public Exposure Guidelines dated 2nd December 2011 and Kathrein antenna details date stamped 25th October 2012.

C.3 In the event of the antennae, microwave dish and equipment enclosure erected under this approval becoming redundant they must be taken down along with all ancillary infrastructure and be removed from the site within 3 months of the cessation of the use and, in respect of the enclosure, the land restored back to form part of the existing sod hedge.

3.2 14/01143/TEL - Installation of a replacement 12.5m high telecommunications monopole accommodating six antennas within a glass reinforced plastic shroud Manx Telecom Base Station, Nobles Hospital, Strang.

3.3 05/02108/B - Installation of a 10m monopole internally accommodating 6 antennas, ground based equipment cabin and ancillary development. (Replaced by the 14/01143/TEL)

3.4 18/00667/TEL - Installation of telecommunications equipment including a free standing 12m lattice mast and two antenna mounted on telegraph poles. Nobles Hospital, Strang, Douglas. This proposals saw the installation of three different mast installations.

#### PLANNING POLICY

4.1 The application site is identified on the Area Plan for the East as; "Buildings or Land for Civic, Cultural, or Other use" - with a further designation for "Buildings/Land for Hospital Purposes". The siting also sits immediately adjacent to "Open Space" areas that are further identified as 'Public Open Space' and 'Sports Pitch(s)' on Map 8 Union Mills / Strang.

4.2 Within the accompanying Written Statement, broader "Telecommunications" are broadly supported though the Area Plan Objectives are para 7.4 (page 59) where it says "iv. To provide and support the best quality telecommunications networks and to support the economy by doing so"... and further supported through paragraphs 7.13 and encapsulated as a policy guidance depicted below (from page 70);

#### Telecommunications Proposal 1

New developments should:

- a) Make provision for fibre optic cables directly to each dwelling or commercial premises.
- b) Within Comprehensive Treatment Areas (see Chapter 13), be phased so as to ensure that telecommunications structures are installed efficiently and will avoid ongoing disruption to site foundations.
- c) Design facilities so as to be able to host equipment from more than one operator, and that such sharing be encouraged.
- d) Demonstrate that the proposal has taken into account radio networks in particular those used by the emergency services (TETRA).

4.3 The site is not within a Conservation Area or an area at risk of flooding and there are no identified registered trees or registered tree groups.

4.4 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
- 4b Protection of the landscape and biodiversity
- 5 Design and visual impact

Spatial Policy

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

General Policy

2b,c,g General Development Considerations

Environment Policy

22 Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

3 Need for communications infrastructure versus environmental impacts

4.3 The Isle of Man government has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application. This includes the Isle of Man Government Climate Change Plan 2022-2027; which promotes a more sustainable approach to living and working, one of which is remote working.

REPRESENTATIONS

5.1 Braddan Parish Commissioners - no objection 30.10.23

5.2 Highways Services - no objection 27.10.23

ASSESSMENT

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

- Principle of development (GP3, IP3)
- Design and visual impact (GP2 b, c, EP1)
- Impact upon residential amenity (GP2 g and EP22)
- Other matters

PRINCIPLE

6.1 The application site falls outside of a defined settlement boundary but does site within and area designated for development, albeit "Hospital" and it is noted in the applicant's statement part of the rational for a replacement mast / siting is to improve the mobile coverage in and around the Hospital.

6.2 When reviewing the planning history, there have been a number of planning application for the installation of various masts and antennas, predominately located to the north of the main hospital buildings. When visiting the site it was noted the existing masts are predominately located to the north of the hospital site with only the existing three antennas on the flood lightings (PA12/01458/B) being located to the southern side of the hospital.

6.3 Equally, Infrastructure Policy 3 and its supporting text advises that the maintenance and improvement of the Island's telecommunications systems will necessitate a balance to be struck between the need for new and evolving communications systems, particularly to satisfy

the needs of residential and business demand, and the impact of such required development upon the environment. This is somewhat echoed in TAPE written statement as noted above.

6.4 The application is submitted by Sure Mobile due to the poor level of available 3G/4G coverage at the immediate site and in the wider area and indicates that the proposed installation will have the capabilities to address both indoor and outdoor coverage demands within the surrounding hospital area, whilst significantly increasing the level of coverage within the wider area around the hospital as demonstrated as part of the submission in their coverage map.

6.5 The development therefore further receives support from the Climate Change Plan 2022-2027 through improved network infrastructure that would allow for increased levels of home/remote working within the wider residential area.

6.6 The applicant has provided information on other sites/ structures but has ruled those out due to the lightweight framework of the existing three masts that were approved as part of PA12/01458/B. Equally the type of mast and its siting has been specifically selected to reduce visual impact whilst providing a centralised mast for all its antennas to deliver the necessary infrastructure to increase network coverage.

6.7 In terms of mast sharing and the aforementioned 12.5m mast in the history section of this report, this would be location 400m away as the crow flies to the south of the Main hospital; building and would not be read in the same context as this mast. Given the lack of any dedicated telecoms mast in the immediate vicinity or to the south of the main hospital building mast sharing would not be possible in this location.

6.8 The applicant has also noted that; "as we are the official mobile telecoms provider for the Isle of Man Government, by relocating the site to the proposed area, it would enable us to provide greater coverage to the Nobles estate as the proposed structure would be in better geographical position for coverage in the area".

6.9 Given the above, it has been demonstrated that the selected site would provide the greatest coverage to the intended area of population with minimal topographic effect on signal propagation. As such, the proposals are considered to gain support in principle, subject to compliance with other relevant policies, particularly in relation to design, visual and residential amenity impact, as discussed further below.

#### DESIGN AND VISUAL IMPACT

6.10 Notwithstanding the above, and the proposed development as noted in section 2 of this report, the design and specific siting of the proposed mast and equipment, and the extent to which the visual impact arising from its appearance would be need careful consideration. The opening sentence of Infrastructure Policy 3 is helpful when balancing the need and any visual impact: "A balance must be struck between the need for new, evolving communications systems to satisfy residential and business demand and the impact that the necessary infrastructure will have upon the environment."

6.11 The proposed height of 15m, will undoubtedly be the tallest structure in the area with semi-mature planting at a lower level (8-10m) but would have the appearance of a Cypress tree in green, with various equipment (multiple mobile panel antennas/dishes/radio kit) also painted in the same colour to ensure a reduction in visual impact.

6.12 When visiting the site it was noted that the compound area and its associated equipment would be partially screened by the existing trees and vegetation at lower level when viewed from the access road to the north west and also from within the carpark of the

rugby club. When walking along the adjacent footpath, glimpses of the lower proportions and fenced off area would be partially visible but not so much that it would be consequential to the character of the area. However an appropriate planting proposal scheme to bolster the existing levels of landscaping on site would be appropriate in this instance would offset any lambing of branches on site to facilitate these works.

6.13 Visiting the wider area, the upper third proportions of the mast, with its associated equipment (antennas, dish and Radio kit) would be immediately tall than the highest trees on site by 4-5m approx. When viewed from those vantage points from those main highways to the East (Ballafletcher Road, Ballanard Road and Johnny Watterson Lane) the mast or its upper proportions would be read against the back drop of existing trees behind that are at a higher level and adjacent to the hospital development.

6.14 However, the magnitude of the development's intrusion upon the wider landscape here would not be so detrimental, especially given the existing levels of build development that is Nobles Hospital and the surrounding buildings.

6.15 The use of tree style masts and faux foliage has been used in other locations around the Island, namely Kirk Michael F.C (06/02126/B); Tower Farm, Ramsey (19/00300/B) and Bibaloe Beg Road (09/02115/B), all with varying degrees of success in terms of visual impact. The main aspect is the wear and tear of these branches affixed to the masts and the contrasting colour of the antennas. As a precautionary concern the applicant was contacted on this matter and the degradation of the masts from the wind and UV and they have commented;

6.16 "We currently have a ticket open with the manufacturer (FLI) to look at improved branches for our tree masts as the some of the branches installed on our newest tree in Ramsey have had issues with snapping in high winds, they are trying to develop more durable branches to cope with our Island weather. Once they have completed testing and have a stronger product, it will be these that we look to install on the tower at Oakwood - I believe as part of the strengthening they will be looking into the UV durability of the branches as this degradation will also add to the branches snapping. On another point, we will be painting the new antennas to help them blend into the structure, this will be the case moving forward with all the new antennas mounted on our tree masts around the Island as the white/grey antennas do stand out against a green/brown tree - we hope this will reduce the visual impact further".

6.17 In light of the above, an appropriate worded condition can be attached to ensure the visual impact and the general appearance is maintained and any damage through weathering of the mast and antennas can be maintained (painted) or those branches replaced to ensure the mast and its associated equipment is visually retained as per the application.

6.18 On balance, the benefits of providing the required equipment to increase network coverage are considered to outweigh the limited visual harm resulting from the development, particularly in the context of the Government's ambition to improve public infrastructure and promote remote/home working as part of the Government's plan to achieve net zero status for the Island by 2050. On this basis, it is considered that the proposal would not create any visual harm or intrusion into the countryside and would conform to those parts of General Policy 2(b,c) and Infrastructure Policy 3.

#### RESIDENTIAL AMENITY

6.19 The site is located a substantial distance from the closest residential properties which ensures that their residential amenities would not be materially affected as a result of the

proposals. The development is therefore compliant with General Policy 2(g) and Environmental Policy 22.

#### OTHER MATTERS

6.20 In terms of health issues associated with a telecommunication mast, the Isle of Man has no specific guidelines in how to deal with such concerns. However, guidance in the United Kingdom (since replaced with less specific guidance) expressly advised that where a proposed telecommunications installation conforms to the recommendation of The Independent Expert Group on Mobile Phones ("The Stewart Report") and the guidelines for the public exposure set by The International Commission On Non-Ionising Radiation Protection (ICNIRP), then the Local Planning Authority should have no concerns with regard to health and safety issues.

6.21 The application is accompanied by a certificate of compliance with the World Health Organisation ICNIRP guidelines for public exposure, and the 'Health and Safety at Work Inspectorate' is responsible for the monitoring of telecommunications installations to ensure compliance with the ICNIRP Guidelines. No concerns relating to the safety of the general public are therefore raised.

6.22 The proposed equipment to be affixed to the mast are shown on the plans with indicative sizes however the agent advises; " the size/location of the dishes on the included drawings for this application are indicative until a final vendor decision has been made". As such, whilst the principle of the telecom functioning equipment affixed to the mast has been shown and the quantity of units, those specific details can be conditioned to ensure specifics and dimensions and their colourings to green are submitted prior to commencement on site to ensure the mast is appropriately utilised for telecommunication equipment as shown on the plans.

#### 7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the planning application would not harm the use and enjoyment of neighbouring properties or the highway network and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, and is recommended for approval.

#### 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.5

**Proposal :** Removal of wall mounted statue to front elevation  
**Site Address :** St Josephs Church  
Snaefell Road  
Douglas  
Isle Of Man  
IM2 6PD  
**Applicant :** Living Hope Church  
**Application No. :** 23/01332/B- [click to view](#)  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

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

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

Reason for approval:

Overall whilst the removal of the statue will be noticeable it will ultimately not impact the character and appearance of the structure, in itself or within the streetscene and as such the proposal complies with General Policy 2.

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### **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):

6 Birchley Terrace, Onchan  
Thie Aash, 9 Douglas Road, Ballasalla  
13 Wesley Terrace, Douglas  
Kerrou Ain," Castletown Road, Port St Mary

As they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THERE ARE 4 OBJECTORS WITH MATERIAL CONSIDERATIONS

## THE APPLICATION SITE

1.1 The application site is within St. Joseph's Church and its associated grounds within the centre of Williaston's residential estate in Douglas. St Joseph. The site is situated upon a central plot where Fenella Avenue splits in 2 and meets Snaefell Road.

1.2 The main building is situated within a T shape, predominantly single-storey, with the front entrance facing onto Snaefell Road. The building has a slate roof and is mainly red brick.

1.3 To the front of the site, there are large double doors, six windows on both the ground and first floor, a cross to the upper point and a statue of St Joseph above the door.

## THE PROPOSAL

2.1 The current planning application seeks approval for the removal of the St Joseph statue to the front elevation, which measures approximately 1.1m. The removal of the statue will also include the removal of the statue plinth.

## PLANNING HISTORY

3.1 The previous applications are not relevant in the assessment of this application.

3.2 There is one concurrent application, which is PA23/01341/D, Installation of non-illuminated signage to front elevation, PENDING.

## PLANING POLICY

4.1 The site lies within an area zoned as Predominantly Residential on the Area Plan for the East, Map 4 - Douglas. The site isn't within a Conservation Area nor a Flood Risk Zone.

4.2 Given the nature of the residential property and the land designation paragraph 8.12.1 and General Policy 2 from the Isle of Man Strategic Plan 2016 are most relevant to its assessment which set out the general standards towards acceptable development.

## REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state "No Highways Interest." (24.11.23)

5.3 Onchan Commissioners have considered the application and state they have no objections. (01.12.23)

5.4 The Owner/Occupier of No.6 Birchley Terrace, Onchan has written in to object to the removal of the statue.

5.5 The Owner/Occupier of "Thie Aash," 9 Douglas Road, Ballasalla has written in to object to the removal of the statue.

5.6 The Owner/Occupier of No.13 Wesley Terrace, Douglas has written in to object to the removal of the statue.

5.7 The Owner/Occupier of "Kerroo Ain," Castletown Road, Port St Mary have written in to object to the removal of the statue.

## ASSESSMENT

6.1 The main issue to consider on the assessment on this application is whether the removal of the statue would impact the Character and Appearance of the building and the overall streetscene.

6.2 The existing site is situated within a residential environment with the church whilst having a prominent position within the streetscene, this is more regarding the character and appearance of the structure being different to the surrounding properties than the accessories situated upon the structure.

6.3 While it is noted that there have been some objections to the removal of statue as a religious icon on a church building, the removal of the statue is to facilitate the change in occupier which will keep the building in use. The agent has confirmed that statue will be returned to the owners who are the Catholic Church.

6.4 Notwithstanding the above it is considered that the removal of the statue will not adversely affect the wider area or the host building to such a degree that would warrant a refusal,

## CONCLUSION

7.1 Overall whilst the removal of the statue will be noticeable it will ultimately not impact the character and appearance of the structure, in itself or within the streetscene and as such the proposal complies with General Policy 2.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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



## PLANNING AUTHORITY AGENDA FOR 15th January 2024

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### Item 5.6

**Proposal :** Installation of non-illuminated signage to front elevation  
**Site Address :** St Josephs Church  
Snaefell Road  
Douglas  
Isle Of Man  
IM2 6PD  
**Applicant :** Living Hope Church  
**Application No. :** 23/01341/D- [click to view](#)  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The advertisement(s) hereby granted consent shall be begun before the expiration of four years from the date of this notice.

Reason: To avoid the accumulation of unimplemented advertisement consents.

C 2. There shall be no internal or external illumination of the signage hereby approved.

Reason: for the avoidance of doubt and in the interest of the amenity of the neighbours.

C 3. In the event that the signage hereby approved is no longer required, the signage and any associated supports shall be removed within 6 months and the building restored to its former condition.

Reason: to avoid the accumulation of unwarranted structures in the interest of visual amenity.

Reason for approval:

The installation of the non-illuminated signage on the site complies with The Control of Advertisements Regulations 2013 and is also in accordance with General Policy 6 of the Isle of Man Strategic Plan 2016.

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### **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):

Owner/Occupier of No.43 Oakhill Close, Douglas as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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## **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO PLANNING COMMITTEE AS IT IS IN CONNECTION WITH PA23/01332/B AND AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

### THE APPLICATION SITE

1.1 The application site is within St. Joseph's Church and its associated grounds within the centre of Williaston's residential estate in Douglas. St Jos. The site is situated upon a central plot where Fenella Avenue splits in 2 and meets Snaefell Road.

1.2 The main building is situated within a T shape, predominantly single-storey, with the front entrance facing onto Snaefell Road. The building has a slate roof and is mainly red brick.

1.3 To the front of the site, there are large double doors, six windows on both the ground and first floor, a cross to the upper point and a statue of St Joseph above the door.

### THE PROPOSAL

2.1 Proposed is the installation of a non-illuminated sign to the front elevation which is going to read Living Hope in capitals, the first half of the sign is bold and the second half isn't. Overall the sign is going to measure 0.375m high by 3m in length.

2.2 The signage is to be 5mm acrylic lettering on 20mm locator fixings, front - Lato Black/Lato Light, colour black.

### PLANNING HISTORY

3.1 There is one concurrent application which is relevant in the assessment of this application, as if the statue to the front elevation is not permitted, the proposed signage within this application cannot be installed.

PA23/01332/B, which is for the "Removal of wall mounted statue to front elevation," and is currently PENDING.

### PLANNING POLICY

4.1 The site lies within an area zoned as Predominantly Residential on the Area Plan for the East, Map 4 - Douglas. The site isn't within a Conservation Area nor a Flood Risk Zone.

4.2 The Control of Advertisements Regulations 2013 make it clear that the only considerations which can be applied to applications made under them are in the interests of amenity and public safety. In the case of amenity, such things as the general characteristics of the area need to be taken into account along with the presence of any features of historic, architectural, cultural or similar interest and the public safety should consider the safety of any person using a road, railway, tramway, harbour or aerodrome including the obscuration of any traffic sign or similar.

4.3 Further to the above it is relevant to assess the application under General Policy 2 which sets out general development standards, General Policy 6 which sets out what is expected for the display of external advertisements and General policy 7 which sets out that the display of adverts must be in relation to the site they are situated upon.

### REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state, "No Highways Interest." (24.11.23)

5.3 Douglas Borough Council have considered the application and state, No objections. (01.12.23)

5.4 DOI Public Transport have considered the application and state they have no concerns. (16.11.23)

5.4 The owner/occupier of No.43 Oakhill Close has written in on the basis of the character and appearance of the removal of the statue will do to the streetscene. (26.11.23)

## ASSESSMENT

6.1 The Control of Advertisements Regulations 2013 make it clear that the only considerations which can be applied to applications made under them are in the interests of amenity and public safety. In the case of amenity, such things as the general characteristics of the area need to be taken into account along with the presence of any features of historic, architectural, cultural or similar interest and the public safety should consider the safety of any person using a road, railway, tramway, harbour or aerodrome including the obscuration of any traffic sign or similar.

6.2 Further to this paragraph 6.6.2 of the IOM Strategic Plan 2016 makes it clear that "within our towns and villages, well designed and sensitively sited advertisements can contribute positively to the character of a building or area, and can be of help to the general public. However, advertisements which are too bright, overlarge or poorly sited may endanger safety by distracting or confusing highway users and may, both individually and cumulatively, detract from amenity by being intrusive, by introducing clutter and visual confusion or by masking features of interest or attraction". Paragraph 6.6.3 furthers on this stating that "within rural areas, advertisements can be disruptive features which affect adversely the appearance of the landscape and the countryside. Lighting can pollute the night sky, and may be contrary to nature conservation interests".

6.3 Overall the signage is considered acceptable in size and scale, with the signage not containing any illumination and as such it is considered the design and siting of the sign is acceptable and would comply with General Policies 6 and 7 and would meet the general standards set out in The Control of Advertisements Regulations 2013.

## CONCLUSION

7.1 Overall it is considered that the size, scale, siting and design of the sign is deemed acceptable and relates to the use of the site, would have no adverse visual or amenity harm to the public or public safety. As such the application would accord with The Control of Advertisements Regulations 2013, as well as meeting with the principles of General Policies 6, 7 and 8 of the IOM Strategic Plan 2016.

7.2 For the avoidance of doubt there shall be two conditions added, one to ensure no illumination and a second to require its removal in the event that it is no longer needed.

## 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