



Isle of Man Government

Reillys Ellan Vannin

Minutes of a meeting of the Planning Committee, held on 26th February 2024, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Present: Mr R Callister, MHK, Chair of the Planning Committee
Mr P Young, Member
V Mrs H Hughes, Member
Mr M Warren, Member
V Miss A Betteridge, Member
Mr P Whiteway, Member

In Attendance: Mr S Butler, Head Of Development Management
*Miss A Morgan, Acting Head of Development Management
Mr C Balmer, Principal Planner
*V Mr T Cowell, Planning Officer
*Mr H Laird, Planning Officer
Mrs C Dudley, Deputy Secretary to the Planning Committee
*Mr R Webster, Highway Development Control, Highway Services
*Mr M Cowin, DoI Flood Management
*Ms S Costain, DEFA Ecology
*Mr C Harrison, DEFA Arboricultural Officer
*Part of the meeting only
Attending virtually via Microsoft Teams V/*V

1. Introduction by the Chair

The Chair welcomed members of the public in attendance to view the proceedings.

2. Apologies for absence

Apologies for absence were noted from Mr Skelton.

3. Minutes

The minutes of the 12th February 2024 were agreed and signed as a true record.

4. Any matters arising

None

5. The Members considered and determined the schedule of planning applications as follows.

Out of consideration for members of the public present, the following items were considered out of agenda order.

The Chair declared that although his wife was involved with MNH, he had not discussed the matter with her or had any part in their submission. He determined that he did not have an interest in the matter and felt that there was no conflict of interest in this case.

<p>Item 5.1 Land At Poyllooey Fields And Part Fields 134271, 134253, 134270, 134272, 131273, 131276, 132274 & 134274 Ramsey Isle Of Man</p> <p>PA22/00679/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>Applicant : Blythe Church Investments Holdings Ltd Case Officer : Mr Hamish Laird Recommendation : Approve subject to Legal Agreement</p>
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The Members noted that the application under consideration had been the subject of two previous Planning Committee discussions and of a site visit.

The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, updating the Members with regard to comments received subsequent to the site visit carried out by the Members, the conclusion of his report and the publication of the agenda. These comprised –

- With regard to C2, there was a typographical error with regard to the reference to C14 requiring a Construction Environment Management Plan, which was not the case, and updating the Members with regard to the amended wording
- Updated the Members with regard to the amended wording for C27, in that the proposed lighting was to be bat-friendly
- Updated the Members with regard to late representations received, indicating their locations relative to the development site and their recommended IPS with reference to the visual presentation. This included reference to a petition.
- Outlined the late representations received from the owners/occupiers of 13 Keeill Pharick Park, Glen Vine, 80 Greenlands Avenue, and 12 Pairk Ollay, Ramsey. These representations raised no new points as advised to Members at the Meeting; and, did not qualify for IPS.
- Read in full the late view submitted by the landlord of the Trafalgar Hotel Ramsey, who expressed support for the proposal with regard to the potential for positive outcomes and rejuvenation of the town as result of the application. This was read out in full because it was not an objection, but expressed support for the proposal and was 5 lines in length.

In response to a question from the Members, the case officer confirmed that Ramsey Town Commissioners had expressed support for the proposal.

The case officer reported regarding the comments submitted by DOI Highway Services which encompassed –

- The method for dealing with surface water run-off had not been demonstrated and should have been included in the initial stage
- With regard to the Spine Road, the adjacent development land owner had stated that the raised defences for which consent existed may not be done
- Highway Services were not aware of projected flood levels, which would be in excess of parameters laid down in Manx Roads 2
- That a solution may be to raise the level of Auldyn Road, but the land in question lay outside of the defined area of the application and therefore could not be taken into consideration with regard to this application

The case officer reported regarding the comments submitted by DOI Highways Drainage which encompassed –

- The predicted flood level of 5.79m at the basement is above the predicted level of 5.62m
- Concerns regarding the divisions and method of dealing with displaced water
- Flood levels shown on the submitted documents were unclear
- Flood management solutions must not increase the risk of flooding elsewhere
- The Flood Risk Assessment was incomplete

The case officer referred to the visual presentation, demonstrating the proposed layout of the elements of the development, together with the amended location of the public House, and indicated the areas visited by the Members on their site visit on the 18th January 2024. He reported with regard to C24, which referred to the siting of the Public House/Community Facility, stating that in his opinion, the revised position provided a better outcome for the residents of River house and Port Natal.

The Members noted the details as submitted by the applicant. With reference to the visual presentation, the case officer indicated the location where the Spine Road connected with the emergency services routes, the planned safety evacuation routes for the development, indicated flood levels to the various areas of the proposal site and the properties therein, the Salt Marsh area and how the site boundary interacts with same. He confirmed that C4 and C11 related to Salt Marsh protection measures.

The case officer noted that the scheme responded to societal changes which could accommodate both modern living standards, the recent change in working patterns and the benefits associated with the resulting changes to modern work/life balance. He confirmed that he was aware of the neighbouring Dandara scheme, but did not have details of same to hand.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative for River House, Riverside, Ramsey, spoke against the proposal. The points raised were as follows:-

- The recommendation for approval was surprising given the application proposed residential development on land designated for light industrial use, development on land which was at high risk of flooding, was next to an extremely important Salt Marsh which was incredibly important for carbon sequestration and ecology and initially proposed a pub on an area designated as Public Open Space
- The assumption was that the application would be either rejected by the Department or considerable amendments would be sought to enable the development to accord with the development plan.
- We remain highly concerned that the development would reduce the amount of light industrial employment land for Ramsey and the north of the Island. Economic growth is not only about having more people, but having jobs and industry that those people could be engaged in.
- Many statutory consultees had raised considerable material concerns with regard to the application, which was then recommended for approval. The statutory consultees concerned had no vested interest in the application other than to ensure that it did not conflict with their statutory responsibilities
- Fail to see how professional and technical objections from relevant Government bodies who felt that the proposed development would have a harmful impact could be overridden
- The inclusion of conditions requiring the submission of relevant information to address such concerns was not good enough. The requirement for detailed ecological studies to identify

where sensitive areas and protected species are and how they may be protected would be too late if approval for the construction of roads and buildings had already been granted

The representative for Manx National Heritage spoke against the proposal. The points raised were as follows:-

- She was the Ecologist and Environmental Planner for Manx National Heritage, and had a PHD in Salt Marsh Ecology
- Had concerns with regard to potential siltation of the Sulby River and made reference to the Flood Risk Assessment drawn up by H R Wallingford and submitted as part of the application
- Had concerns with regard to the attenuation pools, which were to be dug out of the mud and silt, would require maintenance and cleaning and had potential to contaminate the river during floods
- The loss of trees would lead to considerable loss of carbon to the atmosphere

The agent spoke in support of the proposal. The points raised were as follows –

- The architect for the project gave apologies as they were unable to attend the meeting
- The scheme would provide 205 homes, including affordable homes, where they were needed
- Affordable housing provision was to be made available in Phase 1 of the development despite the resulting £1,000,000 deficit
- Ecologically important species would be surveyed prior to any development
- The Salt Marsh was not being built on
- Will work closely with the environmental team to be appointed
- Had presented drainage schemes containing 3 options 14 months ago
- Had worked with lighting experts in order to produce an appropriate lighting scheme so would be happy to comply with the proposed lighting conditions
- The area of the site designated as “light industrial” had not had that use taken up. The proposed development contained a mix of housing and light industrial uses
- Will work closely with appointed environmental clerks in order to develop an environmentally sensitive approach

The Case Officer further reported that in his opinion it was an acceptable development on a sustainable site, the site being the most sustainable in the area. He recognised that it was an environmentally sensitive area and had sought to address concerns raised by way of 29 conditions which were reasonable and enforceable. Phase 1 of the development contained affordable housing and a much needed Spine Road, and he had concerns that, should the application be refused, what would happen to the land, who would manage and maintain the land, existing trees and wildlife. He stated that the main part of the development site was adjacent to the railway track and existing industrial land, that access to the riverside area was to be improved and upgraded by way of condition, that the proposed scheme would make connection from the North side of the river via the White footbridge and would open it up to visitors, and that the proposal would deliver much needed housing in the area.

Miss Betteridge stated that as she did not attend the site visit, she did not feel fully informed and would therefore abstain from the decision making process.

There was an interruption from a member of the public, who expressed displeasure at the recommendation and proceedings then left the meeting.

In response to a question from the Members, the DEFA Ecology officer reported that the two Red List species referred to in their report were Strawberry Clover and Hares Foot Clover, with

Strawberry Clover being only found in one other site on the Island, and then not for 10 years. They expressed concern that should the scheme go ahead it was in danger of becoming extinct on the Island. They further reported that although bird surveys had not yet been done, it was likely that there would also be Red List bird species within the site. The representative for MNH confirmed that there were Shags and Little Egrets on the site, with Shags being a Red List species, together with European Eels in the river, which are themselves an internationally protected species.

The Members expressed concerns regarding the number of submissions from consultees that had been submitted late on in the process given that the application had been submitted in 2022, that the Affordable Housing provision did not accord with HP5 of the Isle of Man Strategic Plan, that the conditions should reflect the statutorily required Affordable Housing provision, that the proposed houses should comply with flood standards for a 1 in 200 year flood event, that the number of conditions (29) was a cause for concern, and that the areas of flooding and the levels to which they have flooded historically had not been addressed sufficiently.

The representative from DOI Flood Risk Management reported that although he did not have the data with him, the flood levels referred to was from tidal flooding. He further confirmed that Greenlands House had suffered flooding in the past and stated that the developer had not consulted with the Department, with the flood modelling being based on the Sulby River. The Chair expressed concern at such data not being available to them at the meeting as they were lay Members and were reliant on such information provided by the relevant Departments to aid their deliberations.

The Members noted that much effort had gone into this application, and that the Public House/Community Facility had been relocated, but agreed that the provision of Affordable Housing and the Spine Road would have to be given careful consideration.

In response to a question from the Members regarding existing Public Rights of Way, the case officer reported that this element had been actively considered and in his opinion many could be accommodated across the site. He confirmed that there was a process available by which to amend Public Rights of Way, and indicated such rights of way and how they could be accommodated with reference to the visual presentation.

The Members noted that the flooding referred to was tidal, but noted that flooding occurs by both tidal and rainfall conditions. The representative from DOI Flood Management reported that there was a statistically very small chance of tidal and fluvial flooding occurring at the same time.

The Members expressed further concerns regarding the shortfall in Affordable Housing provision within the application, but noted that a development to the west of the site had the Affordable Housing provision waived so felt that a precedent may have been set.

The applicant confirmed that they were aware of the presence of Red List species and had incorporated the areas in question into the areas of Public Open Space, confirming that the ecology of the site, together with reported flood levels, had and would continue to inform the layout in conjunction with guidance received from the Ecological Clerk of Works.

The Members felt that occupiers of the proposed properties would use existing facilities within the town.

The Members expressed that while they were minded to support development in the South of the site (Phase 1), some were not, on the whole, in favour of development of the North of the site (Phase 2).

The case officer and the Acting Head of Development Management advised the Members with regard to the details which should form part of any Reserved Matters application. The Acting Head of Development Management further advised the Members with regard to the location of the Clovers referred to in Phase 1 with reference to the visual presentation. Discussion occurred between the developer and the DEFA Ecology Officer as to whether details of the Clovers and their locations were contained in the submitted application.

The Members discussed the points in favour and against the proposal, and voted as follows -

Miss Betteridge abstained from the vote as she had not attended the site visit.

Mrs Hughes and Mr Whiteway voted in support of the case officer's recommendation to approve the application.

The Chair, Mr Young and Mr Warren voted against the case officer's recommendation, therefore the application was refused.

The Acting Head of Development Management summarised the grounds for the reasons for refusal as the lack of information regarding ecological protection measures, concerns regarding Red List species within the development site and potential flooding.

The Members recognised the need for housing in the area, but had grave concerns with regard to the submitted flood protection measures. They expressed that they would have preferred the proposal be divided into two parts, Phases 1 and 2, which could then have been given separate consideration as there were fewer concerns with the proposed development associated with Phase 1 than that proposed in Phase 2.

The Chair requested that the applicant meet with the relevant Government Departments together with the assigned case officer prior to submitting any further applications for this site.

The Acting Head of Development Management advised the members with regard to the proposed Interested Person Status, confirming that it remained as per the published report together with the addition of those parties highlighted on the visual presentation

DECISION

The Committee, with the exception of Miss Betteridge who abstained, and Mrs Hughes and Mr Whiteway who voted in support of the case officer's recommendation, **REJECTED** the recommendation of the case officer and the application was **REFUSED** subject to the following reasons –

R1 The proposed development is unacceptable because insufficient survey data and ecological protection measures were proposed to mitigate against the impact of the development on the established diverse, natural habitat of the site relative to Protected Species and Red List Plants; and, to the Sulby River Saltmarsh where it abuts the site boundary particularly in relation to Phase 2 of the development to the north of the proposed Spine Road. This is contrary to the provisions of Strategic Policy 4b) and c); General Policy 2 b), c), d), h), and l); Environment Policies 4, 5 and 22iii) as outlined in the Isle of Man Strategic Plan 2016; Schedules 7 and 8 of the Wildlife Act 1990; and, "Section 21 (e) protecting and enhancing biodiversity, ecosystems and ecosystem services" of the Climate Change Act 2021.

R2 The proposed development is unacceptable because convincing Flood Mitigation Measures have not been proposed, whereby, the development would be adequately protected against flooding during a flood event – either tidal, fluvial or both – to the extent that the safety of occupants of the development would be adequately protected. This relates particularly to both a 1 in 100 year fluvial flood event; and, a 1 in 200 year tidal flood event in relation to predicted flood levels above AOD Douglas including allowances for climate change. This is contrary to the

provisions of Environment Policies 10, 13, 22i), as outlined in the Isle of Man Strategic Plan 2016.

R3 The submitted design and construction details for the proposed Spine Road, particularly in relation to the roads gradient where it would join the existing highway to the east at Auldyn Walk; and, the submitted highway drainage details are inadequate to ensure that post development the Spine Road would be constructed in accordance with the requirements of the Manual for Manx Roads and that it would be constructed to an adoptable standard. This unacceptability is emphasised by the fact that post development at the 1:200 year 2120 tidal level, both spine road access points to the east and west of the site would be flooded. This is contrary to the provisions of Environment Policies 10, 13, and Transport Policy 4 as outlined in the Isle of Man Strategic Plan 2016.

INTERESTED PERSON STATUS

It was decided 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 4.2:

Poolldhooie Limited, Dandara Group Head Office, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man, IM2 2SA
51 Auldyn Meadow Drive, Ramsey
7 Greenlands View, Ramsey
8 Greenlands View, Ramsey
9 Greenlands View, Ramsey
10 Greenlands View, Ramsey

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

It was decided that the owners/occupiers of the following properties should not be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

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 Dreym Ollay, Ramsey, IM8 2QA
16 Fairway Drive, Ramsey, IM8 2BB
Port Natal, Riverside, Ramsey, IM8 3DA
Wildlife Trust
13 Keeill Pharick Park, Glen Vine
80 Greenlands Avenue, Ramsey
12 Pairk Olley, Ramsey

A petition was received and the lead petitioner did not provide a postal address and as per paragraph 4.1.5 of the Operational Policy, individual signatories cannot be assessed for IPS. The lead petitioner did not provide details of land which meets the above tests.

The above persons, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

It was decided 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
Public Estates and Housing (DOI)
Manx National Heritage

Mr Warren declared that he knew the applicant but had not discussed the proposal with him, therefore felt there was no conflict of interest in this case.

The Chair declared that he knew the owner/occupier of Flat 1, 40 Demesne Road, he had not discussed the matter with them and so felt there to be no conflict of interest in this case.

<p>Item 5.2 Crookall House (+ Surrounding Site) Demesne Road Douglas Isle Of Man IM1 3DX</p> <p>PA23/00291/B</p>	<p>The development proposes the construction of 133 new dwellings split across apartments, townhouses, small blocks of flats and a senior living block. In addition, a new scout hut/community pavilion, refurbishment and extension of Crookall House as office space, replacement existing sub-station and associated external landscaping, highways and drainage works.</p> <p>Applicant : Mr Dane Harrop Case Officer : Mr S Butler Recommendation : Approve subject to Legal Agreement</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. While he had initial concerns regarding the proposed play on the way public open space being smaller than generally required, the local authority had advised that it was content with the Public Open Space provision, so it was felt to be acceptable in this case. He further reported that the senior living accommodation and new Scout hut/community facility elements of the proposal were acceptable. He felt the proposal was a modern design which sought to reflect the surrounding area. He advised the Members that there was a typographical error on C15, in that the plan referred to should be 75005-P02 rather than 75005-P01 as per the published agenda. He summarised the representation received from 26 Meadow Court, which had been received subsequent to the conclusion of his report, in that their parent resided in the area, detrimental effect on house prices, and concerns regarding the increase in traffic. The case officer confirmed that house prices were not a material planning concern and that as the address of the party they were writing on behalf of had not been provided, they were not recommended to have IPS. He further confirmed that no further submissions had been received from Highway Services, but that none were expected as they had been involved in the process, and that no submissions had been received from the local authority subsequent to their meeting the previous week.

He further updated the Members with regard to two additional representations received from the owner/occupier of 6 St Catherines Drive which encompassed the overdevelopment of the site, lack of parking provision, traffic safety concerns, and the eco credentials of the proposed properties being an excuse to put more properties onto the site. He stated that no new issues had been raised by these submissions

The Highway Services representative reported that there had been much discussion with applicant in order to achieve the most suitable layout. The proposal was in a sustainable location, would encourage walking and cycling, and that there were bus routes available nearby, which ameliorated the lower level of parking provision proposed by the application.

The owner/occupier of Flat 1, 40 Demesne Road spoke against the proposal on behalf of himself and the owner/occupier of 42 Demesne Road. The points raised were as follows –

- Do not have villages within cities, it was a stand-alone development
- Sited next to existing residential and commercial properties, health care facilities and a school, and would have a detrimental impact on these
- The initial plan to refurbish the Nurses' Home indicated the car park to the side could be used by those visiting the GP's surgery, Community Health Care and the Dentist surgery. This was supported as it would bring the building back into use and provide parking for the large number of health care facilities in the area
- Did not agree that the proposal would not add to overall traffic movements and parking requirement, nor would it lead to an increase in active travel and bus usage
- Does not accord with the Eastern Area Plan
- Overdevelopment and over intensive use of the site
- Housing need not demonstrated as there are over 6,000 empty properties already in existence
- No consideration given for the continuing need for parking provision for the existing health care and commercial facilities. The lack of available parking would be detrimental to their operation
- Shortfall in the parking provision – 214 spaces should have been included but the application proposed 89
- The proposal ignored the needs of residents, health care providers and commercial operations in the area
- The Public Open Space provision proposed by the application was insufficient and contrary to the IOM Strategic Plan

The applicant spoke in support of the proposal. The points raised were as follows –

- MDC's first project, the former Nurses' Home was approved by Planning Committee in June 2022 and was now well under way with the re-imagining of the building to provide high quality contemporary living accommodation. The proposal under consideration seeks to provide a well-designed, high quality and sustainable development in the heart of Douglas
- Supports the Government's objectives of sustainable brownfield development which would deliver housing together with enhanced and additional community facilities, upgrade the urban environment and rejuvenate an otherwise under-used part of Douglas whilst providing better connectivity to existing local facilities
- Based on the key principles of the "20 Minute Neighbourhood", seeking to create places where residents could meet most of their daily needs within a short walk or cycle from their home. The intention is to achieve a significant shift away from longer journeys to reduce congestion, increase active travel and meet the Island's net zero carbon target by 2050. The scheme absorbs empty brownfield land, government-owned sites and deteriorating existing buildings to provide a contemporary and pleasant place to live, work and play
- The proposed scheme would provide a mix of housing via 133 residential units, including 1 and 2 bed apartments, 3 bed town houses and a dedicated block targeted at senior living. The project caters for a broad range of society from young professionals to the elder generation
- More than the required level of affordable housing was intended to be delivered through the senior living block by providing 45 accessible apartments

- Community plays a key part of the 20 Minute Neighbourhood principles and the inclusion of a new Scout hut would play a key part in bringing back a sense of community
- Crookhall House has been an important building to the Island since it was built in 1938. The intention was to provide high quality office and work space within Westmoreland Village. Sustainability underpins the whole development with all properties designed to high levels of thermal efficiency and air tightness, and will use the latest PV and heat pump technology to minimise energy usage
- It was hoped that the redevelopment of this part of Douglas with highly energy efficient sustainable buildings would be a catalyst for improvement within the wider area, improving the quality of the built environment and infrastructure

In response, the case officer reported that consideration had been given as to whether the proposal was an overdevelopment of the site. The arguments for the proposal were that it would be the best use of land, was a sustainable location with regard to a reduction in road traffic, and could increase active travel. Consultation took place with the applicant, the local authority and the relevant Government Departments in order to achieve the best use of the site. The concerns with regard to infrastructure, including education and healthcare provision, were noted but in the case officer's opinion, these were not reasons for refusal. He acknowledged the concerns raised but felt the proposal was for a sustainable location and development.

In response to questions from the Members, the applicant confirmed that the elderly living aspect of the development was designed to be fully accessible and could result in other housing stock being made available elsewhere, and that there were community facilities on site, these being areas for eating and interaction around the village green area, the provision of a coffee shop, and the siting of the scout hall next to the elderly living block in order to encourage integration between the younger and older members of the community.

While the Members appreciated the design, the intention, the use of a brownfield site, and the number of affordable housing units proposed, they noted that it was unlikely that residents would not have cars and expressed concern regarding the shortfall in parking provision as proposed, further noting that there was little parking provision available in the area in general. Although the repurposing and re-use of Crookhall House was appreciated, they felt the scheme may be better sited in an area with less existing flats.

The Chair expressed concerns that the parking provision was 89 spaces and so significantly less than the usual parking standards.

In response to the Members concerns regarding parking provision, the applicant conformed that the office block had cycle and shower provision in order to promote active travel, and that the proposal would give businesses the opportunity for car sharing proposals. The need for dedicated parking was recognised and allocated within the application. It was felt that the high levels of car use and parking that currently existed could not be maintained and there has to be a drive towards active travel.

In response to questions from the Members, the applicant confirmed that the proposed buildings were lower in height than the existing Nurses Home, that there would not be enough room for sedum roofs, but the properties were all designed to exceed environmental standards.

The Highway Services representative reported that there was provision in the Strategic Plan for reduction in parking provision, and that the local authority had discretionary rights to issue parking permits. He noted that the location was sustainable for active travel, and that there had been many flats developed elsewhere where there was no parking provision.

In response to a question from the Members, the case officer confirmed that DESC will allow children from outside of the catchment area to attend schools, but the Department was also able to amend catchment areas.

In response to a question from the Members, the applicant indicated nearby bus routes with reference to the visual presentation.

In response to concerns raised by the Members with regard to parking, the case officer confirmed that parking permits were a matter for the local authorities and DOI Highways to control, and that activities occurring in the evening should be able to utilise parking provision generally used in association with office and business use during the day. He felt that the role of the Planning Department here would be to create a physical environment to control or encourage certain things. This site was accessible to local facilities by active travel. He understood the residents' concerns with regard to parking but felt this application moved towards facilitating developments for low vehicle ownership. He further confirmed that the Strategic Plan gave flexibility with regard to parking provision.

In response to a question from the Members, the applicant confirmed that dedicated parking provision was that the 3-bed houses were allocated 26 spaces, the scout hall would be allocated 8 spaces, and that there was other parking provision provide around the site. The case officer confirmed that the breakdown of parking provision and allocation was contained within his report.

One of the Members queried the position in relation to the S.13 requirement and the Case Officer confirmed that they were awaiting information from the applicant to be able to progress this.

The Members discussed the points in favour and against the proposal, and voted as follows -

The Chair, Mrs Hughes and Mr Warren voted in support of the case officer's recommendation to approve the application.

Mr Young, Mr Whiteway and Miss Betteridge voted against the case officer's recommendation.

The Chair used his casting vote in favour of the proposal and the application was approved

DECISION

The Committee, with the exception of Mr Young, Miss Betteridge and Mr Whiteway, accepted the recommendation of the case officer and the application was **approved** subject to Public Open Space provision with commuted sum of £73,221 to Douglas City Council in lieu of POS shortfall, the provision of at least 42.5 affordable units, £40,000 contribution for DOI to deliver pedestrian improvements, together with the following conditions.

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

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

C 2. Prior to the commencement of the development hereby approved, a schedule shall be submitted to and approved in writing by the Department setting out the phasing/timings of the development including the provision of the edging, surfacing, walls/boundary treatments, external furniture hard and soft landscaping (including play equipment), tree planting, habitat creation, refuse storage and other detail as shown on the relevant approved plans (or as amended by information required by other conditions attached to this notice) set out below. The development shall take place in accordance with the phasing/timings, unless otherwise required by other conditions attached to this notice, and retained as such thereafter. The relevant approved plans for the purposes of this condition are:

- o Proposed Retained and New Trees (0003 P02);
- o General Arrangement (0100 P08);
- o Proposed Levels (0101 P05);
- o Proposed Hardstandings and Surfaces (0102 P04);
- o Proposed Walls and Boundary Treatments (0103 P04);
- o Proposed External Furniture (0104 P05);
- o Proposed Active Travel Strategy (0106 P06)
- o Proposed Soft Landscaping Strategy (0107 P05);
- o Proposed Tree Strategy (0108 P04);
- o Proposed Wildlife Creation (0109 P04);
- o Proposed Adopted Plan (0010 P05)
- o Proposed Refuse Collection Strategy (0110 P04);
- o Proposed Amenity Area Types and Distribution (0111 P06); and
- o Proposed Parking Areas within the site (i.e. excluding those on Demesne Road) as shown on plan (0105 P05)

Reason: to ensure the provision of the various hard/soft landscaping and various equipment/facilities in accordance with the approved details.

C 3. Prior to the commencement of the development hereby approved, a schedule shall be submitted to and approved in writing by the Department setting out the phasing timing of the development including if any of the development is to be occupied in advance of any of the following works being in place:

- o visibility splay for Demesne Road access (Transport Assessment Plan 75001-P05);
- o visibility splay or Westmoreland Road access (Transport Assessment Plan 75001-P05); and
- o the onstreet parking on Demesne Road being reconfigured as shown on plan 0105 P05.

Reason: to ensure adequate parking in the interests of highway safety

C 4. Notwithstanding the provisions of the Town and Country (Permitted Development) Order 2012 (or any future replacement or alteration of that order) Schedule 1, Part 2 Class 16 (Fences, walls and gates) and Part 4, Class 39 (Fences, walls and gates) no fences, walls, gates or other means of enclosure shall be erected unless in accordance with the approved details of this approval.

Reason: the application is approved in part due to the quality of the public realm to be provided and also to prevent the erection of obstructions within visibility splays.

C 5. Prior to the commencement of the construction of any of the buildings hereby approved, the following samples for that building shall be made available on site for the approval of the Department: a 1m x 1m brickwork sample panel which shows the colour, texture, face bond and pointing; and a sample of the standing seam roofing. No works can start on any building until the Department has approved the samples for that building in writing. The development shall take place in accordance with the approved detail and the samples shall be available onsite during the construction of that building.

Reason: the quality of the brickwork and metal mansard roof/dormers will be fundamental to the proposal's contribution to the character of the townscape and street scene.

C 6. The commercial/retail space shown on the approved plans within Blocks B and C shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order) and no customers shall be permitted to remain within the buildings between the hours of 23:00 and 07:00 on any day:

- o Class 1.1 - Shops; and/or
- o Class 1.2 - Financial and professional services.

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details and to avoid unacceptable impacts on residential amenity.

C 7. The office space within Block D shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order):

- o Class 1.2 - Financial and professional services; and/or
- o Class 2.1 - Office.

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details

C 8. The Community Building/Scout Hut (Block F) shall only be used for purposes which fall within the following uses classes of the Town and Country Planning (Use Classes) Order 2019 (or any amendment/replacement of that order) and no amplified music may be used between the hours of 23:00 and 07:00 on any day:

- o Class 4.3(a) - assembly of persons for a social or community event or for religious worship)

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Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details.

C 9. Unless otherwise set out in the schedules approved under conditions 2 or 3, prior to the occupation of any of the development hereby approved, the site access and layout shall be provided in accordance with the following drawings and retained as such thereafter :

- o General Arrangement (0100 P08)
- o Proposed Active Travel Strategy (0106 P06)
- o Proposed Adopted Plan (0010 P05)
- o Visibility Splays (Transport Assessment Plan 75001-P05)

Reason: for the avoidance of doubt, to ensure the development takes place in accordance with the approved details and in the interests of highway safety and to facilitate sustainable transport by a variety of modes.

C 10. Prior to the occupation of any part of the development hereby approved any roads or footways which provide access to that building from the adjoining street and public highway on Demesne Road and Westmoreland Road shall be constructed in accordance with the approved plans Proposed Edgings and Levels (0101 P05) and General Arrangement (0100 P08).

Reason: to ensure streets are completed prior to occupation and satisfactory development of the site.

C 11. Unless otherwise set out in the schedule approved under condition 3, prior to the occupation of any of the development hereby approved, visibility splays for Demesne Road and Westmoreland Road accesses shall be provided as per approved plan Visibility Splays (Transport Assessment Plan 75001-P05) and retained thereafter.

Reason: in the interests of highway safety.

C 12. Unless otherwise set out in the schedule approved under condition 3, no part of the development hereby approved shall be occupied unless the on-street parking on Demesne Road has been reconfigured as shown on plan 0105 P05.

Reason: to ensure that the development is not occupied until the offsite works have been carried out, in the interests of parking provision and the safety of the site accesses.

C 13. Unless otherwise set out in the schedules approved under conditions 2 or 3, prior to the occupation of any of the development hereby approved, visibility splays for internal site layout accesses and internal bend forward visibilities shall be provided as per approved plans 75001-P04, 75003-P02 and 75005-P02, and retained thereafter.

Reason: in the interests of highway safety.

C 14. Notwithstanding any approved details, no obstructions greater than 600mm above ground level can be located within the proposed visibility splays and bend forward visibilities.

Reason: in the interests of highway safety

C 15. Prior to the first occupation of any part of this development, any private drives, driveways and associated parking areas, non-residential hardstanding and associated parking areas which are to serve that part of the development must be properly consolidated and hard surfaced and drained and retained as such thereafter.

Reason: to ensure the drives parking and hardstandings are provided in accordance with the approved detail.

C 16. Prior to the occupation of any of the residential units hereby approved, sufficient secure covered cycle parking for non-garaged dwelling units to accommodate one space per bedroom shall be provided in accordance with details which have first been submitted to and approved in writing by the Department, and retained as such thereafter.

Reason: to ensure sufficient and adequate cycle parking is provided.

C 17. Prior to the occupation of any non-residential building hereby approved, cycle parking in the location as shown on plan Proposed Active Travel Strategy (0106 P006) shall be provided in accordance with details which have first been submitted to and approved in writing by the Department, and retained as such thereafter.

Reason: to ensure sufficient and adequate cycle parking is provided.

C 18. Prior to the occupation of the any part of this development hereby approved, the EV charging points which are intended to serve occupiers or visitors to that part shall be provided at the points as shown on the approved plan General Arrangement (0100 P08) in accordance with details which have first be submitted to and approved in writing by the Department, and shall be retained as such thereafter.

Reason: to ensure that the EV charging points are provided.

C 19. Prior to the occupation of any part of this development, details of the measures to be undertaken (including by whom and when) to implement the Framework Travel Plan (produced by Curtins - TP-003-P02 dated 06.03.23) in relation to that part shall be submitted to and approved in writing by the Department, and the measures shall be undertaken in accordance with the approved details.

Reason: to ensure that a travel plan is in place and implemented.

C 20. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the

construction phase due to events outside of the owner or applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 21. Prior to the commencement of the development hereby approved, the protective measures detailed in the Plans Proposed Existing Tree Works and Protection Plan (0002 P02) and Tree Protection Proposed Details (0004 P01), shall be fully installed and implemented and retained for the duration of the construction process.

Reason: To ensure that trees marked for retention are adequately protected, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 22. Prior to the commencement of the development hereby approved, details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Department. The details should make provision for the regular reporting of continued compliance or any departure there from to the Department. The development thereafter shall be supervised in strict accordance with the approved details.

Reason: Required prior to the commencement of development in order that the Department may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

C 23. Prior to the commencement of the development hereby approved, a detailed hard and soft landscaping plan, consulted on with a suitably qualified ecological consultancy, shall be submitted to and approved in writing by the Department. The plan shall include the following:

- o detail, including species lists, incorporation of native and other well-established species, and no use of invasive non-native species;
- o wildflower planting mix specifications, with use of a mix that is appropriate to the Isle of Man;
- o details about the wildlife swale garden, including a planting list appropriate to the Isle of Man;
- o a timescale for the implementation of the landscaping;
- o consideration of the maintenance of highway visibility splays; and
- o long-term soft landscaping maintenance regimes.

Reason: to ensure that the landscaping can be successfully adopted and maintained by Douglas Borough Council and to avoid impacts on highway safety, protected species and to comply with Strategic Plan General Policy 2(i) and Environment Policies 4 and 5. Planting and landscaping is usually, and understandably, one of the last things to take place on construction sites, but because of the level of tree removal, the applicants will need to consider if and where it would be possible to undertake tree planting earlier on in the process, in order to give the trees a longer time to establish and provide greater wildlife benefit.

C 24. Any trees or plants indicated on the approved planting/landscaping scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: to ensure that adequate trees are provided within the site in the interests of visual amenity.

C 25. All landscaped areas outwith the curtilages of the dwellinghouses and shown on the approved drawing number 010 P05 in blue shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved.

Reason: In the interests of the character and appearance of the development and to ensure that public spaces are retained as such.

C 26. Prior to the commencement of the development hereby approved breeding bird and roosting bat assessments, by a suitable qualified ecological consultancy, shall be submitted to, approved in writing, by the Department. The assessments shall include internal and external inspections of the buildings, external inspections of the trees to be felled, as well as activity surveys across the site.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 27. Prior to the commencement of the development hereby approved an Ecological Mitigation Plan, written by a suitable qualified ecological consultancy, shall be submitted to and approved in writing by the Department. The development shall not be undertaken other than in accordance with the approved plan. The plan shall be informed by the surveys undertaken under condition 26 and include the following:

- o measures for the protection of existing landscape features, including the use of construction exclusion areas and protective fencing;
- o details about the timing of tree felling and building demolition;
- o requirements for pre-demolition checks for breeding birds and roosting bats, and steps that will be taken should bats or birds be found during works;
- o requirements for pre-felling checks for breeding birds and roosting bats, and steps that will be taken should bats or birds be found during works;
- o details of mitigation measures for bats and birds - including the number, type and location of a number of bat boxes/bricks across the site, as well as a timetable for installation;
- o details, including the type and location of bug hotels, as well as a timetable for installation.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5. As the MWT identified a number of potential roost features in the trees and buildings, some of the bat boxes will need to be put installed prior to tree felling and building demolition, in case any bats are found during works which need to be translocated.

C 28. Prior to the occupation of any part of the development hereby approved, a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023), shall be submitted to and approved by the Department. Lighting should be low level, directional and avoided on any trees and vegetation. Any lighting on site must them be undertaken as per this approved plan.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 29. Prior to the commencement of the development hereby approved, the results of a walkover assessment to identify any Schedule 8 species on site, and a responsible removal methodology for non-native invasive New Zealand privet and any other non-native species found during the walkover assessment, shall be submitted to and approved in writing by the Department. The development shall not be undertaken other than in accordance with the approved plan.

Reason: to avoid impacts on protected species and to comply with Strategic Plan Environment Policies 4 and 5.

C 30. The development hereby approved shall not be commenced until details have been provided to and improved in writing by the Department which set out either that the DHA considers there is no need for a replacement to the TETRA equipment sited within the application site or that they do consider a replacement is necessary and:

- o details of the replacement equipment and where it is to be sited;
- o a copy of the relevant approval (whether planning application or Development Order) that permits the proposal; and
- o a timeline for its implementation.

Reason: to ensure that adequate provision is made for TETRA in accordance with policy Telecommunications Proposal 1(d) of the Area Plan for the East.

C 31. Unless otherwise required by other conditions on this notice or to comply with Building Regulations, the development hereby approved shall be undertaken in accordance with the Energy Report produced by Troup Bywaters + Anders (dated February 2023) in relation to the points below, and the relevant provisions for each building shall be in place prior to the occupation of that building:

- o Section 6.0 Water Management - Parts 1 (Reducing Water Consumption) and 2 (Managing Water Consumption);
- o Section 10.0 Energy Conservation for Westmoreland - Part 10.1 (Refurbishment of the Crookall House), 10.2 (New Scout Hut/Community Pavilion) and 10.3 (New Residential Premises); and
- o Section 11.0 (Energy Efficiency Measures) - Part 11.1 (Lighting and lighting control) and 11.2 (Mechanical ventilation, heat recovery).

Reason: to ensure that the proposal is undertaken in accordance with the approved details, but that some elements (construction impacts) are not normally controlled by planning and some elements (SAP Rating) are controlled by other processes such as Building Regulations.

C 32. No building hereby approved shall be occupied unless any solar panels and air source shown for that building on the approved plans (the approved elevations or floor/roof plans Figure 1, "Site plan indicating all external M&E plant, relevant to external noise criteria" of the Energy Report produced by Troup Bywaters + Anders, dated February 2023) have been installed in accordance with details which have first been approved in writing by the Department. The submitted details shall, for air source heat pumps, include calculated cumulative sound output at the nearest residential window and details of any screening and show compliance with the document, "MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises" (Issue 1.3 Dated 2019). The solar panels and air source heat pumps shall be retained thereafter unless: for Solar Panels are replaced with panels which are not materially different in visual appearance (including colour and size); and, for ASHP, are replaced with pumps/screens which are no bigger than the approved and have a sound output which is no higher than the approve.

Reason: To ensure that Solar Panels and Air Source Heat Pumps are provided, and are provided in such a way that does not have an unacceptable impact on residential amenity and to ensure he measures as set out in 12.0 Low / Zero Carbon (LZC) technologies - Part 12.1 Air Source Heat Pumps (ASHPs) and 12.2 (Photovoltaics) of the Energy Report are implemented.

C 33. Notwithstanding the approved plans, prior to the commencement of construction of block E1 details of the position and design of an external access door to the switch room shall be submitted to and approved in writing by the Department and the development shall be undertaken in accordance with the approved details.

Reason:

To ensure there is suitable access to the switch room.

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, while the proposal would provide an under provision of onsite parking spaces, it is considered the uses on this specific site; located within the settlement of Douglas; close to public transport links; good sustainable links; significant cycle provision; Travel Plan being implemented and with appropriately worded conditions and Section 13 Legal Agreement in place; it is considered the proposal would meet the overarching aims of the IOMSP which seeks to promote sustainable development and travel which seeks to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use and therefore complying with GP2, TP 1, 4, 6 & 7 and TP1 from Area Plan for East. Further, it is concluded the proposal would comply with the following Government Strategies; Net Zero Emissions by 2050, IoM Government's Active Travel Strategy and the Climate Change Bill 2020 which all seek to reduce car travel for more sustainable means of travel.

ISSUING OF DECISION

The Planning decision notice will not be issued until the section 13 legal agreement has been produced and signed by all relevant parties. In the event that one or more of the section 13 agreement is not signed by all parties within a period not exceeding 6 months from the date of the Planning Committee's decision, the application will be referred back to the Planning Committee to reconsider.

Following the formal execution of an agreement under section 13 of the Act, the decision notice will be issued by the Department.

INTERESTED PERSON STATUS

It was decided that the following had made material planning comments and so should be afforded Interested Person Status (IPS) under Article 4(1)(c) of the Development Procedure Order 2019 (DPO):

- o DOI Estates and Housing
- o DfE Business Agency
- o DHA (Communications Division)
- o CABO (Planning Policy)
- o Manx Utilities
- o DESC
- o Fire & Police

Manx Care are an arm's length organisation to the IOM Government, but their buildings are the responsibility of the DHSC and Manx Care are essentially lease them. If Manx Care were a Government Department then they would be afforded IPS as they have made comment on material planning issues. The Operational Policy on Interested Person Status arguably does not cover this situation, and so Planning Committee could be justified in stepping outside of the policy to consider Manx Care for IPS. On balance it was agreed that they be afforded it under Article 4(1)(a) of the DPO.

It was decided that the owner/occupiers of the following properties had identified land within 20m of the application site and explained how with reference to a relevant consideration (parking) the lawful use could be impacted by the development and so should be afforded IPS:

- o 34 Kensington Road
- o 42 Demesne Road
- o Flat 1, 40 Demesne Road (2 responses)
- o Flat 2 42 Demesne Road
- o Unit 1, The Warehouse, Demesne Road
- o 44 Westmoreland Road

It was decided that the owner/occupiers of the following properties had not identified land within 20m of the application site and so should not be afforded IPS under Article 4(1)(a) of the DPO, in accordance with the Department's Published Operational Policy on IPS:

- o Alan Street (No. 16/Flat 1)
- o Ballabrooie Avenue (103)
- o Brighton Terrace (9, 10, 11, 12 and 16)
- o Demesne Road (No. 22/Flat 1, No. 32/Flat 1 and No. 33/Flat 4)
- o Derby Terrace, Central Promenade (No. 1/Apartment 6)
- o Eastfield (2)
- o Ellenbrook Farm, Braddan
- o Fairways Court Apartments (3)
- o Gardeners Lane, Ramsey (Ivy Cottage)
- o Glen Falcon Terrace (8)
- o Grosvenor Road (2, 3, 5, 6, 7 and No.1/Flat 2)
- o Hillside Avenue (93)
- o Ian Cannel Court (20)
- o Kensington Road (7, 19, 25 and 26)
- o Orry Street (3 and 12)
- o Peel Road, Lazy Hill (Barraughar)
- o Raphael Road (6)
- o St. Catherines Drive (6)
- o Tromode Park (Aingarth)
- o Westbourne Drive (1 and 31)
- o Western Avenue (26)
- o Westminster Drive (10)
- o Westmoreland Road (15 and 44)
- o Woodburn Square (24 and 36)
- o 26 Meadow Court, Ballasalla

<p>Item 5.5 Eskadale King Edward Road Onchan Isle Of Man IM4 6AB</p> <p>PA23/00799/B</p>	<p>Demolish existing house and construct a replacement dwelling including new vehicular access for associated parking</p> <p>Applicant : Mr Richard Kelly Case Officer : Mr Chris Balmer Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

The agent spoke in support of the proposal. The points raised were as follows –

- The design based on the overarching need to protect the environment with the family home attaining maximum benefit from that. Tree and watercourse protection were of paramount importance so that the house would have a tangible connection to nature and sit 'in', rather than 'on' its mature natural setting
- The best position for the new house was on the footprint of the existing house to ensure construction would not adversely impact on the trees, watercourse and surrounding environment, ensuring compliance with HP14 in terms of where the replacement dwelling should be positioned, and allowing the new house to be orientated to benefit from the views into, and sunlight from, the large south-facing garden.
- The overall footprint of the house was similar to that approved in October 2015, but presents as much smaller to the primary roadside elevation, being over 10.0m shorter and 3.0m lower. The latter was achieved through the use of a flat roof which, in addition to reducing the visual impact of the proposed dwelling, provides the opportunity to create a more modern form of building that, in this instance, was considered most appropriate, based on the overarching Brief requirement for low environmental impact, both visually and in terms of energy use. The flat roof would also provide a perfect platform for the proposed PV panels, elevated above the shading of the trees but not visible from public view.
- The visual impact would be further reduced by the use of natural stone, timber, and dark grey render to the primary public elevations. These muted materials would help the house blend into the substantial tree canopy backdrop. Elements of white render would be primarily limited to the south-facing external areas, where the reflected sunlight and warmth will have maximum benefit for the occupants.
- The plan form of the house located the principal habitable rooms on the south elevation, with large amounts of glazing, to benefit from the views into the garden and maximum natural light, with the ancillary accommodation located to the north and other elevations, where views out and sunlight are less important. The smaller windows on the north elevation, facing the secondary road and the neighbour's property ensures greater levels of mutual privacy. The benefit of the passive solar gain would be distributed throughout the house via a two storey void that would be open to the circulation core, allowing the heat to be gathered in that area and distributed via a mechanical ventilation and heat recovery system.
- It was considered that the proposed dwelling provided a solution that fully addressed the Client's Brief whilst respecting its mature natural setting, replacing a house that was at the end of its useful life and that could not feasibly be refurbished to appropriate standards for the use of renewable energy sources

The case officer reported that an email had been received from Highway Services immediately prior to the start of the meeting which confirmed that it did not object to the proposal.

In response to a question from the Members, the case officer confirmed that the Registered Buildings Officer (former) had been consulted previously with regard to the existing property, and in his opinion it was not worthy of Registration.

The Members expressed that although they were not generally in favour of demolition, they understood the need in this case as the proposal was for a well-designed, modern energy-efficient family home which would sit well within the existing streetscene.

In response to a question from the Members regarding appropriate bat protection measures, the case officer reported that in his opinion C9 was sufficiently strong in order to afford such protection, and informed that Members that under current legislation the property could be demolished without the need to obtain planning permission first.

In response to a question from the Members regarding surface water run-off during the construction phase, the agent confirmed that the submitted Method Statement contained full details of how this was to be managed.

In response to a question from the Members with regard to external lighting, the case officer agreed to amend his recommendation to include a further condition (C14) to control same.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following 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. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans (300/021a). Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 5. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use.

Reason: To provide adequate off-street parking.

C 6. No development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of the retention of existing landscaping and new planting showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the kennel extension, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species

Reason: To ensure the provision of an appropriate landscape setting to the development

C 7. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 8. Prior to the commencement of the development hereby approved, the protective measures detailed in the Existing site plan (Drawing number 300/002), prepared Wilson Consulting and submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process.

Reason: To ensure that trees marked for retention are adequately protected, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 9. No development shall commence until a bat survey has been submitted to and approved in writing by the Department. The bat survey shall identify impacts on bat species together with mitigation, where appropriate, including a timetable for its implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the bats.

C 10. The visibility splay(s) identified on drawing 300/020a; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050; mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 11. Notwithstanding the details of the non-fossil fuel energy/heating systems as shown on drawing 300/020a, prior to the commencement of any works detailed drawing/s showing the location of any external non-fossil fuel energy/heating systems shall be submitted to and approved in writing by the Department, including specifications of such systems and these approved systems shall be completed prior to the occupation of the dwelling and retained thereafter.

Reason: To ensure compliance with the Climate Change Act

C 12. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, 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.

Reason: In the interests of the character and appearance of the site and surrounding area.

C 13. Prior to the occupation of the dwelling the Flood Risk Assessment findings and conclusion as outlined in Section 10 and drawing 100 (BB Consulting) shall be fully adhered to and retained thereafter.

Reason: In the interest of flood risk.

C 14. Prior to the installation of any internal or external lighting to the dwelling hereby approved a detailed strategy for lighting shall be submitted to and approved in writing by the Planning Authority which demonstrates with internal and external lighting and to the potential impacts therefrom including the position, number, type and intensity of lighting throughout the site and any other measures required to mitigate any potential impacts therefrom to ensure protection of bats and shall include a timetable for the implementation of the scheme. The approved scheme shall be fully adhered to and retained thereafter. There shall be no external illumination and no additional lighting of any kind within the building other than that approved within the strategy for lighting.

Reason: To ensure adequate protection of protected species (bats).

Reason for approval:

It is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan 2016 and Area Plan for the East 2020.

INTERESTED PERSON STATUS

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

Flood Management Division (DOI)

The Chair and Mr Young declared that they knew the applicant but had not discussed the matter with them and so felt there was no conflict of interest in this matter

<p>Item 5.7 Land At Junction Of Fairway Drive And Cloughbane Drive Ramsey Isle Of Man PA24/00033/B</p>	<p>Creation of Public Open Space and footpath Applicant : Hartford Homes Case Officer : Mr Chris Balmer Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, confirming that he had not included the view from Apartment 11, The Pavilions, in his report and so read the submission in full to the Members for their information, confirming that points raised therein had been raised by other parties and therefore had been addressed within his report. He illustrated the existing informal path and landscaping with reference to the visual presentation, reporting with regard to the proposed landscaping.

He confirmed that the physical recycling bins nor the dropped kerb did not require planning permission and the recycling bins were proposed to be sited on land which would be within the local authority's ownership and control. He acknowledged the objectors concerns with regard to noise nuisance deriving from the potential inclusion of glass recycling facilities, but again the physical recycling bins were allowed under Permitted Development and the Local Authority may choose not to have glass bins at this site. Overall, the officer felt the proposal was on the whole more beneficial to the existing residents.

The Highway Services representative confirmed there was nothing further to add to their report.

The representative for the local authority spoke in support of the proposal. The points raised were as follows –

- Public Open Space was important and they were looking to improve same in this area

- Ramsey Town Commissioners look after this area and are seeking to improve it
- The existing 4 houses were shown on the visual presentation
- Noted that concerns had been raised regarding potential detrimental impact of recycling bins
- Sought to increase the level of recycling on the Island
- Sought to locate recycling facilities closer to residential areas but would provide sufficient screening to aid mitigation of any nuisance deriving therefrom
- Finance not available in the current budget to provide such facilities, but intended to carry out installation in the following financial year

In response to a question from the Members, the case officer confirmed that although the provision of recycling bins was covered by Permitted Development, the area of hardstanding required planning permission. The Head of Development Management advised that due to the size of the proposed hardstanding area, planning permission would be required. He further advised the Members regarding what could be carried out under Permitted Development.

In response to questions from the Members, the representative for the local authority stated that the applicant was to pay for the materials while the local authority would provide the recycling bins, that any additional planting needed would be carried out prior to the installation of the recycling bins, and that consultation would be carried out with regard to the type of recycling bins to be located on this site. They further confirmed that there was existing street lighting nearby.

The Members noted that the local authority would be the body dealing with complaints with regard to noise nuisance. The Chair expressed concerns with regard to potential noise nuisance, and stated that his concerns were sufficient to likely vote against the proposal.

In response to a question from the Members, the case officer confirmed that a previous application submitted by the applicant to build 12 garage units on this site had been refused, and it was likely that applications of similar size submitted in future would also be refused.

In response to a question from the Members, the case officer confirmed that some of the objectors properties were outside the 20m limited and indicated those that were within 20m with reference to the visual presentation. Following discussion, the Members determined that the following parties who were within 20m be accorded IPS –

- 3 Kneale Court, Cloughbane Drive, Ramsey
- Flat 1, Pavilion Apartments Block A, Fairway Drive, Ramsey
- 1 Kneale Court, Cloughbane Drive, Ramsey
- Flat 6, Pavilion Apartments Block A, Fairway Drive, Ramsey
- On Behalf Of Greenside Apartments Limited, Flat 3, Greenside Court, Brookfield Avenue, Ramsey
- Kwinana, 3 Brookfield Avenue, Ramsey
- Flat 10, Pavilion Apartments Block B, Fairway Drive
- Flat 11, Pavilion Apartments Block B, Fairway Drive

DECISION

The Committee, with the exception of the Chair, accepted the recommendation of the case officer and the application was **approved** subject to the following 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. No development shall take place until full details of soft/hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft/hard landscaping works include details of new fencing and planting showing, type, size and position of each around the new hardstanding area. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the hardstanding. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 3. Ecology Vannin's Management Recommendations as outlined within the submitted Planning Statement (page 5) shall be fully adhered to and maintained as such thereafter.

Reason: in the interest of biodiversity of the site.

C 4. Prior to the commencement of any works to the hardstanding and footpaths, detailed drawings shall be submitted which demonstrates no surface water runoff onto the public highway would occur and this approved scheme shall be fully implemented with the approved details prior to the use of the site as Public Open Space and retained thereafter.

Reason; In the interests of surface water run off

C 5. Prior to the commencement of any works to the hardstanding and footpaths, details of the bench to be installed shall be submitted and approved in writing by the Department and be installed prior to the use of the site as Public Open Space and retained thereafter.

Reason: to provide an additional amenity provision within the site

Reason for approval:

The proposed works which seek approval and which fall outside the Permitted Development Order; namely the creation of Public Open Space, forming a hardstanding area (with landscaping/fencing around), making the existing informal footpath into a formal footpath and the installation of a bench, are all considered acceptable and would have no significant impacts upon public or private amenities and comply with GP2 and Recreation Policy 2.

INTERESTED PERSON STATUS

As outline planning approval for which is being considered relates to the;

- change of the site to Public Open Space;
- forming a hardstanding area;
- making the existing informal footpath into a formal footpath; and
- the installation of a bench.

It was decided that the owner/occupiers of the following properties had identified land within 20m of the application site and explained how with reference to a relevant consideration (parking) the lawful use could be impacted by the development and so should be afforded IPS:

- 3 Kneale Court, Claughbane Drive, Ramsey
- Flat 1, Pavilion Apartments Block A, Fairway Drive, Ramsey
- 1 Kneale Court, Claughbane Drive, Ramsey
- Flat 6, Pavilion Apartments Block A, Fairway Drive, Ramsey
- On Behalf Of Greenside Apartments Limited, Flat 3, Greenside Court, Brookfield Avenue, Ramsey

- Kwinana, 3 Brookfield Avenue, Ramsey
- Flat 10, Pavilion Apartments Block B, Fairway Drive
- Flat 11, Pavilion Apartments Block B, Fairway Drive

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

- Arbory, 3 Brookfield Terrace, Ramsey
- The Holly, 4 Brookfield Terrace, Ramsey
- Pendle, 5 Brookfield Avenue, Ramsey
- 13 Fairways Drive, Ramsey
- 21 Fairways Drive, Ramsey
- 11 Fairways Drive, Ramsey
- 6 Claghbane Drive, Ramsey

The agenda order as published was now resumed

<p>Item 5.3 Rhennie Farm Main Road Dhoon Ramsey Isle Of Man IM7 1HL PA23/00780/B</p>	<p>Conversion of agricultural building to tourist accommodation Applicant : Mr Stephen Worts Case Officer : Mr Toby Cowell Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. He felt that the proposal would benefit the site

The Highway Services representative confirmed there was nothing further to add to their report.

In response to questions from the Members, the case officer confirmed that the duration of individual tourist lets would be controlled by C5, that Department for Enterprise Tourism legislation encompassed and defined the length of such lets, and that the occupation of the unit as a residence would require planning approval.

In response to concerns raised by the Members regarding lighting, the case officer agreed to amend his recommendation to include a further condition requiring the submission and approval of a low level lighting scheme prior to the commencement of the development.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following conditions.

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

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

C 2. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 4. Prior to the occupation of the development hereby approved, the passing places detailed on drwg. no. AI(04)102 RevC shall be provided and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

C 5. The 3 no. self-catered tourist accommodation units shall be used solely for this purpose and shall not be used as independent dwellinghouses. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: The application does not propose to create independent units of accommodation within the site and has not been considered as such.

C 6. In the event that any low level external lighting is to be installed on site, full details shall be submitted to the Department for approval in writing prior to their installation. Such lighting shall subsequently be installed in accordance with the approved details and retained as such thereafter in perpetuity.

Reason: To ensure the delivery of an external lighting scheme of an appropriate luminance in a countryside location.

Reason for approval:

The proposed development is considered to provide a high standard of self-catered tourist accommodation in a generally sustainable location to the benefit of boosting the Island's available tourist accommodation which conforms with the aims and objectives of the Isle of Man Visitor Economy Strategy 2022-2032, whilst improving the visual amenities of the site without detriment to the wider landscape. The proposals are therefore considered to be acceptable and in general compliance with Strategy Policies 1 and 5, General Policies 2 and 3, Environment Policies 1, 2 and 16, Housing Policy 11 and Business Policies 11, 12 and 14 of the Strategic Plan (2016).

INTERESTED PERSON STATUS

It was decided that Interested Persons Status be granted to the following Government Departments:

Visit Isle of Man

Item 5.4 Car Park And Park House Isle Of Man Business Park Douglas Isle Of Man IM2 2QZ PA23/00601/D	Erection of two digital advertising screens Applicant : Lanz Investments Limited Case Officer : Mr Chris Balmer Recommendation : Permitted
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, confirming that the proposed screens were angled such to be pointed towards the roadway and that the applicant had amended the scheme in order to reduce detrimental impact on the surrounding buildings and area and visibility concerns.

The Highway Services representative confirmed there was nothing further to add to their report. He confirmed that the applicant had agreed to requests from Highway Services to reduce the detrimental impact on the surrounds, and that there would be no moving images which could distract passing motorists.

Following concerns raised by the Members with regard to drivers being distracted close to an existing zebra crossing, the case officer outlined the Departmental approach to the decisions on such signage.

The Members questioned the location of the proposed signage adjacent to a residential area and expressed concern regarding potential detrimental impact on nearby residents.

In response to a question from the Acting Head of Development Management regarding brightness controls with regard to the existing similar signage located on Peel Road, the case officer reported that from personal experience that sign was not illuminated at 5am, that the conditions for that approval did control the brightness, and that the conditions for that approval informed the conditions proposed for this application.

The Head of Development Management advised the Members with regard to what may be taken into consideration with regards to policy, confirming that amenity and highway safety were material planning considerations but that the advertising of items for sale on locations other than that site was not a material planning consideration. The case officer confirmed that paragraph 3.2 of his report made reference to the Control of Advertisements Regulations 2013 what considerations would apply to applications made thereunder.

Following discussion and a vote, the Members unanimously rejected the recommendation of the case officer and determined to refuse the application on the grounds of the proposed signage being detrimental to highways safety and the amenities of the street scene and character of the area, with such reasons being proposed by the Chair and seconded by Mr Young.

DECISION

The Committee **unanimously** REJECTED the recommendation of the case officer and the application was **refused** for the following reasons.

R 1. The two digital advertising screens given their size, design and position in relation to the two nearby junctions, a Zebra crossing and the corner of the road approaching the site to the south would cause a distraction to road users resulting in a significant highway safety concerns/public safety contrary to the Town And Country Planning (Control Of Advertisements) Regulations 2013 and General Policy 2 & 6 of the Isle of Man Strategic Plan 2016.

R 2. The two digital advertising screens given their size, design and position would result in an detrimental and adverse impact upon amenities of the street scene and character of the area which is made up of commercial but also residential properties and therefore contrary to the Town And Country Planning (Control Of Advertisements) Regulations 2013 and General Policy 2 & 6 of the Isle of Man Strategic Plan 2016.

INTERESTED PERSON STATUS

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

<p>Item 5.6 Kella Farm St Judes Road Sulby Isle Of Man IM7 2ET</p> <p>PA24/00056/C</p>	<p>Additional use to allow parking for one tractor unit and one trailer</p> <p>Applicant : Taylor Specialist Transport Limited Case Officer : Mr Chris Balmer Recommendation : Permitted</p>
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The case officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

DECISION

The Committee **unanimously** accepted the recommendation of the case officer and the application was **approved** subject to the following 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:

It is considered the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan having no significant impacts upon public or private amenities.

INTERESTED PERSON STATUS

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

6. Site Visits

None

7. Section 13 Legal Agreements (If any)

The Members noted that no Section 13 Legal Agreements had been concluded since its last sitting

8. Any other business

None

9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for 11th March 2024.

There was no further business and the meeting concluded at 1.22pm

Confirmed a true record



**Secretary to the
Planning Committee**



11-03-2024

**Mr R Callister, MHK
Chair of the
Planning Committee**