



Isle of Man
Government

Reillys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 8th April 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee. If you wish to register to speak please contact DEFA Planning & Building Control on 685950.

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 25th March 2024.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

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

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

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

8. Any other business

9. Next meeting of the Planning Committee

Set for 22nd April 2024.

PLANNING COMMITTEE Meeting, 8th April 2024
Schedule of planning applications

<p>Item 5.1 1 Ballure Grove Ramsey Isle Of Man IM8 1NF</p> <p>PA24/00058/A Recommendation : Permitted</p>	<p>Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling</p>
<p>Item 5.2 18 Selborne Drive Douglas Isle Of Man IM2 3LP</p> <p>PA23/00655/B Recommendation : Refused</p>	<p>Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations</p>
<p>Item 5.3 Castletown Commissioners' Yard Milner Terrace Castletown Isle Of Man IM9 1TE</p> <p>PA23/01235/B Recommendation : Permitted</p>	<p>Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices</p>
<p>Item 5.4 Waterfall Hotel Shore Road Glen Maye Isle Of Man IM5 3BG</p> <p>PA23/01029/B Recommendation : Permitted</p>	<p>Proposed demolition of Waterfall Hotel and erection of 4 terraced dwellings on site with associated parking and amenity space</p>
<p>Item 5.5 Britannia Hotel Waterloo Road Ramsey Isle Of Man IM8 1DR</p> <p>PA23/00066/B Recommendation : Approve subject to Legal Agreement</p>	<p>Change of use from public house (use class 1.3) to create ten apartments (use class 3.4) while retaining original element of building, demolition of previous extensions and erection of new replacement extension.</p>
<p>Item 5.6 Britannia Hotel Waterloo Road Ramsey Isle Of Man IM8 1DR</p> <p>PA23/00067/CON Recommendation : Permitted</p>	<p>Demolition of previous extensions and erection of new replacement extension In association with application PA 23/00066/B</p>
<p>Item 5.7 Howstrake King Edward Road Onchan Isle Of Man IM3 2JP</p> <p>PA23/01511/REM Recommendation : Permitted</p>	<p>Reserved Matters Application - Alterations to the design of the main house and smaller ancillary house. Main House - amendment to incorporate basement level and incorporate new facade glazing to level 3; amendment to include level 4 (principal suite) and change entrance to the property. Reposition of garage block. Ancillary property - incorporate a basement level within the sub-structure.</p>

<p>Item 5.8 The Tongue Douglas Isle Of Man</p> <p>PA23/01470/B Recommendation : Permitted</p>	<p>Installation of galvanised steel staircase to create secondary access to inner harbour pontoon from adjacent car park at the bottom of Fort Anne Road.</p>
<p>Item 5.9 Berrag Farm Sandygate Ramsey Isle Of Man IM7 3BS</p> <p>PA23/00488/B Recommendation : Permitted</p>	<p>Conversion of an Existing Barn Structure (Block A) into Two Self-Catering Tourist Cottages (Class 3.6), Erection of Bat Barn, and Erection of Solar Array</p>
<p>Item 5.10 Fairhaven 45 Station Road Port Erin Isle Of Man IM9 6AR</p> <p>PA23/01217/B Recommendation : Permitted</p>	<p>Erection of extension, porch extension, door and window alterations and installation of a roof lantern</p>
<p>Item 5.11 14 Auburn Road Onchan Isle Of Man IM3 1LW</p> <p>PA23/01389/B Recommendation : Refused</p>	<p>Single Storey Rear Extension To Part Replace Existing And New Driveway</p>

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.1

Proposal : Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling

Site Address : 1 Ballure Grove
Ramsey
Isle Of Man
IM8 1NF

Applicant : Mr Fred Nothers

Application No. : [24/00058/A](#) - click to view

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. Application for approval of all of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice or the expiration of two years from the date of approval of the last of the reserved matters, whichever is later.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 2. Approval of the siting, design, external appearance, internal layout of buildings, site layout, drainage and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Department prior to the commencement of the development hereby approved and the development shall only be carried out in accordance with the details as approved.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019.

C 3. The development hereby approved shall not be occupied or operated until the means of vehicular access and visibility splays have been constructed in accordance with the approved plans 01 REV A and 04 REV A and shall thereafter be retained for access purposes only and visibility splays shall be thereafter kept permanently clear of any obstruction exceeding 1.05m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. The reserved matters shall include a tree planting specification. Where applicable the tree planting specification shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include details of all trees to be planted, including a) their quantity, location (or density), species and size at date of planting; b) the approximate date when they are to be planted; and c) how they will be maintained until successfully established. The tree planting shall take

place as agreed and any trees which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: to ensure an appropriate standard of visual amenity in the local area, that the development is appropriately landscaped to sit comfortably and acceptably in its location and to ensure the proposal mitigates the likely future loss of the large sycamore which is visible from the road.

C 5. The reserved matters shall include a scheme for the protection of the retained trees (a tree protection plan), and details of the appropriate working methods (an arboricultural method statement), all of which shall be prepared in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

Reason: To allow the proper consideration to be given to the impact of the proposed development on existing trees and to ensure that the development provides an acceptable visual and environmental impact.

C 6. No retained tree and hedge along the eastern and southern boundary of the site shall be cut down, uprooted, or otherwise destroyed during the development phase, other than in accordance with the approved plans. In the event that existing trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase due to events outside the applicants control, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area.

Reason for approval:

At this stage the Department is comfortable that an additional single dwelling on the site could be accommodated; albeit a future Reserved Matters application would consider the detailed design of any dwelling and the potential impacts upon neighbouring amenities, visual amenities of the street scene and other matters outlined within this report. Accordingly, it is considered the proposal would comply with the relevant planning policies of the IOM Strategic Plan 2016, Residential Design Guide 2021 and the Ramsey Local Plan 1998 and therefore the application is recommended for an approval subject to conditions.

Interested Person Status – Additional Persons

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

Cronk Connee, 2 Queens Valley, Ramsey
Konia, 3 Ballure Grove, Ramsey

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2019).

It is recommended 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):

16 Ballure Grove, Ramsey is not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 INTRODUCTION

0.1 Following the application being deferred for a site visit by the Members, the below report has been updated to include the Ramsey Town Commissioners comments which were received after the previous Planning Committee was completed; albeit the comments are those read out in full during the Planning Committee meeting on the 25th March 2024.

0.2 No further updates to this report have been made.

1.0 THE SITE

1.1 The application site is 1 Ballure Grove, Ramsey which is a dormer bungalow which is located on a corner plot to the south of Ballure Grove and west of Ballure Road. The site has a vehicular access along the north boundary of the site which directly accesses onto Ballure Grove. To the east of the dwelling 1 Ballure Grove is gardens, which the application centres on. The roadside boundary (north/east) comprises of mature vegetation. The property also has rear garden/patio (south elevation).

1.2 The area is characterised by a number of different styles of properties, to the north and west of the site are similar dormer bungalows, albeit some also have two storey elements. To the east of the site are more traditional properties, which run along Ballure Road made up of three storey Victorian styled terraces.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Approval in Principle for the erection of a detached dwelling, addressing means of access, located east of the existing dwelling.

2.2 An indicative plan showing the footprint of the dwelling has been shown, albeit this only indicative at this stage. The footprint mirrors that of the footprint of the existing property 1 Ballure Grove.

2.3 The access arrangements are matters for consideration now, and these are the widening of the access, which is to serve both the existing dwelling and the proposed new dwelling.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area recognised as being predominately residential use under the Ramsey Local Plan 1998. The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding.

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

3.3 Strategic Policy 1 states: "Development should make the best use of resources by:
(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
(c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.4 Strategic Policy 2 states: "New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(2) of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

3.5 Strategic Policy 4 (in part)

Proposals for development must:

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect

3.6 General Policy 2 states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.7 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

3.8 Environment Policy 42 states; "New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

3.9 The text preceding Environment Policy 42 gives helpful guidance for new development within existing settlements with respect to protecting the character and identity of the streetscene;

"In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles. Development will need to:

- i. be of a high standard of design, taking into account form, scale, materials and siting of new buildings and structures;
- ii. be accompanied by a high standard of landscaping in terms of design and layout, where appropriate;
- iii. protect the character and amenity of the locality and provide adequate amenity standards itself;
- iv. respect local styles; and
- v. provide a safe and secure environment."

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

3.11 Transport Policy 7 states; "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards. The current standards are set out in Appendix 7."

4.0 PLANNING HISTORY

4.1 The application site has not been the subject of any previous planning applications.

5.0 REPRESENTATIONS (in brief, full representation can be read online)

5.1 Arboricultural Officer (DEFA) comments (23.02.2024);

"I took a look at the site today. The area for development is relatively small and so there will be challenges in adequately protecting the trees during development and there will be future pressures for removal following the construction of the dwelling. That being said, tree quality on the site is consistently very low with all trees being considered a category C. There is a large sycamore present which is very prominent from the road, it has been marked for retention however this tree in particular will be under threat from damage during construction and a future pressure to remove due to the proximity to the dwelling. That being said, the tree appears to be in poor physiological condition and is likely to have a very limited safe and useful life expectancy, it would therefore be considered a category C. With this in mind, the Directorate would have no objections to the proposal subject to it containing details of suitable tree planting to mitigate the likely future loss of the sycamore. This is the only condition I would recommend."

5.2 DOI Highways Services comment (29.02.2024):

"Highway Services HDC have reviewed the updated information dated 26th Feb 2024 online for the above application and the applicant has addressed the comments made by HDC made on the 26th January 2024. Accordingly, HDC now do not oppose (DNOC) the application subject to a condition attached to permission that vehicular access, visibility splays, parking and vehicle turning as per approved plans to be completed before first occupation of the new dwelling."

5.3 The owner/occupier of Cronk Connee, 2 Queens Valley, Ramsey objects to the application which can be summarised as (05.02.2024); The application relates to a property that is adjacent to an already dangerous junction; There has been a vehicular collision at the junction already this year; It has to be stated that the main part of the problem is the parking on the junction, on the Ballure Grove side and the opposite side on Ballure Road however as there seems to be no desire by the Highway officials to improve safety; further traffic through it will undoubtedly increase risk; and In addition there is considerable risk to pedestrians in this area by the poor road layout.

5.4 The owner/occupier of Konia, 3 Ballure Grove, Ramsey objects to the application which can be summarised as (07.02.2024); over intensive development of the site; when area was development in the 1970s they were careful set out to allow planting, and never designed to contain 2 dwellings; not in keeping with the area; site is on a corner of a busy junction; not show details of the design; existing dwelling will be left with a small dwelling; new double vehicle access is out of keeping with area; widened access takes in close to the junction with Ballure Road which cause potential dangerous diving conditions; application form indicates trees to be lopped or felled which affects the environment and wildlife; no tree information is provided; and already drainage issues in area.

5.5 The owner/occupier of 16 Ballure Grove, Ramsey objects to the application which can be summarised as (11.02.2024); the corner is already a busy junction with it being the only entrance and exit of the many residents already living in Ballure Grove and Queens Valley and the only parking area for many residents living opposite, on Ballure Road for whom during the construction of this proposal will make it impossible for them; To erect another dwelling on this corner plot is dangerous and not in keeping with the spacious gardens of neighbouring properties; and Building another dwelling is not the answer to preventing maintaining the current garden which has been neglected for more than 20 years.

5.6 Ramsey Town Commissioners comment (18.03.2024);

"This application goes against General Policy 2 (b), (h) and (i) of the Isle of Man Strategic Plan 2016 in that it does not respect the site, surroundings in terms of siting, layout, scale, form, design.

It does not provide satisfactory amenity standards itself, including where appropriate safe and convenient access for all highway users and finally does have unacceptable effect on road safety or traffic flows on the highway. The Ramsey Local plan 1998 still stands and it goes against Policy R/R/P3 - infill and backland sites, E/E/P3 Backland development - the property would be classed as over development."

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are;

- (i) The principle of the proposal; (SP1,2, & HP4);
- (ii) Potential impact on the neighbouring residents living conditions; (GP2);
- (iii) Potential impact upon visual amenities of the street scene (GP2);
- (iv) Potential impact on highway safety for access/parking (Tp4,7); and
- (v) Potential impact on bio diversity (SP4b).

(I) THE PRINCIPLE OF THE PROPOSAL

6.2 As outlined within the planning policy section of this report, the site is designated as predominately residential use and therefore the proposal for residential development is acceptable in terms of complying with the land-use designation.

6.3 Strategic Policy 1, 2 identify areas of development to be located, generally within existing towns and villages. It can be agreed that this part of Ramsey is within an existing town and would be considered to accord to Strategic Policy 1, 2, as a sustainable site within a designated town to develop. This approach is further echoed within HP4.

6.4 This is not an automatic reason to allow the planning application, as further material planning matters as indicated previously need to be considered, to determine if this proposed dwelling on the site is appropriate.

(II) POTENTIAL IMPACTS ON THE NEIGHBOURING RESIDENTS LIVING CONDITIONS

6.5 The second issue relates to the potential impact of the development upon the residential amenities of neighbouring properties. There are a number of residential properties surrounding the site and therefore there is the potential for potential impacts, depending on the type/size/height of any new dwelling. However, there are no detailed plans of the proposed dwelling, only an indicative footprint. Accordingly, this part of the proposal would be considered in detail when any future Reserved Matters Application would consider this aspect.

6.6 Consideration on the impact upon the existing dwelling Nr 1 Ballure Grove also needs consideration, and arguable the impact is greatest upon this dwelling. The main impact would be the loss of the garden, albeit the dwelling does still retained a rear garden measuring approximately 116sqm in area and a front garden of approximately 60sqm (excluding front driveway). Again the internal layout is indicative, albeit it is likely the rear garden would remain unaltered and the majority of the front garden would remain as part of Nr 1. Accordingly, while the size of the garden is reduced by the development, it is not considered the remaining size of the garden would be unacceptable. It needs to be noted not everyone necessary wish a larger garden.

6.7 Overall, the Department is comfortable at this stage that an appropriately sized dwelling could be site don the site which would not result in a significant adverse impact upon neighbouring amenities, including Nr 1.

(III) POTENTIAL IMPACTS UPON VISUAL AMENITIES OF THE STREET SCENE

6.8 Again, without any details of the design of the dwelling it is not possible to determine the potential impact upon the visual amenities of the street scene. It is noted that the main public views would be when travelling along Ballure Road from the north and south of the site. It is also noted that mature landscaping, made up of hedgerows and trees currently exists which would potentially (depending on the size, siting and height of the dwelling) could mitigate potential impacts. The western side of Ballure Road, in the vicinity of the site is made up of landscaped boundaries, and generally properties (Queens Valley) in the area have gardens backing onto Ballure Road, rather than the dwelling fronting onto Ballure Road. This character of existing built form differs on the opposite side of Ballure Road where Victorian Terraces and other styled properties do front onto Ballure Road, only a few metres away. Accordingly, any new dwelling should play regard to this at a Reserved Matters stage to ensure landscaping is retained, including trees and any new dwelling plays due regard to this general character.

6.9 The submission does include the indicative site plan, and also a building line (Site Plans 1:100 and 1:500) which is taken from the Victorian Terraces to the north of the site

along Ballure Road, which the indicative footprint does not project beyond. It is also noted that the footprint does not appear to require the removal of existing landscaping within the site along the northern or eastern boundaries; albeit any future Reserved Matters would need to consider this fully.

(IV) POTENTIAL IMPACT ON HIGHWAY SAFETY FOR ACCESS/PARKING

6.10 Highway Services have considered the merits of the proposal, access to and from the site from the highway, as well as parking and highway safety. As the transport professionals their comments are normally heavily relied upon. The access arrangements initially raised concern and subsequently the applicants amended the access to allow better access and egress from the site. Highway Services have no objection to the scheme now.

6.11 Again while indicative footprint and driveway have been included, the Department is comfortable at this stage that two off road parking spaces and turning facilities can be provided to the new dwelling, while also ensuring the existing dwelling has the same level of provision.

(v) POTENTIAL IMPACT ON TREES

6.12 As outlined previously, the footprint of the dwelling and its siting is indicative at this stage and therefore it is difficult to judge the potential impact upon the landscaping/trees, which as outlined previously within this report are considered to be important landscaping features along this section of Ballure Road and corner into Ballure Grove.

6.13 The Arboricultural Officer has raised no objection to the application, albeit noted the larger Sycamore tree on the site is not in good condition and may need to be replaced. However, discussion with the applicants agent they do not wish the tree to be removed and are happy for a condition seeking it protection and retention.

7.0 CONCLUSION

7.1 For the above reasons, at this stage the Department is comfortable that an additional single dwelling on the site could be accommodated; albeit a future Reserved Matters application would consider the detailed design of any dwelling and the potential impacts upon neighbouring amenities, visual amenities of the street scene and other matters outlined within this report.

7.2 Accordingly, it is considered the proposal would comply with the relevant planning policies of the IOM Strategic Plan 2016, Residential Design Guide 2021 and the Ramsey Local Plan 1998 and therefore the application is recommended for an approval subject to conditions.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.2

Proposal : Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations

Site Address : 18 Selborne Drive
Douglas
Isle Of Man
IM2 3LP

Applicant : Chris Norman Enterprises Limited

Application No. : 23/00655/B- click to view

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Overall, it is considered that the principle of converting the existing dwelling situated in a part of the Selborne Drive Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would fail to improve the quality and condition of an existing housing stock, and would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

R 2. The application is considered contrary to General Policy 2(g) and Strategic Policy 4 (a) of the Isle of Man Strategic Plan as the proposed increase in density within the dwelling, together with the increased intensification of use evident in the level of bin storage to the front of the property, the storage of associated domestic paraphernalia on site, and increased displacement of parking to the immediate street scene, would adversely affect the existing character and appearance of the site and immediate street scene.

R 3. There is insufficient information within the application to allow a determination of the effect of the lack of parking provision on the existing highway network such as providing parking surveys to determine the impact of the proposal on the surrounding streets in terms of on street parking demand or to demonstrate that a reduced level of parking would not result in unacceptable on-street parking in the locality and as such would lead to the aggravation of on-street vehicle parking to the detriment of existing on-street parking provision in the area. Accordingly, it is considered the proposal would fail to comply with Transport Policy 7 and General Policy 2 (h) and (i) of the Isle of Man Strategic Plan 2016.

R 4. The proposed development would be contrary to Transport Policy 6 and General Policy 2(h) of the Isle of Man Strategic Plan 2016 given that it does not give similar weight to the needs of pedestrians or provide a safe and convenient access for all highway users, since the driveway width is considerably below the requirement for driveways with pedestrian access, and the main access into the proposed apartments (including access for baby carriages) would be via a driveway with width unsuitable for parked cars and pedestrians, and this would not be in the interest of highway safety.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

- o Manx Utilities Drainage

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

16 Selborne Drive, Douglas, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

23 Selborne Drive, Douglas, as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site represents the residential curtilage of 18 Selborne Drive, Douglas, which is a large semi-detached late Victorian/Edwardian dwelling situated on the north eastern side of Selborne Drive, near the junction with Tennis Road.

1.2 The existing dwelling has its detached garage accessed via Tennis Road and Colden Lane. The rear garden which could be accessed via a pedestrian side gate from the main entrance would also be assessed via a pedestrian gate at the rear of the dwelling. The existing dwelling has access to two parking spaces in front of the dwelling and the single garage to the rear.

1.3 The street scene is characterised by similar sized dwellings most of which utilise the unrestricted on street parking along the adjoining street for additional vehicle parking. The site has access to bus corridors along the adjoining streets.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations.

2.2 The proposed works breakdown is as follows:

2.2.1 Conversion of dwelling into three flats

- a. The internal arrangement will result in the creation of three flats; one two bedroom apartment on each of the three floors (ground, first and second floor).
- b. Each apartment would have a layout supporting an open plan living room/kitchen, two bedrooms, and a large bathroom.
- c. There would be an enclosed porch and utility on the ground floor which will serve all the apartments.
- d. Each apartment would have access to a single parking space, although two of the cars would be parked in tandem.

2.2.2 Other works would include:

- a. Installing new UPVC framed side lights to the sides of the main dormer on the front elevation of the dwelling.
- b. Installation of a new rooflight measuring about 600mm x 600mm on the northwest roof plane. The rooflight is to be similar to the existing rooflight on the southwest (front) roof plane.
- c. Installing bicycle rack store within the rear garden and by the existing garage. The bicycle rack is to house seven bicycles.
- d. Installation of a wall mounted baby carriage storage at rear of utility room. NO details of the baby carriage has been provided.
- e. Provision of bin storage area in front of the dwelling.

2.4 No trees on site would be removed to facilitate the development.

3.0 PLANNING POLICIES

3.1 Site Specific

3.1.1 The application site is located within an area designated as Predominantly Residential Use on the Area Plan for the East (Map 4 - Douglas), and the site is located within the Douglas (Selborne Drive) Conservation Area. The site is not prone to flood risks or within a registered tree area and there are no registered trees on site.

3.2 TOWN AND COUNTRY PLANNING ACT 1999

3.2.1 S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act.

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

- a. Environment Policy 35 - Seeks to preserve or enhance the character or appearance of Conservation Areas.
- b. Environment Policy 34 - expresses a preference for the use of traditional materials in the maintenance, extension or alteration of pre-1920 buildings.
- c. Environment Policy 42 - character and need to adhere to local distinctiveness.
- d. General Policy 2 - General Development Considerations.
- e. Paragraph 8.12.1 - General presumption in favour of extensions to existing properties (excluding Conservation Areas or Registered Buildings).
- f. Strategic Policies 1, 2, 5 - relate to re-use of existing sites, location of new development within existing towns, and good design.
- g. Strategic Policy 12 - Sets out the considerations for improving the quality and condition of the existing housing stock and creation of flats by conversions.
- h. Housing Policy 17 - Allows for the conversion of buildings into flats.
 - a. Strategic Policies 3 - promote use of local materials and character.
 - b. Strategic Policy 4 - Seeks to Protect or enhance the fabric and setting of Conservation Areas (etc.).

- c. Strategic Policy 5 - New development, including individual buildings should be designed to make a positive contribution to the environment of the Island.
- d. Transport Policy 4 - Highway capacity and safety considerations.
- e. Transport Policy 7 - Parking considerations/standards for development.
- f. Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

3.4 Planning Policy Statements: 1/01 POLICY AND GUIDANCE NOTES FOR THE CONSERVATION OF THE HISTORIC ENVIRONMENT OF THE ISLE OF MAN

3.4.1 POLICY CA/2 - Special Planning Considerations

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 THE RESIDENTIAL DESIGN GUIDE (July 2021)

4.1.1 Whilst not adopted planning policy, DEFA's Residential Design Guidance is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions". Sections 2.0 on sustainable construction, 3.1 which refers to local distinctiveness, Section 5 for Architectural Details, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.1.2 Other relevant sections include:

4.1.2.1 Paragraph 1.1.9 which states:

"The document is not a Planning Policy Statement (as per Section 3 of the Town and Country Planning Act 1999) but is capable of being an 'other material consideration' (as per Section 10(4)(d) of the Act). Furthermore, where proposals adopt the approaches set out within this document, they are more likely to be considered to comply with the detailed Development Plan policies that relate to design. For example, General Policy 2 of the Isle of Man Strategic Plan (2016)."

4.2 Character Appraisal for Selborne Drive Conservation Area 2003.

4.2.1 The contributions made by key buildings

4.4.1.1 Paragraph 3.17

"3.17 Selborne Drive was laid out from 1883 and originally the entire length from Hawarden Avenue to Quarter Bridge Road was known as Selborne Road. The Western Section adopted the title 'Drive' from around 1900. The properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences. Materials tend to be smooth or rough cast render, slate roofs which often feature prominent projecting gables over squared bays. Houses are set within low-walled gardens to the front and the density of development is much less intensive than the high Victorian Terraces seen elsewhere in town. The title 'Drive' is highly appropriate given the completely straight layout of this important roadway. Properties maintain a uniform set back giving a sense of Edwardian elegance to the area. There are some repetition of design features in the pairs of houses such as Edwardian sliding sash windows; curved eaves soffits; square bayed windows, some of which are framed with smooth-rendered banding; and rendered elevations. The use of this language serves to unify the appearance of the group which is one of the most stylish approaches to residential areas of the upper town."

5.0 PLANNING HISTORY

5.1 Whilst there is a planning history for the application site, it is considered that none of the previous planning applications are considered relevant in the assessment and determination of this current application.

5.2 A review of the Planning History for the entire Selborne Drive shows that no approvals have been granted for conversion of any of the dwellings to apartments with the properties here still retained largely as large detached or semi-detached dwellings serving single households. Of the 155 determined planning applications on record for Selborne Drive, one (PA 88/04358/B) relates to the conversion to apartments and this application was refused.

6.0 REPRESENTATIONS

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

6.1 DOI Highways find the proposals to be acceptable, including relaxations on parking provision due to the site being in a sustainable location in Douglas, and therefore do not oppose (DNO) the application. The Applicant is advised to consider installing an electric vehicle charging point to aid net zero objectives (10 October 2023/30 January 2024).

6.2 Douglas Borough Council have stated that the development must not prohibit the refuse bins from being removed from the highway to be stored within the curtilage of the property between refuse collections (9 February 2024).

6.3 Manx Utilities Drainage have stated that they have no objections to the application. They provide further advice on the discharge of surface water and connection to the public sewers (21 June 2023).

6.4 The owners/occupiers of 23 Selborne Drive, Douglas, object to the application due to the following reasons (27 June 2023):

- o Insufficient parking in the area, and the increase in number of occupancy to three families would exacerbate the parking challenges.
- o Apartments would not be in keeping with the immediate vicinity.

6.5 The owners/occupiers of 16 Selborne Drive, Douglas, object to the application on the following grounds (29 June 2023):

- o The proposed dormer would not be in keeping with the character of the building and Conservation Area.
- o Noise concerns from more families using the dwelling.

7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the current application are:

- a. Principle of the proposed conversion of the dwelling into three apartments (STP 12, EP35, & GP2)
- b. Impacts on Character or Appearance of the site and Conservation Area (GP2, SP4, EP35, PPS 1/01);
- c. Impacts on the amenities of the neighbouring properties (GP2); and
- d. Impacts on parking provisions (GP2 & TP7).

7.2 PRINCIPLE OF THE PROPOSED CONVERSION OF THE DWELLING INTO THREE APARTMENTS

7.2.1 In assessing the acceptability of the proposed conversion of the dwelling, it is first noted that the site sits within a Conservation Area, and within an immediate street scene dominated by mainly single family detached and semidetached homes in spacious plots, where the introduction of flats would be inconsistent with the nature of dwellings in the area. It is also noted that this character is clearly referenced in Paragraph 3.17 of the Character appraisal for the Conservation Area which notes that "the properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences", whilst also noting that "the density of development is much less intensive than the high Victorian Terraces seen

elsewhere in town". These reinforce the fact that unlike the other parts of Douglas noted for a history of housing large boarding houses and holiday accommodation which would easily allow conversions into apartments, this part of Douglas has a specific identity and density which needs to be protected in its own right.

7.2.2 Whilst it is noted that there is support within Section 8.13 of the Strategic Plan for the Conversion of large dwellings within the island, and particularly Douglas, there is no evidence to suggest that the existing dwelling in its current form is no longer suitable for use as a single dwelling. Likewise, there is no clear indication of a shortage of demand for larger single family dwellings in the wider area to support the splitting of the dwelling into smaller residential units in an area known to support large single family residences, particularly as there are implications for parking, and other domestic intensifications of use, noting that the dwelling sits as a building of townscape merit in an area with uniform character in terms of density of use and appearance.

7.2.3 It must be emphasised that although the Strategic Plan seeks to provide for housing needs, it is not the intention of the plan to diminish the volume and quality of the existing housing stock. In fact, Strategic Policy 12 is clear that favourable consideration will generally be given to proposals for improving the quality and condition of the existing housing stock. This policy goes further to provide scenarios for converting properties to flats by placing emphasis on the conversion of redundant boarding houses, and vacant/underused space above commercial premises, which the existing semi-detached dwelling cannot be categorised as. Given the above, it would be vital to reiterate that the goal is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, without compromising established housing types and densities that seek to accommodate housing demands and needs for every community on the island.

7.2.4 Therefore, it is considered that the principle of converting the existing dwelling situated in a part of a Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

7.3 CHARACTER AND APPEARANCE

7.3.1 In terms of potential impacts of the proposed works on the existing building, it is first considered that the proposal would broadly not conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area, as elements of the proposal (such as the re-rendering of the building) would facilitate the retention and preservation of the existing built fabric on site.

7.3.2 With regard to the assessment of impacts on the character and appearance of the site and Conservation Area to which the property sits, it must first be established that character and appearance are two separate elements, as character could be defined by the key architectural and design elements, essential features and special qualities that contribute to each area's architectural and historic interest (and these include features of the buildings and street scene), as well as the nature of uses within the area which may have evolved or remained the same through time. It would be vital to note that the historic character of a place is the group of qualities derived from its past uses that make it distinctive. This may include: its associations with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes (Historic England, 2017 - The Setting of Heritage Assets:

Historic Environment Good Practice Advice in Planning Note 3, Second Edition). Appearance on the other hand refers to the aspects of a building or space which determine the visual impression the building or space makes, such as its architecture, building techniques, decoration, colour, texture, and lighting (Planning and Environment Wales, 2022 - Character, Appearance and Design), as such appearance refers mainly to the visual elements of a building and area, that is, how a place looks.

7.3.3 Given the above, it is considered that the physical works proposed only seek to make minor alterations to the external appearance of the building, with the particularly noticeable elements being the re-rendering of the building which would largely replicate the existing appearance, as well as the installation of new rooflight and side lights to the existing dormer on the front elevation of the property. As such, it is not considered that there would be adverse impacts on the appearance of the property. However, it must be emphasised that the special features of a Conservation Area go beyond appearance, and also includes key attributes of an area such as, parking, density of housing, and other attributes linked to use such as the servicing of dwellings which includes the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries, and these further serve to define the character of the area. Thus, in considering the impacts on the character and appearance of the area, a holistic approach would be utilised in determining the acceptability of the proposed development for the site and Conservation Area.

7.3.4 For context, the changes to the physical attributes of the existing building on site, would be appropriate given their design and size, and as rooflights and side lights can be found on the properties within the street scene and Conservation Area. In fact, the adjacent semi-detached dwelling at No. 16, as well as No.s 14 and No. 8 Hawarden Avenue which has most of its prominent side elevation on Selborne Drive, have conspicuous side lights. Many of the dwellings here also have prominent roof lights on their front and side elevations. Likewise, the rendering would improve the appearance of the property and contribute to its appeal within the immediate street scene. As such, it is considered that these elements of the proposal would serve to preserve the appearance of the building.

7.3.5 Conversely, the resulting changes to the site and immediate area as a result of the proposed increase in density within the dwelling, through the creation of three new apartments is considered to be at variance with the character of this part of the Selborne Drive Conservation Area. It must be emphasized that Selborne Drive is primary a residential street within the Selborne Drive Conservation Area wherein the character is established by the high architectural quality and layout of the buildings and associated land. This character is further defined by the large, and either detached or semi-detached dwellings, set in moderately sized plots, and which provide for on-site parking largely able to accommodate two cars parked within the curtilages, or three cars where vehicles are parked in tandem parking. Whilst, significant attention has been paid to the architectural detailing on the residences, particular attention has also been paid to the size and type of dwellings here, as well as the density which is unlike most parts of Douglas, being less intensive (See Paragraph 3.17 of the Character Appraisal).

7.3.6 In addition to the factors highlighted in 7.3.4 above, there are no examples of similar properties or any property within the street scene being converted to apartments. Moreover, the additional domestic paraphernalia associated with the increased density to three households such as clothe lines, outside storage, and recreational areas would alter considerable the nature of the site area relative to the neighbouring properties which support single families, particularly as the internal layout for the apartments do not provide for additional storage provisions as is evident in the fact that prams (baby carriages) would be stored outside the apartments, and exposed to the elements.

7.3.7 Granting the occupier number may not change considerably over the use of the dwelling as a single large dwelling, there is no guarantee that the three household that would occupy the new apartments would be small households, given the size of the new apartments which could accommodate three 6 member households, with a total occupancy of 18 occupants, and this increase in occupancy would be unattainable with a single family household. Thus, it is considered that the increased intensity of use of the existing semi-detached property in a quiet residential area, together with its regular periodic arrivals and departures of the occupants of the apartments and their visitors, would introduce an intensity of use which at present, does not exist within any of the properties on Selborne Drive.

7.3.7 It is further considered that three households would result in a greater number of comings and goings, car ownership and waste bins usage than a single family dwelling, with cumulative harm to the character of the area which is accustomed to use by single families. It has also been recognised that parking arrangement has a fundamental effect on the quality of a place or development, and this is particularly relevant in respect of conversion of a house to flats which can lead to parking taking up the front garden in a bid to provide for additional parking needs when the new use is established, with the resultant effect being a diminished value in the character and appearance of the street due to the reduction in size of front gardens which serve as an integral element of the street character.

7.3.8 Based on the foregoing, it is considered that although the scheme has positive elements which would serve to preserve the appearance of the area, the overall scheme which seeks to introduce apartments in a street where none exists, with its attendant intensification which holds potential to alter the character of the immediate vicinity would conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area. This would also be averse to the provisions of Environment Policy 35, General Policy 2, and Strategic Policy 4 (a) of the Strategic Plan.

7.4 IMPACT ON NEIGHBOURS

7.4.1 In terms of impacts on neighbours, it is noted that the element of the proposal with the potential to impact on neighbours is the potential for increased noise and activity, associated with the number of people living at and visiting the property, which would be considerably in excess of what might reasonably be expected from a single dwelling.

7.4.2 In terms of potential disturbance associated with increased activity at the site, it is considered that a single large family dwelling of four to five rooms is of a nature of occupation that would generate less frequency and timing of people leaving and entering the property, with movements more likely to be predictable and compatible with the lifestyles of the adjoining single family occupants of the dwellings in the immediate vicinity. Thus, it is considered that the proposed introduction of three apartments at the property would exacerbate existing disturbance and noise concerns for the adjoining neighbours, particularly No. 16 which exists as a semi-detached dwelling with the application site, minding there are no noise insulation measures that could be enforced via existing planning policies to protect this neighbour from noise impacts.

7.4.3 Whilst the concern noted above could be exacerbated by the use being established on the site, with the properties being occupied by large families, given that the new apartments are all two bedroom apartments suitable for three families with 6 member households (due to the floor area available to each of the apartments), there is no evidence to suggest that this would be the case. As such, it is not considered that the potential disturbance and noise increase would be sufficient to warrant refusal of the application, although it must be noted

that there is a high potential for harmful and unacceptable impacts upon neighbouring living conditions as a result of the proposed development.

7.5 IMPACTS ON PARKING/HIGHWAY SAFETY

7.5.1 In terms of parking provisions, it is considered that the property has three parking space allocations for the apartments, two of which are such that could result in larger vehicles to the property being pushed onto the pedestrian walkway given that the length of the parking in front of the property is only 9.6m which is well below the standard stipulated in the Manual for Manx Roads which requires driveways to have a minimum length of 5.5m for a single vehicle (11m for two cars). Likewise, the width of the driveway which is set at 2.6m is also set well below the minimum width of 3.4m for driveways that support pedestrian access such as the case for the current application. Whilst it is noted that the site is close to existing public transport corridors within Douglas where relaxation of the standards would be acceptable, the scheme as proposed does not even meet the standard for the provision of three parking spaces to support single cars parked within the curtilage, and the site is not close to any public car park that would serve to diminish parking concerns associated with the proposed development.

7.5.2 The fact that the scheme would provide for seven cycle storage provisions is noted and also commended. However, there is no guarantee that the cycle provision would serve to diminish the demand for parking in the area, as there is little evidence provided with this application to suggest that cycle provision has actually diminished the demand for car parking spaces within Douglas, given the rising pressure on on-street parking within Douglas, despite these provisions in recent developments.

7.5.3 Furthermore, the increased parking associated with the new residential units (which are all two bedroom dwellings) together with the associating parking demand for visitors would displace additional parking to the street and this would not be in the interest of highway safety. It must be noted that parking is a key concern for Selborne Drive, as well as the adjoining streets such as Tennis Road, Albany Road, Brunswick Road, Alexander Drive, Selborne Road, and Primrose Avenue, particularly during the mornings and evenings when the demand for parking by residents is particularly high. In fact, a visit to the area during lunch time on Wednesday 23 August 2023 showed that there was highly limited parking available in the area even during lunch, as over 80 percent of the on street parking was taken up during the entire period of the visit which lasted for about 30 minutes. Frequent visits to the area at various times of the day, which includes weekdays and weekends reinforces the lack of parking provisions in the area; a situation that would be exacerbated by the introduction of three new independent units of accommodation on site.

7.5.4 The concern regarding parking is further exacerbated by the fact that there is no public car park within close proximity, which would serve to absorb the additional parking demand created. Likewise, the site is not a town centre location where it could easily be argued that the site sits within close proximity to existing employment centres and opportunities and as such would not demand vehicular movements.

7.5.5 Granting the advice offered by DOI Highway Services confirms that they have no highway safety or parking concerns, with particular emphasis for relaxations on parking provision placed on the site being in a sustainable location in Douglas, the Strategic Plan is clear within Appendix 7 that for such relaxations would be allowable where proposals support the need to find a use for redundant buildings which are in sound condition. In this case, there is nothing to suggest that the existing building is redundant for its use as a single large semi-detached dwelling. Moreover, the size of the dwelling as a five bedroom dwelling is not such that is out of demand within the immediate vicinity, and it is not considered that the scheme as proposed would be in the interest of protecting or preserving the key attributes of

this part of the Selborne Drive Conservation Area. As such, it is not considered that the provisions set out within Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met in this case.

7.5.6 Overall, it is considered that the scheme fails to provide for at least three practical car parking arrangements for the apartments in accordance with the minimum standards stipulated in the Manual for Manx Road, and as such would conflict with the provisions of Transport Policy 7. Likewise, there is no evidence to suggest that the existing building is redundant for its use as a large semi-detached dwelling or that the three substandard parking provisions would be appropriate for the three two bedroom dwellings proposed within the scheme, and it is not considered that the impact on the character and appearance of the surrounding area would be positive. As such, it is not considered that the provisions set out within Paragraph A.7.1 of Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met with the current application.

8.0 CONCLUSION

8.1 Overall, and for the reasons stated above, it is considered that the proposal would fail to comply with Strategic Policy 12, General Policy 2 (c, g & h), Transport Policies 6 and 7, whilst also failing to comply with Environment Policy 35, and Strategic Policy 4 of the Strategic Plan, and Planning Circular 1/01. The application is, therefore, recommended for refusal on these grounds.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.3

Proposal : **Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices**

Site Address : **Castletown Commissioners' Yard
Milner Terrace
Castletown
Isle Of Man
IM9 1TE**

Applicant : **Bushy's Brewery**

Application No. : **23/01235/B- [click to view](#)**

Planning Officer : **Mr Hamish Laird**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of development on the site area including any works of demolition, precise details and samples of the construction materials proposed to be used for the external surfaces of the new Brewery building as outlined on Drawing No. WL/23/1574 - 3A; and the conversion of the existing workshop, dwelling, link extension and garden terrace as outlined on Drawing No. WL/23/1574 - 2; shall be submitted to and approved in writing by DEFA Planning. Thereafter, the development shall be carried out in accordance with these approved details. The details shall include samples of natural roof slate, dressed limestone, vertical timber cladding and colour finish; details of the lime mortar and mortar mix to be used; details of rendering; window and door frames; guttering and downpipes; and Velux conservation type rooflights.

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

C 3. The car parking layout including the provision of 3 No. parking disabled spaces; spaces for motorcycle parking; and, all facilities for the secure storage of cycles shall be provided in accordance with the details shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, shall be laid out and made available for parking purposes prior to the first use of the development, hereby permitted, thereafter these spaces and facilities shall be made available for vehicle and motorcycle parking, and secure cycle storage for the lifetime of the development.

Reason: To ensure that adequate vehicles and motorcycle parking and secure cycle storage facilities are provided to serve the development in the interests of highway and pedestrian safety.

C 4. Prior to the commencement of the development hereby approved, and in conjunction with the requirements of condition 3 for the implementation of the approved car parking layout as shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, of this planning permission, a Parking Management Plan shall be submitted to and approved in writing by DEFA Planning. Such plan shall:

- o Designate the three spaces fronting the office for use of Milner Terrace residents, mitigating the loss of parking; and,
- o Secure the use of the three parking spaces gained at the Claddaghs car park for office staff use;

Thereafter these spaces shall be made available for Milner Terrace residents vehicle parking (3 spaces on site opposite Milner Terrace); and, office staff vehicle parking (three spaces gained at the Claddaghs car park) for the lifetime of the development.

Reason: To ensure that adequate vehicles parking provided to serve the occupants of Milner Terrace and to provide suitable parking spaces within easy walking distance for Office Staff working in the Brewery development in the interests of highway and pedestrian safety.

C 5. Prior to the first occupation of the development, hereby approved, a Landscaping Strategy shall be submitted to and approved in writing by DEFA Planning. The Landscaping Strategy shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, as well as methods to eradicate any invasive species that may be present (Japanese Knotweed). All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

C 6. Prior to the commencement of development, including any repointing, the following schedule of survey work shall be carried out and inform an Ecological Mitigation Plan required to be submitted by condition 7 of this planning permission. Such survey work shall include:

- Breeding bird surveys;
- Bat emergence surveys;

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecology consultancy.

Bat surveys are required to identify the species of bat utilising the property, their abundance and whether they are breeding and this will determine the mitigation required. Bird surveys are required to identify the species of birds utilising the property, their abundance and their nest entry point/s and this will determine the mitigation required.

Reason: To identify and safeguard legally protected species, and their places of shelter and protection, or nesting spaces.

C 7. Prior to the commencement of development, including any repointing, an ecological mitigation plan written by a suitably qualified ecological consultancy, informed by the surveys secured by condition 6 of this planning permission, shall be submitted to and approved in writing by DEFA Planning and the development then carried out in accordance with these details.

The ecological mitigation plan must contain measures for the avoidance and minimisation of impacts on wildlife, as well as compensation measures. Details should include the location of all existing nesting and roosting sites; and, those that are proposed to be retained and protected, the number, type, specification and location of new bat and bird bricks, hedging species, lighting requirements, work timings, Ecologist supervision as well as other measures required by the ecological surveys.

Thereafter, these features shall be permanently retained and maintained

Reason: For the protection of legally protected and high conservation concern species.

C 8. No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) and recommendations within the Ecological Mitigation Plan required by Condition 7 of this planning permission has been submitted to Planning and approved in writing. All works must be undertaken in full accordance with this plan.

Reason: To ensure that the development has an acceptable impact on the environment in respect of Bats which are a protected species.

C 9. Details of foul and surface water drainage provision, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

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:

It is considered that this proposal for the re-development of the Commissioners Yard, Workshops & Office including the dwelling house on with the addition of a link extension on the site to a Tap Room; Eatery and Offices; and, for the erection of a Brewery, is acceptable and should be granted. Operational issues arising from the use of the Tap Room, Eatery and

Outdoor Terrace and Garden areas can be controlled via a licensing application. Issues such as noise and fumes from the Brewery operation on the site are considered unlikely to arise owing to the modern nature of the equipment and brewing process. It is considered that there would be sufficient vehicle and cycle parking provision made on site and in the vicinity of the site for customers, staff, and neighbours through the conditioning of a suitable parking management plan. In addition, concerns raised in respect of nesting birds and Protected Species can also be covered by conditions requiring (for Bats) relevant surveys to be carried out before any works commence on the site; and, that proposed elevation drawings containing details of where nest sites are to be retained and where new bricks or other features are to be incorporated, should be submitted and approved prior to any development commencing. The development would accord with the provisions of Policies STP2, STP3, STP4b(i) and STP8; SP10; Business Policy 5; SP10; GP2b), C), d), g), h) and i); ENV4b(i), ENV15, ENV22iii), ENV36; and, Transport Policies TP4 and TP7 in the Isle of Man Strategic Plan 2016; and, the provisions of the Area Plan for the South approved by Tynwald on 20 February, 2013.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 4.2:

3 Milner Terrace Castletown
4 Milner Terrace, Castletown
5 Milner Terrace, Castletown
6 Milner Terrace, Castletown
8 Milner terrace, Castletown
9 Milner Terrace, Castletown
11 Milner Terrace, Castletown
3 Athol Terrace, Castletown
10 Athol Terrace, Castletown
S&S Motors limited, Garage, Alexandra Road, Castletown
Little Rascals Nursery, Alexandra Road, Castletown
Paradise Field, Mill Street, Castletown
10 Farrant Park, Castletown (Owner of 8 Paradise Court, Castletown)

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

It is recommended that the owners/occupiers of none of the following properties should 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:

The Vicarage, Arbory Road, Castletown
5 Paradise Court, Castletown
16 Hope Street, Castletown
25 Hope Street, Castletown
13 Milner Terrace, Castletown

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

Flood Management Division (DOI)

Manx Utilities Drainage

Isle of Man Government - Department for Enterprise

DEFA - PLanning Policy

Planning Officer's Report

THE APPLICATION IS PRESENTED TO THE PLANNING COMMITTEE DUE TO NUMBER OF OBJECTIONS RECEIVED

1.00 THE SITE

1.1 The site is currently used as Castletown Commissioners' depot for storage, growing of plants (including a polytunnel), parking of vehicles and workshop, and comprises a mix of old, limestone structures and more modern buildings, some of which have utilised the remains of older buildings on the same footprint. On the western side of Mill Street is a stone building which is presently used as a children's nursery with the garden area in front of the Commissioners' building used as play space.

1.2 To the west of the main part of the site is Ellerslie Gardens, a group of nine dwellings. The site is overlooked by the semi-detached houses on plots 7 and 8 although there is an existing tree/shrub which prevents a clear view into the site from the gable of the house on plot 5A. Northcroft Apartments sit on the western side of the entrance onto Alexandra Road and on the eastern side of Mill Street, opposite the site and the nursery, is Milner Terrace - a row of 15 terraced dwellings.

1.3 It is noted that some of the existing buildings - the cottages and the footprint of the modern storage building next to Mill Street, appear on the 1860s County Series maps prior to the development of Milner Terrace and Alexandra Road. The site abuts the Castletown Conservation Area, the boundary of which is marked to the west by the dwellings in Milner Terrace; and, to the south by a pedestrian walkway. This pedestrian walkway runs along part of the sites southern, walled, boundary and links the junction of Milner Terrace and Hope Street adjoining the site entrance with Malew Street, exiting onto Malew Street between dwellings at Nos. 106 and 108.

1.4 Vehicular access to the site is derived from two points, the first being from the main A5 Alexandra Road immediately to the west of S & S Motors Car Showroom and Petrol Filling Station; and, from the junction of Milner Terrace and Hope Street, Castletown.

2.0 THE PROPOSAL

2.1 The full planning application received on 23rd October, 2023, proposes the re-development of the Commissioners Yard, Workshops and Office including the stone built, 2-storey dwelling house on site at 'Thie Clooae' located adjacent to Paradise Court, and facing gable end onto 1-4 Milner Terrace, to provide a Brewery and associated Tap Room, Eatery & Offices.

2.2 The applicants have provided a Road Safety Audit, Designers Response, and revised site layout plan on 16th January, 2024, in response to comments received from DoI Highways. The application was accompanied by completed application forms; existing and proposed layout plans; existing workshop and house plans; proposed taproom and eatery plans; a Swift Bat Report; Topographical Survey; Transport Statement and a Planning Statement.

2.3 The applicants Planning Statement advises:

"4.0 Proposed use and development of the site.

4.1 It is proposed to use and develop the site for use as a brewery (Class 2.3) with associated hospitality facilities (tap room for the produce created on site - Class 1.3) together with offices associated with the other uses on site. This would involve the erection of a new building on the site of the existing portal framed structure and portacabin on the site. Access into the site would be from Alexandra Road and exit onto Mill Road/Milner Terrace opening up the frontage onto Milner Terrace in front of the new building, removing the existing railings and gate pillars.

4.2 The existing stone buildings on the site would be retained, refurbished and converted to the brewery office and eating and drinking facilities with a new pergola/terrace/glazed extension to the south of the existing buildings to provide outdoor eating and drinking facilities, associated with the brewery with a link extension built to join the two existing stone buildings to provide toilets, storage and kitchen facilities and a small cellar extension on the south western elevation of the larger existing workshop building. A brewery compound will be created to the north west of the new brewery building.

4.3 Pedestrian access will be provided from Milner Terrace, separate from the car parking and vehicular access along the remainder of this frontage of the site.

4.4 18 car parking spaces will be providing to the north west of the buildings with 7 parking spaces for staff and the brewery vehicles immediately in front of the south eastern elevation of the building, off Milner Terrace along with 3 parking spaces for the brewery offices. These spaces will be created through the removal of the roadside gate pillars, dwarf wall and railings.

4.5 The north western elevations of the existing stone buildings to be retained will be changed very little with re-glazing of the existing window and door openings in a more consistent and sympathetic form with the introduction of one additional window in the ground floor of the workshop. The rear elevations will have new windows installed (there is none currently), a new single storey cellar extension added within and conservation style roof lights in the existing workshop building.

4.6 The existing workshop will become the restaurant with up to 90 covers with a further outdoor seating area which could accommodate up to an approximately further 60 persons.

4.7 The office will accommodate approximately 81 sq m of nett floorspace which generates a requirement for two parking spaces.

4.8 The new brewery building will be finished in rendered walling up to a height of 2m with timber cladding above with stone and glazed features in the centre of the south western elevation and a stone castellated feature in the centre of the Milner Terrace elevation and north western elevation. Limestone entrance pillars with decorative metal arched sign will span the space between the proposed offices and new brewery building.

4.9 The applicant has commissioned a Protected Species Ecological Assessment which was undertaken by Island Biodiversity Consultants. This considers the site and its actual and potential habitat provision, together with measures for mitigation of any impact from the development.

4.10 The application also includes a Transport Assessment prepared by Highways Mann."

3.00 PLANNING POLICY

3.1 The applicant has prepared a list of planning policies as contained in the Area Plan for the East 2013; and, the Isle of Man Strategic Development Plan, 2016, both of which are used to guide proposals for new development on the Island. These documents contain policies and planning guidance relevant to the proposed development, and are rehearsed as follows:

"The site is designated as Industry on the Area Plan for the South which was adopted in 2013.

2.2 The site abuts but is outside of the town's Conservation Area (shown green on the above plan). This proximity to the Conservation Area results in the Strategic Plan requiring that "where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area" (Environment Policy 36).

2.3 The importance of employment opportunities is acknowledged in the Plan as follows:

"6.3.1 The Isle of Man Strategic Plan recognises the important role that Douglas plays in relation to employment and business. It also seeks to encourage employment opportunities throughout the Island. These must however: be at a scale which is appropriate to the area; have available public transport links; be close to sources of labour; and be serviceable."

2.4 The site is referred to specifically at paragraph 6.7.1 as a "small scale industrial site" and that "Any applications to develop/re-develop these sites will be dealt with through the normal development control process taking into account the particular developments being proposed, any site constraints (including flood risk), any mitigation measures and relevant Isle of Man Strategic Plan Policies and Area Plan Proposals."

2.5 The use of industrial premises or land is controlled by Business Policy 5 of the Strategic Plan as follows: Business Policy 5: On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either: (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business; and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.

2.6 Business Policy 6 states that "Where land is zoned in Area Plans for industrial use, the Department will include development briefs which identify any particular local needs" although no such brief was included in the Area Plan for this site.

2.7 There are no Registered Buildings on the site although the cottages are certainly old and have some historical interest as a result and the site is not within the Conservation Area.

2.8 There are no Registered Trees or Registered Tree Areas on the site.

2.9 In terms of flood risk, a small part at the eastern edge of the site is shown as being at high risk of tidal flooding associated with the Silverburn. Other parts of the site are shown as being at some risk of surface water flooding.

2.10 The Strategic Plan presumes against development which would be at risk of or increase flood risk elsewhere (Environment Policies 10 and 13).

2.11 The Strategic Plan has a general policy which is applicable to all development which is consistent with the land use designation (and should be applicable to all development regardless of the land use designation):

General Policy 2: Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding; (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption.

2.12 Strategic Policy 1 states that: "Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

2.13 Castletown is identified as a Service Centre in the settlement hierarchy in the Strategic Plan where "Outside Douglas development will be concentrated to provide regeneration and choice of location for housing, employment and services" (Spatial Policy 2).

2.14 Development is generally directed to existing settlements in the interests of sustainable development (Strategic Policies 2 and 10, Spatial Policy 5).

2.15 Development should acknowledge existing settlement character and enhance the environment (Strategic Policies 3, 4 and 5).

2.16 Environment Policy 22: "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

i) pollution of sea, surface water or groundwater;

ii) emissions of airborne pollutants; and iii) vibration, odour, noise or light pollution."

2.17 There are references within the Strategic Plan to pollution and where further information in the form of an Environmental Impact Assessment will be required with any application:

"Environment Policy 24: Development which is likely to have a significant effect on the environment will be required:

i) to be accompanied by an Environmental Impact Assessment in certain cases; and

ii) ii) to be accompanied by suitable supporting environmental information in all other cases."

Environment Policy 24 [sic]: Pollution-sensitive development will only be allowed to be located close to sources of pollution where appropriate measures can be taken to safeguard amenity.

Business Policy 4 also requires special industrial development to be accompanied by an Environmental Impact Assessment. Special industrial development is described as that which may be particularly offensive by reason of noise, smell, vibration, smoke, soot, ash, dust, grit, or fumes, or dangerous by reason of the storage or use of dangerous or inflammable material, or inimical to public health by reason of vermin or other causes. AS the brewing industrial can sometimes result in impacts through smell and noise, this is classed as something which will in all cases require an Environmental Impact Assessment although it will be demonstrated later in the report why the proposed development should be considered acceptable on this site and that any environmental impacts are acceptable.

2.18 Appendix 6 sets out further information and lists developments which will automatically require an Environmental Impact Assessment, including:

"(g) Food industry...brewing and malting" Environmental Impact Assessment (EIA) is defined at page 117 of the Strategic Plan as:

The means of assessing the impacts (good and bad) of a proposed development on the environment, prepared by, or on behalf of, the developer/applicant. An EIA should aim to ensure that the planning decision is made in the knowledge of all the likely environmental effects of the development, and of the proposals for mitigating adverse effects and enhancing positive effects.

2.19 Strategic Policy 8 states: "Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests and where they enable enjoyment of our natural and manmade attractions."

2.20 Car parking is required by Transport Policy 7 to be provided and Transport Policy 4 requires that the existing highway network is capable of accommodating the proposed development. Appendix Seven provides standards which development should satisfy although in some instances, flexibility may be applied where the development: (a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or (b) would result in the preservation of a sensitive streetscape; or (c) is otherwise of benefit to the character of a Conservation Area. (d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality.

2.21 The standards applicable to this development are:

General industrial - 1 space per 50 sq m gross floorspace
Offices (in town) - 1 space per 50 sq m nett floorspace
Town centre shops - space for service vehicle use
Neighbourhood shops - space for staff, customers and service vehicle use.

2.22 Retail development is discussed in the Appendix:

"Retail A.7.4 Most shopping facilities in established centres do not have on-site parking provided due to the intensive form of development and their location off the main highway, often in pedestrianised streets (Peel, Castletown, Douglas and Ramsey in particular). In most of these cases, provision is made for servicing outside trading hours from relaxation of the access regulations and the use of de-mountable bollards and rear access lanes. It is impracticable to require on site car parking for either staff or customers in such locations although it must be feasible for retail developments to be serviced. It is equally essential that there are available sufficient areas of public car parking either in car parks or on street, and that adequate controls are in place for these spaces to be available to those who need them. Neighbourhood shops to serve new residential areas can be incorporated into estate layouts and should provide spaces for staff, customers, and service vehicles."

2.20 In addition to the above, Government has very recently published a draft Economic Strategy for the Island which contains objectives for the expansion of the population and employment opportunities and "setting the foundations for investment and economic security for the next 10 years and beyond" and where the vision is "to build a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man."

2.21 Finally, the loss of publicly valuable open space is presumed against:
Recreation Policy 2: Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and
- (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.

3.2 In addition to the above, Environment Policy 43 is also of relevance. This reads:
"Environment Policy 43: The Department will generally support proposals which seek to regenerate run-down urban and rural areas. Such proposals will normally be set in the context of regeneration strategies identified in the associated Area Plans. The Department will encourage the re-use of sound built fabric, rather than its demolition."

4.0 Planning History

4.1 Application site

00/01634/B - extension to storage shed - approved 98/01610/B - erection of eight dwellings - approved.

4.2 Children's nursery site

22/00814/B - increase of the number of children on site from 41 to 56 - pending consideration.

15/01232/B - erection of fencing and use of land as a children's play area - approved (land in front of the site).

15/00613/C - change of use from children's play facility to children's nursery - approved.

12/00581/B - conversion of former showroom and workshop to children's play facility with cafe - approved at appeal.

09/01619/B - erection of car showroom - approved.

99/02083/B - refurbishment of building including raising roof level and installation of upper ground floor for vehicle showroom and workshop below - approved.

4.3 S&S Motors 13/01197/D - relocation of illuminated signage - withdrawn.

09/01619/B - Erection of a car showroom with staff area and storage above - approved.

95/01101/B - installation of car wash - approved

89/00797/B - installation of above-ground diesel storage tank and dispenser - approved

89/00198/B - Erection of canopy over forecourt in Totals colours and erect illuminated pole sign - approved

88/01801/B - Installation of underground petrol tanks and pumps - approved.

84/00575/B - installation of petrol pumps, storage tanks and interceptor - approved.

4.4 Ellerslie Gardens 02/01735/B - erection of an additional dwelling - approved at appeal.

4.5 Northcroft Apartments 08/01075/B - development of 23 apartments - approved.

5.0 REPRESENTATIONS

5.1 DoI Highways - initial response received 3/11/2023 advising that further details would follow.

5.2 DoI Highways comments received 24/11/23 - comments as follows:

Highways Comments:

The application seeks to redevelop the site to provide a brewery with associated workshop and office, as well as a food and drink hospitality service. The primary highway concerns with the application are: egress arrangements onto Milner Terrace; provision of parking facility within the site; and the loss of on-street parking along Miner Terrace.

Access Arrangements

The development proposes a one-way system through the site, accessing off Alexandra Road and exiting onto Milner Terrace. There are no proposed changes to the existing access off Alexandra Road and the width is sufficient to accept larger vehicles such as refuse and brewery vans.

Internally, a running lane of varying width is to be provided between the boundary with the garage and the proposed parking bays, but achieves a minimum of 6m in all places. This width is sufficient to allow for shared use of pedestrian movements alongside one-way vehicular flow. Where the proposed buildings are located, road user separation is provided. A 3.6m vehicle carriageway is bounded by 1.8m pavements to either side. The desirable minimum pedestrian path width is 2m, however, this can be reduced to 1.8m in some instances. 1.8m is still sufficient to allow the passage of wheelchair or mobility impaired users, and the distance needed to travel is reduced due to the visitor entrances being the closest access to the parking bays, and the staff entrance being the closest to the staff parking.

A traffic calming measure / pedestrian crossing facility has been provided in the middle of the internal lane between the two buildings. The calming measure appears to be in the form of a 'table top' crossing. This would indicate that the pavement level is higher than the road level. There is not sufficient detail of the elevation of the road level with regard to how pedestrians transition from open parking bay section onto the segregated pavements.

Upon exit of the site onto Milner Terrace, pedestrians must pass a gated access. The width of the gated access is only 1m, however, this is an acceptable width for instantaneous narrowing and will still allow for the passage of a mobility impaired user.

The proposal includes an upgrade to the pedestrian facilities along the north-western side of Milner Terrace. The footways will extend only across the frontage of the area owed by the applicants, but represents an improvement on the existing pedestrian facilities. Similarly to the beginning of the pavements, there are not sufficient details of how pedestrians are to transition from the pavement to the existing roadway and whether or not this is to be stepped.

Vehicular exit is also onto Milner Terrace. Visibility splays of 2m x 25m have been provided from the exit. Due to the low speed and narrow nature of Milner Terrace, the 2m setback distance is acceptable. The visibility distance of 25m is suitable for speeds up to 20mph, which Milner Terrace is restricted to. Due to the presence of a sharp bend, it is likely that vehicle speeds at this point on the road will be reduced. Full visibility of the bend and oncoming vehicles is achievable from the exit, and vice versa. To the left on exit, visibility has been drawn through the pillar along the boundary wall. This pillar is over the maximum obstruction height within a visibility splay of 1.05m. This has effectively reduced visibility from the exit to approx. 16m. Due to the presence of onstreet parking on the western side of Milner Terrace forcing approaching vehicles to the offside running lane, and the approach to a sharp bend, visibility of such distance to the nearside kerbline may be acceptable, as visibility to the centreline would likely meet the required 25m. However, this will need to be demonstrated in a revised drawing.

In addition to the revised visibility drawing for the main access, splays should also be produced for the parking spaces that directly front onto Milner Terrace. Those spaces adjacent to the access should benefit from the same visibility achievable from the access, however the spaces closer to the boundaries have additional obstructions such as the boundary walls.

The swept path analysis of the site has indicated that access and movement throughout can easily be accommodated. Upon exit, the swept path is tight against the kerbline and footway of the eastern side of Milner Terrace, but is still contained within the permitted area and safe extent.

The proposal includes a number of changes to the exiting highway. These changes will require a Section 109(A) Highway Agreement to be made post planning consent.

Intensification

A number of representations have raised concerns with the intensification of vehicular traffic along Milner Terrace generated from the proposal. The traffic flow generation has been provided as part of the Transport Statement. Due to the smaller scale operation of the typical workday employment development (brewery and office) the trips generated during the AM and PM peak hours are low and will have little negative effect on flows along Milner Terrace and onto Alexandra Road.

Daily two-way trips have been estimated at 117, 59 accessing off Alexandra Road and 58 departing onto Milner Terrace. Due to the nature of the development (food/drink hospitality) arrivals and departures won't be within one time period and are likely to be spread throughout the day, depending on hours of operation. There should be sufficient gaps in traffic flows along Alexandra Road to allow for access to the site without unacceptable effect on movement, especially with the reduced peak hour trips. An estimated 58 departures over an eighteen hour period, equates to 3.2 trips along Milner Terrace every hour. Accounting for an opening time of the Taproom and Restaurant similar to typical establishments (12pm-11pm) and the morning hours seeing predominantly inward access trips for the other site uses, the hourly rate could be increased to approx. 5.3 departures. Whilst the number of traffic movements along Milner Terrace is to increase, and may cause increased disruption to residents, the increase is not likely to cause any significant road safety or highway network efficiency issues.

It is anticipated that the majority of departures from the site will head north on Milner Terrace rather than south towards Hope Street. This means the majority of vehicles will use the junction of Milner Terrace and Alexandra Road. The Transport Statement has stated that visibility splays of 2.4m x 24m can be achieved onto Alexandra Road from this junction. This is below the required visibility for a 30mph primary route. There is scope to request improvement to this visibility distance due to the intensification of use the development would bring. However, the trip rate of approx. 58 daily onto a primary route is not considered significant. In the latest five year period, only one collision has been recorded at this junction, where a single vehicle emerging from Milner Terrace has lost control and collided with a stone wall. There is no other collision history to suggest that there is a road safety concern with vehicle entering the traffic flow at this junction.

Internal Parking

The Transport Statement outlines that 25 parking spaces are to be provided onsite. 18 of these are located along the western boundary of the site, with 7 along the frontage at Milner Terrace. One of the 7 spaces along Milner Terrace is situated directly in front of the loading/delivery door to the brewery. This space would not be useable during the operation of the door, however, these spaces are reserved for use of staff only and management of the space and operating times would ensure safe usability of the space and door can be achieved, therefore the space will be counted.

The proposal consists of 372m² of brewery space, 124m² of Tap Room and Restaurant space and 81m² of office space. The floor space provided has not included any of the outdoor seating or terrace area. Scaled measurements of the outdoor seating areas provided means an additional 170m² of leisure floor space should be added in the calculation of the requirements, a total of 294m².

Using the Strategic Plan parking requirements this equates to recommended minimum provision of 10 spaces for general/light industrial use (a standard of 1 per 40m² has been used as the median between light industrial and general industrial), 20 spaces for the leisure use and 2 for the office use. This totals 32 spaces. In addition to the car parking spaces provided, there is a designated section at the entrance for the parking of motorcycles / two-wheeled vehicles.

The total parking provision shows a shortfall of 7 parking spaces, but has the inclusion of two-wheeled vehicle parking spaces. Appendix A.7.6 of the Strategic Plan lists the circumstances in which the parking standard may be relaxed. These circumstances have been addressed also by the Transport Statement. The site is located within Castletown and has the option of alternative transport methods further to personal vehicle use. The site is accessible by foot from the centre of Castletown via the main town distribution routes. Similarly, cycle

access can be gained through these routes and also easily accessible from the Primary route, Alexandra Road. There is frequent bus availability from the centre of Castletown, and also from a shorter distance along Victoria Road. Whilst the frequent and more varied services cannot be accessed directly along Alexandra Road or the A5, the walking distance to other routes (Victoria Road, 300m) is not outside of the maximum recommended walking distances.

The proposal has included three increased size parking spaces which are designated as mobility impaired user spaces. Ideally, these spaces would be located as close as possible to the buildings to avoid mobility impaired users having to travel longer distances on foot. However, these spaces have been placed to best utilise the shape of the site, with the maximum distance from vehicle to door being approx. 40m. The proposal has stated that cycle parking is to be provided on the site to accommodate both short stay and long stay. However, the location and quantity of this parking has not been included in the plans. Due to the central location of the site, cycle travel is a likely option for both staff and visitors. A revised plan will need to show the location of cycle parking to the Manual for Manx Roads requirements for both staff and visitor provided in Appendix C.

In addition to the feasibility of alternative transport options, the nature of the development with the sale and consumption of alcohol would result in patrons seeking to use these alternative modes of transport. For the reasons given above, Highway Services DC accept the shortfall in vehicular parking spaces, provided the cycle parking is confirmed and appropriately located.

External Parking

The creation of the development would result in an overall increase in parking provision in the immediate area. But, the proposed access onto Milner Terrace would see the removal of three on-street parking spaces to the western side of the street. There have been a number of concerns raised by residents and locals about the removal of these spaces and impact on parking availability for such parties.

Parking along the western side of Milner Terrace is frequent as there is no off-street availability for residents. However, these spaces are not designated for residential use only, and no space can be guaranteed at any one time. To lessen the impact of the removal of parking to the residents/locals, the applicants have negotiated the provision of three car parking spaces within 'Claddaghs Car Park'. These spaces would mitigate the loss of all spaces along Milner Terrace. However, the distance between the spaces and the Terrace housing is approx. 150m. There is a likelihood that due to the distance from the dwellings the spaces will be underutilised, especially in inclement weather and if needing to load/unload cars. This may lead to on-street parking in unsafe or obstructing places.

Whilst the distance needed to walk between the spaces and the dwellings is considered too great as to be a useable solution, the distance would be reasonable for employment purposes and would represent a realistic walking distance from space to employment in other towns. A possible solution to ensure resident parking is maintained at a close proximity, and that all current proposed parking levels are maintained would be to designate the negotiated spaces for office staff use, and designate the off-street spaces to the front of the brewery office for residents.

Conclusion

Due to the material change in use of the site for both vehicles and pedestrians, increased access provision for vehicles and pedestrians, and the provision of a pedestrian crossing/table top speed calming measure in the proposed site, Highway Services request that a Road Safety Audit is completed and submitted with the application.

Highways Development Control request the following information to be submitted in order to complete the assessment of the application:

- Detail of the road and pavement levels to the front of the buildings and onto Milner Terrace, and how pedestrians transition from one to the other;
- Revised and additional drawings of the visibility splays achievable from the access onto Milner Terrace and the parking bays directly accessing Milner Terrace. All obstructions within the splays should be a maximum height of 1.05m;
- Clarification of the cycle parking arrangements for both long and short stay;
- Consideration of the parking arrangements designating the spaces fronting the brewery office for residents, and the Claddagh's parking for office staff; and
- Submission of a Road Safety Audit for the proposed development.

Recommendation: Request further information / revisions.

5.3 DoI Highways comments received 24/11/23 - comments as follows:

Highways Comments:

Previous Highways response dated 24/11/2023 requested a number of alterations and additional information to be provided for the application. All information requested and suggestions made by HDC have been provided or accepted by the application.

The amendments have been accompanied by a road safety audit, prepared by approved auditors. The audit produced a number of recommendations that were all accepted by the applicants. The recommendations and designers' alterations following the audit are appropriate to benefit the safety and movement throughout the application site, such as signing and lining proposals, and are acceptable to Highways.

Following the comments made by Highways, the proposal has been altered. Pedestrian mobility has further been improved within and onto the site. Ramped transitions and dropped kerb provision has been increased, providing continuous pedestrian movement throughout.

Visibility onto Milner Terrace has been improved. Any obstruction within the visibility splay for the main site exit has been lowered to a max. height of 1.05m. The dividing wall between the pedestrian entrance to the southwest of the site and the car parking fronting the brewery office is to be reduced to a max. height of 600mm for the first two metres from the pavement in order to achieve pedestrian visibility. Visibility to the left on exit may still be impeded for vehicles exiting the spaces on the brewery forecourt. However, it is accepted that this situation is not significantly worse than existing or that of adjacent accesses.

Clarification and increased provision of cycle parking has been provided in the amendments. There is now provision of twelve short stay visitor spaces split between two areas on the site, and three long stay staff spaces provided next to the brewery providing separation between the two types.

The applicant has accepted the proposal to designate the three spaces fronting the office for use of residents, mitigating the loss of parking, and use those gained at the Claddaghs car park for office staff use. A suitable parking management plan should be enforced to ensure each set of spaces are used appropriately.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal

subject to all vehicular access arrangements to accord to Drawing No. 4I. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent.

Recommendation: DNO

Code definition DNO - Do not oppose

5.4 The Ecosystem Policy Team can confirm that the Islands Biodiversity Consultants' Protected Species Ecological Assessment for the Commissioners' Yard, dated September 2023 is all in order. However, a suitable level of assessment has not yet been undertaken and so we currently object to this application.

The Ecosystem Policy Team do not object to the principle of development of this site, with the re-utilisation of the existing buildings. However, not enough survey information has yet been obtained in order to determine how the proposed works will impact upon protected species - nesting birds and roosting bats -and therefore the required mitigation, which could include the reconfiguration of the proposed layout, in order to ensure that there is no net loss for biodiversity on site.

The Islands Biodiversity Consultants' identified the following wildlife on site during a walkover assessment in September 2023:

At least 3 Swift nest sites on multiple elevations (Wildlife Act 1990 Schedule 1, and red listed on the UK Birds of Conservation Concern);

Multiple probable nest sites of House Sparrows on multiple elevations and on multiple buildings (Wildlife Act 1990 Schedule 1, red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

Multiple possible nest sites of Starlings on multiple elevations and on multiple buildings (Wildlife Act 1990 Schedule 1, red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

At least 2 swallow nest sites in the steel frame shed (Amber listed on the Isle of Man Birds of Conservation Concern);

At least 2 house martin nest sites on the house (Red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

An abundance of holes around the building which may be being used by roosting bats, and a bat dropping on top of a filing cabinet in the current workshop. - To note, we don't believe that an assessment of potential roost features was undertaken for the roof of building B (the house) and neither could the loft space be accessed, so contrary to the report we do not believe that the potential for brown long-eared bats can be ruled out.

However, the walk over assessment was undertaken too late in the year - after the nesting season, and outside of the emergence survey period for bats, and so exact numbers and locations of nesting/roosting sites could not be obtained.

Additionally, though the Islands Biodiversity Consultants recommend a number of avoidance and mitigation measures in their survey report, which included the retention of nesting holes around the buildings by leaving areas un-pointed, and the erection of nest bricks/boxes, none of their recommendations are included any of the drawings. E.g. The Proposed Elevations make reference to all of the buildings being re-pointed with lime mortar but make no reference to the retention of nesting holes, and none of the drawings show where nesting provision for swallows is going to be created. Therefore, we do not have confidence at the moment that appropriate avoidance and mitigation measures will be included on site.

In order to comply with Environment Policy 4 and 5 of the Isle of Man Strategic Plan and the Wildlife Act 1990, the Ecosystem Policy Team request that breeding bird surveys and bat emergence surveys across the site are undertaken by a suitably qualified ecological consultancy.

A report detailing the findings alongside appropriate avoidance and mitigation measures, to ensure that breeding birds and roosting bats are protected during and after development, should be submitted to Planning prior to determination of the application. Breeding bird surveys must be undertaken between May - July to take into account swifts.

Bird surveys are required to identify the species of bird utilising the property, where they are in the property, and their abundance and this will determine the mitigation required.

Bat emergence surveys must be undertaken between May - August.

Bat surveys are required to identify the species of bat utilising the property, where they are in the property, their abundance and whether they are breeding and this will determine the mitigation required. This should include an inspection of the loft space of Building B.

Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (4th Edition 2023).

The mitigation hierarchy of avoid/minimise >mitigate>compensate, should be applied, meaning that priority should be given to the retention and protection of existing nesting and roosting sites. As stated above, this may need to include a re-configuration of the proposed layout in order to avoid impacts.

There is guidance on the mitigation hierarchy in section 6 of the CIEEM Guidelines for Ecological Impact Assessments (2018), which states:

6.2 Negative impacts should always be avoided where possible, for example by deciding not to locate a project in a particular area or making a change to scheme layout to ensure no negative impacts.

6.5 Compensation describes measures taken to offset residual effects resulting in the loss of, or permanent damage to, ecological features despite mitigation..... Compensation should always be seen as a last resort, when all other mitigation options have been exhausted. Survey reports should be submitted prior to determination of this application, in line with best practise, which is referred to in Section 9.2.4 of the British Standard Biodiversity - Code of Best Practise for Planning and Development (BS 42020:2013). Which states:

The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as where original survey work will need to be repeated because the survey data might be out of date before commencement of development, etc.

All wild birds, their nests, eggs and young are protected and it is an offence to:

- o intentionally or recklessly kill, injure or take any wild bird
- o intentionally or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built

o intentionally or recklessly take or destroy the egg of any wild bird intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.
The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine up to £10,000.

Bats are listed on Schedule 5 of the Wildlife Act 1990; they are protected by law and it is an offence to:

- o intentionally or recklessly kill, injure or take a bat;
- o intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which bats use for shelter or protection;
- o intentionally or recklessly disturbs any bat while it is occupying a structure or place which it uses for that purpose.

The maximum penalty that can be imposed is a fine up to 10,000 pounds. The Ecosystem Policy Team also request that 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) is provided. Lighting should be low level, directional and avoided on any nest or roost sites, vegetation or bat flight lines. Any lighting on site must them be undertaken as per this approved plan. This should either be secured via a condition on approval, or alternatively the applicant may wish to submit this prior to determination of the application.

Once this additional information has been provided, the Ecosystem Policy Team should be re-consulted on the application in order to ensure that we are content with the level of assessment that has been undertaken and the mitigation that is proposed, and so we can request a number of conditions on approval.

Should Planning be minded to determine this application without the above requested information, the Ecosystem Policy Team should be re-consulted on the application in order to request a number of conditions on approval.

Further comments received from the Ecosystems Policy Team (15/3/24) are as follows:

"As requested, here are the Ecosystem Policy Team condition requests.

Ecological Survey

Prior to the commencement of development, including repointing, the following schedule of survey work shall be carried out and inform an Ecological Mitigation Plan required to be submitted by condition x. Such survey work shall include:

- Breeding bird surveys;
- Bat emergence surveys;

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecology consultancy.

Bat surveys are required to identify the species of bat utilising the property, their abundance and whether they are breeding and this will determine the mitigation required. Bird surveys are required to identify the species of birds utilising the property, their abundance and their nest entry point/s and this will determine the mitigation required.

Reason: To identify and safeguard legally protected species, and their places of shelter and protection, or nesting spaces.

Ecological Mitigation Plan

Prior to the commencement of development, including repointing, an ecological mitigation plan written by a suitably qualified ecological consultancy, informed by the surveys secured by condition x, shall be submitted to and approved in writing by DEFA Planning and the development then carried out in accordance with these details.

The ecological mitigation plan must contain measures for the avoidance and minimisation of impacts on wildlife, as well as compensations measures. Details should include the location of nesting and roosting sites that are to be retained and protected, the number, type, specification and location of new bat and bird bricks, hedging species, lighting requirements, work timings, Ecologist supervision as well as other measures required by the ecological surveys.

Thereafter, these features shall be permanently retained and maintained

Question - at the moment the proposed elevation drawings do not contain details of where nest sites are to be retained and where new bricks or other features are to be incorporated. Therefore, can we request a specific condition for updated proposed elevation drawings, incorporating avoidance and mitigation measures for wildlife, be provided prior to works, or can we integrate this request into the ecological mitigation plan?

Reason: For the protection of legally protected and high conservation concern species.

External lighting

No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) and recommendations within the Ecological Mitigation Plan required by Condition xxx has been submitted to Planning and approved in writing. All works must then be undertaken in full accordance with this plan;

Reason: To ensure that the development has an acceptable impact on the environment in respect of Bats which are a protected species.

We would prefer this because there may be lighting requirements identified during the surveys (e.g. lighting avoidance in certain areas) which may not be adequately picked up by a more general lighting plan.

We would just end by highlighting how important the surveys before repointing are, since the holes around the building is where the majority of the definitely nesting swifts and house sparrows were found. Repointing without mitigation in place will lead to a net loss for biodiversity because of how nest site faithful swifts are and because they do not take very well to boxes."

5.5 Manx Utilities Authority (MUA) comments (2/1/24) as follows:

"A public surface water crosses through the middle of the development site, (see plan below) entering from Eilerslie Gardens and exiting onto Milner Terrace. Whilst the development proposals will not directly interfere with the sewer, any alterations to the existing ground levels across the development may require existing public manhole covers to be altered or

reset. The applicant is advised to make contact with Manx Utilities to discuss its requirements prior to any work commencing."

A copy of their plan was provided with these comments.

5.6 Isle of Man Government - Department for Enterprise (25/1/24) comments as follows:

"This comment has been provided by Officers from within the Agency and as such, should be considered as Officer comment only and, therefore, not the view or official position of the Business Agency Board, or political members of the Department for Enterprise.

The following comments on the scheme proposals, are made in the light of the Isle of Man Economic Strategy: November 2022, which strengthens Government's economic drivers to 'develop a strong and diverse economy' by "investing in our people, in our economy, our island and our public services to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 island residents over the next fifteen years, with appropriate incentives / disincentives to achieve targeted and sustainable population growth".

Initiatives aimed at growing the Food and Drink Production Sector are entirely aligned with the specific objectives detailed in the Economic Strategy, which include creating "A more diverse economy, with growth in established and new sectors". Producing is cited as a key sector that the Government should seek to maintain or grow and is considered a sector that needs "Protecting, nurturing and developing". Genuine diversity, such as that which growing the Food and Drink Production Sector will provide, will also result in a more vibrant economy, attractive to a broad range of economically active individuals. As per the most recent (Sept 23) Quarterly Economic and Statistical Update, published by Statistics Isle of Man, the Food and Drink Manufacturing Sector employs over 1,400 people, evidencing that businesses operating within the sector can offer significant employment opportunities.

The Business Agency's Programme for 2024 specifically mentions an expanded food and drink Development Group that includes businesses whose primary focus is import substitution. These proposals, based around the brewing of beer on site, will form a vital part of the import substitution the Agency is looking to promote. In addition, the benefit of the associated Taproom and Eatery will provide much needed diversification of food and drink offering in Castletown, providing a further destination and helping to draw people into the town during the day time and providing an addition to the night time economy offer. This distinctive hospitality venue will complement the Island's visitor offering and contribute to attracting tourists to Castletown.

Given the strength and international reputation of the Bushey's brand, as well as the quality of their products, the new brewery will also provide the company with an export proposition. While import substitution will be an immediate focus area following the completion of the new development, the facility will also provide the potential for product export and therefore additional economic growth and diversification.

We note that the site is allocated for Industrial on Map 5 Castletown forming part of the Area Plan for the South, Approved by Tynwald on 20th February 2013 and came into operation on 1st March 2013.

Given the nature of the proposals, we have considered the scheme against the basis of Business Policy 5 of the Strategic Plan.

"On land zoned for industrial use, permission will only be given for industrial development or for storage and distribution; retailing will not be permitted except where either:

(a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or 83

(b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business; and,

in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

Having done so, we consider that the proposed re-development of the Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices would appear to accord with the premise of Business Policy 5 and corresponds with the industrial designation of the site.

We note the Planning Statement identifies that 'the proposed use will involve 14 staff (4 brewers, 2 office, 8 taproom) and up to 150 customers (36 ground floor, 54 first floor and 60 outside) many of whom will come to the site on foot given the sustainable and accessible nature and location of the site'. It is our understanding that these are new jobs to the industry.

The Business Agency considers that the proposals represent much needed investment in Castletown and with it the Island's economy which, would also play an important part in supporting the development of a strong and diverse economy which, would also play an important part in supporting the development of a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts on all residents of the Isle of Man.

I am grateful for this opportunity to offer the Business Agency's support for this scheme and trust you find these comments of use."

5.7 DEFA Environmental Protection (19/3/24) m- comments: "I have reviewed the application 23/01235/B and the development is advising they will connect to the Manx Utilities foul and surface water sewer so EPU do not have any concerns with it."

5.8 Planning policy Team (22/3/24) comments:

Planning Policy Comments

The relevant statutory development plan is the Area Plan for the South (2013). The site is inside the settlement boundary, surrounding by residential development to the east, south and west and allocated as 'Industrial'. The zoning served to reflect the uses on site at the time of Plan's approval and also to retain that area for employment land during the plan period. I would draw your attention however to paragraph 6.7.1 of the Plan as the site of the application relates to the '...premises on Alexandra Road' referred to in that paragraph.

"Industrial Uses within Existing Settlements

6.7.1 In addition to industrial uses occurring within the 'Mixed Use' areas, there are a number of small scale industrial sites such as that within Castletown for example at Qualtrough's Yard and premises on Alexandra Road (see Map 5). Any applications to develop/re-develop these sites will be dealt with through the normal development control process taking into account the particular developments being proposed, any site constraints (including flood risk), any mitigation measures and relevant Isle of Man Strategic Plan Policies and Area Plan Proposals."

While not a policy, paragraph 6.7.1 did set out how applications to redevelop the site should be considered.

In terms of the zoning of the site, it is 'industrial'. The plan does not distinguish on any industrial site in the plan area whether it is 'light' industrial, 'general' or 'special'. In hindsight I can see this could be confusing. The only specific references on the maps in respect of industrial sites are 'business park uses' for Strategic Reserve Site 2 and 'Freeport' north of the airport carpark.

Taking the zoning and paragraph 6.7.1 into account, the Policy view is that the spirit of the 'policy approach' was for decision makers, when considering development/redevelopment proposals to take into account: how compatible the proposed development is with the zoning, the current activities on the site, the impact of any 'loss' of employment land, the location of the site and implications for surrounding land uses and whether any proposed non-industrial uses can be justified. I see that the proposed tap room and office are part of the overall brewery proposal and associated with it.

If you require any further information on the plan's development or specific proposals, please let me know."

5.10 DEFA Environmental Health - Comments awaited at the Report Drafting stage. Any comments received will be reported at the Committee meeting.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.11 In an email dated 20/3/24, in response to a request for details of any flue extract equipment being provided to serve the new Brewery Building and the Eatery/Kitchen, the applicant advises as follows:

"With regard extraction from the proposals I note that the Brewery process plant has no extraction odour discharge. The process is described in 5.5.10 of the Planning Statement (see below):

Odour

5.5.10 With regards Odour Discharge Control in relation to the proposed brewing process, by installing a condensing flue, the evaporation discharged from the boiling coppers will pass through a condenser which will condense the vapour to into liquid which will then be discharged directly to the foul sewer thus removing the vapour odour from discharging to the atmosphere. This method of odour control is commonly used in new brewery facilities.

With regard the proposed Eatery kitchen extraction, the exact details of this will be determined when the kitchen appliance specification is determined and will be submitted as a separate application if necessary. However, it will be suitably specified to incorporate appropriate filters to negate odour discharge and be designed to be as discreet as possible and located on the south east end of the proposed taproom/eatery building. No noise will be emitted as the motor will be inline and located inside the building.

I have attached a revised drawing showing how such extraction cowl would appear, but note that exact details will be submitted for your approval when the kitchen appliances have been agreed. We would be happy to accept any such condition relating to this matter requesting further details be submitted for your approval prior to commencement of works."

5.12 The drawing referred to has been added to the application file and is available to view online.

THIRD PARTY REPRESENTATIONS.

5.8 At the Report drafting stage, representations had been received from 23 individuals, with one being from the 'Little Rascals Nursery'. 9 representations came from occupants of 4 addresses in Milner Terrace.

5.9 The representations made raise objection to the proposed development as follows:

8 Milner terrace, Castletown: "I strongly object to the plans for this."

Relationship to site: Immediately adjacent to the site

The Vicarage, Arbory Road, Castletown:

"Although I live only 5 minutes walk from the site, my concern is from the feedback from a number of people in the community, some who live opposite the site. They are extremely worried that the small road they live on will have increased traffic from commercial vehicles as well as patrons of the business. Parking may not be sufficient which could mean a loss of space outside their own homes and deliveries both too and from the site will see larger vehicles regularly parked around and creating a disturbance. They also suggested that the more successful the business is the more late night noise and activity there will be. Patrons leaving the drinking establishment are likely to cause a nuisance. Having been a licensee running a public house care should always be given to local residents but where there is a licensed premises that wasn't that before there should be serious concern for unavoidable late night disruption to the lives of those who have lived relatively peacefully for many years. I hope I can offer a voice for those residents."

Relationship to site: Close to the site

11 Paradise Field, Mill Street, Castletown:

"The entrance to my property is immediately the other side of the guinnal/lane. I am going to assume that the planning submissions and analysis will be determined having due regard to the resident wildlife, road usage onto Milner Terrace and any parking requirements. I want to support the application as I see it being in the interests of Castletown as a community to reinstate a brewery in the town with its supporting bar restaurant facilities. I think the town has made great strides over the last few years enhancing it as a place to want to live and work and I feel this project will just add to that progress."

Relationship to site: Immediately adjacent to the site

10 Farrant Park, Castletown (Owner of 8 Paradise Court, Castletown) - précised comments.

The use of the site is currently as a low use facility.

The proposed staff parking takes away green space and reduces on street parking availability. Parking will be pushed to Hope Street and Mill Street where there are already issues. This will be compounded by existing traffic going to and from Qualtrough's Builders Merchants.

Air pollution from on-site brewing use from fumes and exhaust gases;

Large quantities of water will be released into the sewer systems or water courses and may not have been cleaned.

The hospitality facilities are massive features for Castletown and there may not be the demand for them.

Noise and disturbance from delivery wagons, workers and customers cars plus music on site to entertain people.

Staff will not cycle to work, or use the bus but drive there.

The location is in a residential area and should not be used for industrial purposes. Whilst the site is the Commissioners Yard and is next to a Petrol Station and garage, this is solely accessed from Alexander Road and does not affect the streets around the gasworks site. The Commissioners Yard usage is very low key. Siting a brewery here will significantly change the aspects of residential living and cause parking issues and noise pollution. Adding Bushey's Brewery and associated facilities to the traffic already caused by Qualtrough's Builders Yard would cause much disruption to the area and make parking a nightmare.

Relationship to site: Close to the site

25 Hope Street, Castletown:

I live nearby on Hope St. The application suggests space for over 175 seated customers but less than 20 car parking spaces. Parking in the area is already at a premium and this number of potential visiting vehicles is unsustainable. The proposal will reduce residents parking on Milner Terrace in favour of Brewery staff parking. Milner Terrace is too narrow for vehicles exiting the site. The corner of Mill St, Hope St & Milner Terrace is already hazardous, any number of new visitors will make this much worse. Most visitors would probably exit from Milner Terrace onto the bypass, which is a junction with limited visibility. Others, going south will find Mill St. & Hope St. to be narrow and congested, a further hazard to traffic, cyclists and pedestrians. Potential noise pollution and nuisance is most likely to the residents of Milner Terrace and Paradise Field but may well spill over into the neighbouring environs. I have no objection to the brewery moving to this site but the hospitality side of the Brewery Tap is excessive and impractical.

Relationship to site: Close to the site.

9 Milner Terrace, Castletown:

"As residents of Milner Terrace which is situated directly opposite the site of the proposed brewery and tap room as cited in the above planning application, my husband and I are opposed to the application on a number of bases.

1. Noise levels from patrons of the tap room. Although it is stated in the application that signage will be installed around the site asking patrons to be mindful of the adjacent residential area, in practice this is likely to be ignored once people have consumed alcohol. This will negatively impact the residents of what is a usually quiet street.

2. Loss of open space. As residents we use the garden area opposite our terrace for BBQs and other opportunities to socialise with our neighbours especially in the summer months. This area of land is designated for use by the residents of Milner Terrace and we will lose the use of this. At no point were we consulted on this point.

3. Light pollution from the site. We are already negatively affected by the lights from the car wash at S&S Motors at night. This does not mean we are content to be blighted by yet further light pollution originating from the brewery and tap room in the evenings.

4. As both the site and Milner Terrace abuts a flood plain, the garden area opposite affords us some protection from flooding. This will be curtailed if removed and could significantly affect our property values as a result, not to mention making property insurance more difficult and expensive.

5. Waste water from the brewery could potentially cause flooding in the Mill Race on account of the badly maintained water systems over recent years. Waste water could also have a negative affect on the river environment, ecosystems and habitats. Whilst the site is zoned for industrial use no consideration has been given to the large residential area which now surrounds it and residents are being railroaded by the personality behind the applicant.

Relationship to site: Immediately adjacent to the site

3 Milner Terrace Castletown

Currently there is a significant amount of traffic already using Milner Terrace which causes daily congestion with HGV and commercial vehicles coming from Qualtrough & Co Ltd. We feel that the proposed development would further add to an already congested area with customer traffic and goods traffic associated with the brewery.

The location of the exit is a concern, leaving the premises would require turning directly adjacent from the front of the house sharply. This is concerning as it significantly increases the risk of a vehicle inadvertently mounting the pavement or contacting the front wall of our property. The widening of the street is insufficient to resolve these concerns as the road currently functions as a single-track road at any given time. The proposed visibility sightline does not consider the blind corner from Mill Court, or cover the current on-road parking on the Alexandra Road side of Milner Terrace. The proposal looks to add 3 parking bays reserved for Brewery Office parking as well as a Forecourt. This will negatively affect the already lacking, on-road parking by straining on the existing on-road parking. The development of a brewery would impact the local environment by producing significant smell during operation, this is impactful as currently there is no noticeable source of odour in the area. The taproom and Brewery would generate significant amounts of noise during hours of operation, which for the taproom would be in the evening when we are in the property. We feel this would be detrimental. The outdoor seating area increases the chance of customers and staff having a direct line of sight into our property via the front windows, this impacts our privacy in the living room and main bedroom. Additionally, our front door would also be in direct line of sight as we exit directly onto the pavement adjacent to the proposed site. We feel that this is a significant reduction in our privacy."

Relationship to site: Immediately adjacent to the site.

3 Milner Terrace Castletown

Reviewing the amended documentation, I do not believe that my previous concerns were addressed regarding loss of privacy for main living areas directly adjacent to the site, or the affect on the local environment with increased noise, light and smells produced by the proposal. The proposed location would significantly increase the noise of the local area and produce unpleasant smells resulting from the brewing process. This is a primarily residential area, and the proposed development would negatively impact the local environment with usual operations as well as the increase footfall in the area. The location of the outdoor taproom and soft play area will significantly reduce the privacy of the residents as many of the properties directly look out onto this area of the development, the privacy concerns have not been addressed in the amendment or the original proposal. The road audit was taken at a

particularly quiet time due to the weather and the time of year. Additional measurements should be taken a peak time which are beginning and end of workday as well as during warmer months. The road safety audit doesn't account for the additional traffic present on Milner Tce caused by the proposed development which is already precarious on the junction of Mill Ct, Mill St and Milner Tce, this is a blind corner from all angles and adding more traffic to this area is likely to be detrimental. I don't feel that the proposal adequately addresses this concern with the posed additional signage. The egress is a concern, as it would require turning directly adjacent from the front of the house sharply. This significantly increases the risk of a vehicle inadvertently mounting the pavement or contacting the front wall of the adjacent properties. The widening of the street is insufficient. The road currently functions as a single-track road at any given time and the increased traffic on the road will only worsen this problem.

Relationship to site: Immediately adjacent to the site

S&S Motors limited, Garage, Alexandra Road, Castletown

We, S&S Motors limited, would like to submit our views to planning application 23/01235/B for the redevelopment of the Commissioners yard.

We have been an established family run business in its current site for nearly 40 years.

As an adjoining site we would like to express our concerns. Our main concern would be parking. It is anticipated that the proposed use will employ 14 staff members and up to 150 customers.

There are only 7 spaces allocated on the plan for staff members, which will accommodate only half their employees. Will the company have vehicles left on site for delivery proposed etc? Will these take away from the allocated staff spaces, potentially reducing the number of available staff spaces further?

In the planning statement it states that the strategic plan parking standards would require 8 spaces for the brewery and two for the office. That is 10 spaces, does that mean there are only 15 spaces for customers?

There are 18 customer parking spaces on the plan. I understand that it is anticipated 'a large number of patrons and staff alike will access the site via modes other than cars'. With 150 covers, the site is only showing parking for 1/8th of their customers (if in individual cars). Have any surveys etc been carried out to support the number of customers expected to walk, or use public transport?

Parking is already difficult in the area surrounding this site. Has this been surveyed? Where are the customers who can't park on the proposed site going to park? Has alternative parking been considered? Our worry is that they will park on our already busy site. We will have to constantly police who is parking in our spaces, taking up valuable time and resources. Obviously if the Brewery's customers park in our spaces our customers will have no place to park, and this will have a negative impact on our business and we will lose footfall and therefore revenue. As our site will be quieter in the evening, we also worry about the Brewery customer's parking on our site and then leaving their cars overnight, to be collected the next day. This again will have a huge impact on our trading the following morning. We understand that there is potential for this to happen at any time but opening a venue which hopes to have 164 people at any one time with only 25 parking spaces is going to create parking issues on our site and in the surrounding area. Especially as there is very little alternative parking nearby.

We also have concerns about an increase in crime and nuisance on our site. With a bar being located directly behind our building.

The proposal is being submitted stating it will have a 'positive impact on the economy of Castletown'. Has a socio-economic study been carried out to show this? What is this statement based on?

The proposal concludes that 'the development will not result in any nuisance to nearby properties through noise or smell'. Where is the evidence to show this? The planning statement only explains how they plan to reduce noise and smell.

Lastly we would like to highlight the proposed entrance. The transport statement submitted states 'The site will be accessed by vehicles via the existing simple priority T-junction with Alexandra Road on the site's northern boundary'. Is the proposed existing entrance classed as a priority T-junction with Alexandra road? The proposed entrance is directly next to S&S Motors exit, has consideration been made as to how this will work at busy times, with cars going in one entrance and out another, cars queuing on the road and taking the traffic lights at the end of the road into consideration. If the increased traffic causes queuing on the roads or causes our customers to have issues gaining access to or from our forecourt, this could negatively affect our business.

Have sufficient studies been carried out on this area by highways? The transport statement submitted states -

If the proposed access arrangements and internal roads are designed with due consideration to road safety, with appropriate highway design features incorporated into the detailed design, then the proposals should not have a detrimental road safety impact on the local highway network and should not adversely affect the safety of other road users.

Relationship to site: Immediately adjacent to the site

13 Milner Terrace, Castletown

Comment' I am a resident of Milner terrace who will be considerably impacted by the proposed development. My main concern is the loss of valuable roadside parking, which will negatively impact our quality of life. It's already very difficult to park nearby, adding undue stress to daily life. The current plans suggest all traffic will exit the site via Milner Terrace, massively increasing congestion on an already busy, narrow, residential street. This could be addressed by having no egress at all into Milner Terrace. Access for transit vans to the Brewery could be through roller doors on the side of the proposed building, as is the current layout of the site, rather than have them drive straight at the houses on Milner Terrace. I'm also forced to question whether the impact on increased traffic at the junction between Milner Terrace and the bypass has been considered. At busy times it's impossible to pass through the junction, with traffic backing up down the full length of the terrace, and down the bypass to the roundabout and beyond.

I'm not completely against the development in theory, and I appreciate the fact that attempts have been made to assuage the parking situation, however no reasonable solution has been suggested. The removal of the three roadside spaces may seem trivial, however it will have a huge negative impact. As the site is zoned for industrial use, it seems perhaps suited to the Brewery side of the development, but not the taproom / restaurant side, especially given that the onsite parking provision appears to be inadequate for proposed brewery staff let alone for the staff required to operate the taproom and restaurant, this is without mentioning guest

parking. Should this go ahead I would suggest that all surrounding areas be changed to residential parking only with a permit system in place to prevent staff and guests utilising the free roadside parking. The residents of Milner Terrace already face an unpleasant time with the HGVs from Qualtrough's yard using the narrow road, frequently mounting the pavements. Additional traffic would only add to these issues, and put further strain on the lay-by parking on Victoria road. I realise that the site is zoned for industrial use, which is one of the reasons I'm not completely opposed to the idea, however the current plans, and the current scale of the intended operation seems to already outstrip the possibilities for the site. In addition to the above I also echo the concerns of other petitioners regarding the impact on wildlife, particularly nesting starlings, other birds, and protected bat species.

Relationship to site: Immediately adjacent to the site

16 Hope Street, Castletown - précised comments.

Objects strongly to the development. The use of the site, which is allocated for industrial uses, as a Tap Room and Eatery is not appropriate.

There would be increased traffic along Hope Street and Milner Terrace where there is considerable competition for residents in nearby Mill Street and Malew Street as well as from visitors to the Town. Hope Street is already used as a short cut for cars between Castle Street/Bank Street and the bypass.

The addition of licensed premises will increase the likelihood of noise and disturbance for dwellings in the immediate vicinity of the premises and for residents further away. Music from the Secret Pizza restaurant is already an issue. A new licensed premises would additionally increase the likelihood of anti-social behaviour along Hope Street, Milner Terrace and Mill Street.

A new food and beverage operation in this town is unnecessary, on a site bordered on three sides by dwellings is unnecessary. There are already six pubs most of which also offer food in the town.

Relationship to site: Close to the site

6 Milner Terrace, Castletown

Couple of years ago me and my family moved into Milner Terrace in Castletown its beautiful terrace house in nice quiet area. Even the house is small we love it. In front of the house lovely little area with few benches, witch residence can use for BBQ and relax specially during the summer residence can sit outside. Because most of these houses have no backyard or front yard. Just the building. And also children from the nursery used this area to play .this garden area belongs to Castletown community, I have seen teachers are taking these nursery children for a walk sometimes, this road has less traffic and safer. We parked our car opposite the house across the road. Parking spaces are not sufficient but we manage, people are generally happy.

Sorry to say that it's all about to change now, there is a plan for new brewery. Three car parking spaces have been taken and garden area has been taken to brewery. Increased traffic congestion. Noise, disturbance and bad odour not good condition for decent living. This could lead to stress, unhappy etc.

So this is how it is going affect me my family Neighbours and many more people. There for I wish to object strongly to this project. Hopefully government authorities will take all these points to account and take a right decision!

We are not against new projects. New project will bring employment opportunities and development of the city. This will be best in Castletown square. Close to the bus station car park etc.

Relationship to site: Immediately adjacent to the site.

3 Athol Terrace, Castletown

Parking is already a problem with issues for residents with not enough on street parking to support existing households. There is not enough dedicated parking for this application.

Relationship to site: Close to the site

5 Milner Terrace, Castletown

I would like to respond to the Road Safety Audit Stage 1 for planning application 23/01235B Castletown Commissioners Work Yard.

1.1.10 - the site visit took place at a quieter part of the day.

1.3.2 - parking on site is limited & inadequate for the proposed development - off site is for 3 employee spaces - this will impact already difficult parking near the site & further afield.

3.13 - problem 3 -Alexandra Road is a route to the local primary school - having increased vehicular activity at this point would increase the risk of an accident .

3.14 - problem 4 - with this being gas related I would imagine that 24/7 access would be required so losing 3 parking spaces - the temporary coning measure for pre-planned visits will impact the already inadequate parking.

In addition to the above due to the increased level of traffic using Milner Terrace which operates in a one way direction either way at any given time, there is the increased likelihood of vehicles mounting the kerb to squeeze past each other. This does already happen on occasion which is very dangerous & given that all residents' front doors are directly onto said pavement.

There is also issues with being able to open windows when there is standing traffic waiting to exit on to Alexandra Road causing car fumes & engine noise.

Relationship to site: Immediately adjacent to the site

11 Milner Terrace, Castletown

We object to the above Planning Application for the following reasons:

The proposed development of Bushy's in the Commissioner's Yard, is surrounded on 3 sides by the Conservation Area, which is residential property i.e. Milner Terrace, Mill Street, Hope Street, Ellerslie Gardens. There are basic issues with the junction of the above named roads.

No-one has considered the extra traffic being added to existing traffic. We live on Milner Terrace and know how many wagons and vans, not forgetting cars, go up and down every day to/from Qualtrough's Timber Yard and other local businesses and residences. The extra traffic in the evenings if this goes ahead will lead to more risk of an accident coming from the Hope Street area (it is a blind spot with traffic coming down Milner Terrace not far from the proposed exit of the Brewery site). People in Milner Terrace will have lost 3 car parking spaces plus an area which was allocated for people to go and sit in and which in recent years was being used by the future generation of children at the Nursery (yes, there was nothing in writing about this land, but it's a shoddy way to treat ratepayers without even coming to see them to discuss the plans). Agreed, we have been allocated 3 car park spaces on the harbour, but have yet to get this in writing, which we should.

Other points that we wish to raise are:

1. What concerns us and other residents, is the amount of asbestos which has been there, in the Redacted building earmarked for demolition, for such a long time. What measures are going to be taken to ensure the safety of residents and the attached nursery?
2. The noise from the Taproom and Restaurant, late in the evening, 7 days a week, in an otherwise very quiet area
3. The volume of cars leaving the area, with headlights glaring into people's homes, banging of car doors etc.
4. Bushy's are relocating the Brewery from where they are now, but have no pub or restaurant currently. Now they are adding extras; that is surely not relocating, it is starting afresh. The Commissioner's Yard is zoned as 'light industrial'. What about a restaurant/taproom is industrial?
5. Not so long ago, Tesco was refused an alcohol license due to the number of licences in Castletown. Currently there are about 11 on/off licences in the Town. Is there a need for any more, particularly with the upcoming opening of the Wine Bar (owned by the same people as Bushy's)? The current license-holding businesses will already be struggling with the cost of living crisis; and will be put under more pressure with the addition of more competition.

We strongly object to this planning application and wish to register as an Interested Party, due to how near the proposed site is to my home.

Relationship to site: Immediately adjacent to the site.

4 Milner Terrace, Castletown - received 6/11/23.

Further to the above Planning Application, as residents of Number 4 Milner Terrace, we would like to object for the following reasons:

Environmental Policy 22 includes a provision whereby development would not be permitted where it would unacceptably harm the environment/or the amenity of nearby properties in terms of vibration, odour, noise or light pollution. This development, with its proposed Brewery, Restaurant and Tap Room will likely prove to have all of the above; vibration from machinery, odour from the Restaurant, noise from increased vehicular and pedestrian traffic (in addition to the general operation of the businesses) and light pollution. As one of us works from home we can attest that, currently, with the exception of traffic (which mostly is related to Qualtrough's), the loudest sound that can be heard in the daytime is the laughter of the

children playing on the grassed area across the road (which would be lost if this proposal goes ahead). At night there is at present very little noise at all.

The Applicant's Planning Statement refers to the Site as a 'small scale industrial site' (as per the Strategic Plan). We would question whether the proposed development is suited to such a site, due both to the intended scale and usage. To our knowledge, the planned Restaurant and Tap Room would be the largest of its type in the Castletown area, on a site surrounded by residential property. 150 covers is not small scale and with one of us having a degree in Hospitality Management, we would question whether this is the right place to put such an operation. It is not near enough to town to generate trade for other businesses and would become a destination in and of itself whilst simultaneously causing difficulties for neighbouring residents and other local businesses. Furthermore, hospitality does not fit under the auspices of 'Industrial' and therefore only the Brewery would be correctly zoned within the site. Referring to Business Policy 5 of the Strategic Plan, the proposed development does not meet the criteria for expansion into retail as a) the items for sale can be sold in a town centre location and b) although produced onsite, the beer can be and indeed is, sold across the Island currently. The Restaurant will not be producing food from the site and therefore is entirely outwith the scope of the zoning allocated in the Strategic Plan.

In terms of General Policy 2 of the Strategic Plan, referenced in the Applicant's Planning Statement, we are of the opinion that the proposed development fails to meet the following provisions: b), c), g), h), i), m) & n). We can go into more detail on this in further correspondence, should this be necessary.

The current traffic flow on Milner Terrace would not appear to have been adequately addressed by the Applicant's Traffic report. Any increase in traffic will have a considerable impact on an already overcrowded street. Daily large truck deliveries to and from Qualtrough's Timber Yard, along with customers to/from the facility, with other local business traffic and residents parking, already causes issues. In the past there have been incidents where trucks have damaged vehicles (our own included) and scaffolding has Redacted been hit. Adding more traffic to this mix will only exacerbate the problem. The road surface itself is damaged, as is the pavement (from trucks mounting the curb during passing manoeuvres). As referred to above, the Strategic Plan states that any development would need to have safe and convenient access, parking and manoeuvring space and not have an unacceptable effect on road safety or traffic flows. The proposed Brewery development could be strongly contested on this basis.

The proposal states that 25 parking spaces are to be provided, of which 7 are for staff. Having reviewed the Site drawings, there appear to be only 19 car parking spaces, 12 of which are for patrons. This is clearly insufficient for a 150 cover venue.

We feel it is important to state that there will be 3 car parking spaces removed from Milner Terrace, not 2 as stated in the Applicant's Planning Statement. The proposed exit points for the Brewery vans and general traffic are both directly in front of our house and will produce disturbance during the hours of darkness due to headlights shining into our home. As such we would be grateful to be allocated Interested Party Status.

Having reviewed the plans, there do not appear to be any environmentally friendly heating or energy solutions planned (such as solar panels or heat pumps). Given the climate crisis there surely should be?

Finally, the Application supporting documents make the point that historically, brewing took place in settlement areas. It no longer does, due to improved water supply to non-residential

areas and better transport links. We believe it would be a retrograde step to put a Brewery so close to a residential area again. Thank you for your time in considering our comments.

Relationship to site: Immediately adjacent to the site

4 Milner Terrace, Castletown - received 25/11/23.

Further to the above application, I would like to take the opportunity to answer the Agent's Response of 21 November as follows:

1. Parking/Loss of spaces

As can be seen from the attached photographs, 3 vehicles currently park in the spaces that will be removed by the proposed development. Reference to the Highway Standards/Manual for Manx Roads may be applicable for marked parking bays, but not on street parking in a town where it is at a premium. Quite often the vehicles that park in these spaces drive into them and therefore do not need to parallel park. Also, please be assured that residents of Milner Terrace are aware that the spaces are not solely for their use, but as they are on the road where they live, they are an important facility for them. I would reiterate that on a count of parking spaces on the plans submitted, there are only 19 car parking spaces visible (of which 7 are for staff).

2. Increase in traffic movements/damage to roads

The site is designated as light industrial currently and itself produces only minimal traffic during the day. No traffic is generated during the evenings. The proposals made by the Applicant change this significantly. I would also point out that the Planning and Transport Statement only makes reference to the traffic generated by the proposed site not the addition of this traffic to the already heavy (both in volume and weight) traffic that already use Milner Terrace due to the proximity of Qualtrough's Timber Yard. It should be remembered that Milner Terrace is the only route that Qualtrough's use for all their goods in/out and customer traffic.

3. Increase in noise

I would contend that it is not only the residents of Ellerslie Gardens that will be impacted by the noise from the Brewery, Restaurant and Tap Room. All traffic will be exiting the site onto Milner Terrace and will have a direct impact upon residents there. None of the proposed mitigations would appear to satisfactorily address the potential noise or light pollution. The petrol station/garage to the North of the Site does not have a deleterious effect upon myself and my husband as nearby residents, in fact the noise is barely noticeable.

4. Bad Smells

The smells from the Brewery section of the proposed site is not the only concern for residents. The Restaurant will also produce odours.

5. Asbestos Noted.

6. Alcohol Sales

The Garage's alcohol off-license is not comparable with a Restaurant/Tap Room on license.

7. Drainage System

This is still of concern to residents given that drainage in the area has not been good.

8. Grass area/use of green space

The landscaped open area on the Proposed Site plan is neither in size, nor type, a replacement for the green space that the development would take away. The current grassed area is the only one of its type in the locality. The proposed landscaped area is located on the corner of the site, immediately adjacent to the road, with no visible fencing to separate from traffic and is split by the main pedestrian footpath to/from the site. It is therefore of limited use to local residents and of no practical use at all to the Nursery children who are the main users of the current green space.

9. Increased number of alcohol licences

It is indeed the case that some licensed premises have closed down in Castletown over recent years but that would indicate against the presumed viability of the proposed venue, rather than support it.

10. Green Energy

I would have expected that this would have been addressed at the outset, but the Agent's Response would appear to indicate only that it may be considered at some stage in the future, which is disappointing.

11. Site Zoning

The Town Clerk's petition to the DoI was rejected on the basis that the 'Department has considered the petition and concluded that it has been presented prematurely and therefore hasn't approved the petition.' (quotation from an email to me from the DoI). This being the case it would not be advisable to rely upon it. To answer the points made however, there is currently a surplus of job vacancies on the Island and the proposed Site is sufficiently far from Castletown Centre for any anticipated increased footfall to be very low.

12. Biodiversity

I would echo the concerns raised by other correspondents, in particular the Consultation from DEFA's Ecosystem Policy Officer.

Relationship to site: Immediately adjacent to the site

4 Milner Terrace, Castletown - received 12/2/24.

Further to the additional information published on this application, we would like to comment as follows:

The Road Safety Audit addresses a number of 'problems' but does not, in our view, address the major issue, which is the volume and flow of traffic onto Milner Terrace. As things currently stand, when a vehicle enters the Alexandra Road end of Milner Terrace and another vehicle is coming up from the Mill Street end, one of them has to reverse and wait for the other to pass before they can continue. Add into this further traffic from the middle of Milner Terrace (the proposed exit for the Brewery and Tap Room/Eatery) and there are a number of reasonably foreseeable possible issues, none of which have been addressed.

We would also like to respond to the Department of Enterprise's Consultation of 25 January, in particular their interpretation of Business Policy 5 of the Strategic Plan, where they would appear to have taken a view that the proposal would be 'in accord with Business Policy 5 and the (sic) corresponds with the Industrial designation of the site.' We believe that this requires clarification, as on one hand they state that the proposals correspond with 'Industrial designation' whilst on the other hand they support the proposal which includes Retail on the Site.

The proposals, in our view, do not meet the criteria in Business Policy 5 for retail to be allowed on the site as:

1. The items can be sold from a town centre location (as they are currently)
2. Not all of the items to be sold onsite will be produced there
3. Those items that are to be produced onsite can reasonably be severed from the overall business (as they are currently)
4. There has been no demonstration that the retail sales will not detract from the vitality/viability of the Town Centre. It could reasonably be argued that the sales of beer/merchandise from the Brewery/Tap Room would indeed detract from Castletown Centre as people wishing to purchase such goods would go straight to the Site and then home again without visiting the Town Centre at all.

Relationship to site: Immediately adjacent to the site

Little Rascals Nursery, Alexandra Road, Castletown

I am writing to express our profound concerns regarding planning application 23/01235/B, which pertains to the proposed redevelopment of the Commissioners Yard in Castletown. We are the proprietors of Little Rascals Nursery, an establishment situated adjacent to the work yard in Castletown, and we have served the local community for 19 years. Throughout our history, we have provided invaluable support to numerous local families. However, we harbour significant apprehensions concerning the outlined development plans for the site.

Our first and foremost concern revolves around the anticipated increase in traffic that this redevelopment could bring to Mill Road and Milner Terrace. At present, these roads already witness a considerable volume of traffic due to the presence of Qualtrough's timber yard. According to the proposed plans, an additional 100 customers per day, not accounting for deliveries associated with the proposed site, would further strain the road network. Milner Terrace, in its current state, lacks the necessary infrastructure to support such a substantial increase in traffic. This raises concerns about road safety and the convenience of both businesses and residents in the area.

Additionally, we are deeply concerned about the potential damage that this development could inflict upon the reputation of our well-established and thriving nursery. The proposed addition of a 100-person "tap room" serving alcohol in close proximity to a children's nursery raises significant worries. The presence of an alcohol serving establishment in such close proximity to our facility could harm our business's reputation and the safety of the children under our care, particularly if it leads to intoxicated individuals in the vicinity.

Noise pollution is another aspect of the proposed development that concerns us. Breweries often involve noisy operations, especially during production and delivery phases, which could disrupt the peaceful environment necessary for a nursery setting. Odours and emissions resulting from the brewing process may also affect air quality in the vicinity, posing potential health risks to our staff and the children.

Furthermore, we have observed a disparity in the support provided by the Castletown Commissioners. It appears that they predominantly favour alcohol-based businesses in the town, while businesses like ours, which have been an integral part of the community for many years, receive limited support. This inequality is a matter of concern to us.

Lastly, we would like to mention our attempts to acquire the public grassland outside the nursery over the past eight years. Despite our interest in purchasing the land on Milner

Terrace, we have been repeatedly discouraged by the commissioners, who expressed a lack of interest in our proposal.

The commissioners have stated their intention to bring footfall into the town. However, we fail to see how a brewery, situated outside the town centre, would contribute to this goal. Instead, it may have the opposite effect, potentially reducing footfall in the area.

In light of these concerns, we urge the planning authorities to carefully consider the potential consequences of the proposed development on road safety, our nursery's reputation, air quality, and the well-being of our children and staff. We hope for a fair and comprehensive evaluation of our objections to planning application 23/01235/B.

Relationship to site: Immediately adjacent to the site

5 Milner Terrace, Castletown

I write regarding the recent planning application 23/01235/B

Due to the proposed development of the commissioner's yard & workshop into a brewery/tap room/eatery & offices that this would have a detrimental impact on me being a resident homeowner on Milner Terrace.

The reasons are as follows:-

The brewery vehicles are intending to drive out directly towards my property which means creating an opening for vehicles onto Milner Terrace which in turn means traffic noise & headlights glaring into my home. Milner Terrace is a narrow side road in a conservation area.

In addition to this there will be a loss of 3 vital parking spaces which are very much needed & are crucial in being able to park near home especially for those less able bodied, when unloading shopping & reducing the risk of criminal damage to vehicles when not parked in view of home which has happened to a previous vehicle I owned when it was parked near the harbour.

There would be the loss of the much used enclosed green space which is in front of the proposed brewery & is currently used by the nursery & residents.

The building which currently stands on the site of the proposed brewery is somewhat lower than the building which is to replace it & will have a big change on the current vista.

I do not wish to smell food/beer brewing or any associated noise from these operations.

There is also the concern of how the current drainage system will cope. There would be an increase of vehicles/noise/customers & staff coming & going throughout the day & night.

There would also be customers & staff being dropped off/picked up by taxis/family/friends at the footpath entrance on Milner Terrace which is on a blind corner.

Milner Terrace is a quiet residential area with general daytime noise & movement however, from late afternoon, evening & weekends there is little to no noise, traffic or pedestrians so is extremely quiet.

I feel that if this development is approved that it will have a serious detrimental effect on my current living conditions.

A brewery/tap room/restaurant/offices would be an unwarranted development on this site as the surrounding area is predominantly residential.

Any such benefits would be very much outweighed by the negative aspects of the proposal due to increased activity in an otherwise quiet location, introduction of noise/light/activity/vehicles all becoming very intrusive.

I would like to be considered for interested person status.

Relationship to site: Immediately adjacent to the site

5 Paradise Court, Castletown

I strongly object to the proposed redevelopment for the following reasons,

1. Milner terrace access point is a narrow road with limited parking for residents.
 2. The redevelopment does not appear to have enough parking spaces for the proposed use, tap room eatery etc.
 3. Overflow parking will probably spill onto Mill Street and Hope Street giving restricted access for emergency services should it be required.
 4. Residents in the area will be disturbed in the late evening by increased movements of customers and vehicles.
 5. Increase in illegal parking on residents property in area.
 6. Increase in damage to roads and pavements in the area due to increase in traffic.
- Relationship to site: Immediately adjacent to the site.

Relationship to site: Close to the site.

10 Athol Terrace, Castletown

I write in relation to the proposed development 23/01235/B (Castletown Commissioner's Work Yard) and the "Swift-Bat Report" from Island Biodiversity Consultants. This appears to pose 3 challenges for those responsible for the construction and operation of the project.

The eminent consultants suggest that the first challenge would be for those seeking to seal open stonework where swifts, sparrows, and possibly bats and starlings may nest. There is some evidence that much of the existing open stonework has been used by nesting pairs in recent times.

The second challenge is likely to arise during the construction phase, and it has been suggested that further surveys may be necessary as the original report was done outside of the breeding season(s). Confirmation will be needed of where the birds are nesting, plus their entry and exit points. Decisions will also need to be made both during and after construction as to the provision of swift bricks etc. It has been strongly suggested by Elizabeth Charter and Tim Earl that construction work should not be undertaken during breeding season(s).

The third challenge will occur during the operation of the businesses, particularly the Restaurant/Tap Room. These however, may be greatly reduced once the behaviour and breeding habits of the resident birds has been established. It is essential that some form of external monitoring is set up at the earliest opportunity. Initially this would be to ensure that

there are opportunities for secure nesting and that no nesting pairs are disturbed, and that there should be seasonal monitoring thereafter.

Difficulties will obviously arise during construction, due to the narrow margins of opportunity when birds and bats are not nesting, these will be greatly reduced by the provision of extra nest sites - in swift bricks, nest cups for swallows and house martins, and maternity roost boxes for pipistrelle bats, and the report offers excellent professional advice when recommending 'it may be possible to achieve some biodiversity gain, providing they are used, which of course is not guaranteed. Use of expert ecological advice on siting boxes and bricks maximises the likelihood of them being used.'

It is essential to bear in mind that this site is home to at least 6% of the Island's threatened swift population. Can transparent, expert, external monitoring be achieved during this project?

Relationship to site: Close to the site.

6.00 ASSESSMENT

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

- (i) Description of the proposed development
- (ii) Principle of Development (Policies STP2, STP3, STP4, STP8 and Business Policy 5;)
- (iii) Design and Visual Impact and Impact on the character of the adjoining Conservation Area (Policies GP2 b, c; EP36)
- (iv) Impact on residential Neighbours amenities (GP2g and ENV22iii)
- (v) Highway Matters - Access, Traffic Generation, Parking Provision, Pedestrian and Highway Safety (Policies TP4 and TP7)
- (vi) Impact on Ecology and Protected Species (Policies STP4b, EP4b, GP2d;
- (vii) Other matters - Environmental Impact Assessment (EIA)

(i) The Proposed Development

6.2 The site comprises previously developed land in the form of the Castletown Commissioners Depot and Yard, containing workshop and maintenance buildings, a dwelling; and, a polytunnel with adjoining nursery beds. It adjoins a Children's Nursery housed in one of the former depot buildings (previously a motorcycle showroom); the S and S Motors showroom, garage repair workshop, and petrol filling station (PFS). It is also bounded on 3 sides by dwellings located directly opposite it in Milner Terrace to the east; Paradise Court to the south; and, Ellerslie Gardens and Northcroft Apartments to the west. The main vehicular access serving the site is derived from the A5 Alexandra Road between the garage/PFS and Northcroft Apartments. A secondary vehicular access serves the site from the junction of Milner Terrace with Mill Court, and Paradise Court.

6.3 The proposed development involves the relocation of Bushy's Brewery which is presently accommodated in buildings to the rear of The Forge restaurant in Braddan, (which are outdated) to provide a new brewery building with associated hospitality facilities including a Tap room, Eatery and Offices. The new brewery building would be erected on the site of the existing portal framed structure and portacabin on the site. It would be 27.6m long x 13.5m wide x 5.1m high to the eaves and 6.6m to the ridge. Its principal elevation - facing Milner Terrace - would have a centrally located, roller shutter access door approx. 4.0m wide x 4.0m high, and would be sited between and below a stone walled central element which would feature a castellated stone coping approx. 7.0m high. The same detailing would be applied to the rear (North-west elevation) facing in to the main yard area of the site.

6.4 The new brewery building would be finished in rendered walling up to a height of 2m with timber cladding above with stone and glazed features in the centre of the south western elevation and a stone castellated feature in the centre of the Milner Terrace elevation and north western elevation. Limestone entrance pillars with decorative metal arched sign will span the space between the proposed offices and new brewery building. A brewery compound will be created to the north west of the new brewery building.

6.5 A new, exit only, vehicular access onto Milner Terrace would be sited between the new brewery building and the associated Brewery Office (approx. 81m² in floor area) which would be housed in the existing dwelling. This would allow through vehicular access from Alexandra Road (which would be entry only) to Milner Terrace. The existing workshop building to the rear of the dwelling which abuts the rear boundaries of dwellings in Ellerslie Gardens would be converted to provide the proposed Taproom and Eatery with up to 90 covers. An infill extension would be erected between these two structures measuring approx. 39m² to provide staff toilet facilities; storage and part of the Kitchen and Kitchen Store. The land area to the south of the dwelling, presently used as a nursery seed bed and for the Polytunnel, would be landscaped to provide an outdoor garden/seating area/terrace for a further 60 persons; and play area; with glazed pergola running up against the back wall of the site which marks the boundary with 6 and 7 Ellerslie Gardens.

6.6 The applicants anticipate that the proposed use will involve 14 staff (4 Brewers, 2 Office, 8 Taproom) and up to 150 customers (36 ground floor, 54 first floor and 60 outside) many of whom will come to the site on foot given the sustainable and accessible nature and location of the site.

6.7 Following the receipt of comments from DoI Highways Development Control, the applicants on 16/1/24, submitted a Road Safety Audit and revised proposed site layout plan. The plan shows 2 No. cycle stands - one for 7 cycles; and, one for 5 cycles; 6 motorcycle spaces; and, 18 No. visitors parking spaces (5.5m deep x 2.5m wide); plus 3 No. disabled parking spaces. The brewery compound would provide secure parking for brewery vehicles as well as an outside storage area. There would be 7 No. staff car parking spaces provided facing onto the Milner Street road frontage and a 3 rack staff cycle stand. The Road safety Audit and revised proposed site layout plan, have been commented on separately by DoI Highways Development Control, with comments added to the application file as a public document.

(ii) Principle of Development

6.8 On the Area Plan for the South - Map 5 - Castletown, the site is shown as being allocated for the site (and that of the S and S Motors site and Children's Nursery) is allocated for "Industry/Business Park" uses. In the Isle of Man Strategic Plan 2016, Strategic Policy SP2 indicates that new development will be located primarily within existing towns and villages; Strategic Policy 3 indicates that proposed development must ensure that the individual character of our towns and villages is protected or enhanced by having regard in the design of new development to the use of local materials and character; whilst, Strategic Policy 4 indicates (amongst other things) that Proposals for development must: protect or enhance the setting of Conservations Areas; protect or enhance the landscape quality and nature conservation value of urban areas; and, not cause or lead to unacceptable environmental pollution or disturbance. In terms of the provisions of Strategic Policy SP4, these elements will be examined later in this Report. Business Policy 5, however, advises as follows;

"On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

(a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or
(b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;
and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

6.9 In this case, it is noted that the provisions of Strategic Plan Policies SP2, Sp3 and SP4; and, that of Business Policy 5 pull in in slightly different directions. The site is allocated for "Industry/Business Park" uses. Clearly, the proposed brewery use is industrial in nature. However, the brewery - as it does at its present site in Braddan, seeks to provide a more integrated offering (and experience) in that it would provide an enhanced industrial use that crosses over into leisure and tourism, whilst promoting Island made produce, to both the leisure and tourism (Southern 100/IoM TT/Manx GP and other motorsport and sporting events) market and at another level, serving the Island's various public houses and providing goods (Beer) for export to the UK and beyond. The development proposed and the use of the site for a new brewery building with associated hospitality facilities including a Tap room, Eatery and Offices, however, the primary use and main driver of the proposals is the re-location of Bushy's Brewery to a more sustainable location, as well as providing a new industrial/tourism/leisure facility for Castletown.

6.10 Overall, it is considered that the proposed development on this previously developed site allocated for "Industry/Business Park" uses, is acceptable and accords with the provisions of Strategic Plan Policies STP2, STP3, STP4 and STP8; and, that of Business Policy 5 in the Isle of Man Strategic Plan 2016.

(iii) Design and Visual Impact and Impact on the character of the adjoining Conservation Area (Policies GP2 b, c; EP1, EP15)

6.11 The proposals involve the removal of the existing portacabin (approx. 45m² in floor area) and the demolition of the existing portal framed workshop building (approx. 245m² in floor area). These structures, (the workshop building is of stone walls under a profiled, fibre-cement sheet, shallow-pitched, roof) are located to the rear of the Children's Nursery and S and S Motors Garage site, and also front onto Milner Terrace. The new Brewery Building, as described in paragraphs 6.3 and 6.4 above, would be erected in their place. The proposals also cover the refurbishment of the existing dwelling and workshop building, with a new connecting extension between them housing the Kitchen/Toilet/Storage facilities proposed to serve the Taproom and Eatery. This would; be a single storey structure and would complement rather than compete with these two existing structures. The proposals involve the removal of the existing fibre cement slates and roof tiles with a natural slate roof; and, the addition of 4 No. Conservation type rooflights in the south facing roofslope; and, 5 No. such rooflights to the north facing roofslope. These would draw light into the first floor of the Bar/Restaurant area whilst precluding any views out from them owing to their height above internal first floor level.

6.11 The existing window openings would be kept whilst a new opening at first floor level in the SW elevation facing the rear aspects of Nos. 6 and 7 Ellerslie Gardens and Paradise Court would be added to the Bar/Restaurant. All new and existing windows and doors re proposed to be fitted with Accoya Framed, vacuum glazed units, painted with micro-porous paint. The existing stonework would be re-pointed with approved NHL Lime Mortar and new cast iron rainwater goods would be provided to these existing structures. The new, flat roofed ground floor link extension would have vertical timber boarding applied to its walls to reflect that at first floor level applied to the new brewery building; and, a dark grey coloured float roof applied with 5 No. flat, velux rooflights, each raised above roof height and all screened

by an upstand perimeter to the exposed side walls of this structure so that they would not be readily visible from external ground floor level. These would be inserted to provide daylight into the kitchen store, cold stores and staff WC.

6.12 It is noted that the site and existing structures, particularly in the area to the south of the site closest to Milner Terrace, abuts the Castletown Conservation Area, the boundary of which is marked by the Milner Terrace dwellings to the west; and, the footpath link running between the sites southern boundary and Paradise Court up to Malew Street approx. 130m away to the south-east. Strategic Plan Policy ENV36 indicates that proposals for new development outside of, but close to, the boundary of a Conservation Area, will only be permitted where they will not detrimentally affect important views into and out of the Conservation Area.

6.13 In terms of the visual impact on the Milner Street and Paradise Court street scenes, which coincide with the Conservation Area boundary, , There would be little by way of change from views of the site from the south (paradise Court) because the nearest building - which are to be retained - would appear as they currently are in terms of bulk, scale and built form and the main difference would be the window inserted at first floor level of the Bar/Restaurants SW elevation and the application of natural slate to the roofs of these buildings; the installation of new, improved windows and doors; and, the application of new cast iron rainwater goods. The outdoor terrace and garden areas, including the glazed terraces adjacent to the western boundary would be screened by the existing boundary wall from views from Paradise Court and Ellerslie Gardens.

6.14 In respect of views from Milner terrace, the main change would be the installation of the new access to provide the vehicular egress from the site; and, the erection of the new Brewery building. This would take the place of the existing steel framed workshop unit. Whilst it would be alter at 7.0m to the top of the castellated end elevation, stone wall, it would be set back sufficiently from the road edge (by approx. 6.0m) for it to have little visual impact on the character and appearance of the street scene over and above the existing situation.

6.15 Overall, it is considered that the visual impact of the development on the Milner Terrace and Paradise Court aspect of the surroundings, which also represent the adjoining Conservation Area, would be acceptable, and would accord with the provisions of Strategic Plan Policies GEN2 b) and c) and Policy ENV36 relating to the impacts on views into and from the Conservation Area.

6.16 In addition to the above consideration on visual grounds, the visual impact of the development from views from the north from either side of the S and S Motors Garage and the Children's Nursery; and, from the direction of Northcroft Apartments, it is noted that the development would be set away from and behind these neighbouring sites, and views across these sites from the A5 Alexandra Road would be the subject of distance decay as well as being obtained across third party land. Direct views of the development would be available from the Alexandra Road site entrance and the approach into the site, however, it is considered that given the above comments in that the new Brewery building would be a replacement for the existing porta cabin and Workshop; and, that, the retention of the dwelling and workshop to the rear to form the office; Bar/Restaurant and Taproom; and, ground floor link between them effectively re-sue the existing buildings, these aspects of the development would also be acceptable on visual grounds and would accord with the provisions of Strategic Plan Policy GEN2 b) and c).

6.17 Overall, the visual impacts of the development are considered to be acceptable.

(iv) Impact on residential Neighbours amenities (GP2g and ENV22iii)

6.18 The concerns raised regarding the development as received from occupants of dwellings directly opposite the site in Milner Terrace; and, Paradise Court, as well as those received from residents of Atholl Terrace (located directly behind Milner Terrace); residents of Hope Street; and, directly adjoining the site in respect of S and S Motors and Little Rascals Children's Nursery, have all been noted. The main concerns relate to the proposed use of the site; hours of operation; noise and disturbance; smells and odours; and, access, traffic generation, increased vehicular movements and associated noise and disturbance, therefrom.

6.19 The site is located on the northern edge of this compact settlement adjacent to a Garage/PFS, Children's Nursery, and residential properties. It is also located close to Qualtrough's Builders Merchants and Timber Yard, which attracts vehicle movements along Milner Terrace and Hope Street, to reach it. The application site is in an industrial use, albeit it is presently underused as the Commissioners Depot. It, and Qualtrough's Yard, are both allocated for Industrial/Business Park uses in the Area Plan for the South 2013.

6.20 The fundamental element of the proposed development is the relocation of the existing Bushey's Brewery at Braddan, which is an established industry, to the application site, which is also an established industrial site, albeit it is in a more sustainable location. The proposed development on this allocated Industrial/Business Park use site, is considered to be acceptable in principle. The concerns raised by neighbours in relation to the proposed use, particularly smells and odours and also any noise from the brewing process are noted. Modern brewing techniques are based on a closed system where there is little scope for smells and odours permeating the site and surroundings. There may be some odours from stored ingredients, however, this is considered to be unlikely as the brewing process may be harmed through incorrect storage of ingredients which may spoil if exposed to the atmosphere. Similarly, the process would involve sealed drainage systems and connection to the water supply and main foul sewer, and it is unlikely that any unauthorised discharges of effluent would occur in a modern brewing set up. It is also temperature dependent and any heat loss (and noise outbreak) would be sought to be contained through having any windows; and, access doors at each end open for the minimum required time to facilitate the brewing process. A trip round any modern brewery or distillery would demonstrate how little smells and odours are noticed, and the relative silence in the way which brewing/distilling operations are conducted.

6.21 in terms of noise emanating from the hospitality operations conducted on site from the Taproom, Bar and Eatery/Restaurant. Such occasions are likely to occur when there is noise outbreak. These are more likely to occur on sunny /warm days and evening during the summer/tourist period when events are taking place on the Island. Such instances are no more likely to impact on neighbours residential amenities as they would at the existing 6 Public Houses in Castletown Town Centre. Whilst a condition could be added in respect of hours of operation, this could also impact on the brewing process which is a 24 hours a day operation. As the operation of the Taproom/Eatery, outdoor terrace and garden area are allied to these elements of the proposals, the best way to control any such impacts would be through the licensing process which has more stringent requirements and a more effective enforcement regime compared to recourse via the planning enforcement process should an untoward event or series of events arise.

6.22 The proposed use of part of the premises as a Taproom/Eatery and Offices is considered to be acceptable, as is the proposed Brewery Use in terms of their potential for any adverse impact on neighbours amenities. In this regard, the proposed development would accord with the provisions of Strategic Plan Policies GP2g and ENV22iii)

(v) Highway Matters - Access, Traffic Generation, Parking Provision, Pedestrian and Highway Safety (Policies TP4 and TP7)

6.23 As indicated at paragraph 2.2 of this Report, the applicants have provided a Road Safety Audit, Designers Response, and revised site layout plan on 16th January, 2024, in response to comments received from DoI Highways.

6.24 The submitted site layout plan shows the existing road access onto the A5 Alexandra Road to be an 'ingress only' access; and, the new vehicular access proposed to be sited between buildings onto Milner Terrace to be an 'egress only' access point. The Transport Statement outlines that 25 parking spaces are to be provided onsite. The proposed layout shows 18 of these are located along the western boundary of the site, with 7 along the frontage at Milner Terrace.

6.25 DoI Highways DC in its comments noted that: "The total parking provision shows a shortfall of 7 parking spaces, but has the inclusion of two-wheeled vehicle parking spaces. Appendix A.7.6 of the Strategic Plan lists the circumstances in which the parking standard may be relaxed. These circumstances have been addressed also by the Transport Statement. The site is located within Castletown and has the option of alternative transport methods further to personal vehicle use. The site is accessible by foot from the centre of Castletown via the main town distribution routes. Similarly, cycle access can be gained through these routes and also easily accessible from the Primary route, Alexandra Road. There is frequent bus availability from the centre of Castletown, and also from a shorter distance along Victoria Road. Whilst the frequent and more varied services cannot be accessed directly along Alexandra Road or the A5, the walking distance to other routes (Victoria Road, 300m) is not outside of the maximum recommended walking distances."

6.26 The proposal has included three increased size parking spaces which are designated as mobility impaired user spaces. Ideally, these spaces would be located as close as possible to the buildings to avoid mobility impaired users having to travel longer distances on foot. However, these spaces have been placed to best utilise the shape of the site, with the maximum distance from vehicle to door being approx. 40m. The proposal has stated that cycle parking is to be provided on the site to accommodate both short stay and long stay, and the location and quantity of the spaces provided are considered to be acceptable.

6.27 It is also noted from DoI Highways DC comments that: "In addition to the feasibility of alternative transport options, the nature of the development with the sale and consumption of alcohol would result in patrons seeking to use these alternative modes of transport. For the reasons given above, Highway Services DC accept the shortfall in vehicular parking spaces, provided the cycle parking is confirmed and appropriately located."

6.28 The creation of the development would result in an overall increase in parking provision in the immediate area. But, the proposed access onto Milner Terrace would see the removal of three on-street parking spaces on the western side of the street. There have been a number of concerns raised by residents and locals about the removal of these spaces and impact on parking availability for such parties. Parking along the western side of Milner Terrace is frequent as there is no off-street availability for residents. However, these spaces are not designated for residential use only, and no space can be guaranteed at any one time. To lessen the impact of the removal of parking to the residents/locals, the applicant has negotiated the provision of three car parking spaces within 'Claddaghs Car Park'. However, owing to the distance involved from the terrace (150m), these spaces are likely to be underutilised, especially in inclement weather and if needing to load/unload cars, and as a consequence, have led to on-street parking in unsafe or obstructing places. Subsequently, the applicant has accepted the proposal to designate the three spaces fronting the office for use of residents, mitigating the loss of parking, and use those gained at the Claddaghs car park for office staff use. A suitable parking management plan should be conditioned so that it can

be enforced to ensure each set of spaces are used appropriately. Therefore, given these revisions, the proposed parking provision for the development is considered to be acceptable.

6.29 As advised by DoI Highways DC, due to the smaller scale operation of the typical workday employment development (brewery and office) the trips generated during the AM and PM peak hours are low and will have little negative effect on flows along Miner Terrace and onto Alexandra Road. It is also noted that visibility onto Milner Terrace has been improved. Any obstruction within the visibility splay for the main site exit has been lowered to a max. height of 1.05m.

6.30 In terms of noise generation, and the emission of fumes from vehicles visiting the site, it is considered that these arrangements would not have an unacceptable impact on neighbours residential amenities, particularly as in future the use of electrically powered vehicles is likely to increase thereby diminishing the noise and fumes impacts. Consequently, as advised by DoI Highways DC, the proposals are considered to be acceptable in terms of the proposed parking provision; on-site parking arrangements, off-site parking arrangements; access arrangements, cycle parking provision and with regard to pedestrian and highway safety. This accords with the provisions of Strategic Plan Policies SP10; GP2g), h) and i); ENV22iii) and Transport Policies TP4 and TP7.

(vi) Impact on Ecology and Protected Species (Policies STP4b, EP4b, GP2d)

6.31 Comments have been received from both neighbours and the DEFA Ecosystems Policy Team regarding the impacts of the proposals on Protected Species given the ages of the buildings involved, the nooks, gaps and crannies that offer either nesting or roost sites for Bats and birds; and the adverse impacts that demolition, re-building, and refurbishment could potentially give rise to. The main concern is over the lack of a suitable level of assessment through surveys having not been undertaken to inform the application, in order to determine how the proposed works will impact upon protected species - nesting birds and roosting bats.

6.32 The Ecosystem Policy Team has looked into condition requests which are considered acceptable to move the project forward. These have been outlined in the comments received on 15th March, 2024, which have been posted online. The request for conditions requested should be applied to any permission that may be granted. Officers consider that these suggested conditions are acceptable in that they meet the six tests for planning conditions which are that they are: Necessary; Relevant to the development permitted; Relevant to planning; Enforceable; Precise; and, Reasonable in all other respects.

6.33 In this regard, the development is considered to be acceptable and accord with the provisions of Strategic Plan Policies STP4b, EP4b(i), and GP2d contained in the Isle of Man Strategic Plan 2016.

(vii) Other matters - Environmental Impact Assessment (EIA)

6.34 The question of whether a formal Environmental Impact Assessment (EIA) is required to inform the application is raised. In their Planning Statement, the applicant has provided a section relating to the requirements of an EIA. In it the applicant concluded that an EIA was not required, and provided information at Section 5.4 of their Planning Statement outlining the requirements where an EIA may be required as per Business Policy 4, Paragraph 7.18.2; and, Appendix 5 in the Isle of Man Strategic Plan 2016. Subsequently, the Planning Statement in Sections 5.4.to 5.8, contains sections on the potential impacts on Population and Human Health; Noise Nuisance; Odour; Biodiversity; Land, Water, Soil and Climate; and, Material

assets, cultural heritage and the landscape. Paragraph A.5.2 of Appendix 5 indicates that any planning application for, inter alia, "g) Food Industry

- o Brewing and malting
"would require EIA in every case".

6.35 Whilst the Planning Statement purports to be/contain an EIA, this should be tested against the standards of an EIA in terms of the UK Regs/practice (which is what we use in the absence of local standards).

6.36 The relevant EIA legislation in the UK is outlined in "The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. UK Statutory Instruments - 2017 No. 571 - SCHEDULE 2". The UK EIA Regulations, under Schedule 2, require EIA at '7 Food Industry' if the area of proposed new floorspace for the proposed Brewery exceeds 1000 sq m (square metres).

The area of floorspace covered by the proposals is as follows:

Brewery building approx. 27.6 m deep x 13.5 wide amounts to approx. 372.6 sq m - Ground floor area only.

Plus mezzanine floor area 27.6m deep x 4.65m wide = 128.34 sq m.

Plus grain hopper at mezzanine level 3.9m x 4.65m = 18.13 sq m.

Total floor area for new Brewery Building = 372.6 + 128.34 + 18.13 = 519.075 sq m. (Rounded up to 520 sq m).

Separately, the Tap Room, Bar, Eatery, Office conversion of the existing dwelling and the ground floor link extension in terms of their floor area amount to the following:

Ground floor infill extension = approx. 39 sq m;

Former house floor area (Offices) = 13.68m x 7.13m x 2 (floors) = 195.07 sq m;

Former workshop (bar and Eatery) = 17.3 x 7.13 x 2 (floors) = 246.7 sq m

Totals = Brewery 520 + Former house floor area 195 + Former workshop 247 = 962 sq m. (These figures have been rounded up/down to the nearest square metre).

The total floor area of built structures existing and proposed (excluding pergola) amounts to 962 sq m.

6.37 On this basis, it is considered that the requirement for a formal EIA does not arise and that the information provided by the applicants at Sections 5.4 -to 5.8 is acceptable in providing sufficient information that would otherwise be required by an EIA, to determine the application.

6.38 In respect of EIA and its implications for IPS, there is nothing in Business Policy 4, Paragraphs 7.18.1, 7.18.2; and, Appendix 5 in the Strategic Plan that requires that the normal IPS rules as outlined in Article 4.2 and paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021) - the 20 metre rule - should be waived to include all those persons who have written in on the application regardless of their location relative to the site.

7.00 CONCLUSION

7.01 It is considered that this proposal for the re-development of the Commissioners Yard, Workshops & Office including the dwelling house on with the addition of a link extension on the site to a Tap Room; Eatery and Offices; and, for the erection of a Brewery, is acceptable and should be granted. Operational issues arising from the use of the Tap Room, Eatery and Outdoor Terrace and Garden areas can be controlled via a licensing application. Issues such as noise and fumes from the Brewery operation on the site are considered unlikely to arise

owing to the modern nature of the equipment and brewing process. It is considered that there would be sufficient vehicle and cycle parking provision made on site and in the vicinity of the site for customers, staff, and neighbours through the conditioning of a suitable parking management plan. In addition, concerns raised in respect of nesting birds and Protected Species can also be covered by conditions requiring (for Bats) relevant surveys to be carried out before any works commence on the site; and, that proposed elevation drawings containing details of where nest sites are to be retained and where new bricks or other features are to be incorporated, should be submitted and approved prior to any development commencing. The development is not EIA development, although aspects of the requirements for an EIA have been submitted in the applicants Planning Statement and considered as part of this proposal. The proposed development would accord with the provisions of Policies STP2, STP3, STP4b(i) and STP8; SP10; Business Policy 5; SP10; GP2b), C), d), g), h) and i); ENV4b(i), ENV15, ENV22iii), ENV36; and, Transport Policies TP4 and TP7 in the Isle of Man Strategic Plan 2016; and, the provisions of the Area Plan for the South approved by Tynwald on 20 February, 2013.

And subject to conditions.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.4

Proposal : Proposed demolition of Waterfall Hotel and erection of 4 terraced dwellings on site with associated parking and amenity space

Site Address : Waterfall Hotel
Shore Road
Glen Maye
Isle Of Man
IM5 3BG

Applicant : Jim Limited

Application No. : 23/01029/B- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No works, including demolition, shall take place until a bat survey has been submitted to and approved in writing by the Planning Authority. Where any bats are identified as being present the bat survey shall identify impacts on bat species together with appropriate avoidance and 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 if present

C 3. Prior to the commencement of development the applicant shall submit a plan demonstrating the following and shall be agreed in writing by the department and retained in perpetuity.

- Allocation and marking of resident spaces within the car park;
- Identification of suitable bicycle storage at one space per bedroom; and
- Reduction of boundary wall to a max. height of 0.6m.

REASON For highway safety

C 4. 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 development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 13 - Greenhouses and polytunnels

Class 14 - Extension of dwellinghouse

Class 15 - Garden sheds and summer-houses

Class 16 - Fences, walls and gates
Class 17 - Private garages and car ports
Class 21 - Decking

Reason: To control future development on the site.

C 5. Prior to the erection of the new dwelling, a schedule of materials and finishes and samples or trade literature 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.

Reason for approval:

The planning application would be an acceptable form of development that has been designed to ensure that it would not harm the use and enjoyment of neighbouring properties, has no detrimental visual impact on the character of the area and would comply with the aforementioned planning policies of the Strategic Plan 2016.

Interested Person Status – Additional Persons

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

2 Glen Close
Waterfall cottage

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

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

21 Creggan Ashen
95 Malew Street
Kinsale, Dalby
Inner Ballakirkey Shore Road

are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE NUMBER OF REPRESENTATIONS MADE RAISING MATERIAL PLANNING CONSIDERATIONS.

1.0 THE SITE

1.1 The site is the existing curtilage of a detached building referred to as the waterfall Hotel and the land and car park opposite. The property is accessed off the A27 Glen Maye Road. The present building represents a pair of traditional, semi-detached Manx cottages and was formerly (currently closed) public house with accommodation at the first floor level. Opposite the site is a large car park that is used for the parking of vehicles and storage of vehicles, essentially visitors using the glen and beach beyond.

1.2 To the north of the property is a small cul-de-sac of residential properties facing toward the rear of the application site referred to as Glen Close.

2.0 THE PROPOSAL

2.1 Proposed is the demolition of Waterfall Hotel building and in its place the erection of 4 terraced dwellings on site with associated parking and amenity space.

2.2 The agent notes that the; "proposed terrace dwellings would be set over three floor levels but with a minimal height increase of 0.8 metres with the upper floor being located within the roof space. Each dwelling would house 3-4 bedrooms, living space and integral garage and be approx. 129m² internally each".

2.3 The design of the replacement building would be read as a terrace of four properties at two stories in height under a pitched roof bookended with chimney stacks. To the front elevation each unit would feature a protruding bay window under a parapet roof design over the bay. Within the roof space are heritage style Velux windows and tiled roof (solar panel slates integrated into the front elevation) and concrete verge capping to the edges of the roof with an interim chimney stack in the centre of the ridge line. The internal layout would offer three floors of accommodation allowing for bedroom accommodation in the roof space.

2.4 The properties would be finished in smooth painted render and the bay windows in stone work. The fenestration details would see the use of black powder coated aluminium windows and doors with matching black Upvc fascia's, guttering's and down pipes. Render banding would be used around the windows at first floor level and around the door ways on the ground floor.

2.5 Each dwelling would have a small front garden and a long thin rear garden that would be terraced into two equal sections with independent soak-aways and ground- frame mounted solar panels. The rear gardens would retain the existing 1.1m timber fencing and natural shrubs and hedging on the boundary to the northern perimeter. Internally to the site there would be 1.8m high timber fencing bisecting the plots.

2.6 The proposal involves the demolition and removal of the existing building referred to as the Waterfall public house.

2.7 In addition to the use of solar panels, each property would utilise solar powered hot water system (TherminoiPV). The agent's notes; "the proposal would create dwellings that far exceed the U-value requirements set out in building standards. They would be thermally efficient and work alongside modern energy systems to completely minimise energy consumption both electrical and heating".

3.0 PLANNING POLICY

LOCAL PLAN

3.1 The application site is within an area designated as Predominately Residential on the 1982 Development Plan (south) and also identified as within an area of high landscape or coastal value and scenic significance.

3.2 On the emerging draft area plan for the north and west (Map 18- Glen Maye), the site is identified as being within the settlement boundary and designated as; "Mixed use". The surrounding areas are all zoned as residential.

3.3 The site is not within a conservation area or within an area identified as being at flood risk. There are no registered trees or tree groups

STRATEGIC PLAN

3.4 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (a-c)
- 2 Priority for new development to identified towns and villages
- 3(b) To respect the character of our towns and villages
 - 5 Design and visual impact
 - 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 4 Glen Maye is identified as a village for needs of employment and housing

General Policy

- 2 General Development Considerations

Environment Policy

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

Housing Policy

- 1 general need for additional housing from 2001 -2026
- 2 supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 6 Development in accordance with Area Plan or Dev. Briefs.

Community Policy

- 4 Loss of community shops and local public houses

Transport Policies

- 1 Proximity to existing public transportation services
- 4 Highway Safety
- 7 Parking Provisions

OTHER MATERIAL CONSIDERATIONS;

3.5 Residential Design Guidance provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential property.

3.6 Our Island Plan (January 2022, updated in 2024)

This broadly sets out the framework of six defined and strategic priorities for the current administration, in terms of housing (Building Great Communities) they seek an additional 1000 homes; "In 2024-25 we will progress redevelopment of key brownfield sites, including three that are publicly-owned via the Manx Development Corporation. We will continue to work on the feasibility and implementation of a Housing Association; continue supporting the private development of brownfield sites via initiatives such as the Island Infrastructure Scheme; and we will bring forward ways to transition empty properties and derelict sites back into practical use".

3.7 Climate Change Act 2021 - sets out the legal requirement; "to make provision for the setting of interim targets for the reduction of greenhouse gas emissions; to make provision about the mitigation of climate change and the enhancement of natural carbon storage; to impose climate change duties on public bodies; to make provision for energy generation and energy use and for the reduction and recycling of waste; and for connected purposes".

3.8 Climate change plan 2022-2027 - Statutory document for climate change which seeks to reduce greenhouse gasses across the Island to become a carbon neutral Island by 2050 and meet interim targets of a 35% reduction in emissions by 2030 and 45% by 2035 and is expected to affect various economic, social and environmental factors.

4.0 PLANNING HISTORY

4.1 The application site benefits from the following planning history;

20/00605/B - Demolition of existing hotel and erection of four terraced dwellings with associated parking and amenity space. Refused 1st March 2023.

"R1. It has been demonstrated that use of the building as a public house/hotel is no longer commercially viable and cannot be made commercially viable. Loss of the premises is therefore justified in terms of Community Policy 4 of the Strategic Plan. However, whilst there would be no harm as a consequence of the proportions or much of the design of the dwellings proposed, the uncharacteristic use of dormer windows would have an unacceptable impact on the character and appearance of this sensitive area at the head of a National Glen, contrary to the relevant development plan policies".

4.2 22/00361/B - Proposed demolition of existing public house and erection of six dwellings and one commercial building to the site with associated parking and amenity space. Pending.

4.3 20/00967/C - Liverpool Arms Main Road Baldrine - Change of use from Public House (class 1.3) to residential property (class 3.3) - Approved at Appeal.

5.0 CONSULTATIONS (this report only contain summaries - full reps can be read online)

5.1 Patrick Commissioners (13/10/23) Object on the historic value of the property, prefer a conversion to a pair of semis; Over development of the site; land ownership and management of the car park; Not demonstrated that the existing building cannot be used and contrary to GP2a,b,c,g.

5.2 DoI Highways Services commented (20/09/23) seek alterations to the plans to allow for;

- o Allocation and marking of resident spaces within the car park;
- o Identification of suitable bicycle storage at one space per bedroom; and
- o Reduction of boundary wall to a max. height of 0.6m.

5.3 MUA (Drainage) (04/01/24) require overgrowth to be cleared to survey the location of the sewer and object due to the lack of information.

5.4 DEFA Biodiversity (10/10/23) seeks a bat survey prior -to condition if approved.

6.0 REPRESENTATIONS (this report only contain summaries - full reps can be read online)

6.1 There are a number of comments that have been received from residents of the area, (namely; Inner Ballakirkey; Waterfall Cottage; Kinsale; 21 Creggan Ashen; 2 Glen Close; 95 Malew Street) who OBJECT to the proposals and between them raise the following material planning considerations that have been thematically categorised;

- o Loss of historic community facility to the area
- o Damage to neighbouring property
- o Neglect to the building
- o Light pollution
- o Highways and access
- o No replacement commercial premises
- o No amenities for families
- o Design of roof lights no in keeping
- o Inflated asking price for a derelict property
- o Loss of a land mark building
- o Sets a dangerous precedent
- o Other properties nearby have been sympathetically restored
- o Signed petition seeks its protection and not demolition
- o Car park has a covenant on for DEFA to park
- o Car park issues during school holiday times with visitors to the glen.
- o Other remote pubs manage to succeed
- o On a strategic route to or from Peel and nearby attractions
- o Removal of employment opportunities
- o Loss to the Islands heritage and historic building stock
- o Too dense development for this site
- o Should be converted back to two houses

7.0 ASSESSMENT (this report only contain summaries - full reps can be read online)

7.1 The fundamental issues to consider in the assessment of this planning application are;

- Principle of development (STP2; SP4)
- Loss of Public House (CP4)
- Provision of Housing (STP11; HP1,3,4,6)
- Design and visual impact (STP1,3,5; GP2; EP42)
- Impact upon neighbouring amenity (GP2g)
- Highway Safety and parking (STP10; TP1,4,7; Gp2h,i)
- Drainage (GP2j)
- Biodiversity and impact on trees (GP2d)

Principle

The starting point for this application is the land use designation and in this case the only defined use is residential as per the 1982 Development plan. The broad principle of building residential in an area zoned for residential would be acceptable in accordance with the land use plan. Furthermore it is noted that the site sits within the defined village of Glen Maye.

It must be noted at the time of writing the draft area plan for the North and West is not formally adopted and is only, at this stage a broad direction of how planning policy is reviewing the areas. Their proposals can still be challenged at a public enquiry where an inspector could reach a different opinion to the drafts. The final draft would also need to be

ratified by COMIN. This means that the 1982 development plan remains the correct land use designation and no material weight is given to the draft area plan for the North and West.

We then turn to the Strategic Plan to ascertain how the proposals fit within the adopted policies. Here it is noted the proposals would be acceptable to Spatial Policy 4 as Glen Maye is an identified village in the settlement hierarchy. As the site is zoned for development and not in the open countryside, the principle would further align with Strategic Policy 2.

Therefore the principle for development of this site would be acceptable where the proposal is read in accordance with the land use designation / area plan and would be supported in accordance with the defined policies of SP4 and STP2.

Loss of public housing

Turning to the contentious or emotive aspect of the proposals and the loss of the building as a community facility, significant material weight is given to the previous applications, appeal decision and it is noted the independent planning inspector and also supported by the Departmental Minister, that the loss of the building had been demonstrated and should not be a barrier to further development. The inspector specifically noted in their reason for refusal; "It has been demonstrated that use of the building as a public house/hotel is no longer commercially viable and cannot be made commercially viable. Loss of the premises is therefore justified in terms of Community Policy 4 of the Strategic Plan".

Given this narrative and noting the building is not a registered building and is not within a conservation area that would offer the property greater protection and also noting that the status quo remains the same in terms of planning policies and how the building is presented, the loss of the public housing would be acceptable as would its demolition.

Provision of housing

With regard to the proposal to provide additional four residential properties to the area STP11 identified the need for creating additional dwellings during the period of the Strategic plan (2026) which is further echoed in Housing Policy 1, 2,3 and is part of the overall strategic objective of the Island Plan by COMIN. Housing Policy 4 seeks that any new development for dwellings is carried out in existing towns and villages, as such the proposal would accord in this instance as Glen Maye is a defined Village as per SP4 and zoned for residential on the development plan. Given the broad support through the aforementioned Housing Policies on zoned land, we proceed to HP6 which ensures residential development must follow the criteria of paragraph 6.2, which is General Policy 2 and examined further below.

Design and Visual Impact

It is noted there is discernible difference between the former application and this current proposals except the dormer windows have been removed in lieu of smaller "conservation" style velux type windows. Turning to the appeal decision, which carries a lot of material weight, it is noted the inspector concluded on the design and visual impact as; "whilst there would be no harm as a consequence of the proportions or much of the design of the dwellings proposed, the uncharacteristic use of dormer windows would have an unacceptable impact on the character and appearance of this sensitive area".

Reading into this, as this application has been submitted to address the reasons for refusal, i.e. the dormers, the omission of those uncharacteristic additions to the front roofscape would now ensure the proposed design and any visual impact better reflects a more traditional roof form that is also bookended with chimney stacks (central stack included) and on the edge of the roof verge slabs on the gable concrete edge capping to emphasis a more traditional build. As such the proposal would now be acceptable and would be read in accordance with STP1,3,5; GP2 and EP42.

Impact upon neighbouring amenity

In terms of the potential impacts upon neighbouring amenities (loss of light, overbearing impact upon outlooks and/or overlooking). The level and scale of development proposed here would be very different to the existing, however, the use as residential would be compatible with the use of the wider area so would not be introducing a new use in that sense.

When considering whether there would be any loss of light or overshadowing from the built form of the proposals, given the built form largely reflects the current siting and massing and given the distance from the neighbouring properties to the north, by the very nature of the proposal it would not be considered to have an overbearing effect, nor would the height of the proposals result in any loss of light over and above the existing levels given the properties orientation and the distances involved.

The immediate neighbours to the north along the cul-de-sac of Glen Close and the adjacent neighbour Waterfall House, would not be considered to be detrimentally affected through any loss of privacy through any overlooking from the rear of the proposals given the distances and orientations of the properties involve and differences in ground levels. On balance, these aspects would be considered to be compliant with those sections of General Policy 2(g).

Highway Safety

The application site was previously considered for the highways safety aspects where the proposed access arrangements were deemed acceptable. In this application, Highway Services have considered the merits of the proposal, access to and from the site from the highway noting the proposed visibility splays, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, but seeks amendments as noted in para 5.2. These amendments are minor in scale and can be addressed through a suitable worded condition. As such the proposal would be considered to align with the principles of Transport Policy 1,4,7 and General Policy 2h&I in terms of highways safety.

Other considerations

With regard to the comments from the Drainage authority and the location of the sewers, this is a matter that can be addressed on site once the clearance works commence and a suitable engineered solution can be designed, as such this is not a strong enough reason to refuse the application and would feature as a condition on any approval.

The comments from the Biodiversity officer on the potential presence of bats in the existing building are noted. A detailed bat survey can be conditioned as part of any approval to be undertaken and consulted on before demolition of the property occurs. As such a suitable worded condition can be applied in this instance.

7.0 CONCLUSION

7.1 The planning application has been heavily influenced by the former decision and in this instance would be an acceptable form of development that has been designed to ensure that it would not harm the use and enjoyment of neighbouring properties, has no detrimental visual impact on the character of the area and would comply with the aforementioned planning policies.

8.0 INTERESTED PERSON STATUS

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

(a) the applicant (including an agent acting on their behalf);

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.5

Proposal : Change of use from public house (use class 1.3) to create ten apartments (use class 3.4) while retaining original element of building, demolition of previous extensions and erection of new replacement extension.

Site Address : Britannia Hotel
Waterloo Road
Ramsey
Isle Of Man
IM8 1DR

Applicant : Heron And Brearley

Application No. : 23/00066/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application subject to a legal agreement

Recommended Conditions and Notes (if any) once the required legal agreement has been entered into

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 any development additional details shall be submitted in writing for approval by the Department which demonstrates the provision of at least 10 secure bicycle spaces being provided within the secure cycle store (shown on Drawing No. 101 Rev A) and these approved details shall be completed prior to the occupation of any unit. The approved bicycle spaces shall be retained at all times thereafter.

Reason: To promote sustainable travel in the interests of reducing pollution, congestion and given a relaxation of the parking standards have been agreed.

C 3. The development shall not be occupied or operated until the secure and covered bin store have been provided in accordance with the approved plan (Drawing No. 101 Rev A). The secure and covered bin store shall be retained at all times thereafter for this purpose.

Reason: To ensure adequate and appropriate bin storage.

C 4. 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, windows, doors, rainwater goods, and final paint colour have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and shall thereafter be retained as such.

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

C 5. The development must be carried out in accordance with the recommended flood resilience measures stipulated in the Flood Risk Assessment received 24 August 2023, and

the flood mitigation approaches identified in the Agents Correspondence dated 22 November 2023, and shall thereafter be retained as such.

Reason: To safeguard the amenities of prospective occupiers and to ensure the development complies with Environment Policy 10 of the Strategic Plan.

C 6. Within 3 months of the date of the approval hereby given becoming final, a Flood Plan and flood door/barrier maintenance and deployment plan shall be submitted to and approved in writing by the Department. The development shall not take place other than in accordance with the approved plans.

Reason: To safeguard the amenities of prospective occupiers and to ensure the development complies with Environment Policy 10 of the Strategic Plan.

C 7. The Development shall not commence until a programme of historic building recording in accordance with Level Two as set out in Historic England's document 'Understanding Historic Buildings: A guide to good recording practice' has been undertaken, submitted to and approved in writing by the Department. Thereafter the information will be placed on the Isle of Man Historic Environment Record and available for public view.

Reason: To ensure the matters of historical importance associated with the building/site that will be lost in the course of works are properly recorded and available for public view.

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.

N 2. The applicant is advised that when undertaking the external render repair/replacement on the existing building as noted on drawing 101revA, a material appropriate to the wall's construction should be used in order to avoid future damp issues.

Reason for approval:

It is concluded that the proposal would re-use an existing unoccupied building which is located within a prominent and central location within the Ramsey town centre, within the Ramsey Conservation Area, and for a building which has architectural interest. The proposal would introduce 10 new residential units within the centre of Ramsey where new dwellings are limited in an area which is sustainable in terms of travel, shops, services and employment. Whilst the proposal would generate a parking requirement in the area, so would the previous use, potentially to a similar level, and the site sits adjacent the Manx Electric Railway Station, is within a five minute walk to the Ramsey bus station, and the new scheme proposes covered and secure cycle spaces. Overall, the proposal would have no significant adverse impacts upon private or public amenities and therefore complies with General Policy 2, Housing Policies 5 and 17, Environment Policies 4, 10, 13, and 35, Recreation Policy 3, and Transport Policy 7 of the Isle of Man Strategic Plan 2016; Residential Design Guide 2021 and the Ramsey Local Plan.

Interested Person Status – Additional Persons

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

- o Flood Management Division (DOI)
- o Estates and Housing Division (DOI)

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

- o Manx Utilities Drainage

It is recommended that the organisation 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):

The Isle of Man Natural History & Antiquarian Society, as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy.

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

4 Marine Gardens, Ramsey, Ramsey, (Occupant of workshop on Chapel Lane, Ramsey, opposite site), as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS REQUIRED FOR AFFORDABLE HOUSING AND PUBLIC OPEN SPACE

1.0 THE SITE

1.1 The site is the Britannia Hotel, a three storey building (with single storey elements) bordered on three sides by Waterloo Road, Peel Street and Chapel Lane respectively. On its fourth, north-eastern side, the building shares a party wall with the Bourne Concourse building. The site is within the Ramsey Conservation Area.

1.2 The building generally has four sections. The main three storey section, facing Waterloo Road, was built in 1847 by Dr John William Clucas as a dwelling, later becoming the Waterloo Hotel and then the Britannia. The third storey of this section is contained substantially within the roof space. On Chapel Lane, the property includes a two storey section that may pre-date the former doctor's house and is vernacular in design. A single storey side extension to the main building, fronting on to Peel Street, was later added, and most recently the internal courtyard has been infilled with a single storey WC block.

2.0 THE PROPOSAL

2.1 Planning approval is sought for change of use from public house (use class 1.3) to create ten apartments (use class 3.4) while retaining original element of building, demolition of previous extensions and erection of new replacement extension.

2.2 There would be internal alterations to change the configuration and layout of the existing property to create 9 One Bedroom apartments and 1 Two Bedroom apartment, as well as a secure bicycle and bin store within the building.

2.3 The one bedroom units created would each have a bedroom, an open plan lounge/kitchen/dining area, a toilet, and hallway. Some of the one bedroom apartments would also have a store provided within their internal area.

2.4 The ground floor would have four one-bedroom apartments with floor areas measuring: Apt. 1 - 54sqm, Apt. 2 - 52sqm, Apt. 3 - 70sqm, Apt. 4 - 74sqm. This floor would also house the bin store and bicycle storage. On the first floor, there would be three apartments; two one-bedroom apartments with floor areas measuring 61sqm for Apartment 6 and 54sqm for Apartment 7, while the two bedroom apartment (Apt. 5) which houses an open plan lounge/kitchen/dining area, a bathroom, hallway and two bedrooms would measure 66sqm. The three one-bedroom apartments on the second floor will measure 55sqm (Apt. 8), 51sqm (Apt. 9) and 38sqm (Apt. 10) respectively.

2.5 The application is supported by a Design Statement, a Flood Risk Assessment, and a Bat Report prepared by the Manx Bat Group and dated 17 September 2023.

3.0 PLANNING POLICY

3.1 Site Specific

3.1.1 The site is noted as a public house, but within the town centre area of mixed use on the Ramsey Local Plan 1998. The site is also within the Ramsey Conservation Area. The site is within an area prone to high tidal flood risks, but is not prone to surface water or fluvial flood risks.

3.2 Due to the zoning of the site and the proposed works the following planning policies are relevant in the determination of the application:

3.3 TOWN AND COUNTRY PLANNING ACT 1999

3.3.1 S18 Designation of conservation areas - desirability of preserving or enhancing character or appearance of Conservation Areas.

3.4 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

a. Strategic Policy 4 - Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas.

b. Environment Policy 4 and 5 - protects biodiversity (including protected species and designated sites).

c. Environment Policy 34 - Preference for the use of traditional materials in the maintenance, alteration or extension of pre-1920 buildings.

d. Environment Policy 35 - Guides development in Conservation Areas. Seeks to preserve or enhance the character or appearance of area.

e. Environment Policy 39: The general presumption towards retention of buildings which make a positive contribution to the character or appearance of the Conservation Area.

f. Environment Policy 42 and Strategic Policy 3 - character and need to adhere to local distinctiveness.

g. Environment Policy 43 - support proposals which seek to regenerate run-down urban and rural areas.

- h. Strategic Policies 1, 2, 5 and 12 - relate to re-use of existing sites, good design and regeneration of existing sites.
- i. Housing Policy 4 - deals with the location of new housing on the Island.
- j. Housing Policy 5 - Stipulates a 25% provision of affordable housing in granting planning permission on land zoned for residential development or in predominantly residential areas, and for developments of 8 dwellings or more.
- k. General Policy 2 - general standards towards acceptable development.
- l. Transport Policies 2, 4 and 7 - need for appropriate and safe highway provisions
- m. Section 7.32 - Demolition in Conservation Areas.
- n. Recreation Policy 3 - Guides the provision of recreational and amenity space for new residential development of ten or more dwellings in accordance with the standards specified in Appendix 6 to the Plan.
- o. Community Policy 4: Guides Development (including the change of use of existing premises) -loss of local shops and local public houses.
- p. Paragraph 10.8 'Retention of Existing Local Shops and Public Houses' that precedes Community Policy 4 states;
 "The loss of facilities such as neighbourhood shops in towns and or village shops and public houses reduces customer choice and can also necessitate people travelling further to meet their needs. This is a particular problem in rural areas where village shops, post offices and public houses can be central to village life. It would be preferable to retain viable facilities, or those that can be made viable and where a change of use or re-development is proposed developers will be expected to show evidence of attempts to market the property as a business in these areas."

3.5 Planning Policy Statements: 1/01 POLICY AND GUIDANCE NOTES FOR THE CONSERVATION OF THE HISTORIC ENVIRONMENT OF THE ISLE OF MAN

3.5.1 POLICY CA/2 - Special Planning Considerations

3.5.2 POLICY CA/4 - Proposals for Preservation and Enhancement

3.6 PLANNING CIRCULAR 1/98: THE ALTERATION AND REPLACEMENT OF WINDOWS- provides guidance on the replacement of windows and in Conservation Areas

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 THE RESIDENTIAL DESIGN GUIDE (July 2021)

4.1.1 Whilst not adopted planning policy, DEFA's Residential Design Guidance is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions". Sections 2.0 on sustainable construction, 3.1 which refers to local distinctiveness, Section 5 for Architectural Details, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.1.2 Other relevant sections include:

4.1.2.1 Paragraph 1.1.9 which states:

"The document is not a Planning Policy Statement (as per Section 3 of the Town and Country Planning Act 1999) but is capable of being an 'other material consideration' (as per Section 10(4)(d) of the Act)". Furthermore, where proposals adopt the approaches set out within this document, they are more likely to be considered to comply with the detailed Development Plan policies that relate to design. For example, General Policy 2 of the Isle of Man Strategic Plan (2016)."

4.2 FLOOD RISK MANAGEMENT ACT (2013)

4.2.1 Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

5.0 PLANNING HISTORY

5.1 The application site has been the subject of four (4) previous planning applications, two of which are considered to be materially relevant in the assessment of the current application.

5.2 PA 20/00229/B for Demolition of building (in association with Registered Building Application 20/00230/CON) - Refused. The application was refused for the following reasons:

R1: The proposal fails to meet the tests of Section 16 of the Town and Country Planning Act 1999; Strategic Policy 4 and Environment Policies 35 and 39 of the Strategic Plan 2016; and policies CA/6 and RB/6 of Planning Policy Statement 1/01. The proposal fails to protect or enhance the fabric and setting of the Conservation Area, nor would it preserve or enhance the character or appearance of the Area. It is therefore judged to be unacceptable.

R2: In the absence of any proposals for the future use of the site, the case for re-designation of the land use cannot be accurately assessed. The proposal is therefore contrary to Community Policy 4 of the Strategic Plan 2016.

5.3 PA 20/00230/CON for Registered Building Consent Application for the demolition elements to a building in a conservation area and associated with planning application 20/00229/B. The scheme proposed to demolish the Britannia Hotel, retaining the party wall with the Bourne Concourse building as well as parts of the abutting internal and external walls to provide a buttress for the party wall. The remaining site was to be levelled and covered with hardcore stone.

5.3.1 The application was refused for the following reason:

"The proposal fails to meet the tests of Section 16 of the Town and Country Planning Act 1999; Strategic Policy 4 and Environment Policies 35 and 39 of the Strategic Plan 2016; and policies RB/3, RB/6 and CA/6 of Planning Policy Statement 1/01. The proposal fails to protect or enhance the fabric and setting of the Conservation Area, nor would it preserve or enhance the character or appearance of the Area. It is therefore judged to be unacceptable."

6.0 REPRESENTATIONS

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

6.1 DOI Highways Division have stated that the proposal raises no significant road safety or highway network efficiency issues. They also raise no objection to the proposal subject to the full requirement of bicycle spaces being provided within the store room indicated, and accept the reasons for parking standard relaxation with the proposal (14.02.23/03.08.23/30.08.23/25.09.23).

6.2 DOI Estates Housing have noted that in view of the fact that the apartments are not new dwellings, a Commuted Sum will be preferred in this instance, whilst stating that the resulting sum to be paid to the Department is £14,309.63; and that the timing of the payment is to be agreed between the applicant and the Department (31.01.24).

6.3 DOI Flood Risk Management have noted that they are happy to have the suggested flood doors/barriers conditioned to the application but they should be accompanied with a flood plan and flood door/barrier maintenance and deployment plan. They also note that they cannot support sleeping application on a ground/sub floor within a flood zone (13.10.23).

6.3.1 Following review of the comments from DOI FRM regarding the accommodation on the ground floor, the applicants have provided additional information to address the concerns and these include (2.11.23):

- o The proposal would ensure that the site is not left undeveloped/unoccupied, which will prevent the building to further dilapidate, or fall into complete disrepair.
- o Window cill levels to Peel Street and Chapel Street are to be +730mm from the existing pavement level which would be a plus of circa 500-600mm over the existing openings on the respective elevations.
- o Proposed Finished Floor Level of Ground Floor = 5.375mAD02 (proposed increase of 150mm) over the existing at 5.225mAD02.
- o The proposed finished floor level is to be circa 600mm above the highest recorded tidal flood in that area.
- o Demountable (or mountable in line with recent communications) flood defence systems are to be installed to the front perimeter wall, the main front door opening and the bin store external door. These are to be built into the structure and would achieve a minimum level of 1.2m protection above the external pavement level - 6.200mAD02.
- o The perimeter wall itself will have a flood gate which will (as above) provide flood protection to 6.2mAD02 - circa 600mm above that of the previously proposed main floor defence wall proposed by the IoM Gov.
- o They query what the perceived risk to an occupant would be should the Summary and Recommendations be followed as set out in the FRA?

6.3.2 The DOI Flood Risk Management have made the following additional comments (7.11.23):

- o There is currently no Flood policy regarding the provision of sleeping accommodation on the ground floor in a flood zone, although DOI FRM is generally opposed to sleeping accommodation on the ground floor in a flood zone.
- o Whilst reference is made to the Ramsey flood defence level of 5.6mD02, this defence has not been built and the finished floor level is below the predicted flood level of 5.64mD02.
- o The FMD general stance is not to recommend sleeping accommodation in a flood zone as if the water was to enter the property while residents are sleeping, this could result in drowning.
- o The property should be resilient to flooding for its life time and it is not unusual for a residential property to have a life time of over 100 years.
- o The precautionary principle is to be applied to all types of property in a flood zone.
- o The proposed property still has a finished floor level below the 1 in 200 plus CC tidal level of 5.64mD02 and this leaves a residual risk.
- o They highlight the fact that third party defences should not be relied upon for individual properties as these could be breached.

6.4 DEFA Biodiversity confirm that the Manx Bat Group's Bat Report for the Britannia Hotel dated 17th September 2023, is all in order and that a suitable level of assessment has been undertaken. They note that the Manx Bat Group found no evidence of bats within the building and determined that roosting bats were not present, therefore mitigation for bats is not required (10.10.23).

6.5 DEFA Registered Buildings Officer has made the following comments regarding the application (17.04.23):

- o The Britannia hotel is a mid-19th Century villa that was converted into a public house. The building has been used as a café/public house since the early 20th century.
- o The building is a surviving example of villa style architecture of the mid-19th century. The detached property has an interesting façade with double fronted bays, supporting a balcony, deep eaves and decorative barge boards across its tripartite gabled roof. The property has a long association as a public house and is a good example of the growing prosperity and wealth of Ramsey during its 19th century expansion.

- o The Britannia is located within the Ramsey Conservation Area and clearly makes a positive contribution to the character and appearance to the conservation area, due to its age, architectural quality and detailing, and its relationship to surrounding buildings.
- o The proposals seek to demolish existing extensions, replace them with new additions and change the use of the building to residential use.
- o The applicant has provided a justification for the proposals. I welcome the reuse and repair of the building, which makes a positive contribution to the character and appearance of the conservation area.
- o The loss of the building to Chapel Lane and its replacement is considered to preserve the character of the Conservation Area, the harm caused by the loss of historic fabric and increase in height is outweighed by the benefits of repairing the building and securing its long term future.
- o The Chapel Lane building, the provenance of which is currently unclear and may have not formed part of the main house, should be recorded prior to demolition.
- o Conditions should be imposed required further detail and approval of windows, rainwater goods and final paint colour, in order to ensure the character of the building and conservation area is preserved.

6.6 Manx Utilities Drainage refer to trade effluent discharge licence to comply with Sewerage Act 1999, and request details of the composition of discharge, volumes and frequency of discharge (15.09.23).

6.7 Ramsey Town Commissioners have no objection to this proposal (21.02.23/21.09.23).

6.7.1 Following review of the Open Space requirements of the proposal, the Ramsey Town Commissioners have recommended that the sum of £5784 be provided by the applicants as commuted sum for POS provisions (22.03.24)

6.8 The Isle of Man Natural History & Antiquarian Society have indicated that they support the comments of the Registered Buildings Officer with respect to this application. They also refer to their comments made regarding previous applications for the site under PA's PA20/229/GB & PA20/00230/CON which relates to the building being well-documented (06/08/23).

6.9 Owners/Occupant of 4 Marine Gardens, Ramsey, (occupant of workshop on Chapel Lane, Ramsey, opposite site) refers to location and potential impact of wheelie bins, impacts on parking, and issues of flood risk and flood protection (16.02.23).

7.0 ASSESSMENT

- 7.1 The fundamental issues to consider in the assessment of this planning application are:
- a. Statutory Test for Development in Conservation Area (Section 18 of TCPA);
 - b. The principle of development/ Loss of community facility (STP1, STP2, SP3, GP 2a, HP4, STP10 & CP 4);
 - c. Impact on the Character and Appearance of the site and Conservation Area (GP 2b & c & STP 3b);
 - d. Amenity for future occupants (HP 17 & Paragraphs 8.13.2 - 8.13.3);
 - e. Impact on the neighbouring amenity (GP 2g);
 - f. Parking and Highway Safety (GP 2 & TP 7, STP 10); and
 - g. Biodiversity Impacts (EP 4 & GP2);
 - h. Flood Issues (GP 2, EP 10 & EP 13);
 - i. Public Open Space provision - POS (RP3 & Appendix 6); and
 - j. Affordable Housing Provision (HP5).

7.2 CONSERVATION AREA STATUTORY TEST

7.2.1 Prior to the assessment elements of this application, it is necessary to apply the Conservation Area statutory test as referenced in Paragraph 3.3.2 of this report on whether the proposal would preserve or enhance the Conservation Area. In assessing the impact of the proposed works on the existing building, it is first considered that the proposal would not conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area, as the proposal would facilitate the retention and preservation of the existing built fabric on site, with the key attributes which contribute to the appearance of the existing building, which in turn contributes to the character and appearance of the site and conservation Area, also retained.

7.3 THE PRINCIPLE

7.3.1 The starting point in assessing the principle of the proposed conversion of the building is the land designation. The Ramsey Local Plan identifies the land as 'Mixed Use' and within the defined settlement boundary where the proposed development would be judged to be in conformity with the adjoining uses. In addition, the site adjoins predominantly residential areas on Albert Street, Parsonage Road, and Waterloo Road, such that there is no issue with the general principle behind the proposal.

7.3.2 It is also considered that Strategic Policies 1 and 2 directs new development into existing named towns and villages where existing services can be utilised. This approach to managing residential developments is further echoed within Housing Policy 4. Furthermore, by virtue of the site fronting onto an existing highway, along a public transport corridor for bus transportation and within close proximity to the Manx Electric Railway Station, it is considered that the scheme meets the requirements of Strategic Policy 10(a)-(d) which aims to promote integrated transport network. Therefore, the principle of the proposed change of use is acceptable.

7.3.3 There is a general presumption against the loss of town centre public houses for the reasons given in paragraph 10.8 of the Strategic Plan. Whilst in this case it is noted that the opportunities to reinstate the public house would be lost via the current application, the public house is not currently open, and has been non-operational for a long period. In addition, there are about 7 operational public houses within a 400m radius from the application site, which would serve to ensure that the loss of this non-operational pub house would not be so significant when judged within the current context of Ramsey. Therefore, it is not considered that the loss of the public house to residential use would be objectionable in this case.

7.3.4 Likewise, Ramsey is regarded as one of the service centres to provide regeneration and choice of location for housing under Spatial Policy 2; and this is supported by Spatial Policy 3 which states that "Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing". More so, the proposal would ensure the revitalisation of a site which is currently showing signs of deterioration and degradation, and help limit the process of decline for the site by providing a platform for regeneration in line with Strategic Objective 3.3 (f) and Environment Policy 43 of the Strategic Plan.

7.3.5 Given the above, it is judged that the scheme to encourage the conversion of this redundant public house s (class 1.3) to residential accommodation (class 3.4) would be acceptable, as it would facilitate the redevelopment of this site which is now in decline. This is, however, not an automatic reason to allow development as further material planning matters as indicated previously need to be considered, to determine if the proposed would be appropriate for the site.

7.4 CHARACTER AND APPEARANCE

7.4.1 In assessing the impacts of the proposed works on the character and appearance of the site and Conservation Area, it is noted that Environment Policy 35 requires that within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area. Likewise, Section 18 of the Town and Country Planning Act 1999 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Further to the above, Strategic Policy 4 of the Strategic Plan states that proposals for development must protect or enhance the fabric and setting of Conservation Areas.

7.4.2 From review of the proposals within the current scheme, it is considered that the main changes involve the demolition of existing extensions, and their replacement with new additions which would have the form and appearance of the existing building. The fact that the new extensions would have windows and door patterns, as well as a pitch roof over prominent elements would ensure that the works respect the existing built fabric on site, whilst also serving to ensure that the new additions tie in with the existing building. The extensions and alterations have also been assessed by the DEFA Registered Building's Officer who notes that the loss of the building to Chapel Lane and its replacement is considered to preserve the character of the Conservation Area, and that the harm caused by the loss of historic fabric and increase in height is outweighed by the benefits of repairing the building and securing its long term future.

7.4.3 Additionally, the slight material alterations to the external elevations, and addition of roof terrace on the Peel Street side are not considered to have any detrimental impact on the character of the street scene nor would it be considered to detrimentally impact on the views achievable from the surrounding highways, as the key features of the building are still retained. Granting the glazed balcony to the terrace would introduce modern elements, the fact that the balustrade would be glazed, would serve to diminish the prominence of the balustrades. Also, these would not be installed on the prominent elevation of the main historic building.

7.4.4 Overall, it is considered that the changes to the property, including the erection of the new extensions would respect the site and surroundings in terms of the siting, layout, scale, form, and design, and further does not affect adversely the character of the surrounding townscape. More so, any changes to the appearance of the property as a result of the proposed alterations/extensions are not judged to outweigh the benefits of retaining the building and bringing it into productive use. As such, it is considered that the proposals would ensure that the overall character and appearance of the Conservation Area is preserved in line with EP35, whilst complying with General Policy 2 in these respects.

7.5 AMENITY OF FUTURE OCCUPIERS

7.5.1 With regard to the amenity space provisions, it is considered that all of the new apartments are positioned such that they are afforded views out and with acceptable levels of outlook from primary windows, as required by Housing Policy 17 which stipulates that each apartment should have a "pleasant clear outlook, particularly from the principal rooms". Whilst some apartments would have views towards Chapel Lane which is not as appealing as Waterloo Road and Peel Street, this lane is not a service lane, but a residential street which possesses qualities that contribute to the character of the Conservation Area and as such is judged to offer a pleasant clear outlook for the apartments situated here.

7.5.2 Additionally, the apartments would have a dedicated bin storage area with sufficient space for recycling bins as well, and secure bike storage area within the property with access to the adjoining street which will be of huge benefit to the occupants of the apartments. While no outside drying space has been provided, this generally hasn't been considered as

unacceptable in a number of similar applications throughout the Island, as it is generally accepted that tumble dryers are an acceptable alternative.

7.5.3 Furthermore, there is ease of level access to good public open space that would provide an added degree of amenity provision in the area, namely Ramsey promenade and the beach and other leisure areas off the promenade. Overall, it is considered that the proposal would comply with Housing Policy 17.

7.6 IMPACT ON NEIGHBOURING AMENITIES

7.6.1 The works to create an additional floor of accommodation on the Chapel Lane elevation holds the potential to create concerns for the neighbouring properties. However, given that the new second floor windows would be looking over a garage and commercial spaces, it is not considered that any impacts resulting from the creation of the new fenestrations would be so adverse as to result in refusal of the proposal.

7.6.2 The creation of the additional floor on Chapel lane which increases the height of this part of the building also holds the potential to result in overshadowing. However, given its design/finish, the distance, the orientation/siting of the extension, and the fact that the roof would lean away from this neighbour, it is not expected that any impacts would be so adverse. Besides, this adjacent property serves a commercial unit, and there are limited windows on the rear of the adjacent properties to be impacted by the new development. Likewise, none of the windows on the affected elevation of the neighbouring property serve habitable rooms. Therefore, it is not considered the proposal would have a significant impacts upon neighbouring amenities, in terms of loss of light or overbearing impacts upon outlooks, to warrant a refusal.

7.6.3 In addition, it is considered that the creation of the new first floor terrace on the Peel Street elevation holds the potential to create overlooking concerns, as a viewing platform would be created on this space, where none currently exists. Notwithstanding the above, the site is within a town centre location where the proximity of buildings and the separating distance along the highway allows for some degree of mutual overlooking of neighbouring properties.

7.6.4 In terms of potential impacts resulting from the increase in the comings and goings associated with the ten new apartments, it is not considered that the proposed residential use will create a greater level of comings and goings relative to the previous use as a hotel or pub, although it is noted that these uses have been redundant for some time. It is also considered that given the absence of car parking within the site, the level of disturbance for the immediate vicinity is likely to be from pedestrian traffic which has less potential to cause concern, compared to vehicles which are generally noisier. Besides, the existing car park which is adjacent the site holds more potential to generate disturbances to the neighbours. Given the above, it is not considered that the proposal would cause significant disturbance to neighbours, sufficient to warrant a refusal of the application.

7.7 PARKING AND HIGHWAY SAFETY

7.7.1 In terms of parking provisions, there is no specific parking to be allocated for this development. Whilst this has the potential to create pressure on kerbside parking in the vicinity, Highway Services have confirmed that they have no objection so the impact on parking is considered acceptable.

7.7.2 It is also important to note that the property is within a public transport corridor and within walking distance to employment centres, and public facilities and spaces within Ramsey, and situated adjacent the Manx Electric Railway Station in Ramsey. As well, on

street parking is a common feature within the vicinity with available on street and public parking provisions in the area are considered to be appropriate.

7.7.3 Furthermore, Appendix 7 of the Strategic Plan makes it clear that the Department would consider reducing the requirement for parking provisions should certain conditions be met, which includes the conversion of existing buildings to create new flats, particularly where such conversions involve the re-use of redundant building, such as the application site (See Paragraph A.7.1 of Strategic Plan).

7.7.4 Additionally, the scheme proposes to provide cycle storage facilities which would serve to further minimise reliance on cars and promote an integrated transport system (Strategic Policy 10), whilst promoting the Islands drive towards sustainable transport. Thus, it is considered that the proposal would satisfy the requirements of Transport Policy 7 and General Policy 2 of the Strategic Plan.

7.8 BIODIVERSITY IMPACTS

7.8.1 In terms of impacts on Biodiversity, there was initial concern that the demolition and alterations to the property could impact on habitat for legally protected roosting bats in the building, whilst also impacting on the potential of the building to house bats and their roost spaces. However, the scheme has been supported by a Bat Survey which found no evidence of bats within the building and concluded that roosting bats were not present, with the Ecosystem Policy Team advising that mitigation for bats is not required. As such, it is not considered that the scheme would result in the removals of ecological habitats within the site, or result in adverse impacts on legally protected species. Therefore, in this respect it is felt that the application has satisfied the principles of Environment Policy 4.

7.9 FLOOD RISK

7.8.1 In terms of flood risks associated with the development, it is noted that the site is within an area associated with high tidal flood risks, with the DOI Flood Risk Management maintaining the position not to support the scheme on the grounds that the proposal seeks to locate living accommodation on the ground floor in such an area, despite the applicants providing a flood risk assessment, with mitigation measures that seek to address potential flood concerns as required by Environment Policy 10.

7.8.2 Whilst the issues noted above weigh against the application, given the potential for flood impacts on the ground floor apartments, tidal flooding trends are easily predicted (unlike fluvial floods), and there are warning systems for tidal flooding which can give up to two days' notice before a flood (as has been noted by the DOI Flood Risk Management Team in a previous planning application in a flood zone under PA 22/01212/A). As such, it is not considered that the location of the property in an area prone to tidal flooding is sufficient to warrant refusal of the application, particularly as adequate mitigation measures accompany the submitted Flood Risk Assessment.

7.8.3 In addition, the new windows to be introduced on the Peel Street and Chapel Street elevations would have their cills set at about 730mm from the existing pavement level which would be a plus of about 500-600mm over the existing openings on the respective elevations. As well, the site already has a building on site, with the scheme not seeking to increase the buildings footprint beyond that currently on site. Hence, it is not considered that the scheme would result in further displacement of flood water in the area, sufficient to exacerbate flood concerns for the site and surrounding area.

7.8.4 Perhaps, it would be vital to state that the policy test (as stipulated in EP 10 and EP 13) is whether the proposal would result in an unacceptable risk from flooding, either on or off-site, and not if flood risks exist. Therefore, it is considered that although flood

vulnerabilities still exist with the site, as with any other residential properties in the area, the proposal is supported by a Flood Risk Assessment which sets out appropriate mitigation measures should floods occur, and it is not considered from the factors that have been considered in Paragraphs 7.8.2 and 7.8.3 above that the risk for future occupants of the ground floor apartments would be unacceptable, if the stipulated mitigation measures in the FRA are followed. Thus, it is considered that the requirements of Environment Policies 10 and 13 have been met in the current case. However, conditions would be imposed to ensure that the mitigation measures detailed in the Flood Risk Assessment and accompanying correspondence on flood matters are integral to the development of the site.

7.9 AFFORDABLE HOUSING PROVISION

7.9.1 As indicated by Housing Policy 5, the Department will normally require that 25% of provision should be made up of affordable housing when developments are of 8 dwellings or more. On this basis a total of 2.5 affordable units would generally be required given that 10 apartments are currently proposed. In this case the applicants have been in discussion with the DOI Housing Division and both parties have agreed that the applicant will provide a commuted sum of £14,309.63 in lieu of the 2.5 housing units that should have been provided. It is therefore considered that the commuted sum agreed in lieu of the 2.5 affordable housing units that should be provided is acceptable and satisfies the provisions of Housing Policy 5, although a Section 13 Legal Agreement will need to be agreed in this regard.

7.10 OPEN SPACE PROVISION

7.10.1 In terms of open space provisions for the new apartments, Recreation Policy 3 indicates that where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. As such, new residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan.

7.10.2 With this scheme, the open space provisions should include formal, children's and amenity space provisions as the amenity space provision which measures about 64sqm is below the requirement for the proposed development. In accordance with the IoM Strategic Plan Appendix 6, the calculation for open space provisions for the 10 units, which includes 9 one bedroom units and a two bedroom unit, would require open space provisions measuring about 496sqm in total (9 x 1 bed units @ 48sqm = 432sqm, and 1 x 2 bed @ 64 = 64sqm). A breakdown would comprise 279sqm of Formal open space, 93sqm of Children's play area, and 124sqm of Amenity Space provision, which would mean that there is a shortfall of about 432sqm of open space provision.

7.10.3 Based on the foregoing, the applicant following discussions with the Ramsey Commissioners have agreed to provide a commuted sum of £5784 in lieu of the shortfall in the provision of the required open space, with the Commissioners indicating that this sum would be used for the maintenance and upgrade of existing facility. Whilst the specific facility has not been specified, the Commissioners have indicated that the board would advertise clearly what the commuted sum is going to be used for as and when it comes in. Therefore, it is considered that the proposal would meet the aims of Recreation Policy 3. A Section 13 Legal Agreement will, however, need to be agreed in this regard.

8.0 CONCLUSION

8.1 For the reasons outlined above, it is considered that the planning application is in accordance with the aforementioned policies of the Isle of Man Strategic Plan 2016, the Ramsey Local Plan, Planning Circular 1/01, and the principles promoted by the Residential Design Guide 2021, and it is therefore recommended that the planning application be permitted.

9.0 SECTION 13 LEGAL AGREEMENT

9.1 This application is recommended for approval subject to a Section 13 Legal Agreement for a commuted sum payment of £14,309.63 in lieu of 2.5 housing units, as well as a commuted sum payment in lieu of Open Space provisions of £5784.

10.0 INTERESTED PERSON STATUS

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

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

10.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.6

Proposal : Demolition of previous extensions and erection of new replacement extension In association with application PA 23/00066/B

Site Address : Britannia Hotel
Waterloo Road
Ramsey
Isle Of Man
IM8 1DR

Applicant : Heron & Brearley Ltd

Application No. : 23/00067/CON- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. The Development shall not commence until a programme of historic building recording in accordance with Level Two as set out in Historic England's document 'Understanding Historic Buildings: A guide to good recording practice' has been undertaken, submitted to and approved in writing by the Department. Thereafter the information will be placed on the Isle of Man Historic Environment Record and available for public view.

Reason: To ensure the matters of historical importance associated with the building/site that will be lost in the course of works are properly recorded and available for public view.

C 3. Within two months of this decision becoming final, a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs and the proposed doors and windows shall be submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of the character and appearance of the Conservation Area.

Reason for approval:

The proposal meets the statutory tests within Section 18 of the Town and Country Planning Act 1999, as the character of the conservation area is being preserved. It is also judged that the application meets the tests of strategic policy 4 and environment policy 35 of the IOM Strategic Plan 2016 as the proposed conservation area is being protected and preserved.

Interested Person Status – Additional Persons

It is recommended that the following Organisation 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):

The IOM Natural History and Antiquarian Society;
The Isle of Man Victorian Society;

,as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the Britannia Hotel, a three storey building (with single storey elements) bordered on three sides by Waterloo Road, Peel Street and Chapel Lane respectively. On its fourth, north-eastern side, the building shares a party wall with the Bourne Concourse building. The site is within the Ramsey Conservation Area.

1.2 The building generally has four sections. The main three storey section, facing Waterloo Road, was built in 1847 by Dr John William Clucas as a dwelling, later becoming the Waterloo Hotel and then the Britannia. The third storey of this section is contained substantially within the roof space. On Chapel Lane, the property includes a two storey section that may pre-date the former doctor's house and is vernacular in design. A single storey side extension to the main building, fronting on to Peel Street, was later added, and most recently the internal courtyard has been infilled with a single storey WC block.

2.0 THE PROPOSAL

2.1 The application seeks registered building consent for the demolition of previous extensions and erection of new replacement extension In association with application PA 23/00066/B, which proposes a Change of use from public house (use class 1.3) to create ten apartments (Use class 3.4) while retaining original element of building, demolition of previous extensions and erection of new replacement extension.

3.0 PLANNING POLICY

3.1 The site is noted as a public house, but within the town centre area of mixed use on the Ramsey Local Plan 1998. The site is also within the Ramsey Conservation Area.

3.2 Due to the zoning of the site and the proposed works the following policies within the Strategic Plan are relevant in the determination of the application:

3.2.1 Strategic Policy 4: Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;

3.2.2 7.28 Traditional Building Materials

7.28.1 Traditional building materials can be classified as stone for walls, slates for roofs and softwood for window frames. Local materials help to form the character of settlements in the

Island. For example, sandstone was a common building material in the development of much of the older parts of Peel and limestone was historically used in Castletown. Whilst the original sources of some materials are no longer operating, reclaimed material from old buildings is often available. Such re-use will be particularly encouraged where sites are to be redeveloped and there is evidence of material on site which can be recycled and reused. It will, however, not be appropriate to demolish historic buildings merely to reclaim usable materials. Another important aspect when attempting to retain the historic building stock is the use of the most appropriate mortar; common across the Island's built environment has been the use of lime-based mortar and washes.

3.2.3 Environment Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred.

3.2.4 Environment Policy 35: Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.

3.3 TOWN AND COUNTRY PLANNING ACT 1999

3.2.1 S16 Registered buildings: supplementary provisions

(3) In considering —

(b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.3.2 S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act.

3.4 PLANNING POLICY STATEMENT 1/01 - Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

3.4.1 POLICY CA/2 SPECIAL PLANNING CONSIDERATIONS

"When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application. Where a development is proposed for land which, although not within the boundaries of the conservation area, would affect its context or setting, or views into or out of the area; such issues should be given special consideration where the character or appearance of a conservation area may be affected."

3.4.2 POLICY CA/6 DEMOLITION

"Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6 above,

when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits of any proposed new development when determining whether consent should be given for the demolition of an

unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole."

4.0 PLANNING HISTORY

4.1 The application site has been the subject of four (4) previous planning applications, two of which are considered to be materially relevant in the assessment of the current application.

4.2 PA 20/00229/B for Demolition of building (in association with Registered Building Application 20/00230/CON) - Refused. The application was refused for the following reasons:

R1: The proposal fails to meet the tests of Section 16 of the Town and Country Planning Act 1999; Strategic Policy 4 and Environment Policies 35 and 39 of the Strategic Plan 2016; and policies CA/6 and RB/6 of Planning Policy Statement 1/01. The proposal fails to protect or enhance the fabric and setting of the Conservation Area, nor would it preserve or enhance the character or appearance of the Area. It is therefore judged to be unacceptable.

R2: In the absence of any proposals for the future use of the site, the case for re-designation of the land use cannot be accurately assessed. The proposal is therefore contrary to Community Policy 4 of the Strategic Plan 2016.

4.3 PA 20/00230/CON for Registered Building Consent Application for the demolition elements to a building in a conservation area and associated with planning application 20/00229/B. The scheme proposed to demolish the Britannia Hotel, retaining the party wall with the Bourne Concourse building as well as parts of the abutting internal and external walls to provide a buttress for the party wall. The remaining site was to be levelled and covered with hardcore stone.

4.3.1 The application was refused for the following reason:

"The proposal fails to meet the tests of Section 16 of the Town and Country Planning Act 1999; Strategic Policy 4 and Environment Policies 35 and 39 of the Strategic Plan 2016; and policies RB/3, RB/6 and CA/6 of Planning Policy Statement 1/01. The proposal fails to protect or enhance the fabric and setting of the Conservation Area, nor would it preserve or enhance the character or appearance of the Area. It is therefore judged to be unacceptable."

5.0 REPRESENTATIONS.

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

5.1 DEFA Principal Registered Buildings Officer has made the following comments regarding the application (17 April 2023):

- o The Britannia hotel is a mid-19th Century villa that was converted into a public house. The building has been used as a café/public house since the early 20th century.

- o The building is a surviving example of villa style architecture of the mid-19th century. The detached property has an interesting façade with double fronted bays, supporting a balcony, deep eaves and decorative barge boards across its tripartite gabled roof. The property has a long association as a public house and is a good example of the growing prosperity and wealth of Ramsey during its 19th century expansion.

- o The Britannia is located within the Ramsey Conservation Area and clearly makes a positive contribution to the character and appearance to the conservation area, due to its age, architectural quality and detailing, and its relationship to surrounding buildings.

- o The proposals seek to demolish existing extensions, replace them with new additions and change the use of the building to residential use.

- o The applicant has provided a justification for the proposals. I welcome the reuse and repair of the building, which makes a positive contribution to the character and appearance of the conservation area. The loss of the building to Chapel Lane and its replacement is considered to preserve the character of the Conservation Area, the harm caused by the loss of historic fabric and increase in height is outweighed by the benefits of repairing the building and securing its long term future.

- o The Chapel Lane building, the provenance of which is currently unclear and may have not formed part of the main house, should be recorded prior to demolition. Conditions should be imposed required further detail and approval of windows, rainwater goods and final paint colour, in order to ensure the character of the building and conservation area is preserved.

5.2 The DEFA Ecosystem Policy Team has made the following comments regarding the application (28 February 2023):

- o They highlight the potential for legally protected roosting bats in the building and the potential for bats and their roost spaces, which are protected under the Wildlife Act 1990, to be destroyed by the demolition and alterations.

- o They note that although the property is located in the middle of Ramsey town, The UK Bat Conservation Trust (BCT) bat survey guidelines (3rd edition) recommend that bat surveys should be undertaken on all pre-1914 buildings with slate roofs regardless of location, and all pre- 1960s detached buildings within 200m of water, due to the potential for bat roosts to be present.

- o They request that a preliminary assessment for bats is undertaken on the building by a suitably qualified ecological consultant in order to comply with Environment Policy 4 and 5 of the Isle of Man

- o Strategic Plan and the Wildlife Act 1990.

- o They state that if the preliminary assessment identifies the property as suitable, or if evidence of bats is found, then further surveys will be required.

- o They request that a report detailing the findings of the preliminary assessment and any additional surveys, alongside appropriate avoidance and mitigation measures, to ensure that bats are protected during and after development, should be submitted to Planning, prior to determination of the application.

- o They note that a Preliminary assessments for bats can be undertaken at any time throughout the year, but state that if emergence/re-entry surveys to confirm roost presence are required then there are seasonal requirements (they need to be undertaken between May - August).

- o They advise that Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd Edition 2016).

5.3 Ramsey Town Commissioners have no objection to this proposal (21 February 2023/21 September 2023).

5.4 Isle of Man Natural History and Antiquarian Society note and support the comments of the Registered Buildings Officer with respect to this application(6 August 2023).

5.5 The Isle of Man Victorian Society has made the following comments regarding the application (19 September 2023):

- o They note that they have viewed this application and support the proposal.

- o They request that in order to overcome any doubt with the roof finish, there should be a condition that any new roofing should be in natural Welsh Slate to match the existing.

- o They also request that a planning condition should be imposed for any new windows in the existing Registered Building to be sliding sash to match the existing.

- o They note that there is also a note on the plans that the existing balustrade to be restored and redecorated, and request that this should include the arches under the balcony which are not the originals.

o They request that there should be a condition that details of the proposed renovation of the front balcony should be submitted and approved prior to any work on it being undertaken.

5.6 No comments have been received from neighbouring properties.

6.0 ASSESSMENT

6.1 The fundamental issue to consider with this application is the impact of the proposed demolition works on the special character of the existing building and the Ramsey Conservation Area (EP35, EP 39, STP 4 & PPS 1/01).

6.2 The elements proposed to be demolished within this application are currently visible from Peel Street to the northwest and Chapel Lane which runs southeast of the site, and parts of Waterloo Road when directly adjacent Peel Street and Chapel Lane. However, the proposed two three storey replacement, although increased in height is considered to preserve the character of the Conservation Area, as it is built in the form of traditional rear outriggers common in the Conservation Area. Also, the single storey element is almost a direct replica of the existing flat roofed extension along Peel Street. Thus, any harm caused by the loss of historic fabric and increase in height (for the section along Chapel Lane) would be outweighed by the benefits of repairing the building and ensuring that it remains in productive use.

6.3 The general presumption as stipulated by Environment Policy 39 will usually be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. In this case, the existing rear outriggers in their current form are not considered to contribute much to the character of the existing building and area, given their poor form and condition. Besides, raised section which would be different in terms of massing is not located along a prominent section of the property, nor does it bear the key features that serve to define the buildings character. Therefore, it is not considered that the demolition works proposed within this application for registered building consent will have any adverse impact on the special character of the existing building and Conservation Area, and as such it is judged that the special character will be preserved.

6.4 On the balance, it is considered that the elements of the building proposed for demolition, would not have unacceptable impacts on the character and appearance of the Conservation Area and their demolition may be regarded as an enhancement, in accordance with Environment Policies 35 and Strategic Policy 4, particularly as a replacement which bears the buildings features would be erected as replacement.

7.0 CONCLUSION

7.1 It is judged that the application meets the tests of section 18 of the Town and Country Planning Act 1999 and environment policy 35 and Strategic Policy 4 within the IOM Strategic Plan 2016 as the special character of the conservation area is being preserved. It is therefore recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) Manx National Heritage; and
- (c) The local authority in whose district the land the subject of the application is situated

8.2. In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should

be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.7

Proposal : Reserved Matters Application - Alterations to the design of the main house and smaller ancillary house. Main House - amendment to incorporate basement level and incorporate new facade glazing to level 3; amendment to include level 4 (principal suite) and change entrance to the property. Reposition of garage block. Ancillary property - incorporate a basement level within the sub-structure.

Site Address : Howstrake
King Edward Road
Onchan
Isle Of Man
IM3 2JP

Applicant : Mr Gordon Halton
Application No. : 23/01511/REM- [click to view](#)
Planning Officer : Mr Toby Cowell

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. 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. 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 4. 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 of the dwelling, including all hardsurfacing within the site, 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 5. Prior to the commencement of the development hereby approved, a soft landscaping plan written in collaboration with a suitably qualified ecological consultancy, shall be submitted to, and approved in writing by the Department. Once approved any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the delivery of an appropriate landscaping scheme, in the interests of the visual amenities of the site and biodiversity.

C 6. Prior to the commencement of development, including construction and enabling works, a plan detailing measures to be taken to prevent water, sediment and pollution runoff from site, including measures to prevent the degradation of the neighbouring Douglas Bay Marine Nature Reserve and measures for the avoidance of light pollution onto surrounding habitats.

All works shall be undertaken in full accordance with the approved details during the construction phase of the development.

Reason: In the interests of biodiversity.

C 7. Prior to the commencement of development, including demolition, construction and enabling works, a Preliminary Roost Assessment shall be undertaken on building B2 (as referenced within the MWT's Bat Survey Report), to check its suitability for hibernating bats, and the results submitted to the Department in writing for approval. Should the assessment determine that hibernating bats are likely to be present then hibernation surveys will be required, together with further avoidance and mitigation measures. All works must then be undertaken in full accordance with any additional specified avoidance and mitigation measures as agreed by the Department.

Reason: In the interests of biodiversity.

C 8. Prior to the commencement of development, including construction and enabling works, a common lizard habitat creation, management and monitoring plan, written by a suitable qualified ecological consultancy, shall be submitted in writing to the Department for approval. This plan shall identify areas for habitat creation and management, including 4 lizard hibernacula, and contain methodologies for their creation and management as well as details of a monitoring regime by a suitably qualified ecological consultancy, during construction and up to 5 years following completion of a landscaping scheme and/or construction (whichever is later). This plan shall also provide details of measures to be put in place for the protection of the surrounding habitats during construction, including protective fencing and construction exclusion areas. Any habitat features which within 5 years from completion of landscaping/creation are removed, do not grow or are otherwise damaged or diseased, shall be replaced. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 9. No permanent outdoor lighting shall be installed until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/12 on Bats and Artificial Lighting (2023), has been submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 10. Prior to the commencement of development, including construction and enabling works, an Invasive Species Management and Monitoring Plan, written by a suitable qualified ecological consultancy, shall be submitted in writing to the Department for approval. The plan shall include details of a management and monitoring regime by a suitably qualified ecological consultancy, during construction and up to 5 years following completion of a landscaping scheme and/or construction (whichever is later). All works must then be undertaken in full accordance with this plan.

Reason: In the interests of biodiversity.

C 11. Prior to the commencement of development, including construction and enabling works, a bat and bird box plan, containing details including the location, specifications and timing of installation, of bat and bird boxes that are to be erected on the new buildings, shall be submitted in writing to the Department for approval. All works must then be undertaken in full accordance with this statement.

Reason: In the interests of biodiversity.

C 12. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department which set out details of the type of glass or barrier to be used in all glass balustrades, alongside any additional measures such as use of etching, ultraviolet coatings or decals, for the prevention of bird strikes. The works shall be carried out in accordance with the approved details and retained thereafter in perpetuity.

Reason: To ensure that the details are appropriate to reduce the risk of bird strike.

C 13. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department a scheme which sets out the roadside boundary details (not timber fencing) along the King Edward Road. This approved scheme shall be completed in full prior to the occupation of the dwelling and retained thereafter.

Reason; In the interest of the visual amenities of the area.

C 14. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department a scheme which sets out the non-reflective glazing to all glazing to the eastern elevation of the dwelling. This approved scheme shall be completed in full prior to the occupation of the dwelling and retained thereafter.

Reason; In the interest of the visual amenities of the area.

N 1. This decision notice relates to a Reserved Matters approval pursuant to Approval In Principal application 15/00636/A as varied by planning application 21/01435/B. For the avoidance of doubt all conditions that apply to 21/01435/B and those on this decision notice apply to the development and should be read in conjunction with one another.

N 2. FOR YOUR INFORMATION

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

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

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

Reason for approval:

The proposed development is considered to constitute a high standard of design which would add a greater degree of visual interest in the context of the immediate landscape and seascape, whilst improving biodiversity across the site and bringing a neglected, redundant site back into use. The proposals would afford future occupants a very high standard of living, without detriment to the amenities of surrounding residential properties, nor give rise to a material impact upon the safety and convenience of the local highway network. The proposals are therefore considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policy 14 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE DUE TO THE SITE'S PREVIOUS HISTORY AND ON THE ADVICE OF THE HEAD OF PLANNING AND BUILDING CONTROL

1.0 THE SITE

1.1 The application site comprises of a parcel of land that is located at Howstrake in Onchan which is to the east of King Edward Road. The site previously contained a holiday camp and derelict remnants of that previous development remain, including some built structures and hardstanding.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Reserved Matters following the initial Approval in Principle for the erection of a dwelling and ancillary staff/guest/office accommodation originally granted under PA 15/00636/A, with the time period for the submission of a Reserved Matters application subsequently extended 3 times under PA's 17/00910/B, 19/01061/B and 21/01435/B.

2.2 The proposals represent a revised scheme to the Reserved Matters previously granted under PA 22/00682/REM. The changes to the consented and extant permission can be summarised as follows:

- Addition of flat roofed 'first-floor' master bedroom suite at the southern end of the open courtyard of the main dwelling;
- Garage block to be shifted circa. 2m westward to enlarged courtyard;

- Creation of basement level below north-eastern corner of open courtyard development for main dwelling to create additional staff living accommodation;
- Internal alterations to staff accommodation in north-eastern corner of open courtyard development for main dwelling;
- Minor uplift in floor area of summerhouse at ground-floor level and fenestration alterations, together with creation of basement level to facilitate additional accommodation;
- Creation of small enclosed courtyard area to east of summerhouse enclosed by inward curving retaining walls.

3.0 PLANNING HISTORY

3.1 The application site has been subject of a number of previous planning applications that are considered specifically material to the assessment of this current planning application:

3.2 Planning application 86/00317/A sought approval in principle to develop A) part of site for residential use and b) part of site for tourist use. This application was refused in 1986.

3.3 Planning application 87/00637/A sought approval in principle to development of land to form 12 residential plots and 25 self-contained tourist chalets. This application was refused in 1987.

3.4 Planning application 88/04256/A sought approval in principle to 150-bedroomed hotel/conference/health facilities and 200 residential units. This application was approved in 1989.

3.5 Planning application 94/00816/B sought approval for the erection of hotel with associated parking. This application was refused in 1994.

3.6 Planning application 94/00817/A sought approval in principle for the erection of 200 dwellings. This application was refused in 1994.

3.7 Planning application 09/01041/A sought approval in principle for the erection of a detached dwelling. This application was refused in 2009 for the following reasons:

"R 1. The proposed development represents unwarranted development that is contrary to the land use designation of the application site as i) open space; and ii) ecological interest/semi natural vegetation under the Isle of Man Planning Scheme (Onchan Local Plan) Order 2000 Map No. 1 and the presumption against the development of such areas set out within Planning Circular 1/2000 and the Isle of Man Strategic Plan 2007. Specifically, the proposal is contrary to the provisions of Policy O/RES/P/22 and Policy O/NC/P/2 of Planning Circular 1/2000 and the provisions of General Policy 3, Environment Policy 1, Environment Policy 4 and Housing Policy 4 of the Isle of Man Strategic Plan 2007.

R 2. Notwithstanding the first reason for refusal the planning application a) fails to demonstrate that minimum visibility splays of 2 x 36m can be achieved from the application site onto the adjoining highway; and b) does not provide sufficient information regarding the means of surface water and foul sewage disposal from the application site."

3.8 Planning application 15/00636/A sought approval in principle for the erection of a residential dwelling with ancillary staff and office accommodation addressing siting and means of access. This was approved 28.08.2015.

3.9 Planning application 17/00910/B sought variation of condition 2 of PA 15/00636/A for the approval in principle for the erection of a dwelling, to extend the period of approval for a further 2 years. This was approved 19.10.2017.

3.10 Planning application 19/01061/B sought variation of condition 2 of PA 17/00910/B for the variation of condition 2 of PA 15/00636/A approval in principle for the erection of a dwelling, to extend the period of approval for a further 2 years. This was approved 27.11.2019.

3.11 Planning application 21/01435/B sought variation of condition 2 of PA 19/01061/B for the variation of condition 2 of PA 15/00636/A approval in principle for the erection of a dwelling, to extend the period of approval for a further 2 years. This was approved 16.03.2022.

3.12 Planning application 22/00682/REM sought approval for the Reserved Matters in relation to the detailed design and layout of the dwelling. This was approved 22.05.2023.

4.0 PLANNING POLICY

4.1 The application site falls within the open countryside and is not zoned for any specific development in the Area Plan for the East 2020, whilst also falling within an Area of High Landscape Value.

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

Strategic Policy

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

Spatial Policy

- 5 Development only in countryside in accordance with General Policy 3

General Policy

- 2b,c,g General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 2 Areas of High Landscape Value

Housing Policy

- 4 Exceptions to allowing new housing in the countryside
- 14 Siting, size and design of replacement dwellings in the countryside

Transport Policy

- 4 Highways safety
 - 7 Parking

Infrastructure Policy

- 5 Water conservation and management

4.5 Residential Design Guide (2021)

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

5.0 REPRESENTATIONS

5.1 Onchan District Commissioners - Recommend the application be approved. (23.01.24)

5.2 Highways Services - No highways interest. (19.01.24)

5.3 Highways Drainage - Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. There are no levels relating to the property to determine surface water run-off. We therefore require confirmation that no surface water will be allowed to discharge onto the highway. (15.01.24)

5.4 Ecosystems Policy Officer - The previous Planning application for this site (PA 22/00682/REM) was approved with a number of ecological conditions on approval. Most of these conditions are relevant to this current application and therefore we request that they are secured again. However, the Ecosystem Policy Team are requesting that amendments be made to the wording of these conditions, and an additional condition be applied, to ensure that the site's biodiversity is protected and adequate mitigation is in place.

The Ecosystem Policy Team would object to this application should these conditions not be secured. The reasons for requesting these conditions are because of the following wildlife features on or immediately adjacent to the site:

- o Presence of a medium-sized breeding population of legally protected common lizards (listed on Schedule 5 of the Wildlife Act 1990);
- o Presence of the Wildlife Act 1990 Schedule 8 invasive non-native plants Montbretia and Cotoneaster;
- o Habitat suitable for breeding legally protected common frog (listed on Schedule 5 of the Wildlife Act 1990);
- o Habitats suitable for legally protected breeding birds, including species listed on Schedule 1 of the Wildlife Act 1990;
- o The presence of Douglas Bay Marine Nature Reserve (MNR) at the base of the cliffs just to the south-east of the site;
- o Semi-natural habitats including heath, marshy grassland, standing water, woodland, coastal scrub and semi-improved grassland;
- o Adjacent sea cliff habitat containing a seabird colony;
- o Potential for hibernating bats in the built structures on site. (07.02.24)

5.5 Forestry Officer - No comments received at the time of writing.

5.6 Manx Utilities Authority - No comments received at the time of writing.

6.0 ASSESSMENT

6.1 The principle of development has already been established through the previous grant of an Approval in Principle. The main issues to consider in the assessment of this planning application solely relate to reserved matters identified within the decision notice for the approval in principle, which include the following:

- Design, visual impact and landscaping (STP5, GP2, EP1, 2, HP14)
- Residential amenity (GP2, g, h)
- Highways and parking (TP4, 7)

- Other matters (RDG, EP22, CP7, 11 and IP5)

6.2 DESIGN, VISUAL IMPACT AND LANDSCAPING

6.2.1 The proposals relate to the replacement of non-residential buildings with a dwelling in an area not zoned for residential development in accordance with an adopted Area Plan. Whilst there is no policy within the Strategic Plan which specifically fits this particular form of development, it is considered that Housing Policy 14, relating to the design of replacement dwellings in the countryside, is of the most relevance.

6.2.2 Housing Policy 14 requires replacement dwellings in the countryside to not be substantially different to the existing in terms of siting and size, unless changes of siting and size would result in an overall environmental improvement. Likewise, the design of dwellings should be in accordance with the principles of Planning Circular 3/91, whilst not being greater than 50% of the external floor area of the original building. Exceptionally however, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building. Likewise, consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact.

6.2.3 In this instance, the proposed dwelling would significantly exceed a 50% uplift in floor area above the existing buildings present on the site. However, it is noteworthy that substantial areas of hardstanding within the site following previous demolition of much of the original built development remain, with development spread throughout a large portion of the wider site. Planning permission was originally granted in Principle on the basis that the proposals would amount to the redevelopment of previously developed land, the principle of which is deemed acceptable in accordance with General Policy 3. Moreover, whilst not formally approved, the indicative layout for the dwelling shown within the original permission was considered to be appropriate, with built development required to be located in the defined 'development areas' shown on the approved site plan. Indeed, the proposed development largely follows the footprint and siting of the original buildings and remaining areas of hardstanding.

6.2.4 The existing buildings still present on site are in a severely dilapidated condition with the site having long been redundant for its original use. Whilst the proposed dwelling is clearly not traditional in its appearance and in conformity with the design principles of 3/91, the principle of introducing a dwelling of an innovative, modern design is supported by HP14, provided this would be of a high quality and not result in an adverse visual impact. Indeed, it is noted that the officer report for the most recent Approval in Principle application considered that:

"6.15 Early discussion with the applicant's agent, prior to the application being submitted, discussed the type/design of dwelling which was considered to be potentially most suitable for this site and potentially comply with planning policy. It was considered a more traditional design approach (i.e. Manx vernacular/Georgian) would be unsuitable for this site and would potential result in a dwelling being very apparent within the countryside. Accordingly, it was considered a more contemporary approach would be better suited which could be designed with the contours of the land - the site being on a hillside with potentially large amounts of glazing, natural roofing (sedum roof) and finished with dark materials could help to blend the property with the surrounding landscape. Following these discussions the applicants have chosen the more contemporary approach, in their indicative illustrations submitted with the application.

6.16 Whilst this application is in principle only and no detailed design of the dwelling has been submitted, the applicants within the design principles have indicated that any detailed development would ensure that a design that is of high quality reflecting Howstrakes location, and ensure the built form responds to the existing topography and land form. This would be undertaken by maintaining development at single storey level, progressively stepped into the landscape. The proposal would also maximise the reuse of existing cleared, graded and platformed land. Furthermore they indicate that to minimise the visual exposure of built form through terraced, stepped and variable building massing appropriately integrated with landform, topography and vegetation."

6.2.5 It is noteworthy that the detailed proposals put forward as part of this Reserved Matters application represent modest additions to the previous approved Reserved Matters scheme that continue to follow the abovementioned design principles of the previous Approval in Principle, whilst not formally approved at that time, were considered to be the most appropriate way forward for redeveloping the site.

6.2.6 With respect to the visual impact of the development upon the wider landscape and seascape, this consideration was, quite logically, left largely open-ended with respect to the assessment of the Approval in Principle application, with the following commentary of note provided in the previous officer report:

"In this case it is to consider whether a single dwelling could be accommodated on the site, using the design principles indicated by the applicants, including appropriate well designed landscaping, which could all result in reducing the impact of the current situation on the landscape and the wider environment and result in improvements to the landscape and wider environment. It is considered this scheme presents the opportunity for the development of a bespoke dwelling incorporating a very high quality exemplar standard of design which the Planning Directorate would seek for any future detailed application, should the approval in principle application be approved."

6.2.7 The site forms a notably prominent location, with any development to be clearly visible within the context of seascape views to the east, together with more modest land based views to the north and south-west. The previous Reserved Matters application was accompanied by a comprehensive Landscape and Visual Impact Assessment (LVIA), the content of which is considered to remain valid and of material relevance, and therefore the assessment of the LVIA noted in the officer report for the previous Reserved Matters application is provided below.

"The LVIA concludes that, due to the topography of the site and existing vegetation, views of the development from publicly accessible location would be extremely limited. Indeed, the LVIA considers that views from outside of the site would typically be from close proximity and occasional, particularly within the context of King Edward Road and to the north of the site across Groudle Glen. Likewise, the report considers that due to the nature of views in the area and the scale of the proposals, the proposals will generally form a small proportion of views and in most cases will be incidental to wider views, particularly as mitigation planting matures over time. The highest level of effect is judged for receptors at sea resulting in a moderate, adverse effect. However, once beyond 0.5km the proposed development will form a small proportion of the views, where views are focused on the wider seascape and the coastline as a whole. For each of the assessed receptors, by Year 15, effects are generally judged to be neutral, whereby any negative effects of the proposed development are balanced by the beneficial effects of the development.

The report further considers that, whilst the proposed development would clearly give rise to a significant amount of visual and landscape change within the site itself, the proposals are of

a high quality which would bring a neglected site back into use. Moreover, the proposals seek to retain and augment existing landscape features, with additional mitigation by way of substantial tree planting further proposed that will serve to integrate the development into its surroundings.

Upon assessment of the scheme and its likely visual impact, officers are in general agreement with the findings and conclusions of the submitted LVIA. Due to the downward sloping nature of the site with substantial mature vegetation already in existence, built development already present within the site is only marginally visible upon passing within the context of King Edward Road. Views into the site are however currently of derelict buildings and hardstanding, which notably detract from the site's appearance. By contrast, the proposed scheme, whilst resulting in additional built development, is considered to be of a very high quality which, when integrated with additional mitigation tree planting and the formal landscaping scheme, would positively enhance the site's character and appearance in the context of the immediate streetscene.

Similarly, longer distance views of the site from Groudle Glen and the closest section of the Raad Ny Foillan coastal path are also available. Again, whilst the proposed development would be partially visible within this context, views would be largely intermittent and fleeting. Longer term, the maturation of mitigation planting and landscape would likely further reduce the perception of the development from these particular vistas. In any case, the development is considered to be of a high quality and a statement piece of architecture which represents a significant improvement to the current situation.

The submitted LVIA has, correctly, identified that the development would pose the greater impact upon views to the east in the sea. At a greater distance, there is little doubt that the development upon entry to the island by ferry, for example, would be read within the context of wider development in Onchan and around the bay in Douglas. It is unlikely that the proposals would therefore appear unduly prominent in this wider context, with the eye likely to be drawn to development within Douglas and Onchan itself. Upon closer proximity, and as noted in the LVIA, the visual impact of the development would naturally appear more prominently on a parcel of land that, whilst developed, is largely derelict and overgrown. Again however, the high quality design of the proposals which successfully integrate with the site's topography, together with varied and comprehensive complementary landscaping, would ensure the proposals would not result in a negative visual impact. On the contrary, the proposals are considered likely to appear visually striking by introducing a greater degree of interest and articulation to this prominent parcel of land, as opposed to a detrimental visual impact upon the wider landscape.

In light of the above assessment, the proposals are considered to amount to a very high quality of design which successfully integrate with the site's topography, whilst being complemented by a comprehensive landscaping scheme including significant levels of mitigating tree planting which have been found acceptable by the Ecosystems Policy Team. Whilst the proposals notably amount to a significant uplift of floor area and footprint relative to the existing level of development on site, this is balanced against the quality of the design proposals and improvement of the site's biodiversity, together with giving rise to an overall visual improvement following removal of the existing derelict structures."

6.2.8 The current Reserved Matters application which is the subject of this report results in a series of alterations to the main dwelling as detailed in Section 2 of this report. Such alterations and additions are considered to be relatively minimal in the context of the quantum of built development which has already been granted planning permission.

6.2.9 From a design standpoint, the addition of the centrally located 'first-floor' master bedroom suite at the southern end of the courtyard, together with the shifting of the garage complex further west, provides a greater semblance of balance and symmetry to the resultant dwelling when viewed upon entry to the property from the north. Likewise, the basement extension in the north-eastern corner of the open courtyard area is considered to be appropriate from a design standpoint whilst not result in any upward built development.

6.2.10 In summary, the alterations to the approved scheme for the main dwelling are considered to be acceptable from a design and visual impact perspective in the context of the previously consented scheme, and indeed would not result in a demonstrable impact upon the character and appearance of the wider landscape and seascape when assessed in the context of the extant permission.

6.2.11 Likewise, the proposed seek only a marginal uplift in floor area at ground floor level of the proposed summary house to the north-east of the main dwelling, whilst further including the excavation of a basement level to accommodate an addition bedroom and kitchen/living room. Whilst the proposals clearly expand the level of accommodation available to the summerhouse, the building would still remain as ancillary living accommodation in the context of the main dwelling and be accessed from the same principal driveway as per the extant permission. The main exterior alteration to the summerhouse include the creation of a small enclosed courtyard area to the east enclosed by inward curved retaining wall. However, when assessed against the extant permission on relation to the summerhouse, the changes as a whole are considered to be relatively moderate and would again not result in a demonstrable impact upon the character and appearance of the wider landscape and seascape.

6.2.12 In light of the above therefore, the revised proposals the subject of this Reserved Matters application are considered to remain of a very high design quality and in accordance with the general requirements of Housing Policy 14.

6.3 RESIDENTIAL AMENITY

6.3.1 Due to the isolated nature of the site and substantial distance from other residential properties within the built-up area of Onchan to the west and Groudle Glen to the north; the proposed development would pose no material impact upon residential amenity. Likewise, the development would afford future occupants with a very a high standard of living, including a generous associated garden area. The proposals are therefore compliant with General Policy 2 (g) & (h) of the Strategic Plan.

6.4 HIGHWAYS AND PARKING

6.4.1 No objections have been raised by Highways Services with respect to the proposals, which would incorporate on-site parking provision for in excess of 10 parking spaces, with clear space for vehicles to safely manoeuvre within the site. Likewise, visibility splays evidenced on the submitted site plan with respect onto the main road have already been approved at the Approval in Principal stage.

6.5 OTHER MATTERS

6.5.1 The proposed works comprise a single dwelling, and are not considered to pose any issues with respect to respect of criminal actively or spread of fire. The new dwelling would be served by a soakaway for surface water drainage and utilise a biodisc system for the disposal of foul sewerage, which are considered acceptable. Comments from Highways Drainage with respect to potential discharge of surface water onto the highway are noted. However, due to the site's sloping topography, this is not considered to present an issue in this instance. Matters relating to ecology and biodiversity are considered to be acceptable, as noted by the response from the Ecosystems Policy Officer, subject to the attachment conditions as amended relative to the previously approved Reserved Matters application and

an additional condition with respect to the submission of an updated detailed hard and soft landscaping scheme.

6.5.2 The requested inclusion by the Ecosystems Policy Team of the submission of a Construction Environmental Management Plan by way of a condition is noted. However, not all of the requested elements of the CEMP are not enforceable under planning legislation, and therefore the specific requirements of the CEMP which are deemed to be reasonable and enforceable have been separated and included within other conditions. This includes the submission of a plan detailing measures to be taken to prevent water, sediment and pollution runoff from site, and details of measures to be put in place for the protection of the surrounding habitats during construction, including protective fencing and construction exclusion areas.

7.0 CONCLUSION

7.1 The proposed development is considered to constitute a high standard of design which would add a greater degree of visual interest in the context of the immediate landscape and seascape, whilst improving biodiversity across the site and bringing a neglected, redundant site back into use. The proposals would afford future occupants a very high standard of living, without detriment to the amenities of surrounding residential properties, nor give rise to a material impact upon the safety and convenience of the local highway network. The proposals are therefore considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policy 14 of the Strategic Plan (2016), and recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.8

Proposal : Installation of galvanised steel staircase to create secondary access to inner harbour pontoon from adjacent car park at the bottom of Fort Anne Road.

Site Address : The Tongue
Douglas
Isle Of Man

Applicant : Mr Marc Marshall

Application No. : 23/01470/B- click to view

Planning Officer : Mr Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposed development is acceptable in principle by way of providing necessary associated infrastructure in connection with the Inner Harbours operations, without detriment to the visual amenities of the site, its immediate setting, or on the character and appearance of the adjacent Conservation Area. The development is therefore in compliance with Spatial Policies 1 and 6, General Policy 2, Environment Policies 36 and 42 and Transport Policy 13 of the Strategic Plan (2016), together with aligning with the key objectives of the Area Plan for the East (2020).

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

1.00 THE SITE

1.1 The site comprises the end part of The Tongue which projects out into the River Douglas and is located on the south side of the inner harbour close to the South Quay and its attendant car park. It connects the harbour-side to the boat mooring pontoon. The site lies within the settlement boundary for Douglas.

2.0 THE PROPOSAL

2.1 The full planning application proposes the creation of secondary access to inner harbour pontoon from The Tongue. An unpainted galvanised steel staircase would be installed enabling pedestrian access from the car park at the existing wall. The staircase would align with the existing concrete access ramp. A lockable gate would be installed at the bottom of the ramped access. A minimal amount of the existing harbour-side fence would be removed to allow for installation.

2.2 The height of the development would be approx. 4.6m deep between The Tongue wall and inner harbour. The extent of the development would be 6.0m wide. The height of the containing fencing above the car park wall would be 1.2m. Steel mesh would be applied to the fencing and gate containing the new access ramp. The galvanised steel, mesh covered lockable gate would be 1185mm wide set in a 1470mm wide aperture and 1200mm high.

3.0 SITE HISTORY

3.1 02/01904/B - Reclamation of harbour area to form boat park and slipway - Permitted 12/3/2003.

3.2 05/01642/B - Installation of floating pontoon berths to second phase of Marina Development - Permitted - 24/11/2005.

3.3 Creation of Marina Facilities, Inner Harbour, Douglas. Permitted - 9/6/99.

4.0 PLANNING POLICIES

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

Strategic Policy

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

Spatial Policy

- 1 Priority to Douglas for development
- 6 Protection and enhancement of principal gateways to the Island

General Policy

- 2 General Development Considerations

Environment Policy

- 10 Flood risk
- 11 Coastal development
- 36 Development adjacent to Conservation Areas
- 42 Designed to respect the character and identity of the locality

Transport Policy

- 4 Highways safety
- 13 Development in harbours

4.2 Area Plan for the East (2020)

One of the key objectives of the Area Plan is to support and implement the National Infrastructure Strategy (2017) and the Harbours Strategy (2018), both of which are also material considerations in the determination of this application. The site forms part of the Maritime Gateway Mixed Use Area, with the corresponding proposal in the Area Plan stating

that there will be a presumption in favour of improvement of and development proposals for port and harbour purposes.

4.3 National Infrastructure Strategy (NIS) (2017)

The following points from the NIS are of particular relevance with respect to this application:

- Recognising the strategic importance of Douglas Harbour in particular, the Department of Infrastructure is considering a number of options for further improvements to Douglas Outer Harbour which will provide more economic development opportunities. This will form part of the Harbours Maritime Strategy which is currently being prepared;
- Tourism is likely to remain an important element of the Island's economy and consideration may need to be given to what infrastructure might be required to accommodate this. This may include enhanced harbour and marina facilities to broaden the appeal of the Island;
- The most likely driver for change at the Islands ports, harbours and airports is the on-Island economy. Off Island travel is essential for economic success whether it is bringing goods to and from the Island, people flying for business or those coming to visit the Island on holiday there is a need to be able to accommodate this;
- There is a commitment in the Programme for Government to "Prepare a Harbours Maritime Strategy for the Island to include the exploration of the feasibility for a deep water berth and the ability to bring forward a non-tidal marine by end 2026". This report will consider each of the Island's harbours in terms of their constraints and opportunities / aspirations which could be realised at each harbour in the future. In terms of Douglas this will also consider the future infrastructure to ensure it remains fully operational. This may require a significant level of investment in the future.

4.4 In the Area Plan for the East Policy advice contained at Paragraph 9.10.9 indicates:

"Town Centre - Mixed Use Proposal 6 There will be a presumption in favour of improvement of and development proposals for port and harbour purposes. Some ancillary and incidental tourist and food and drink uses that support the primary role of the area as a Port will be acceptable. As this area lies partly within the Douglas North Quay Conservation Area, development plans should pay regard to the Conservation Area Character Appraisal for Douglas Promenades."

4.5 Harbours Strategy (2018) - provides general information on opportunities available to upgrade and enhance the Douglas Outer Harbour Area and the Marina.

4.6 Schedule 1 of the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012, relating to Douglas Outer Harbour, is also of relevance and material with respect to the determination of this application.

5.0 REPRESENTATIONS

5.1 Douglas Council (4/1/24) No objection.

5.2 Highways Services (22.12.23) - advises that it has no highway interest in application 23/01470/B.

5.3 Flood Management Division - do not oppose (02.01.24)

5.4 DEFA Fisheries Directorate (16/1/24) - no objections.

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

6.0 ASSESSMENT

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

- Principle of development (SP1 & 2, TP13 & Area Plan for the East)
- Design and visual impact (STP5, GP2, EP36, 42)
- Other matters (EP10, 11, TP4)

6.2 PRINCIPLE

6.2.1 The site forms part of Douglas Inner Harbour, and this location is represented by the wall at the eastern end of The Tongue adjoining a pontoon, and adjacent car parking area to the south bounded by South Quay. Douglas Harbour, which is the gateway to the Island, is required to be protected and enhanced in accordance with Spatial Policy 6 of the Strategic Plan (2016). Mixed Use Area 7 - 'The Quayside' of the Area Plan for the East (2020) (See Proposals Map 5 - Douglas Town Centre) further adds that there will be a presumption in favour of improvement of, and development proposals for port and harbour purposes.

6.2.2 The proposed works would facilitate pedestrian entry and egress onto the pontoon from The Tongue and adjoining South Quay Car Park to which boats are moored and would improve the general layout and flow of access to the boat mooring. The proposals also seek to improve security measures at this point of entry onto the pontoon. The proposals are therefore considered to be acceptable in principle.

6.3 DESIGN AND VISUAL IMPACT

6.3.1 The most visually prominent aspect of the proposals relates to the new fencing. The extent of the development would be 6.0m wide. The height of the containing fence above the car park wall would be 1.2m. Steel mesh would be applied to the fencing and gate containing the new access ramp. The galvanised steel, mesh covered gate would be 1185mm wide set in a 1470mm wide aperture and 1200mm high. The works proposed are considered to be small in scale and would only affect the area in which they are sited, without resulting in a wider visual impact or appearing as intrusive in the wider harbour area. Therefore, their overall visual impact would be limited.

6.3.2 The site lies outside of the Douglas North Quay Conservation Area, the nearest boundary of which is located to the north on the opposite side of the harbour, although it sits within close proximity to it. Nevertheless, the general improvement of the site via the erection of the staircase leading to the creation of a secondary access to the inner harbour pontoon would amount to an overall visual improvement and, therefore, would not result in any detrimental visual impact upon the setting of the adjoining Conservation Area. The fencing represents a low-key form of construction which reduces its visual prominence.

6.3.3 The structure would however be more noticeable from the wider harbour area to the east, although it would largely be screened from views from that direction by the pontoon and the boats moored alongside it. The presence of these vessels, with their masts, guy lines, and booms, would assist in minimising any visual impacts when viewed from the direction of the Millennium Lifting Bridge, which separates the inner harbour from the ferry port.

6.3.4 No concerns are raised over the use of the existing access from the adjoining South Quay Car Park, and the new staircase, fencing and access ramp would assist in providing a general visual improvement and 'tidy-up' of the site. The most intrusive element of the associated infrastructure is likely to consist of the 1.2m high security/safety fencing which would be employed. Such infrastructure is, however, necessary as part of the site's wider functionality, and indeed would constitute permitted development in any case in accordance with Schedule 1 of the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012.

6.3.5 In light of the above, the development is considered acceptable from a design and visual impact perspective, in compliance with the provisions of General Policy 2, and Environment Policies 36 and 42 of the Isle of Man Strategic Plan 2016.

6.4 OTHER MATTERS

6.4.1 No objections have been raised by the Flood Management Division and Highways Services with respect to the development proposals, nor have any conditions been recommended in the event that planning permission is granted.

7.0 CONCLUSION

7.1 The proposed development is acceptable in principle by way of providing necessary associated infrastructure in connection with the Inner Harbours operations, without detriment to the visual amenities of the site, its immediate setting, or on the character and appearance of the adjacent Conservation Area. The development is therefore in compliance with Spatial Policies 1 and 6, General Policy 2, Environment Policies 36 and 42 and Transport Policy 13 of the Strategic Plan (2016), together with aligning with the key objectives of the Area Plan for the East (2020).

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.9

Proposal : Conversion of an Existing Barn Structure (Block A) into Two Self-Catering Tourist Cottages (Class 3.6), Erection of Bat Barn, and Erection of Solar Array

Site Address : Berrag Farm
Sandygate
Ramsey
Isle Of Man
IM7 3BS

Applicant : Mr & Mrs Denzil & Beverly Williams

Application No. : 23/00488/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The holiday/tourist accommodation hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the Department.

They shall not be occupied as a person's sole or main residence and the owner of the holiday/tourist accommodation shall maintain an up-to-date register of the name of each occupier of the holiday/tourist accommodation on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the Department.

No guest or customer may occupy any part of the accommodation for a period exceeding 28 days during the months of April and September (inclusive).

Reason: to ensure that the development is only used and occupied as short-let holiday accommodation during the holiday season and to maintain the availability of the units as short term holiday accommodation.

C 3. In the event that the solar panels and the support units hereby approved are no longer used or required for renewable and alternative energy generation for a period exceeding 12 months, they shall be removed and the ground restored to its former condition within 6 months following the 12 month period.

Reason: The structures have been exceptionally approved solely to meet sustainable energy need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The boundary of the area defined for use by the solar arrays shall be enclosed by post and wire fence. Any replacement fencing shall also be post and wire fence (not solid fencing), and shall thereafter be retained and maintained as such.

Reason: For the avoidance of doubt and to ensure the provision of an appropriate landscape setting to the development.

C 5. The solar panels hereby approved shall be fixed and angled south only as shown on approved plans, and shall not be rotational.

Reason: the application has been assessed on this basis only and in the interest of visual amenity.

C 6. Prior to the installation of external lighting within the site, a Lighting Plan shall be submitted to and approved in writing by the Department. The lighting of the site will be designed utilising inward directed led lighting columns to provide required site illumination without creating undue light pollution. The development shall not be carried out other than in accordance with the approved plan, and shall be retained as such thereafter.

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

C 7. The Bat Barn approved as part of the development shall be erected strictly in accordance with the approved plans (Drawing No. 151 Rev A), and shall thereafter be retained as such. The Bat Barn shall be built and available for use by bats prior to works affecting the bats.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 8. Prior to the commencement of any works on the barn, a Methodology for bat protection during works and covering the bat mitigation provisions with notes to clarify intentions and a method statement, shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Bat Protection Methodology.

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

C 9. The tourist accommodation units hereby approved shall not be occupied or operated until the additional car parking and manoeuvring areas, have been provided in accordance with the approved plans (Drawing 001 Rev E) received 20 October 2023. Such areas shall remain free from obstruction thereafter and remain available to the users of the approved development.

Reason: To ensure that sufficient provision is made for the parking and turning of vehicles, and pedestrian movements in the interests of highway safety.

C 10. 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 development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 39 - Fences, walls and gates

Reason: To control future development on the site.

C 11. The element of this approval that relates to part of Field 214608 is for the installation of solar panels only. No permission is granted under this application for the change of use of the field to mixed use or residential land.

Reason: For the avoidance of doubt, and to reflect the information provided in the application, as the Department has assessed the impact of the proposal only on the basis of the additional use of the field.

C 12. No Ground Source Heat Pumps shall be installed unless they are in accordance with details which have been first submitted to and approved in writing by the Department.

Reason: For the avoidance of doubt, to reflect the information provided in the application and to ensure no unacceptable impact on the environment.

N 1. FOR YOUR INFORMATION

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

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

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

Reason for approval:

Overall, it is concluded that the planning application is in accordance with Environment Policy 22 and Energy Policy 4 of the Isle of Man Strategic Plan 2016, as well as the wider Government climate change strategy. The proposal is also considered to accord with General Policy 3, Environment Policies 1, 4, 5 and 16, Strategic Policy 8, and Business policies 11 and 14 of the IOM Strategic Plan. No unacceptable adverse impact has been identified as likely with respect of the character and appearance of the existing building and surrounding landscape, the residential amenity of the neighbouring property or on parking and highway safety.

Interested Person Status – Additional Persons

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

- o Manx National Heritage

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that they have not made written submissions relating to planning considerations:

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL MAY BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

0.0 PREMABLE

0.1 This application has been recommended for assessment by the Planning Committee on 8 April 2024, although it has an active re-advertisement period which expires on 5 April 2024. Given that the date for the publication of the Planning Committee agenda would precede the expiry date for the submission of further comments on the application, any subsequent representations/consultations which are received prior to the determination of the application would be verbally presented at the Planning Committee Meeting.

1.0 THE SITE

1.1 The application site is the Berrag farm which sits north of the Sandygate Road (A13), just east of Sandygate crossroads. The site houses the main farm house which is accessed from a narrow gated private gravel lane measuring about 206m long which serves the farm house and existing buildings on site. The private lane is accessed from Sandygate Road to the south.

1.2 At the rear of the farm house are two "L" shaped barns aligned northwest-southeast creating a large courtyard, laid to lawn, between them. The shorter wings face south-west towards the farmhouse. A small green house sits northwest of both barns and backs the wooded area north of the site.

1.3 The western barn has already been converted to living accommodation, with both floors of the short wing and the first two bays of the main barn forming the existing tourist accommodation on site.

1.4 There is a large walled garden measuring about 301sqm serves tourist lodging at the converted barns, and this garden also has a green house. A pond which serves the entire site is situated northwest of this garden. The site also has a covered well, a large vegetable garden, and large wooded areas with footpaths.

1.5 The site currently benefits from a large hardstanding area in front of and behind the farmhouse that provides parking on site, besides the parking provision within the existing integral garage on the farmhouse.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Conversion of an Existing Barn Structure (Block A) into Two Self-Catering Tourist Cottages (Class 3.6), Erection of Bat Barn, and Erection of Solar Array.

2.2 The proposed works would involve converting the northern part of the northwest barn into two self-catering tourist accommodation. This part of the building would be laid out such that it would house two bedroom self-contained units that would each be set over two floors.

2.3 The first unit would sit directly north of the existing tourist units within this barn and would have an entrance porch, a WC, and open plan kitchen/dining and living area on the ground floor, while the first floor would house the stairs and two bedrooms with ensuite.

2.4 The second tourist unit would be set north of the other unit and would be laid out to have an entrance porch, store, a WC, and open plan kitchen/dining and living area on the ground floor, while the first floor would house the stairs and two bedrooms with ensuite.

2.5 Both units would be served by an outdoor terrace on the ground floor area elevation. A new hardstanding area would be created north of the existing hardstanding area north of the farm house with (8) new parking areas, new tree planting and new Manx sod hedge. New footpaths would also be created from the parking area to the tourist accommodations on site.

2.6 The new tourist accommodation would use the existing foul and surface water drainage systems.

2.7 The scheme would also involve the creation of a new bat barn northwest of the existing large green house northwest of the barns to serve as ecological mitigation on site. The bat barn would have a footprint measuring 5.6m x 5.6m and would be 6m tall from the ground level to the top of its roof (2.7m to the eaves). The roof would be finished in natural slate, while the walls would be finished in natural timber cladding. Habitat Bat Access Slate or Lead Access Tile with minimum 20mm high opening for access to batten space would be created on the roof, while bat brick boxes would be installed on the walls.

2.8 Other works would involve:

a. Installing two rows of solar array northwest of the pond and within the agricultural field (Field 214608) which sits northwest of the farm yard. Each array would be about 17m long and 3.3m wide, each supporting 30 panels (60 panels in total). The supports would be 1.7m tall at the highest point and 580mm tall at the lowest point and inclined at 20 degrees. No details have been provided on the type of panels and energy generation capacity. These arrays which would be within an area measuring about 504sqm, would have its boundary fenced off. No details on the type of fencing have been provided.

b. The plans also show the installation of ground source heat pump within an area of the site northwest of the existing barns measuring 15.6m x 25.4m. No details have been provided on the energy generation specifics or type of ground source heat pump to be installed.

2.10 The applicants have provided additional information which details the following:

a. The current cottage is managed by Island Escapes and their website is great plus you can see reviews there, this is the direct link to Wisteria Cottage. <https://www.islandescapes.im/property/609893>

b. The farm owns 82 acres, and guests are very welcome to go wherever they like with two provisos; not enter any fields with livestock in and all children 10 and under must be accompanied by an adult at all times (due to the pond/dub).

c. The walled garden is for the private use of cottage guests only.

d. The Berrag sword which is in the Manx Museum was found here (exact location unknown) and a bronze replica has been made using traditional sword making methods. Information about the replica is provided in the guest information, and guests are welcome to come and see the sword and have a photo with it.

e. This year, 2.5 acres of land have been planted; 6000 plants with 7 varieties of lavender, the soil is sandy (hence Sandygate) and the lavender has taken really well. The varieties have been chosen for fragrance and colour.

f. Guests are welcome to enjoy the lavender, take photos etc., and also learn about harvesting, drying, making products and producing essential oils.

g. 300 cider apple trees have been planted within the farm, 7 different varieties, and there is an informal agreement with Isle of Cider to buy the apples to make cider. All guests will be able to enjoy walking in the orchard, taking photos when the apple blossom is out and helping with the harvest and watch the juicing in the field.

h. When doing any planting of the Manx bank, lavender plants, and trees, guests have been offered the opportunity to plant something and several have done it, for themselves or in memory of someone.

i. Some of the fields are rented to Aalin Dairy and guests are normally delighted to discover the connection between the cows in the field, the milking shed on the mountain and the bottle of milk they are given.

j. Workshops are run at the farm for tourists and visitors to the site: these include, Christmas Craft activities on Wednesday mornings, Posy cone making from February onwards, and the lavender farmer experience. Workshops will be 2-3 hours max, twice a week. There will be a max group size of 10 or 15. Workshops will take place in the farmhouse kitchen and in the lavender fields at the front.

k. Cider apple activities to be added as they get mature enough.

2.11 The applicants have also submitted a support letter from an Officer of the Visit Isle of Man Agency dated 7 February 2023 which notes that:

o The proposed high quality of the two cottages should attract the new, high spending holiday and short break visitors that the Visitor Economy Strategy seeks to target and attract off-peak to help extend the islands holiday season - a key priority of the Visitor Economy Strategy.

o The focus on installing sustainable energy systems supports the development of eco-friendly rural visitor accommodation.

o The project represents a significant investment which is part of a larger development plan for the site which will help to enhance the islands visitor accommodation offer.

2.12 A Bat Survey Report prepared by Collington Winter Environmental Ltd and dated September 2023, submitted in support of the application provides details of potential impacts on bats, recommendations and mitigation, including monitoring requirements for the site.

3.0 PLANNING POLICY

3.1 Site Specific:

3.1.1 In terms of local plan policy, the application site is largely within an area of land which is not designated for development on the 1982 Development Plan. The existing barns, one of which is the subject of the current application are within an area of Private Woodland or Parkland on the development Plan. The site is not prone to flood risks or within a Conservation Area. Large parts of ' 'the application site (over 40 percent) are within a Registered tree Area, and there is a registered tree on site.

3.2 National: STRATEGIC PLAN (2016)

3.2.1 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, General Policy 3 provides a list of exceptions that would be allowed, and this includes (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest.

3.2.2 The installation of solar panels does not fall within any of the exceptions allowable under General Policy 3, although Paragraph 12.2.8 of the Isle of Man Strategic Plan 2016 states that the Department is fully supportive of the need to secure greater energy efficiency in new and existing development and has recently introduced additional energy efficiency requirements in the Building Regulations 2003. Energy efficiency and the use of renewable energy sources are covered in General Policy 2(m) of the Building Regulations. At the same time the Department recognizes that renewable energy sources can have adverse environmental impacts.

3.3 Other Relevant Strategic Plan Policies:

- a. General Policy 2 - General Development Considerations.
- b. Environment Policy 1 - Protection of the countryside and inherent ecology.
- c. Environment Policy 3 - Seeks to prevent unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.
- d. Environment Policy 14 - Seeks to prevent the permanent loss of important and versatile agricultural land (Classes 1-2).
- e. Environment Policy 16 - supports the use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use, and sets out the circumstances where this may be permitted.
- f. Environment Policy 22 - No support for development that would unacceptably harm the environment and/or the amenity of nearby properties.
- g. Business Policy 11 - stipulates that tourism development must be in accordance with the sustainable development objectives of this plan; and requires that policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings could be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted.
- h. Business Policy 14 - stipulates that tourism development may be permitted in rural areas provided that it complies with the policies in the Plan, whilst noting that Farmhouse accommodation or quality self-catering units in barn conversions and making use of rural activities will be encouraged but must comply with General Policy 3 and Business Policies 11 and 12.
- i. Strategic Policy 8 - requires tourist development to make use of existing built fabric of interest and quality.
- j. Energy Policy 4 - Development involving alternative sources of energy supply will be judged against the environmental objectives and policies set out in this Plan.
- k. Energy Policy 5 - Proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment.
- l. Strategic Policy 4 - seeks to protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations.
- m. Strategic Objective 3.3 (Environment), Paragraph (a) - supports the precautionary principle, which assumes that activity might be damaging unless it can be proved otherwise in respect of development where significant environmental implications are involved.
- n. Precautionary Approach:
"Assumes that activity might be damaging unless it can be proved otherwise in respect of development where significant environmental implications are involved. Where activity could

prove to be harmful (to people, wildlife or the environment) and science cannot tell us the risks of the proposed activity then prevention is best."

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 IOM Biodiversity Strategy 2015 to 2025

4.1.1 The Department's Biodiversity Strategy is capable of being a material consideration. It seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary.

4.2 Isle Of Man Future Energy Scenarios (2020):

4.3.1 In December 2020, the Isle of Man Government launched its Future Energy Scenarios Strategy to determine the pathways to meet the following:

4.3.2 Key Targets:

o To ensure 75% of the island's electricity is generated from renewable sources by 2035 and to deliver net zero emissions by 2050.

4.3 Residential Design Guide (2021)

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

5.0 PLANNING HISTORY

5.1 The application site has been the subject of 13 previous planning applications, three (3) of which are considered to be materially relevant to the current application.

5.2 Planning approval was granted under PA 00/02132/B for Erection of porch and sunroom to dwelling, renovation of barns and erection of two greenhouses. This application which was approved by the Planning Committee on 12.04.2001, was the subject of three approval conditions, one of which is considered to be specifically relevant to the barns on site.

5.2.1 Condition 2:

"The barns must only be used for purposes which are ancillary to the use of the main dwelling; no approval is granted to use of the barns as living accommodation.

5.3 Approval was granted by the Planning Committee in July 2001 to enable the Conversion of part barn to create staff accommodation under PA 01/00428/B. Two of the approval conditions are relevant for consideration:

C2: "The living accommodation may only be used for residential purposes which are ancillary to the use of the main house."

C3: "The new ground floor doors/windows to the south elevation must be set to the rear of the openings so as to respect the existing apertures; no approval is granted to the installation position as shown."

5.3.1 This barn is the subject of the current application for conversion of the entire barn to tourist accommodation.

5.4 PA 22/00627/C for Additional use of staff accommodation as tourist living accommodation was approved on 1st July 2022. No restrictive conditions were imposed.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they find the development to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised to consider installing enclosed and secure storage for cycle parking and an electric vehicle charging point to aid Active Travel and net zero objectives. (6 June 2023).

6.1.1 Following review of the revised plans and additional information provided by the applicants, DOI Highways have stated that the proposals continue to be acceptable and therefore HDC do not oppose (DNO) this application. The Applicant is advised to consider installing enclosed and secure storage for cycle parking and an electric vehicle charging point to aid Active Travel and net zero objectives respectively (29 September 2023).

6.1.2 DOI Highways have no further comments to make (18 March 2024).

6.2 Manx Utilities Electricity have made the following comments regarding the application (7 June 2023):

- o They note that this application includes 120m² of Solar PV panels.
- o The applicant is strongly advised to contact Manx Utilities in advance of purchasing and installing these panels as it will be necessary to undertake network studies to determine the maximum amount of Solar PV that can be connected at this location.
- o They state that based on the outcome of these studies it may be necessary to restrict any network export from the property.

6.3 DEFA EPU (Environment Protection Unit) has made the following comments regarding the application (16 June 2023):

- o They request that the applicants confirm that the effluent from the septic tank will be disposed of via a soak-away and percolation have been carried out to confirm the land is suitable to receive the effluent?
- o They state that if there are any issues with a soak-away the applicants are requested to contact the Environmental Protection Unit to discuss this further.

6.3.1 In response to the comment made by the EPU, the applicant's agent has provided correspondence dated 19 October 2023, which states the following:

- o There are 2no existing tanks on site. 1 serving the existing large dwelling and 1 serving the existing tourist accommodation.
- o The intended tank is sufficient in size to accommodate the additional requirements and is on the Manx Utilities list - ID 3505.
- o They state that communications took place in April this year with MUA with regards to this.

6.3.2 Since the Correspondence was submitted by the agent, no further comments have been received from DEFA EPU.

6.4 The DEFA Ecosystem Policy Team has made the following comments on the application:

6.4.1 Comments received 8 June 2023:

- o They state that as is confirmed by the Manx Bat Group's Bat Survey Report for Berrag Farm dated 2022, the barn contains two different species of roosting bat - soprano pipistrelle and brown long-eared bat.

- o They state that there is therefore potential for bats and their roost spaces to be damaged, destroyed or disturbed by the works which would be an offence under the Wildlife Act 1990, and so mitigation measures are required.
- o They state that although mitigation recommendations have been made by the Manx Bat Group in their survey report, they are aware that the applicants are in the process of obtaining a separate bat mitigation plan from a different ecological consultancy and therefore request that determination of this application is delayed until this plan has been submitted to Planning and the Ecosystem Policy Team have been re-consulted.
- o The applicant is also advised that as a protected bat roost is present, they must get statutory written advice from the DEFA Ecosystem Policy Team prior to any works commencing on the barn, in line with sections 9 and 10 of the Wildlife Act 1990.
- o They provide an advisory regarding Bats which are listed on Schedule 5 of the Wildlife Act 1990.

6.4.2 Following the review of further information provided by the applicants, the DEFA Ecosystem Policy Team have indicated support for the proposal, whilst recommending conditions to be included as part of any proposal to ensure there are no adverse impacts resulting from the proposal on site ecology (7 March 2023).

6.5 Manx National Heritage have stated that due to the sensitive nature of this application, which involves the displacement of a protected species, they would like to further reiterate that the applicant they must get statutory written advice from the DEFA Ecosystem Policy Team prior to any works commencing on the barn, in line with sections 9 and 10 of the Wildlife Act 1990 (23 March 2024).

6.6 Jurby Parish Commissioners have not made any comments on the application, although they were consulted on the application.

6.7 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The key considerations in the assessment of this planning application are;

- i. The acceptability in principle in terms of its re-use of the other part of the barn as tourist accommodation;
- ii. Whether or not the physical works would have an acceptable visual and amenity impact;
- iii. Potential Impacts on Highway Safety;
- iv. Impacts on Neighbouring Amenity;
- v. The impacts on Ecology;
- vi. Loss of Agricultural Soils.

7.2 THE PRINCIPLE

7.2.1 Principle of Barn Conversion (GP3, BP 11, BP 12, BP 14 and EP 16)

7.2.1.1 The policies against which the principle should be assessed make it quite clear that any new development on the island should be directed to land designated for such uses and should be within those existing settlement boundaries listed in Appendix 3 and the spatial hierarchy. It also states that only existing rural buildings that are of special interest should be converted for alternative uses. This is clearly articulated in General Policy 3, Paragraph (b) of the Isle of Man Strategic Plan which states that the conversion of redundant rural buildings which are of architectural, historical, or social value and interest (Housing Policy 11) are one of the possible exceptions to development on land not designated for development.

7.2.1.2 The above position is also reinforced by Environment Policy 16 which states that the use of existing rural buildings for new purposes such as tourist, or small-scale

industrial/commercial use may be permitted where they meet a set of conditions, and these conditions guide any assessment for proposals that seek to convert existing properties for tourist use.

7.2.1.3 With regard to compliance of the current proposals to part (a) of Environment Policy 16, it is considered that the site is situated within a redundant farm building in the countryside, which is no longer required for its original agricultural purpose. This was evident during the site visit where it was noted that this part of the barn currently serves as domestic storage for fuel wood used in the farm house, and therefore it is clearly redundant for its original agricultural use.

7.2.1.4 In terms of the building being substantially intact and structurally capable of renovation, it is noted that the building in its current form is substantially intact. However, no information has been provided by the applicant within the current application to demonstrate that the building is capable of renovation. While there is no structural report, it is clear that the building, part of which is currently used for residential purposes (staff accommodation) and tourist accommodation is substantially intact and structurally capable of renovation, given its extant use. It is, therefore considered that redundancy has been established and that this part of the building is capable of renovation. The proposal, therefore, conforms to Housing Policy 16 (a) in this respect.

7.2.1.5 In terms of compliance with part (b) of Environment Policy 16, it is considered the building is an attractive traditional stone building so its preservation is desirable, and the proposed reuse would serve to further achieve this. It was also evident that the building has been kept in good condition, and the proposal to use the entire building for high quality tourist accommodation would ensure that more income is generated via tourist rentals to support the maintenance of the property, which would serve to preserve the building's fabric and lengthen its lifespan as a building with historic, architectural, or social interest. For that reason, it is considered that the scheme aligns with the requirements of part (b) of Environment Policy 16.

7.2.1.6 The proposed development would only involve very minimal changes to the building's facade via the introduction of three new velux rooflights, widening of existing door fenestrations, and the creation of new door and window fenestrations on the northwest elevation, as well as the raising of door cills to create two new windows, reducing the width of door fenestrations, and creating a new door fenestration on the southeast elevation of the barn, and these are not judged to result in adverse changes to appearance or character of the building given their reduced scale and the fact that their position on the building are not prominent views. This complies with part (c) of Environment Policy 16.

7.2.1.7 With regard to parts (d) which deals with implications in terms of traffic generation, it is considered that the layout of the building which would only support two families or two groups of tourists, not exceeding six individuals (for each group) is not of a number that would create unacceptable traffic generation, with any use by tourists not considered to be significantly different from family members occupying the units as residence. The site is also situated along a public transport corridor which would best serve most tourists who usually do not require the need of a car.

7.2.1.8 The location of the site is considered to be suitable for tourist use as there would be access to broader farm site, the lake and dub, the wooded areas on site, and the surrounding countryside which would be suitable for hiking, sightseeing and other forms of tourist activities that benefit from proximity to the natural environment. As such, it is not considered that the proposal will result in the unacceptable dispersal of activity. These elements would ensure that the scheme complies with part (e) of Environment Policy 16 of the Strategic Plan.

7.2.1.9 Part (f) of Environment Policy 16 requires that the benefits secured by the proposal in terms of impact on the environment and rural economy shall outweigh the continued impact of retaining the outbuilding on site. In this case, it is considered that there would be minimal impacts on the environment resulting from the development as existing shrubbery within the site or trees would not be removed to facilitate the development. Therefore, these elements of the proposal are acceptable and not considered to be considerably different from the existing situation, with regard to environmental impacts. With regard to benefits to the rural economy, it is considered that visitors using the site would patronise the local farms through purchase of local goods and foods in the immediate locality, whilst also contributing to the local economy via the use of local transportation, as most visitors would usually not come with vehicles. The elements of the proposal that relate to bats at the site would be assessed as part of the ecological assessment for the scheme.

7.2.1.10 Overall, it is considered that the re-use of this part of the building which is situated in a rural setting for tourism use is generally supported, initially through Strategic Policy 8 which seeks to make use of the existing built fabric where there is not an adverse impact on the surroundings, as well as the business policies which support the principle of tourist use with exceptions and it is relevant to consider Business Policy 11 which is specific to the use of rural buildings for tourism in accordance with Environment Policy 16.

7.2.1.11 Added to the factors above which weigh in favour of the proposal, the scheme also seeks to provide niche tourist offerings which would provide a form of tourism not common on the island through the provision of onsite trainings to make products from the plants grown on the farm, such as the production of fragranced oils, and cider making on site.

7.2.2 Principle of Solar Array Installation and Ground Source Heat Pump (GP3, EnP 4 and Paragraph 12.2.8)

7.2.2.1 In assessing the principle of the proposed solar array, it is considered that the site is not zoned for development, and solar panels are not listed within the exceptions to the general approach set out in General Policy 3. However, given the wording of Energy Policy 4 that sites have not been allocated for solar power, and noting the intention to use these for the benefit of an existing property, it is considered that the land designation is not an automatic reason for refusal.

7.2.2.2 It is also considered that the Department is supportive of proposals to harness renewable energy, but must balance this against the other principles of the Strategic Plan, particularly those relating to preventing harmful development in the Island's countryside. Also relevant is the fact that their introduction here is expected to help contribute to the overall operation and energy efficiency of the application property which will utilize the energy generated. In this respect the proposal is considered to comply with paragraph 12.2.8 and Energy Policy 4 of the Strategic Plan.

7.2.2.3 Likewise, regard must be given to the reasonableness of the scale and siting of the proposed developments in view of their subsequent impacts, if any, on the surrounding area taking into account the existing built form that exists on site and vicinity, the detached nature of the proposed location relative the nearby highways, and the nature of the site which is enclosed by mature vegetation and trees that prevent views from the adjoining highways. In this case, it is considered that the siting and surrounding site character, together with the fact that the solar panels would serve as a sustainable alternative energy source would ensure that the scheme aligns with the aforementioned policies and texts within the Strategic Plan.

7.2.2.4 Although no specific provision is provided for by GP3 for the installation of Ground source heat pumps, the installation of renewable energy is supported by EnP4 and Paragraph

12.2.8 of the Strategic Plan, and the scheme also supports wider climate change aspirations. Hence, the principle of installing the ground source heat pumps would also be acceptable.

7.2.2.5 Notwithstanding the above, the acceptability of these elements of the proposal would be subject to the scheme meeting other considerations highlighted in 7.1 above.

7.2.3 Principle of the Bat Barn (EP4, EP5, & STP 4)

In terms of the principle of the proposed bat barn, it is considered that this element of the proposal would introduce new built development in an area that is not zoned for development, and this element of the proposal also does not meet the exceptions allowable under General Policy 3 of the Strategic Plan. However, the works would accord with the environmental aspirations of the plan, the Biodiversity Strategy and are specifically allowed for in Environment Policy 5 (part c), being proposed as mitigation for potential impacts. Thus, the broad principle of the proposed bat barn would be acceptable, and would not be unsuitable for the site or the wider rural area.

7.3 IMPACT ON THE SURROUNDING AREA AND COUNTRYSIDE (EP1, GP2 & STP 4)

7.3.1 In assessing the impact on the surrounding area, it is noted that the works to convert part of the building for tourist use would retain the existing built fabric for this rural building, and will ensure the retention of the Islands built heritage, and improve the appearance of what might otherwise become derelict fabric (as leaving the building in its underused form would facilitate decline of the built fabric; thus it is not considered that this element of the proposal would be at variance with the requirements of Environment Policy 1 and general Policy 2 (c & g).

7.3.2 In assessing the visual impact of the proposed solar array, it is relevant to consider that the solar panels would be installed within an open part of the site and within close proximity to the existing converted barns and walled garden, while also having the most solar gain given its exposed nature and south facing orientation. When one passes by on the A13, the panels will not be visible due to the existing trees and sod hedges which line the field boundaries around the site, as well as the high hedges and trees that line the boundary of the broader site area with the highway.

7.3.3 It is also noted that these solar panels would not alter any of the boundary hedges or sod banks, or alter the field layout, as the design is such that would still allow grazing among the panels (as shown on the photo on Drawing 001); factors which would serve to ensure that the proposal does not result in adverse impacts on the landscape character of the area.

7.3.4 Given the factors highlighted in Paragraphs 7.3.2 and 7.3.3 above, it is considered that the position of the solar panels on the field, the available screening existing on site and the nature of the topography, as well as the location which would enable maximum utility of the scheme as it would offer a prolonged solar harnessing period, would ensure that the proposal does not spoil the character of the surrounding countryside, and comply with the requirements Environment Policies 1 and 4.

7.3.5 With regard to the proposed ground source heat pumps, it is noted that this element of the proposal would be carried out at the part of the site comprising managed turfed areas, and no trees would be removed to enable their installation. Likewise, the pipework will be below ground, and as such it is not considered that there are any landscape impacts that would justify refusal.

7.3.6 Turning to the siting and impact of the proposed bat barn on the site and surrounding area, it is considered that the building would be sited in close proximity to the existing building group on site and would not stand isolated within the countryside. The building is

also sited close the existing wooded area north of the buildings were its use would be maximized by the existing biota on site. Moreover, the bat barn would be appropriate in terms of scale, materials, colour, and form to ensure that it is in keeping with its surroundings, which comprises mature woodland, stone buildings with living walls, horticulture areas and mature walled garden with living walls. Therefore, it is considered that any visual impacts on the surrounding area would be acceptable and compliant with the aforementioned policies.

7.4 HIGHWAY IMPACTS (GP2)

7.4.1 In terms of highway impacts, it is considered that there would be no changes to the access, although the parking arrangement on site would be modified to increase parking provisions on site, with the converted building effectively served by the parking provisions.

7.4.2 It is also vital to note that DOI Highway Services have assessed the proposal and find it to have no significant negative impact upon highway safety, network functionality and /or parking, and raise no objection to the proposal. Therefore, it is considered that this element of the scheme complies with the requirements of the aforementioned policies.

7.4.3 Further assessment of highway impacts have been discussed within paragraph 7.2.7 of the report.

7.5 AMENITY IMPACTS (GP2, EP 22 & RDG 2021)

7.5.1 In terms of amenity impacts, it is considered that the layout of the site which provides a clear separation between the tourist uses, existing dwelling, and the surrounding fields, and the ample parking available on site (both existing and proposed), the large area of land around the buildings which could serve a varied range of outdoor activities (including hiking and outdoor relaxation), the access to the surrounding countryside, the adequate level of outlook and light that would be afforded the converted barns, and the opportunity to enjoy the product making activities offered within the broader site area would ensure that there are no adverse impacts for future occupants of the tourist accommodation created from the converted building.

7.5.2 It is also not expected that there would be any adverse impacts from the proposed tourist use neighbouring amenity given the detached position of the barn relative to the neighbouring properties and the surrounding mature landscaping around the site boundary which would ensure no adverse impacts result.

7.5.3 Likewise, the proposed installation of the solar arrays are not considered to result in adverse impacts on neighbours, given its screened location, the scale of the installation which is considerably small comparative to the broader site area, and the orientation which would keep any resulting reflection away from the neighbouring dwellings.

7.6 IMPACTS ON ECOLOGY (EP 3, 4, & 5, & STP 4)

7.6.1 Environment Policy 4 stipulates that developments which would adversely affect species and habitats of national importance, and species and habitats of local importance would not be permitted. Within this policy, there are no allowances for provisions set for allowing developments with detrimental impacts and emphasis is placed on obtaining specific advice from the relevant professionals within the Department if proposals are brought forward. In this case, the advice provided by the Ecosystem Policy Team clearly indicates that the scheme holds the potential to generate impacts on existing species on site and as such have recommended specific conditions to mitigate for and diminish any impacts that result. The DEFA Ecosystem Policy Team also notes that the potential impacts on a particular bat roost within the site is unclear, and as such have recommended conditions to ensure that no unexpected impacts with no properly anticipated mitigations occur, taking the

precautionary view of such potential impact. As such, further conditions would be imposed to ensure that the scheme caters for unexpected impacts.

7.6.2 Therefore, given that provision has been made for expected and anticipated impacts, as has been advocated by EP4, with the suggested mitigations considered to offer the means to minimise disturbance and adverse ecological impacts, it is considered that this element of the scheme would comply with the requirements of Environment Policies 4 and 5 of the Strategic Plan.

7.6.3 With regard to the potential impacts of the proposed solar arrays on site, it is considered that these would be installed within existing agricultural fields, with the proposed installation of the stands for the solar arrays considered to result in minimal environmental disturbance, as they would not involve the removal of large strips of soils to install the stands. As well, the arrays would be installed away from the existing protected areas within the broader site area, with n mature sodbanks or trees removed to facilitate the development. Based on the foregoing, it is not considered that this element of the development would cause or lead to unacceptable environmental disturbance and would comply with Strategic Policy 4 and environment policy 4 of the Strategic Plan.

7.6.4 In terms of impacts on ecology or biodiversity in relation to the installation of the ground source heat pumps, it is also important to establish that if any real harm would result, it would be mainly with respect to the removal of the surface layer of the turfed areas which have minimal ecological value due to the constant cutting to maintain its turfed appearance. It is also considered that the scale of vegetation removal to facilitate the excavation and infilling, in addition to the fact that no trees or mature shrubs on site would be removed to facilitate this aspect of the development, would make any impacts on biodiversity within the site negligible, and overridden by the retention of the rural character of the site which will remain considerably unchanged. Therefore, noting the factors highlighted and the longer term benefits of this element of the scheme, it is considered that any impacts would be minimal and not sufficient to warrant refusal of the proposal.

7.6.5 Overall, it is considered that the matters related to the ecology of the site, such as impacts on bats or breeding birds, and flora on the site are considered to be acceptable provided they are protected or certain actions are implemented via conditions. Therefore, the development is considered to broadly comply with Environment Policies 4 and 5, and Strategic Policy 4 of the Strategic Plan.

7.7 LOSS OF AGRICULTURAL SOILS (EP 14)

7.7.1 Since the solar panels would be installed on an agricultural field, the agricultural status of the land to which the solar panels would be installed was assessed. From details obtained from the Agricultural Land use capability map for the Isle of Man, the land is within an area with capability class 3, with Class 3 land characteristics comprising land with moderate limitations which restrict the choice of crops and/or demand careful management. This implies that the land is not a high yield agricultural land where impacts of the solar panel installation would bear significant impacts on agricultural production.

7.7.2 Whilst the land area to be occupied by the solar panels would measure about 505sqm, the impact on agricultural activities within the surrounding fields would be minimal given the nature of the proposed solar arrays which would be tall enough to allow grazing underneath. Therefore, it is considered that the proposal would be compliant with Environment Policy 14, although a condition should be attached such that should the panels become redundant or are removed, the support units and fencing must also be removed and the field returned to its original use.

7.8 ENERGY USE/CONSERVATION (GP2n & ENP5)

7.8.1 Energy Policy 5 requires that schemes of this scale demonstrate the measures that have been taken in the design to reduce energy consumption and increase energy efficiency. This is further reinforced by GP2 (n) which stipulates that new developments be designed having due regard to best practices in reducing energy consumption. In view of the above, it is considered that the scheme would incorporate solar energy generation, ground source heat pumps, with the proposed conversion of the barn reinforcing the built fabric to facilitate energy conservation, and as such would accord with the above policies.

8.0 RECOMMENDATION

8.1 Overall, it is considered the proposal would comply with General Policy 3, Environment Policies 1, 4, 5 and 16, Strategic Policy 8, and Business policies 11 and 14 of the Isle of Man Strategic Plan and therefore it is recommended that the application be approved.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.10

Proposal : **Erection of extension, porch extension, door and window alterations and installation of a roof lantern**

Site Address : **Fairhaven**
 45 Station Road
 Port Erin
 Isle Of Man
 IM9 6AR

Applicant : **Mr & Mrs Simon and Kerrie Birchall**

Application No. : **23/01217/B- click to view**

Planning Officer : **Mr Peiran Shen**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposed extension has no negative impact on the character of the house and the area and has an acceptable impact on neighbouring amenities.

Interested Person Status – Additional Persons

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

43 Station Road, Port Erin

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and/or

Planning Officer's Report

THIS APPLICATION IS BEING PRESENTED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

1.0 THE SITE

1.1 The site is 45 Station Road, Port Erin, a single-storey detached dwelling located on the north of the Station Road, close to its junction with Droghadfadyle Road. The site is on a service road parallel to Station Road. The service road is separated from the main road with a stone wall.

1.2 There are seven detached houses sitting on this service road. Most have an attached single garage. Four houses have a gable end perpendicular to the road, their garages usually shares the same roof with the main house. Two houses have a gable end facing the road, their garages are usually a flat-roof garage with the roof just below the eave level of the main dwelling. 45 Station Road is one of the latter houses.

1.3 45 Station Road has a gable end facing the road. The front garden has tall hedges shielding the front elevation of the main dwelling from public view. West half of the front elevation is recessed for approx. 1.2m from the eave to form a porch for the front entrance. On the front elevation, there are two windows and a front door. The flat-roof garage is recessed for a further 2.4m from the front elevation.

1.4 The front elevations are finished in yellow stone cladding besides the section around the window on the recessed elevation, which is finished in white uPVC cladding along with a recessed uPVC gable.

2.0 THE PROPOSAL

2.1 The proposed is alteration and extension to the garage and the erection of an enclosed porch.

2.2 The roof of the garage will have a raised height of approx. 0.5m and extend to the same position as the existing recessed front elevation. The front elevation will have a window same as the existing windows on the main dwelling in replacement of the existing garage door. The front elevation and the new section of the side elevation will be finished in white render. The window and the door on the rear elevation will be replaced and their position swapped. It will have lantern rooflight.

2.3 The new porch will have a wall in line with the existing gable and front elevation. It will have the same window as the existing recessed elevation and it will be finished in white render. The position of the existing front door will also be moved to the same position of the existing side elevation of the main dwelling.

2.4 The proposal also include replacing a casement window on the front elevation with a sliding door and replacing a window and door on the east elevation with a side-hung window.

3.0 PLANNING HISTORY

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

4.0 PLANNING POLICY

Site Specific

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

Strategic Policy

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

- o General Policy 2 (b) (c) (g) (h) (i)
- o Environment Policy 42

o Section 8.12.1 Extensions to Dwellings in built up areas or sites designated for residential use

4.3 Isle of Man Strategic Plan has no assumption in favour of new development. In decision-making this means where a planning application conflicts with the Plan, approval should usually not be granted.

4.4 Subsection (b) (c) and (g) of General Policy 2 as well as Environment Policy 42 sets out design requirements for development, of which they should respects character of the site itself and its immediate and no-so-immediate surroundings.

4.5 Subsection (g) and (h) of General Policy 2 set out that amenities enjoyed by the site and the site around it should be protected or preserved.

4.6 Subsection (h) and (i) of General Policy 2 also sets out that proposal should satisfy the safety, efficiency and accessibility requirement, including parking provision, of all highway users whether possible.

PPS and NPD

4.7 There is no planning policy statement or national policy directive considered materially relevant to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 The Residential Design Guide (July 2021) contains the following guidance that are considered materially relevant to the assessment of this current planning application:

- o Section 4.5 Front Extensions
- o Section 4.7 Flat Roof Extensions
- o Section 4.8 Side Extensions
- o Chapter 5 Architectural Details
- o Chapter 7 Impact on Neighbouring Properties

5.2 Residential Design Guide were issued by Department of Environment, Food and Agriculture (DEFA) in July 2021 and were agreed with the Minister of DEFA. It provides clear guidance on acceptable forms of residential extensions and alterations.

6.0 REPRESENTATIONS

6.1 Port Erin Commissioners has no objection to this application (15.11.2023).

6.2 DoI Highway Services does not oppose this application (27.10.2023). The comment states that the site is in a sustainable town centre location and there is a service road adjacent to the site that can safely cater for any parking demand from the site over and above the driveway provided once the proposals are constructed.

6.3 Owners/Occupiers of 43 Station Road wrote in (03.11.2023) expressing concerns that the extension is too close to the boundary wall and may need to access No.43 for emergency evacuation or maintenance.

7.0 ASSESSMENT

Elements of Assessment

7.1 The key considerations of this application are its impact on:

- o character of the building itself
- o character and streetscene of the area
- o amenities of the neighbouring properties

- o parking provision

Character of the Building Itself, the Streetscene and the Area

7.2 Policies set out within IOMSP set a requirement on development to respect and not harm the design of the site and the area it's located in. In particular, Environment Policy 42 requires design to take into account of the particular character and identity, in terms of buildings and landscape features of the immediate locality.

7.3 The proposal is for side extension and a new porch. The side extension would have a roof level higher than the eave of the main roof. The transition from white uPVC fascia to tile roof is ridged. Its front elevation has been brought forward to the same position as the existing recessed front elevation. These design elements would stand out from its surroundings.

7.4 In the meantime, the flat roof still appears much lower than the ridge of the main dwelling. The front elevation of the side extension would still appear recessed from the new front elevation formed by the new porch wall. Therefore, it is considered that the extension would still appear subordinate the main dwelling.

7.5 The new porch brings the recessed front elevation back to the original position of the front elevation. Combined with the front extension of the garage, the existing rhythm of the house formed by this three-tier recession is lost.

7.6 In the meantime, the new porch brings contrast from the new white render against the existing brick cladding.

7.7 On a wider streetscene, the house is set back from the main road and is shielded by a stone wall and hedges. Only the top elements of the house are readily visible to the public. While the proposal lost some characters of the existing house, the new design still maintains the recession element and the extension still appears subordinate to the main house.

7.8 For these reasons, it is considered that the impact of the development on the host building and its surrounding built environment in visual character terms would be acceptable and comply with General Policy 2 (b), (c), (g) and Environmental Policy 42 of the IOMSP.

Neighbouring Amenities

7.7 There are three main amenities being assessed for typical proposals, day light reception, outlook and privacy. It is worth noting that these are general amenities in planning terms and not the same as rights or entitlements in civil matters.

7.8 For the amenity of No.47, the main elements could be affected by the proposal is the window on the east elevation of the main house. The window serves a garage, meaning it is considered to be a secondary window serving a non-habitable room.

7.9 47 Station Road sits west of the application site. The rise in height of the side extension is 0.5m. Combined with 7.8, it is considered that there is no additional overbearing or overshadowing impacts

7.10 The proposal does not change its distance to the boundary wall so there is no impact on the connectivity of the front and back of the site in this application. It is also worthy to point out that planning does not affect ownership or accessibility based on private ownership.

7.11 For these reason, and because there is a potential overbearing impact on 12 Auburn Road, it is considered that the impact of the development on the amenity of No.12 is not considered acceptable and would fail to comply General Policy (g) of the Strategic Plan.

Parking Provision

7.12 As Highway Services does not oppose this application, it is considered that the proposal would have no impact on parking provision.

8.0 CONCLUSION

8.1 The proposed extension has no negative impact on the character of the house and the area and have an acceptable impact on neighbouring amenities. Therefore, it is recommended for an approval.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th April 2024

Item 5.11

Proposal : Single Storey Rear Extension To Part Replace Existing And New Driveway
Site Address : 14 Auburn Road
Onchan
Isle Of Man
IM3 1LW
Applicant : Mrs Laura Martin
Application No. : 23/01389/B- click to view
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The proposed extension increase the existing "tunnelling effect" and further reduces the outlook of the primary window on the rear elevation of 12 Auburn Drive.

R 2. The driveway in front of the primary window of 14 Auburn Road would also reduce the outlook of the primary window on the front elevation of both 12 and 14 Road, negatively impact the residential amenity of both houses.

R 3. The proposed front driveway detracts from the character and streetscene of the area, namely majorly enclosed front boundary wall and front garden with vegetation.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BEING PRESENTED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

1.0 THE SITE

1.1 The site is 14 Auburn Road, Onchan, a two-storey semi-detached dwelling located on the southeast of Auburn Road. The neighbourhood predominantly consists of semi-detached dwellings, the majority of which feature front boundary walls and well-maintained gardens/lawns.

1.2 No.14 and its adjacent property, No.12, form a pair of semi-detached houses. Besides the typical symmetrical appearances for a pair of semi-detached houses, both houses share many other symmetrical features with respect to the shared boundary.

1.3 On the front elevation, they share a symmetrical arrangement of the front garden space and the walkway from the road to the house. There is also a symmetry of the front boundary wall as well as the location of their opening for pedestrian access. On the rear elevation, both feature single-storey extensions. These extensions, each about half the width of their respective main dwelling, align with the side elevation of their respective houses and are about the same distance (approx. 2.8m) away from the shared boundary line.

1.4 Currently, No.14 includes a front garden covering approx. half the width of the site, which is in front of the bay window on the ground floor and next to the shared boundary, with the other half paved with bricks. The front boundary of the site is delineated by a short boundary wall separating it from the road. At the rear, there are two existing single-storey extensions in tandem, one mono-pitched and the other flat-roofed, measuring approx. 3.1m in width. The height of the mono-pitched roof is approx. 3.5m, with the eave and top of the flat roof reaching about 2.5m. These extensions project approx. 5m in overall from the rear elevation of the main dwelling.

2.0 THE PROPOSAL

2.1 The proposed is the demolition of the existing rear extensions and the erection of a replacement single-storey flat-roof extension.

2.2 The proposed rear extension would measure approx. 5.4m in width, extending beyond the side elevation of the main house and towards the boundary line with No. 12. It is proposed to have a height of approx. 3.2m, higher than the existing flat roof extension but lower than the ridge of the existing mono-pitched-roof extension. It projects approx. 5m from the rear elevation of the main dwelling, about the same as the existing extensions. A key design feature of the extension is the parapet wall on the roof.

2.3 Additionally, the proposal involves the demolition of the front boundary wall to create a driveway in place of the entire existing front garden, meaning the existing lawn will be paved for the driveway.

3.0 PLANNING HISTORY

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

3.2 There are other applications with driveway proposals on the same road, such as PA 12/00504/B for No.20 and PA 19/00702/B for No.34, as mentioned within the design statement. There are also PA 00/01365/B, PA 12/00504/B, PA 11/00734/B and PA 11/01559/B.

3.3 Within these applications, PA 19/00702/B is the only application assessed after the first edition of the Residential Design Guide was issued in March 2019 and there has been no major policy adjustment from the decision date of this application.

3.4 Alterations and erection of a two storey extension and widening of vehicle access was APPROVED under PA 19/00702/B. This application proposed to convert approx. 6m wide of the front of the site to two bay parking spaces, this counts for approx. 60% of the front boundary. However, the conversion only replaced approx. 2.4m of the existing 6m wide garden/lawn, which counts for less than 50% of the existing garden area, as recommended in the Residential Design Guide.

4.0 PLANNING POLICY

Site Specific

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

Strategic Policy

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

- o General Policy 2 (b) (c) (g) (h) (i)
- o Environment Policy 42
- o Section 8.12.1 Extensions to Dwellings in built up areas or sites designated for residential use

4.3 Isle of Man Strategic Plan has no assumption in favour of new development. In decision-making, this means where a planning application conflicts with the Plan, approval should usually not be granted.

4.4 Subsections (b), (c) and (g) of General Policy 2 as well as Environment Policy 42 set out design requirements for development, of which they should respect the character of the site itself and its immediate and no-so-immediate surroundings.

4.5 Subsections (g) and (h) of General Policy 2 set out that amenities enjoyed by the site and the site around it should be protected or preserved.

4.6 Subsections (h) and (i) of General Policy 2 also set out that proposals should satisfy the safety, efficiency and accessibility requirements, including parking provision, of all highway users whether possible.

PPS and NPD

4.7 There is no planning policy statement or national policy directive considered materially relevant to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 The Residential Design Guide July 2021 (RDG) contains the following guidance that are considered materially relevant to the assessment of this current planning application:

- o Section 4.6 Rear Extensions
- o Chapter 5 Architectural Details
- o Section 6.3 Front Gardens and Driveways
- o Chapter 7 Impact on Neighbouring Properties

5.2 The Residential Design Guide was issued by the Department of Environment, Food and Agriculture (DEFA) in July 2021 and was agreed with the Minister of DEFA. It provides clear guidance on acceptable forms of residential extensions and alterations.

5.3 Manual for Manx Roads provides best practices and technical details of how to ensure highways are accessible, safe, inclusive and serviceable. These details include minimum spatial requirements for parking spaces.

5.4 The minimum dimension of a parking space parallel and adjacent to a footway is 6.0 m long and 2.0 m wide. The minimum dimension of a driveway parking space is 5.5m long and 2.6m wide.

6.0 REPRESENTATIONS

6.1 Onchan District Commissioners has no objection to this application (08.01.2024).

6.2 DoI Highway Services does not oppose this application (15.12.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking, as the existing access visibility is acceptable for the proposals. The

6.3 Two neighbouring properties were notified by letter. No response has been received.

7.0 ASSESSMENT

Elements of Assessment

7.1 The key considerations of this application are its impact on:

- o character of the building itself
- o character and streetscene of the area
- o amenities of the neighbouring properties
- o parking provision (only driveway)
- o amenities of the occupiers of the site (only driveway)

This section will first assess the rear extension and then the front driveway.

Character of the Building Itself, the Streetscene and the Area - Rear Extension

7.2 Policies set out within IOMSP set a requirement on development to respect and not harm the design of the site and the area it's located in. In particular, Environment Policy 42 requires design to take into account the particular character and identity, in terms of buildings and landscape features of the immediate locality.

7.3 The proposed is a replacement rear extension. The rear extension would extrude beyond the side of the main dwelling, making it more visible to the public than the existing extensions. It features a flat roof. While a flat roof is an existing design element, it does not match the hipped roof of the main dwelling.

7.4 As half of a typical pair of semi-detached houses, the proposed extension disrupts the symmetry with respect to the shared boundary. However, as a rear extension, it is set back from the front elevation and the potential negative impact from its scale and form is mitigated with the parapet wall of the flat roof, which ensures a cohesive connection with the main house, minimizing the adverse visual impact from the flat roof.

7.5 For these reasons, it is considered that the impact of the development on the host building and its surrounding built environment in visual character terms would be acceptable and comply with General Policy 2 (b), (c), (g) and Environmental Policy 42 of the IOMSP.

Neighbouring Amenities - Rear Extension

7.6 Three main amenities are being assessed for typical proposals, daylight reception, outlook and privacy. It is worth noting that these are general amenities in planning terms and not the same as rights or entitlements in civil matters.

7.7 For the amenities of No.12, the main elements that could be affected by the proposal are the glazed double door on the rear elevation of the ground floor of the main house and the southeast elevation of the rear extension. The glazed double door serves a dining room. Since a dining room is a primary habitable room, the glazed double door is considered a primary window according to section 7.2.3 of the RDG. The windows on the southeast elevation of the rear extension serve a kitchen, which makes them secondary windows according to the same section of the RDG.

7.8 The proposed rear extension of No.14 is southwest of the windows and elevations mentioned in section 7.8, an analysis of the proposed extension's proximity to the shared boundary with No.12 reveals a reduction in distance from approx. 2.8m to 1.1m. The height of the roof is also higher than the average height of that of the existing extensions. When considering the position of No.12, the new extension is both closer to the windows mentioned in section 7.7 and higher than the current extensions, hence a natural concern for overshadowing and overbearing.

7.9 The proposed extension passes the 25 Degree Check in section 7.3 of the RDG in respect of the rear extension of No.12. Therefore, it is considered to have an acceptable impact in terms of overshadowing.

7.10 The proposed extension fails the 45 Degree Rule in section 4.7 of the RDG, meaning it is likely to have an overbearing impact on No.12. I have also noticed that there is also the potential of creating a tunnelling effect for the primary window mentioned in section 7.7.

7.11 The current extensions also fail the 45 Degree Rule. However, the intersection point of the current extension and the 45-degree line is further away from the primary window of No.12.

7.12 The proposed extension reduces a fully glazed elevation to a walled elevation with an obscured window and a door towards No.12 compared to the current extensions. Therefore, it is considered to have a less overlooking impact compared to the existing conservatory.

7.13 For the amenities of No.16, the proposed extension is northeast of the rear extension of No.16 and passes the 45 Degree Rule against the conservatory of No.16. Therefore, it is not considered to harm the amenities of No.16.

7.14 For these reasons, mainly because there is a potential overbearing impact on 12 Auburn Road, it is considered that the impact of the development on the amenity of No.12 is not considered acceptable and would fail to comply with General Policy (g) of the Strategic Plan.

Principle of the Development - Driveway

7.15 Policies set out within IOMSP set a requirement on development to respect all highway users and not harm traffic flows.

7.16 A new driveway aims to address private parking demands by replacing the front garden with parking spaces. In the meantime, it often opens up new access to the road and reduces the length of existing curb available for on-street parking on a particular road, since it's illegal to park a vehicle where it can block access. This is also mentioned in section 6.3.8 of the RDG.

7.17 In other words, the proposal is to replace some public parking spaces with some private parking spaces on a road. This means there could be three scenarios after such a proposal: the overall number of parking spaces available on a particular road increases, stays the same or even decreases.

7.18 The overall number of parking spaces is the sum of parking spaces created off-street combined with public parking spaces remaining after losses from the new access created. In other words:

- o if private parking spaces created are more than the public parking spaces lost, there is a net gain in overall parking spaces but a net loss of public parking spaces;
- o if private parking spaces created equal to the number of parking spaces lost, there is no change to overall parking spaces but still a net loss of public parking spaces;
- o if private parking spaces created is less than the number of parking spaces lost, there is a net loss of parking spaces as well as a net loss of public parking spaces.

7.19 A net reduction of overall parking spaces in a built-up area, regardless of the volume, is likely to worsen the existing traffic situation of the area and may even reduce the amenities of neighbouring areas, especially if there is already an existing shortage of parking spaces within the area. A net loss in public parking spaces without a net gain in overall parking

spaces would result in a similar situation. Therefore, for such a proposal to be possible, meaning for such proposal to be considered to have no harm to the amenity of an area, there first needs to be proof that, the proposal would result in a net increase in the overall parking spaces on a road. Otherwise, it would raise concerns about a proposal's compatibility with local parking needs and is unlikely to be recommended for approval due to failure to comply with General Policy (g) (h) of the Strategic Plan.

7.20 Auburn Road is available for parking. The proposal is to remove approx. 7.8m section of space available for parallel parking. Based on the minimum requirement in section 5.4, this means the removal of two parallel on-street parking spaces. The proposal will create two additional parking spaces. The proposed parking space, along with the driveway, satisfies the recommendation in the Manual for Manx Roads. Therefore, it is considered that there is no increase in total number of parking spaces available on Auburn Road.

7.21 For these reasons, and based on paragraph 7.18, it is considered that the loss of public parking provision is not considered to be acceptable. No further assessment of the proposed driveway is necessary at this stage.

7.22 Despite failing the principal test, there are sufficient materials to assess the other impacts of the driveway.

The character of the Streetscene and the Area - Driveway

7.23 Same as the extension, policies set out within IOMSP set a requirement on development to respect and not harm the design of the site and the area it's located in. In particular, Environment Policy 42 requires design to take into account the particular character and identity, in terms of buildings and landscape features of the immediate locality.

7.24 A basic test from paragraph 6.3.9 is whether over 50% of the existing garden/lawn will be lost. Existing paved areas are not considered in this calculation. After this proposal, there will be no lawn remaining. The proposal therefore fails the test, meaning it's likely to change the character of the site. The loss of green space, regardless of its size, is generally considered to be harmful to existing characters, as inferred from paragraph 6.3.2 of the RDG.

7.25 At this point, the assessment is how much negative impact this change of ground surface and appearance of the front boundary would have on the character of the streetscene and the area. Paragraph 6.3.1 of the RDG explains front gardens impact the character of an area by "providing an important physical boundary between a dwelling and the public realm". For this application, this transition is clear along the Auburn Road: road - raised pavement - short boundary wall - garden/lawn - house. This transition will change to road - raised pavement - paved driveway - house, which would easily give an impression that the boundary of the public realm shifts from the boundary wall to the front elevation of the house.

7.26 In the meantime, as mentioned in section 1.1 of this report, a character of the area is the rhythm formed by the continuous front boundary wall of most semi-detached houses as well as their respective front garden/lawn. The removal of the boundary wall would disrupt this existing rhythm and make the property stand out in the road.

7.27 For these reasons, it is considered that the impact of the development on the site and its surrounding built environment in visual character terms would not be acceptable and fails to comply with General Policy 2 (b), (c), (g) and Environmental Policy 42 of the IOMSP.

Residential Amenities - Driveway

7.28 While the driveway itself is likely to have an unacceptable impact on the amenities of any residents, the parked vehicle also might impact the outlook of residents. It is worth

noting that this is still just a general amenity in planning terms and not the same as rights or entitlements in civil matters.

7.29 For the amenities of No.14 (the application site), the main element that could be affected by the proposal is the bay window on the ground floor of the front elevation. This bay window serves a living room. Since a living room is a primary habitable room, the bay window is considered a primary window according to section 7.2.3 of the RDG.

7.30 Given one of the new parking spaces is directly in front of the bay window, it is a natural concern that a parked vehicle here could reduce the outlook of this primary window, especially if the vehicle is taller than a typical saloon.

7.31 For the amenities of No.12, it's also the bay window on the front elevation that will be affected. A parked vehicle has a similar impact on its outlook as that of No.14. Changing the outlook from the road to a parked vehicle is considered to harm the living amenities of residents.

7.32 For these reasons and mostly because there is harm to the outlook on both 12 Auburn Road and 14 Auburn Road (the applicant site), it is considered that the impact of the development on the amenity of No.12 is not considered acceptable and would fail to comply General Policy (g) of the Strategic Plan.

Highway Safety

7.33 As Highway Services does not oppose this application, it is considered that the proposal would have a neutral impact on road safety or traffic flows on the local highways. Therefore, its impact is considered acceptable.

Planning Balance Assessment - Extension and Driveway

7.34 On the one hand, the proposal as a whole can be summarised, based on the assessment above, as:

- o negatively impact on the streetscene,
- o reduce the outlook of No.12,
- o does not improve parking provision in the area, and
- o reduce the outlook of the application building itself.

7.35 On the other hand, the agent has brought up some arguments in the design statement and email discussions:

- o off-road parking spaces are an element of the existing streetscene;
- o single-storey extension has limited impact on reducing outlook;
- o off-road parking spaces do help move some cars off the road;
- o the applicant and neighbouring properties have some discretion in weighing outlook against parking availability.
- o elevation facing No.12 reduces the exiting overlooking situation.
- o permitted development allows an extension to be up to 1m to the neighbouring boundary and 4m in height, which would put the neighbour

7.36 Further examine the argument in paragraph 7.35

- o some existing off-road parking spaces may be unlawful; of those who are lawful, those sites are wider than the application site and those parking spaces are generally not directly in front of the house;
- o the outlooks of both of the primary windows of No.12 are reduced and harm the amenities of the residents;
- o reduction in public parking provision generally leads to worsening local traffic conditions because fewer drivers can access them;

- o outlook is a general amenity to be protected by planning and should not be given away by the current applicant on behalf of any future occupiers.
- o an improvement of less overlooking does not outweigh overbearing issues since they are amenities of equal importance.
- o the proposed extension is about 25 sqm, more than the 15 sqm requirement in the PD. The PD does not apply to the extension.

7.37 Further examine the findings in paragraph 7.34-7.36 shows that:

- o The continuous front boundary wall and front garden/lawn are positive elements of the current streetscene while the existing off-street parking spaces are not.
- o While outlook reduction for both primary windows may not be drastic, the combined impact leads to a noticeable reduction of amenities for No.12.

7.38 For these reasons, it is considered that the proposal would harm the streetscene and the outlook of 12 Auburn Road, and may harm the local traffic and the outlook of No.14. These impacts are not considered acceptable and they fail General Policy 2 and Environment Policy 42 of the Strategic Plan. The application should be recommended for a refusal.

8.0 CONCLUSION

8.1 The proposed extension increases the existing "tunnelling effect" and further reduces the outlook of the primary window on the rear elevation of 12 Auburn Drive. The proposed front driveway detracts from the character and streetscene of the area, namely the majorly enclosed front boundary wall and front garden with vegetation. The driveway would also reduce the outlook of the primary window of both No.12 and No.14. Therefore, it is recommended for a refusal.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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