DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

TOWN AND COUNTRY PLANNING ACT 1999
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) (No2) ORDER 2013
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019

Agenda for a meeting of the Planning Committee, 13th July 2020, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

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 8th June 2020.

4. Any matters arising

5. To consider and determine Planning Applications
Schedule attached as Appendix One.

Members to note, the first 11 applications of this agenda are those deferred from the Planning Committee meeting originally proposed for June 29th. Due to the lifting of the COVID emergency legislation that meeting was cancelled. There has been no further input from the Planning Officers on those matters since the original publication’

The deferral on all matters is with exception to application 20/00385/B, proposed for consideration as Item 5.10. This has been deferred from consideration at the request of the applicant

6. Site Visits
To agree dates for site visits if necessary.

7. Any Other Business

8. Next meeting of the Planning Committee
Set for 27th July 2020.
<table>
<thead>
<tr>
<th>Item 5.1</th>
<th>Cherry Orchard Apartments Bridson Street Port Erin Isle Of Man IM9 6AN</th>
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</thead>
<tbody>
<tr>
<td>PA18/00747/C</td>
<td>Change of use of 25 tourist apartments to residential</td>
</tr>
<tr>
<td><strong>Recommendation : Refused</strong></td>
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<thead>
<tr>
<th>Item 5.2</th>
<th>Strathallan House (Formerly Calvary House) Strathallan Road Onchan IM2 4PN</th>
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<tbody>
<tr>
<td>PA19/00592/B</td>
<td>Erection of a detached dwelling and garage within grounds of Strathallan House</td>
</tr>
<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.3</th>
<th>Part Field 510218 Comis Mount Murray Golf Club Santon Isle Of Man</th>
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<tbody>
<tr>
<td>PA19/01376/B</td>
<td>Change of use of agricultural land to driving range and the erection of new driving range building, and the change of use of existing driving range land back to agricultural use including the demolition of existing driving range building</td>
</tr>
<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.4</th>
<th>Thie Ny Shee (Formerly Matfen) Highfield Drive Baldrine Isle Of Man IM4 6ED</th>
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<tr>
<td>PA20/00146/C</td>
<td>Additional use of property as Natural Therapies Clinic</td>
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<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.5</th>
<th>Plots 11 And 16 Housing Development Ballaglonney Farm Crosby IM4 2EE</th>
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<tr>
<td>PA20/00248/B</td>
<td>Erection of two dwellings, one on plot 11 and one on plot 16 (forming amendments to dwellings approved under PA 17/00852/B)</td>
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<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.6</th>
<th>The Old Parsonage Main Road Sulby Isle Of Man IM7 2HJ</th>
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<tr>
<td>PA20/00279/REM</td>
<td>Reserved Matters application for the erection of four detached dwellings addressing internal layout, design, external appearance, siting, drainage and landscaping (relating to PA 18/00912/A)</td>
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<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.7</th>
<th>East Part Of Field 321288 Trollaby Lane Union Mills Isle Of Man IM4 4AW</th>
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<tbody>
<tr>
<td>PA20/00305/B</td>
<td>Erection of an agricultural dwelling with garage and associated access</td>
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<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<th>Item 5.8</th>
<th>Part Field 524881 And Land Adjacent</th>
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<tbody>
<tr>
<td>PA20/00310/B</td>
<td>Erection of a vehicle testing facility with associated access and landscaping</td>
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<tr>
<td><strong>Recommendation : Permitted</strong></td>
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<tr>
<td>Item 5.9</td>
<td>Land Adj To Seaview Oak Hill Port Soderick</td>
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<tr>
<td><strong>PA20/00361/B</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.10</th>
<th>Field 224318 Glen Road Ballaugh Isle Of Man</th>
<th>Erection of a chicken coop with three associated pens and bee hives with associated hedging</th>
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<tbody>
<tr>
<td><strong>PA20/00424/B</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.11</th>
<th>Ellan Farm Jurby East Isle Of Man IM7 3HA</th>
<th>Change of use of existing tack room to dog grooming business</th>
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<tbody>
<tr>
<td><strong>PA20/00449/C</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.12</th>
<th>Land To West Of Old School House Main Road Sulby Isle Of Man</th>
<th>Erection of a detached dwelling and alteration to existing vehicular access</th>
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<tr>
<td><strong>PA19/00989/B</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.13</th>
<th>Right Of Field 624235 Via Ards To Cornaa Cornaa Ramsey Isle Of Man</th>
<th>Creation of a dwelling with associated landscaping and access road and erection of detached storage building</th>
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<tbody>
<tr>
<td><strong>PA19/01063/B</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.14</th>
<th>Ballagarey Nurseries Greeba Avenue Glen Vine Isle Of Man IM4 4ED</th>
<th>Erection of seven detached dwellings with integral garages including access roads, drainage and landscaping</th>
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<tbody>
<tr>
<td><strong>PA19/01396/B</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.15</th>
<th>Mountain View Innovation Centre Jurby Road Ramsey Isle Of Man IM7 2DZ</th>
<th>Change of use to include use classes 2, 3, 4, 5 (excluding light industrial), and 6</th>
</tr>
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<tbody>
<tr>
<td><strong>PA19/01449/C</strong></td>
<td>Recommendation : Permitted</td>
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<tr>
<th>Item 5.16</th>
<th>Ellan Ash Clenagh Road Sandygate IM7 3AE</th>
<th>Erection of a replacement detached dwelling, detached garage and wood store with associated landscaping, relocation of vehicular access and</th>
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<td><strong>PA20/00122/B</strong></td>
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<tr>
<td>Item 5.17</td>
<td>44 Bucks Road Douglas Isle Of Man IM1 3AD</td>
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<tr>
<td><strong>PA20/00241/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permit extension of residential curtilage to rear of dwelling

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<thead>
<tr>
<th>Item 5.18</th>
<th>13 Ballaughton Park Douglas IM2 1LA</th>
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<tbody>
<tr>
<td><strong>PA20/00292/C</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted alterations and erection of 3 storey rear extension, rear access and additional residential use

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<tr>
<th>Item 5.19</th>
<th>Field 420849 Glen Road Colby Man IM9 4HW</th>
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<tbody>
<tr>
<td><strong>PA20/00342/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted additional use of residence as a photography studio

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<tr>
<th>Item 5.20</th>
<th>54 Maple Avenue Onchan IM3 3JT</th>
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<tbody>
<tr>
<td><strong>PA20/00378/C</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted additional use of residence as beauty therapy business

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<tr>
<th>Item 5.21</th>
<th>Glenduff House Glen Duff Ramsey IM7 2AT</th>
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<tbody>
<tr>
<td><strong>PA20/00382/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted erection of a polytunnel

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<tr>
<th>Item 5.22</th>
<th>Boathouse Cafe Mooragh Park Ramsey Isle Of Man IM8 3AP</th>
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</thead>
<tbody>
<tr>
<td><strong>PA20/00410/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
</tr>
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Permitted alterations, creation of external seating area, erection of ticket kiosk, and installation of flue (part retrospective)

<table>
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<tr>
<th>Item 5.23</th>
<th>Bottom Yard Stone Barn Stable Block Ballacallin Beg Foxdale Road Garth Crosby</th>
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<tbody>
<tr>
<td><strong>PA20/00440/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted conversion of barn into a residential dwelling with associated access

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<tr>
<th>Item 5.24</th>
<th>Manesca Building The Quay Port St. Mary Isle Of Man IM9 5EA</th>
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<tr>
<td><strong>PA20/00459/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted installation of two containers for storage of shellfish

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<tr>
<th>Item 5.25</th>
<th>Westwood House Dalby Isle Of Man IM5 3BT</th>
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<tbody>
<tr>
<td><strong>PA20/00460/B</strong></td>
<td><strong>Recommendation : Permitted</strong></td>
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Permitted alterations, erection of two storey extensions and alteration to vehicular access
<table>
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<tr>
<th>Item 5.26</th>
<th>Conversion of existing structure for residential and additional tourist use (part retrospective)</th>
</tr>
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<tbody>
<tr>
<td>The Tower Knockaloe Beg Farm Knockaloe Beg Lane Raggatt Peel Isle Of Man</td>
<td>PA20/00488/B Recommendation : Permitted</td>
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<tr>
<th>Item 5.27</th>
<th>Erection of timber shed for use as nail salon</th>
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<tr>
<th>Item 5.28</th>
<th>Additional use of premises for retail purposes</th>
</tr>
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<tbody>
<tr>
<td>Sulby Glen Hotel Main Road Sulby Isle Of Man IM7 2HR</td>
<td>PA20/00520/C Recommendation : Permitted</td>
</tr>
</tbody>
</table>
Item 5.1
Proposal: Change of use of 25 tourist apartments to residential
Site Address: Cherry Orchard Apartments
Bridson Street
Port Erin
Isle Of Man
IM9 6AN
Applicant: COA Properties Ltd
Application No.: 18/00747/C - click to view
Planning Officer: Miss Lucy Kinrade

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 proposal is contrary to the land use designation of the site and it has not been fully demonstrated that the site is no longer commercially viable or cannot be made commercially viable to sufficiently outweigh Tourism Proposal 1 of the Area Plan for the South 2013.

R 2. The proposal makes no provision for public open space contrary to Recreation Policy 3 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

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

- Department for Enterprise
- Department of Infrastructure - Public Estates and Housing Division

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 6(4):

- 21 Cherry Orchard Apartment as they satisfy all of the requirements of paragraph 2 of the Department’s Operational Policy on Interested Person Status (July 2018)

It is recommended that the 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 6(4):

- Wimple Nook as they do not own or occupy property that is 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 and they have not explained how the development would impact the lawful use of land owned or
occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Department’s Operational Policy on Interested Person Status (July 2018).

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

- Tenant of Cherry Orchard 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.

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**Planning Officer’s Report**

**THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE APPLICATION PROPOSAL WILL RESULT IN THE DEVELOPMENT OF MORE THAN 8 RESIDENTIAL UNITS**

**0.0 PREAMBLE**

0.1 The current application was first presented to the Planning Committee on 27/08/2019 and was recommended for deferral by the case officer to allow the applicant time to resolve a number of highway matters and time for comments to be received from DOI (Estates) regarding affordable housing and to allow time to review the late comments received from DfE (Tourism) which stated that they "reluctantly accept that the current facility is no longer financially viable as a hotel". The required comments and information were received and the application was brought back before the Planning Committee on 16/12/2019. Minutes of the meeting can be viewed online in full but can be summarised as follows:

0.2 The DOI Highway Service representative indicated that a number of matters within the application required clarification from the applicant in order to reach a firm highways conclusion. Based on the information submitted to date there was insufficient parking for the existing and proposed units (with only one space being offered for each unit rather than 1 space for one bedroom apartments and 1.5 spaces for the two bedroom units), and also a requirement for cycle parking space per unit. The DOI Highway Officer explained that floor areas of bedrooms can often indicate an expected level of use, for example a small box room likely being occupied by a small child thus unlikely to have a car, and in this respect if further information was provided in relation to the floor areas of the apartments a further relaxation to the car parking standards could be considered.

0.3 The members discussed the highway matters, viability and open space of the proposal. One member discussed the current lack of tourist accommodation in the south and particularly one suitable to accommodate larger groups such as coach parties. It was also noted that there had been other recent planning applications submitted in the south that sought approval for purpose built mixed tourist and residential development.

0.4 The Members indicated that it is for the applicant to demonstrate the lack of viability for a tourism facility and any commercial viability. A legal agreement should be mooted requiring retention of the pool, gym etc. There should also be an attendance at the meeting by a representative of Department for Enterprise as to clarify their comments from a tourism perspective.

0.5 The Committee unanimously agreed to defer its consideration to allow time for the applicant to gather and provide additional information for the application (viability, highways and open space) and it being provided prior to undertaking a site visit.
The applicant provided additional information on 07/04/2020 and this was circulated for 21 days for comment. The information and its content can be viewed in full online but their report has been summarised as follows:

A) Viability Report

1. The applicant states that by 2001 the building was not used as a hotel and the majority of the self-catering accommodation was available for residential use if they wished and since 2013 approval was granted for the bars and function room to be retail premises. The building has been mixed use since 2001 but not as a hotel, so when the 2013 Area Plan was produced it was hopelessly inaccurate.
2. Since 2000 the business has lost £1.4 million. In its last five full years of operation the business lost £233,674 despite turning over £4,621,060 and the average occupancy during those years was 70.2%. Not being in Douglas eliminates business guests but 70% annual occupancy in a seasonal non-business tourist accommodation is still an amazingly good performance yet still lost quarter of a million pounds. It is unreasonable to expect anyone else to do so much better that the above deficiency is eliminated, that the outcome of the Rent and Rates tribunal is overcome and on top of that make an acceptable rate of return to allow viability which is asking the impossible.
3. DfE would never have agreed that the operation is not viable unless they were wholly convinced that this was the case.
4. Recreation Policy 3 states "...where appropriate new development of 10 or more dwellings..." we are aware in planning terms this can include change of use, however if it was intended for any development it would not have included the word new. New development cannot mean all development so the application should not be subject to the requirements. Such an approach has been taken when allow conversion of Victorian Douglas hotels to apartments with no open space. The proposal is for the change of use of existing apartments to residential and not for any new or physical development.
5. Car parking plans have been provided with 80 spaces being made available. Originally designed to tourist standards the complex can only accommodate 116 residents. This contrasts with recent proposal in Douglas for 68 apartments with under 30 spaces. Car parking survey provided demonstrated how few of the current residents own cars.

B) Financial Report

1. Contains time line of events from original approval up to 2017
2. Description of marketing activities up to 2017

C) Car Parking Statement

1. When operating as an aparthotel there was capacity for 365 residents and 300 in the public areas with the same number of car parking spaces as there are today. There are 77 spaces that can be separately accessed and 9 alongside Bridson Street.
2. Since the business failed they have allowed the general public to use the car park as there is clearly a shortage of such spaces in the village.
3. In addition to the apartments the site also has two gyms, a shop and swimming pool. Three spaces have been allocated for the gyms and shop and another three allocated for the pool. Leaving 6 roadside spaces and 74 reserved for apartments.
4. The apartments are only sized to accommodate 116 residents in total, and the site is centrally located in walking distance from bus station, railway station, public houses, a bank, retail and food outlets, post office, hairdressers, library and grocers.
5. Douglas Corporation plan for 68 apartments served by 28 spaces because of the town centre location and the Corporations unique knowledge of anticipated residents. How can 80 car parking spaces for the 57 Cherry Orchard apartments not be acceptable?
6. There are also two car parks which could be utilised for parking and there will be a dedicated 6 space bicycle parking on site with additional space provided should the demand arise.

7. In conclusion the applicants consider 86 spaces to be sufficient for the proposal and that the situation shall be monitored and barrier erected should others be prevented from using their parking spaces.

D) Apartment Size Table

1. This table provides the floor area for each 57 apartments, the maximum capacity and the number of bedrooms.

E) A Car Parking Survey

1. This table shows historical records of 22 leasehold apartments, what bedroom size each apartment is and the required planning parking standard. The table then states how many cars were associated with each apartment and parked in the car park each year between 2013 - 2019.

D) Floor Plans (Ground/First/Second)

E) Proposed Car Parking Plan

0.7 Updated comments on the new information and application are contained at 5.13 and 5.14 of this report.

0.8 In light of this new information the officer’s report has been amended and updated and changes have occurred in paragraphs 2.5, 5.13 and 5.13, 6.20, 6.23 and 6.24, and 7.2.

1.0 THE SITE

1.1 The application site is the Cherry Orchard aparthotel complex in Port Erin. The complex has a ground footprint of around 2065 sq m with accommodation set over three floors with the upper floor being contained within the mansard roof. The property has a principal elevation and entrance facing onto Bridson Street in Port Erin and a smaller frontage facing onto Station Road.

1.2 The aparthotel complex currently comprises a mix of uses including tourist units, long leasehold residential units, a swimming pool and health club (operated separately) and a bar/retail unit.

1.3 Surrounding the building and within the site are a number of parking spaces (67) most of which are located towards the rear of the property, although a small number of spaces are accessible from Station Road and towards the southern end of the site.

1.4 The existing aparthotel comprises 57 units. 11 have been previously approved for permanent residential use. 21 have been approved for both tourist and residential use. 25 remain in full tourist use.

2.0 THE PROPOSAL

2.1 The current application proposes the change of use of 25 tourist units within the building to permanent residential use. The 25 units comprise a mix of both single and two bedroom apartments; 8 one bedroom and 17 two bedroom.

2.2 No other changes or external alterations are proposed to the existing building.
2.3 The application was presented before the Planning Committee on 27/08/2019. The application was requested for a deferral to allow time for the applicant to provide updated parking information, for updated comments to be received from DOI in relation to the affordable housing memorandum and to allow for site visit by the members.

2.4 Updated information was received from the agent on 15/10/2019 and re-advertised. The updated car parking plan detailed 57 parking spaces, a further 8 spaces to be reserved (not for use by current proposal), 11 visitor car parking spaces along Bridson Street and 8 spaces omitted most of which were outside of existing apartment windows.

2.5 The most recent information received dated 07/04/2020 states that 80 car parking spaces will be available to residents, 3 spaces for the retail shop and 3 spaces for the swimming pool.

3.0 PLANNING HISTORY
3.1 Most recently the existing bar within the complex has been approved for its conversion to a retail unit under PA 18/01208/C. Over the years the site as a whole has been the subject of many applications including a number of external alterations such as the installation of seating areas and smoking shelters, and a number of applications for the conversion of some of the existing apartments to residential use.

Those applications considered most relevant to the assessment of the current application are:

- 00/00481/C - Change of use of part tourist flats to tourist/permanent flats - APPROVED
- 00/02336/B - Conversion of bedroom wing to 11 permanent apartments - APPROVED
- 01/00407/C - Change of use of tourist apartment to tourist and residential apartment, apartment 11 - APPROVED
- 01/02352/B - Change of use of tourist apartment to tourist/residential apartment, apartment 16 - APPROVED

4.0 PLANNING POLICY
4.1 The Cherry Orchard in its entirety is designated on the Area Plan for the South 2013 (APS) as Tourism (Hotel) and which is specifically referred to in the accompanying Written Statement for the APS:

4.2 Tourism Proposal 1:

"The following hotels have been identified as important to tourism and must be retained for hotel use: the Castletown Golf Links; the Sefton Express Airport Hotel; the Cherry Orchard; and the Falcon’s Nest Hotel. Proposals for redevelopment or re-use will not be permitted unless it can be demonstrated that hotel use is no longer commercially viable."

4.3 The Area Plan for the South 2013 also includes a number of paragraphs referring to tourism in the South:

4.3.1 "6.27 - Introduction and Policy Context 6.27.1 The South of the Island is home to a number of key tourist attractions which are both important in attracting local visitors and those from further afield. The role of tourism is important to the South and to the settlements therein. The Isle of Man Strategic Plan recognises that it is not the aim of the Area Plans to provide a strategy for tourism but rather to facilitate possible development by way of appropriate proposals and guidance."

4.3.2 "6.29 - Tourist Accommodation

6.29.1 There are currently a number of tourist premises throughout the Southern Area, ranging from self catering, bed and breakfast and hotel accommodation. Historically, much of
the tourist accommodation was located in large seafront hotels in Port Erin and Port St Mary. The demand for this type of accommodation is now in decline and many of these large hotels have now closed allowing for redevelopment/conversion of the sites to take place where appropriate. This has resulted in an overall reduction in bed spaces in the South of the Island and in many cases former hotels have been replaced by apartments. The Department of Economic Development's approach is to support the retention of and development of tourist accommodation but will generally agree to the loss of tourist premises, where it is clearly demonstrated that they are no longer commercially viable.

6.29.2 Given the decline in the number of bed spaces in the South it is important that the retention of hotels is seen as vital to the continued attraction of the area. As such existing major hotels have been identified on the Proposals Map (3) and the Inset Maps (4-7) and the Proposal below seeks to retain hotel accommodation provided that it is still viable. Any applications for extensions to existing hotels or for new hotel development will be assessed on their merits taking into consideration extant land zonings.

4.4 Within the IOM Strategic Plan 2016 there are a number of polices and paragraphs referring to new residential development and requirement for affordable housing and provision of open space and a number of paragraphs and policies also referring to tourism and hotels. Those most relevant in this case are:

4.4.1 Strategic Policy 1:
"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."

4.4.2 General Policy 4:
"Where appropriate the Department will enter into Agreements under section 13 of the 1999 Town and Country Planning Act which may:
a) restrict the use of land;
b) require land to be used in a particular way;
c) restrict the operations which may be carried out in, on, under or over land; (1) Previously developed land is defined in Appendix 1
d) require operations or activities to be carried out in, on, under or over land or;
e) require payments to be made to the Department either in a single sum or periodically, in particular as commuted sums for open space or parking provision, or other social or cultural provision, including public art, which is necessary and directly associated with the development proposed."

4.4.3 Housing Policy 5:
"In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."
"The term affordable housing is defined by the Department as housing which is either:
o directly provided by the Department; or
o directly provided by Local Authorities; or
o meets the criteria for the Department's House Purchase Assistance Scheme 2004 (and any successor schemes approved by Tynwald)."

4.4.4 8.7 - New Housing in Existing Settlements
8.7.1 Recent Local Plans and Area Plans have included development briefs guiding the design and layout of land which is zoned for residential use. Such briefs should not needlessly prescribe design, but should indicate site-specific constraints, the need for provision of public facilities or amenities (such as play areas, neighbourhood shops, or land for schooling, open space, or road improvements), and, if appropriate, the maximum or minimum density and the need for the inclusion of an element of affordable housing. Where these briefs state that an optimum density should be achieved this should not be used as an argument for higher density development which has an adverse effect on the residential amenity of adjoining properties or the character of the area.

4.4.5 "Paragraph 9.5.4 The Department of Tourism and Leisure is responsible for the development of the tourism strategy for the Island. The current version of the Tourism Strategy - "Fit for the Future" was approved by Tynwald in April 2004. One of the key issues identified in that strategy is the need to broaden the range of tourist accommodation: "Long term development is also being hindered by the lack of bed spaces in general and of the quality now being required to service our customer's base in particular. It is a necessary requirement that existing bed stock continues to upgrade and the Department will ensure appropriate support is put in place to enable existing business to develop. In addition the Department also needs to provide support for the building of new bed stock on an Island wide basis. There also needs to be recognition that the local property market can have a major impact on future tourism development. If there is a continued loss of traditional resort accommodation taking advantage of the high cost of residential property then there will be a heavy reliance on new build hotels if serviced stock levels are to be retained or increased."

4.4.6 "Paragraph 9.5.7 Although previous Local Plans have applied a "Tourism" designation to areas with a large number of hotels, such a designation is becoming less appropriate in many towns and villages as the reduced demand for larger Victorian hotels results in conversion to private residential use. It is now more likely that a Tourism designation be given to specific tourist attractions and existing large individual hotel sites, with new tourist accommodation incorporated into areas of mixed or residential use. Wider areas which still include a large tourism element, such as Douglas Promenade, may be designated for "Residential/ Tourism" use (other potential uses may be identified and included in a mixed designation if appropriate).

4.4.7 Business Policy 15: "In new Area Plans, the Department will seek to identify buildings and sites which are redundant for tourist use, and will propose new uses therefor."

4.4.8 "Paragraph 10.1.1 - The quality of life on the Island and the quality of our environment are improved by attractive open space and by facilities for recreation and other community purposes. This chapter sets out policies which combine to form a land-use planning framework for the provision, protection and enhancement of such space and facilities"

4.4.9 Recreation Policy 3: "Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. 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."

4.4.10 "Paragraph 10.3.9 Open Space in new developments should be provided within the site, but where it is impractical to provide the recreational space within the site, consideration may be given either to (a) provision off-site, but conveniently close thereto; or to
(b) the use of commuted sums, which, under the terms of a section 13 Agreement, would be paid to the Local Authority as a contribution towards the provision of community recreational open space."

4.4.11 Appendix 6 - Open Space Requirements
1 bedroom = total of 48 sq m.
2 bedroom = total of 64 sq m.

4.4.12 Paragraph 10.8 Retention of Existing Local Shops and Public Houses

"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."

4.4.13 Transport Policy 7:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

4.4.14 Appendix 7 (car parking standards):

"Apartments 1 space for 1 bedroom; 2 spaces for 2 or more bedrooms... These standards may be relaxed where 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."

MATERIAL DOCUMENTS

4.5 In addition to the Area Plan for the South 2013, it is also relevant to consider how the appeal inspector considered the document following its initial draft release in 2009. The plan process (2008 - 2013) including stages of initial scope issue and options in 2008, public consultation, modifications, public inquiry, consideration by Planning Inspector and subsequent modifications, adoption by the Department and approval by Tynwald in early 2013.

4.5.1 Appeal Inspector's Report for Area Plan for the South 2011

4.5.2 "6.29 028 supports this paragraph. 037 seeks Malew Church to be included as a visitor attraction under 6.25 and a change to the Map. PC116 is suggested to cover this matter. Under PC 118, 119 and 120, Map 3 is amended in response to representation 038. 116 asks how Planning Officers decide whether tourist accommodation is still commercially viable. As with many planning issues, I am sure the Department's Officers gather information from various sources prior to making a decision, including advice from the Department of Economic Development - Tourism Division. The Area Plan cannot define such circumstances as that would be too detailed for a document intended to give advice on land-use matters."
4.5.3 "6.31 263 supports paragraph 6.27.1. 361 asks for a re-wording; the Department suggest PC117. 401 supports the objectives, but asks for deletion of "provided it is still viable"; 417 suggests that the question of viability must be independently assessed. I disagree with 401 as the wording allows a necessary flexibility in the objectives; it will be for the Department's Officers to determine independently whether an hotel is viable based on evidence supplied to them from various sources. 420 supports paragraph 6.26.2."

4.5.4 Tourism Proposal 1
4.5.5 "6.33 029 supports the inclusion of Castletown Golf Links. However, 060 objects as the approach to the promotion and development of tourism is inadequate; specialist and short break hotels should be encouraged and redevelopment or re-use of existing tourist accommodation resisted unless unviable. 264 supports this Proposal and suggests a Development Brief for the Castletown Golf Links Hotel. As the Proposal is to retain the hotel use rather than develop that site, I do not agree a Development Brief is required. 363 supports the Proposal."

4.5.6 "6.34 I support this Proposal as it is necessary for the retention of adequate hotel facilities in the South if tourism is still to provide a significant element in the attractiveness and economic viability of the Island. However, I do not consider the Proposal should go as far as the suggestion made under 060. I note the support given by 402, but do not consider the suggested change should be adopted; the Proposal needs to be flexible."

5.0 REPRESENTATIONS
Copies of representations received can be viewed in full on the government's website. This report contains summaries only. These comments have been categorised into three dated periods:

Comments Received Prior to 19/08/2019

5.1 Port Erin Commissioners - OBJECTIONS (dated 15/08/2018, 13/12/2018 and 24/04/2019):
- Insufficient car parking provision for the proposed residential units, and
- Loss of valuable tourist accommodation not only for Port Erin but the South of the Island.

5.2 The Department of Infrastructure (DOI) Highway Services - DO NOT OPPOSE - (17/08/2018) There would be no changes to the existing site access and parking arrangements as part of the proposals. There should not be a significant increase in site traffic and parking demand as a result of the proposed change of use from tourist to permanent residential use, and therefore no new highway issues should arise from the development.

5.3 Head of Visit Isle of Man (DfE) provided initial comments (08/11/2018) on the application summarised as:
- The Cherry Orchard accounts for approx. 16% of the self-catering bed spaces in Port Erin and the South (102 as a percentage of 640);
- Comments on economic viability are not possible as the application lacks any evidence in this respect;
- The application also lacks evidence as to how the business has been marketed, and
- The Department is concerned at the loss of the Tourism bed space in Port Erin and if the application is successful, the loss of Tourism designation for the land going forward.

They confirm on 26.11.18 that the additional information submitted does not change their position.
5.4 DOI Head of Commercial, Public Estates and Housing Division provided two memorandums. The first dated 24/08/2018 clarified the position of the DOI Estates in terms of affordable housing and that consideration be given by the Planning Committee to include a requirement for affordable housing based on the 25% calculation in Housing Policy 5. This provision having to be a commuted sum as the Department does not accept leasehold 33 apartments. The second memorandum dated 28/03/2019 furthered on the first one by stating that following an assessment of the value of the units on the open market that the units in terms of value would be in their own right affordable units and likely sold in the market under the value of those apartments in the Fixed Scheme, and as such the DOI would not recommend that a Commuted Sum be sought.

5.5 Verbal discussions with Public Estates and the applicant have been carried out since the 28/03/2019 in calculating a Commuted Sum for the affordable units. No updated memorandum had been received prior to the Planning Committee meeting 27/08/2019.

5.6 Tenant of a Cherry Orchard apartment - In Support (31/10/2018)
- Inaccuracy of the applicant's statement, there is not a general agreement with the tenants over the steps to move forward (comments provided 27/10/2018)
- in support of the application.

5.7 Owner of Wimple Nook, Bradda Road - Comments (30/07/2018)
- The application is vague; there is no information as to how the car parking will be configured with only written info stating there will be 120 spaces, with comments stating that parking requirement for current tenants far exceeds their needs means that reliance on current tenants as grounds for stating that parking is sufficient is flawed. Future occupants potentially will require more parking. The density of housing proposed here is not in keeping with the general area which is commercial and residential houses.

5.8 Representative of 21 Cherry Orchard - OBJECTION (10/09/2018 & 14/11/2018 & 06/08/2019)
- Insufficient car parking exacerbated by the existing businesses operating from the site including the swimming pool, gym, management company and proposed café; Pedestrian access is dangerous with no walkways, additional vehicles would make this worse; Access for emergency vehicles would be problematic due to number of parked vehicles and limited space;
- Refuse provision would need to be increased with no appropriate location for their storage and increased potential for smells and rodents.
- The proposal for 5-7 parking spaces outside of their living room window of their apartment would restrict wheelchair access for the tenant entering and exiting the property, and fumes from associated cars would impact health from air pollution, quality of life also impacted through associated vehicle noise such as shutting of car doors and privacy from the parking outside of their windows. The extensive parking plan proposed is not feasible in the space available and would have detrimental effect on residents.

5.9 Representative of 20 Cherry Orchard - comments (03/04/2019)
- The length of time in determining the application is causing anxiety to residents at cherry orchard with effects on property values as a result of the ongoing nature of the application. Request that the application move forward to a conclusion and decision being taken.

Comments received between 19/08/2019 -16/12/2019

5.10 Head of Visit Isle of Man (DFE) - provided comments on 21/08/2019 which were verbally updated to the planning committee on the day of the meeting 27/08/2019. These comments stating that "in considering the application in light of Tourism Proposal 1, we requested a meeting with the applicant where we were provided with financial information
which demonstrated that the facility is no longer viable as a hotel. We also had regard to the planning history of the site, which illustrated that the balance of the site use now appears to be residential, and not tourism. Having had regard to this information, we reluctantly accept that the current facility is no longer financially viable as a hotel."

5.10.1 The representative from DfE further confirmed that the comments were based on the information submitted by the applicants only and that they had not been privy to any other information.

5.11 DOI Highway Services - OBJECTION (22/11/2019) - The amended plan indicates that there would be a total of around 75 on-site car parking spaces (although at least 3 of these spaces would block access to other car parking areas). In addition there are 9 spaces contained within laybys on Bridson Street; these spaces are included within the 'red line' but are also within the adopted highway. These on-street spaces cannot be included in addressing the car parking requirements for residents. There are also existing spaces to be omitted and some reserved, these also need to be deducted from the overall total to determine what parking provision will remain for the proposal. On review of the most recent information and the village centre location it is considered that a relaxation of standard to 1 space per 1 bedroom dwelling and an average of 1.5 spaces per 2 bedroom dwelling would be acceptable. However it is not clear from the information what ratio of apartments are 1 and 2 bed apartments and therefore car parking provision cannot be determined. It is also required that secured covered cycle parking be provided with at least 1 space per dwelling. The application is not acceptable as it's likely that there is a substandard amount of on-site car parking provision. Further information is required to allow a full highway assessment of the proposal.

5.12 DOI Head of Commercial, Public Estates and Housing Division - provided an updated memorandum on 06/12/2019 stating figures for a commuted sum being provided in the event that any of the 25 units were sold above the affordable housing price, £120,000 for 1 bed and £140,000 for two bed. In the event that any or all units are sold above that price, 25% of the uplift would be given as a commuted sum.

Comments received after 16/12/2019

5.13 Department of Infrastructure - Do not oppose subject to condition (26/05/2020) -

5.13.1 The additional information and revisions provide a comprehensive statement on the site history and development, car parking and use. Additionally, indicating the changing demand for differing accommodation types and provision of bicycle storage floor that could be expanded as space permits should there be a demand.

5.13.2 A total of 87 car parking spaces are identified which are more than sufficient for the existing and proposed uses of the site. The layout is in keeping with existing arrangements which includes parking in close proximity to windows. Observations from Highway Services confirm that there are no known issues with overspill parking historical or otherwise with the existing parking bays on Bridson Street installed to cater for public use of the site. This is aided by the site being highly accessible with local services and facilities, a high frequency bus route and seasonal rail service within walkable distances limiting the need for car ownership and use. Should there be other visitors travelling use can be made of other nearby car parks. There is opportunity to cycle. There is opportunity to encourage further sustainable travel measures at the site, including providing information at the marketing stage, on reception and within each apartment, installing electric vehicle charging points, and bicycle parking for visitors as close as possible to the facilities open to the general public. Waste storage and collection is to be retained. The extra detail provided now overcomes the highway concerns, allowing no objection to be raised subject to a condition for the provision of bicycle parking.
5.14 Representative of 21 Cherry Orchard - OBJECTION (03/05/2020, 05/06/2020 and 23/06/20) -

5.14.1 Two parking spaces are proposed directly outside lounge windows, the front door and the small patio area belonging No.21 and being a full time wheelchair user this would have an impact on the quality of life, block light, generate noise and create privacy impacts, if vehicles parked here it would not leave enough room to get out of the apartment to access a wheelchair adapted vehicle and could prove hazardous in the event of an emergency evacuation. The fumes from cars would have a huge detrimental effect on our health. The current tenant is also a wheelchair user and who would also suffer in the same way as a result of the development.

5.14.2 The applicant has marked the parking spaces outside Apt 21 as existing however these have never been marked bays and it is disputed whether these parking spaces were ever pre-existing. This area was always vacant and only used for access to the beer store which occurred infrequently.

5.15 119 Cherry Orchard (28/06/20)
5.15.1 This resident support the installation of the fence which has been installed at the rear of the site as they feel using the site as a short cut is inappropriate.

5.16 126 Cherry Orchard (21/06/20)
5.16.1 This resident opposes the fence which has been erected, supported they say by a petition of 115 signatures, on the basis that the pedestrian access should be available and asks whether planning approval was required for it.

6.0 ASSESSMENT

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

i. Understanding the existing land use zoning and the consideration given by the Planning Inspector as part of the Area Plan for the South 2013;

ii. Whether it has been sufficiently demonstrated that the tourism use is no longer commercially viable;

iii. Whether the principle of the development is considered acceptable in terms of Tourism Proposal 1;

iv. Whether the proposed 25 unit residential development meets with the requirements of Housing Policy 5;

v. Whether the proposal is provided with open space in line with Recreational Policy 3 (based on the open space standards set out in Appendix 6)

vi. Whether there are sufficient access and amenity standards in line with Strategic Policy 1 and Transport Policy 7 particularly in terms of parking provision and bin storage.

i) Existing land use zoning and Planning Inspector

6.2 The land is current zoned on the Area Plan for the South (APS) 2013 as Tourism (hotel). The plan process for the APS took place between 2008 - 2013, during this time the Cherry Orchard had already been approved for the change of use of 32 of the 57 units to include residential use and was at the time of the Inspectors assessment already occupied by permanent residents and by tourists. The Inspectors inclusion of Cherry Orchard within Tourism Proposal 1 is carefully deliberated, the Inspector's report for the APS supports Tourism Proposal 1 and all the sites selected within it. The Inspector states the necessity of the policy proposal in the retention of adequate hotel facilities in the south of the Island and to support the attractiveness and economic viability of the Island as a whole. Specialist and short break hotels should be encouraged and redevelopment or re-use of existing tourist accommodation resisted unless they're unviable and viability would be for the Department's Officer's to determine, and based on evidence supplied to them and in gathering advice from
the appropriate Tourism Division. Tourism Proposal 1 deliberately safeguards those tourist facilities stated within it including the tourists use at Cherry Orchard.

ii) Viability

6.3 Head of Visit Isle of Man (DfE) provided initial comments on the application stating that assessing the economic viability of the proposal was not possible as the application lacked any evidence of viability, and failed to demonstrate how the business had been marketed. DfE stated that the Cherry Orchard accounts for around 16% of the self-catering bed spaces in Port Erin and the South. There would be concern at the loss of the Tourism bed space in Port Erin and the consequential loss of the Tourism land designation of the site going forward.

6.4 Further information was provided by the applicants following which Tourism DfE provided updated comments stating that they accept that the current facility is no longer financially viable as a hotel.

6.5 Operational Policy on Section 13 Agreements Nov 2018 provides guidance in relation to Section 13 agreements and where applications do not comply with the relevant policy requirements of the Development Plan that the provision of a viability assessment can be helpful. In this specific case Tourism Proposal 1 states that any change of use to the Cherry Orchard needs to demonstrate that the existing use is no longer viable. Therefore the provision of such a viability assessment is crucial in the assessment of the application and must be carried out by a suitably qualified and experienced practitioner.

6.6 Such viability assessment would demonstrate the financial viability of a development project which is tested by calculating the gross development value (GDV) of the completed development and comparing this to the development costs. If the development costs are higher than the GDV then the development is not viable. In the case of Cherry Orchard the physical development already exists and the viability assessment needs to reflect this scenario. However, the nature of such development is not uncommon, the conversion of guesthouses/townhouses into multiple flats for example.

6.7 Over the years a number of the units (33) have been approved for residential use and a number of units have been sold on a long term lease basis. It is explained in a number of written documents provided by the applicant that the site has been subject to a 4 year Rent and Rates Tribunal which imposed conditions for the property which were designed to ensure the use of the building for a single purpose only, either all tourist or all residential use. The option was put to the owner/applicant by the Tribunal whether they would be prepared to repurchase the apartments that had been sold, but this was not an affordable option available to them. As a result the tribunal set cost allocations with percentages of heating, management and reception costs were considered and chargeable rates set for residential apartments (for example, tourist units were charged the same communal heat rate as each residential apartment although these tourist units were often unused in winter and tourist occupants out during the day).

6.8 Various written statements have been provided by the applicant since submission of the application, these statements containing explanatory information on how the status and operation of the has business evolved and how it has been marketed over the years through advertising, package holidays and travel agents, internet bookings and interest groups (coach parties, golfers). A degree of information has also been provided in the running costs of the business and including an estimated statement of affairs as of Nov 2017. However it is noted that this has not been provided by a qualified experienced practitioner contrary to the Operational Policy on S13 Agreements.

6.9 An example of where another planning application has been required to demonstrate viability is appeal AP18/0022 which was lodged against the refusal of a PA 17/01189/B for the
demolition of Waterfall Hotel and erection of four terraced dwellings with associated parking and amenity space at Waterfall Hotel, Shore Road, Glen Maye. This appeal was dismissed by the Minister in line with the decision of the Planning Committee and the application refused on the grounds that it had not been demonstrated that the premises are not commercially viable or could not be made so, contrary to Community Policy 4. The Inspector noted in the report that the Waterfall Hotel ‘whether by normal wear and tear or neglect, is now in a state of dilapidation, requiring substantial investment in renovation before it could be reopened’

6.10 The Cherry Orchard building has a long history of association with the tourism industry and has served the community with a facility providing both tourist units, gym and pool facilities and a function room, bar and restaurant. The Inspector in appeal 18/0022 noted that ‘some rural businesses appear viable, for example, the Shore Hotel on Bay ny Carrickey, the Hawthorn in German and The Forge in Braddan, formerly the Hop Garden, following some renovation and relaunches’. In the case of the Waterfall the applicant provided financial accounts for several years of operation as their evidence in an attempt to show that the property was not and would remain commercially unviable. The Inspector acknowledged that the applicant had ‘genuinely sought a suitable tenant to carry on the current hotel and public house use of the existing building on the appeal site’ however furthered this to state that ‘it is of concern that the evidence of non-viability put forward by the Appellants, whilst genuinely based on experience and certified accounts, is nonetheless limited to largely anecdotal assertion drawn from enquiries within the known business community of the Isle of Man. Importantly, no professional marketing evidence has been put forward to show that the appeal property has been advertised and promoted in a manner consistent with its apparent potential to attract international tourist interest’.

6.11 While its appreciated that the current site at Cherry Orchard is not solely a public house and hotel like the Waterfall, a renovation and re-launch of the Cherry Orchard in making the site viable has not been demonstrated, similarly no professional marketing evidence has been provided to demonstrate its advertising or promotion for sale in its entirety on or off the Island. The applicants have indicated that the site is no longer viable specifically to them, and that the directions of the Rents and Rates Commissioners have made it a ‘difficult financial position impossible for any hotel operator’, however this may be considered a predetermination of the sites future.

iii) Principle of the development Tourism Proposal 1

6.12 DfE have accepted that the current facility is no longer financially viable as a hotel, however, based on the requirements of the Operational Policy on S13 agreements it is not considered that the content or credibility of the information provided is sufficient to justify the permanent loss of the tourism land use designation of the site to outweigh the Inspectors conclusions of Tourism Proposal 1 of the Area Plan for the South 2013.

iv) Housing Policy 5

6.13 This requires developments of 8 dwellings or more being provided with 25% provision of affordable homes. While the applicants have stated that in terms of monetary value the units are to be ‘affordable’, this does not meet with the specific definition of an affordable home, which is required to be provided directly to the Department or Local Authority and meet with the criteria of the Department’s House Purchase Assistant Scheme 2004. This scheme does not allow lease hold units to be considered affordable homes, as each of the 25 proposed units would be leasehold they would fail the required criteria.

6.14 Following discussions with the applicant and DOI Estates an updated memorandum was provided setting out a calculated commuted sum based on the uplift of sales between the affordable unit price and the market sale price, with 25% of the uplift being provided as a commuted sum.
The affordable housing requirement in terms of physical units would be the provision of 6.25 affordable units. The commuted sum calculation as set out above would require 25% of any uplift in sales; if no units sell over the affordable housing figures no commuted sum would be paid. If each of the units sold for £5,000 over the affordable housing unit the commuted sum total would be £31,250 (5,000 x 25 / 25%).

The situation at Cherry Orchard is unique in that the property and units already exist, however the policy states that any new development requires the provision of affordable units, changes of use constitute development and therefore this application is for new residential development. The most recent memorandum sets a commuted sum figure calculation and it is possible that a S13 Agreement could be entered into and therefore this is in itself not a reason for refusal.

v) Recreational Policy 3 (open space Appendix 6)

This policy states where appropriate new development of 10 or more dwellings must make provision for recreational and amenity space in accordance with the standards of Appendix 6. There are 8 one bed apartments and 17 two bed apartments. The total open space requirement for these 25 units has been calculated as 1472sq m (8x48 = 384 + 17x64= 1088).

The important part of the policy is perhaps the opening two words 'where appropriate...'. The development physically is not new, however the proposal for new residential units is a new development. Unlike the development of a new housing estate which generally requires open space (children's play equipment, playing fields etc) being integrated into the overall design, the proposal here being an existing building and within the limitations of the existing village would make the integration of open space within the site impossible. Given that it is not a new development it could be argued that the requirement is not appropriate here.

Previous planning applications for the site converting the units to residential pre-date the policies in the Strategic Plan that require affordable homes and open space being provided. To date, there has been no contribution to affordable homes or open space. The quality of life on the Island and the quality of our environment are improved by attractive open space and by facilities for recreation and other community purposes. Perhaps the Cherry Orchard facility was considered to previously offer a degree of community facility and recreation with the pool, gym and restaurant/bar area. However, some of these elements have been lost over recent years and thus no longer offer a contribution to the local community.

The applicants most recent information 07/04/2020 states that Recreation Policy 3 was intended for new sites being development and not so much existing buildings and that such an approach has been taken in the conversion of Victorian hotels in Douglas into apartments into open space, there is no reference made to any specific application and thus no further investigation or comment can be made in this respect. However, in this specific case, in light of the findings for the lack of open space and the loss of community facilities over the years, a commuted sum would be considered appropriate in lieu of provision of open space. No figures have been provided in this respect and therefore the proposal fails Recreational Policy 3. There is also a lack of uncertainty for the protection of the community facilities that do remain and which could be lost to subsequent applications being made similar to those for the change of use of the function room.

vi) Amenity Standards (parking and bin store)
6.21 The local commissioners expressed parking concerns in their initial comments and most recently the DOI have objected stating that the application does not make clear the situation at the site or the total numbers of one and two bed facilities. As such there cannot be a full assessment of the site parking needs. The site also fails to provide any cycle parking.

6.22 The Highway Officer has indicated a relaxation to the parking standards 1 space for 1 bed and 1.5 spaces for 2 bed. The calculations for the existing and proposed units would therefore be: Proposed 25 units = 33.5 spaces (8 x 1 bed = 8 spaces, 17 x 2 bed = 25.5 spaces) Existing 32 units = 46 spaces (4 x 1 bed = 4 spaces, 28 x 2 bed = 42 spaces) Whole site total requirement = 79.5 spaces Plus cycle parking @ 1 per unit.

6.23 On review of the most recent drawing it is understood that 80 spaces will be available to residents and DOI Highway Services are content with the scheme. Car parking now meets the standards as above, however as highlighted in the report presented to Planning Committee 16/12/2019, re-instating the spaces in front of the apartment windows would tip the parking availability above the requirement but would result in amenity impacts on the permanent residents of those apartments which vehicles would be parked in front of. On further review of the application, it is understood that these apartments including No.21 are in permanent occupancy already and on looking at aerial photography and Google streetview it appear that vehicles have parked in this area previously. While it is not best practise and it would be for the applicants to ensure fire safety and equality compliance, it is not judged that the parking arrangement as proposed would be so significantly adverse as to warrant a result on amenity grounds alone.

6.24 In terms of bin storage, the existing site over the years has accommodated a multitude of uses and likely attracted large volumes of people especially during peak seasons and during functions at the building. An increase of bins within the bin storage area would accommodate greater volumes of rubbish; similarly the increased frequency of bin pick-ups would accommodate any increased rubbish volume. In this respect the proposal is considered acceptable. Highway Services accept the proposed scheme subject to the existing bin stores being maintained and bicycle parking being provided.

7.0 CONCLUSION

7.1 The planning history of the site, the tourism land use designation coupled with the circumstances and conclusions of the Rent and Rates Tribunal between the applicant and existing residential users has made the current application very difficult to consider and assess. The applicant has provided additional information in order to resolve the concerns of objectors and the Commissioners regarding parking and amenity, and have also sought to provide viability information in seeking to demonstrate that the tourism use was no longer viable. The applicants have also sought to discuss matters of the Section 13 agreement for an affordable housing commuted sum.

7.2 However, in light of the findings as set out in 6.0 of this report, it is not considered in this instance that viability has been sufficiently demonstrated as to justify the permanent loss of the tourism land use designation of the site contrary to Tourism Proposal 1 of the Area Plan for the South 2013. It is considered that the most recent memorandum from DOI indicates that a S13 agreement could be entered into in addressing affordable housing in line with the requirements of Housing Policy 5, however open space has not been provided nor a commuted sum in lieu of its provision and in this respect the proposal fails Recreational Policy 3. The parking provision and arrangement has now been accepted by DOI Highway Services and in this respect does not contravene Transport Policy 7.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4)), the following persons are automatically interested persons:
(a) The applicant, or if there is one, the applicant's agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The Planning Committee must determine:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.2
Proposal: Erection of a detached dwelling and garage within grounds of Strathallan House
Site Address: Strathallan House (Formerly Calvary House)
Strathallan Road
Onchan
Isle Of Man
IM2 4PN
Applicant: Mr Peter Bruce
Application No.: 19/00592/B - click to view
Planning Officer: Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the commencement of any works at the site details of the access gradients shall be submitted to and approved in writing by the Department and the dwelling hereby approved shall not be occupied until the access has been constructed in accordance with the approved details, and shall thereafter be retained for access purposes only.
Reason: In the interests of highway safety.

C 3. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.
Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 4. The visibility splays identified on drawing number 3 date stamped 22/05/2019 shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.
Reason: In the interests of highway safety.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken in accordance with Class 14 or 17, of Schedule 1 of the Order at any time.
Reason: To control future development on the site.

C 6. There shall be no works undertaken to the culvert running through the site unless otherwise agreed in writing by the Department.

Reason: To protect the amenities of watercourse and in the interest of Inland Fisheries.

Reason for approval:
The proposal will make best use of land within an existing town centre without resulting in any adverse impacts or unacceptable harm to the open space designation, to the amenities of neighbours and without significant adverse visual impact to the general residential context of the site and surroundings. The proposal is considered acceptable in terms of highway impacts subject to conditions requiring gradients and provision of access and driveway, and parts of the Permitted Development Order revoked.

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Interested Person Status – Additional Persons

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

- 6 Strathallan Park as they have as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).
- 7 Strathallan Park as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

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Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL IS CONTRARY TO THE LAND USE DESIGNATION AND DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE
1.1 The application site comprises the residential curtilage of Strathallan House sitting on a steep sloping corner plot where Strathallan Road and Summerhill Road meet. The existing property sits at the highest northern end of the site and has a split level two storey design with vehicle access achievable from both Strathallan Road and from Summerhill Road.

1.2 Within the sloping site and adjacent to the lower Summerhill Road access is a large area of off road hardstanding and an existing detached hipped roof triple garage. Beyond the paved hard standing to the south of the site is sloping shrub land which descends steeply towards the promenade and to the rear of properties of Strathallan Crescent fronting Douglas Promenade. This sloping shrub land is colonised by dense vegetation and a number of trees.

1.3 Due to the topography of the site and surroundings the existing triple garage sits at a level slightly lower than the existing Strathallan House, and also below the level of the adjacent neighbour Cliff Cottage Bungalow.

1.4 The entire site is designated on the Douglas Local Plan as Private Woodland, and was the historic site of the former Calgary Glen. PA 17/00769/A was recently approved in principle
for the erection of a dwelling within the grounds of the main house. The report for the application concluded that the proposed siting of the dwelling predominantly within the existing driveway area of established residential curtilage (although also occupying part of the sloping shrub land) would help to safeguard, in the most part, the open space designation of the lower shrub land, and would not unacceptably jeopardised the land use designation or undermine the Local Plan or draft Area Plan for the East.

2.0 THE PROPOSAL
2.1 The current application is a full application for the demolition of the garage and erection of a new dwelling. The application includes the introduction of a new curtilage between the site and Strathallan House and the creation of a separate vehicular access and driveway.

Proposed Dwelling
2.2 The proposal dwelling is to sit within the existing paved driveway area and is to form a rotated 'L' shape on the site, 24.3m along the southern side x 26.1m along the eastern side and 8m deep.

2.3 The proposed dwelling is to sit approx. 1.2m back from the kerb edge on the southern (shrub land) side, this 24.3m stretch of the dwelling is to be single storey flat roof throughout with a roof terrace nearest the eastern corner. Running directly up the eastern boundary the proposed dwelling is to be two storey with a single storey garage nearest Strathallan House.

2.4 Each single storey flat roof element is to be 3.5m high and finished in a GRP roof finish. The two storey section is to be 14m long and with a height 6.5m to eaves and finished with a 20 degree pitched roof with a central ridge 8m high.

2.5 The south elevation facing towards Douglas promenade is to comprise two large patio doors and four large windows. The elevations facing into the site are also proposed to include a number of large windows across ground and first floor, a large double garage door nearest Strathallan House and a predominantly glazed entrance porch in the corner. The rear elevation facing Cliff Cottage is to comprise 8 windows throughout each floor the majority of which are to serve the internal hall way circulation space or WC's, the first floor windows are to be installed in obscure glazing.

2.6 The end gable opening onto the roof terrace is to be fully glazed marrying with the apex of the roof. The 5.8m edge of the terrace nearest Cliff Cottage is to have a small wall and obscure glazed privacy screen above.

Curtailage, Access and Driveway
2.7 The proposal includes the widening of the existing access from Summerhill to provide a second vehicular access. The proposal is to duplicate the size and appearance of the existing gated access, 4m wide and finished in stone walling and pillars matching the existing. In achieving visibility of 43m x 2m in each direction some of the existing walling is to be re-aligned and reduced where necessary to 1.05m.

2.8 The proposed curtilage is to sit between the two accesses, sweeping upwards in an 'S' bend towards Strathallan House and 1.5m off from the gable of the proposed garage. The boundary wall forming the curtilage is to be finished in a 1.2m high wall.

2.9 The area between the entrance, boundary wall and the house will be hard surfaced. Similar to the house the driveway arrangement will be in an 'L' shape, around 6m-6.5m between the house and boundary nearest the entrance, 5m-6m between the garage and the boundary and 9m between the boundary and the porch.

3.0 PLANNING HISTORY
3.1 The application site has been subject to a number of previous planning applications, most recent and relevant in the case of this application are PA 18/00869/B for alterations and extensions to the Strathallan House and PA 17/00769/A for the approval in principle (AiP) for the erection of a new dwelling within the grounds of Strathallan House. The latter AiP application for a new dwelling sought to address the siting and means of access. A significant element of the application was the potential loss of land designated on the Douglas Local Plan as Open Space. Plans submitted for the application outlined a potential design for the dwelling being a monopitch two storey design but cut into the slope of the hill as to appear single storey from within the site and in order to limit impact on the adjacent neighbours. The officer report summarises the assessment of the application in paragraph 6.12 as:

3.2 "6.12 Throughout the process of the application the applicant and the agent has sought to revise the scheme to meet with the concerns of the Department for the change of use of the Open Space. Minded that the new dwelling is now sited within the extents of the existing established residential curtilage and the red line removes the lower open space of the site it is considered that the development will have a limited impact on the loss of the designated open space as per the DLP and will harmonise with the designations as set out in the draft area plan for the east. The proposal will utilise the sloping topography of the site to allow for the provision of a reasonably sized dwelling with sufficient amenity space while maintaining a low level design limiting visual impact on the immediate adjacent neighbours and the main highway. The proposed dwelling will be provided with its own access adjacent to the existing access for Strathallan House, the works require the modification of the existing stone wall to ensure highway safety and visibility which has been considered acceptable by Highway Services."

3.3 Highway Services commented on the 2017 application stating that the visibility splay shown were acceptable but that conditions be added ensuring their provision unobstructed and that suitable parking and manoeuvring/turning space be provided for two cars off the road to ensure entrance and exit of the site in a forward gear, and that site gradients were suitable for pedestrians and disabled access.

3.4 The application was approved with the relevant reserved matters conditions applied, and conditions relating to the access and the revoking of the PDO: "C1. The development hereby approved shall be begun either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013.

C2. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To avoid the accumulation of unimplemented planning approvals.

C3. Notwithstanding the submitted illustrative drawings, approval of the details of design, external appearance of the dwelling, internal layout, landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced; these details shall include but are not limited to: -

a) the provision to be made for the parking and turning of vehicles within the site;

b) the surface treatment of any parking area or amenity space and other parts of the site which will not be covered by buildings;

d) all external materials to be used in the development;

e) existing and proposed ground, floor and ridge levels;

f) details of boundary treatments;
g) hard/soft landscaping;
h) tree planting and protection measures.

Reason: To comply with the Town and Country Planning (Development Procedure) (No.2) Order 2013, this is an approval in principle and these matters require detailed consideration by the Department in accordance with Strategic Policy 5 and General Policy 2.

C4. The access and visibility splays identified on drawing 5B; shall be constructed in accordance with the approved plans prior to the commencement of any other works for the development of the dwelling, and the splays kept permanently clear of any obstruction exceeding 1050 mm in height above adjoining carriageway level thereafter.

Reason: In the interests of highway safety and to ensure the suitable provision of access in order to facilitate development.

C5. 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."

4.0 PLANNING POLICY

4.1 The site lies within an area designated as 'Open Space Private Woodland' on the Douglas Local Plan of 1998. The draft Area Plan for the East published on 25th May 2018 identifies the site as being two separate uses, the lower section nearest the promenade being 'Open Space' and the upper area the existing dwelling and hard standing being designated as 'Residential'. The site is not part of the Douglas Promenades Conservation Area.

4.2 The application is not a Reserved Matters (REM) application following from the 2017 AiP, although it would be reasonable to state that the outcome of the 2017 AiP establishes acceptability for residential development at the site and on land zoned as 'Open Space', so long as it is contained within the existing established residential area (existing paved hardstanding), and also minded that an REM application could be submitted here up until 03/07/2020.

4.3 Given the above the assessment of the current, full detailed, application shall be considered against those relevant polices of the IOM Strategic Plan 2016 referred to below which seek to direct development towards existing town centres, make efficient use of previously developed land and ensuring it meets with the general standards towards development as set out in General Policy 2.

4.4 In addition to those relevant policies of the Strategic Plan consideration shall also be given to the recently released Residential Design Guide which sets out a number of rules of thumbs in considering neighbouring amenity and general approaches to design.

STRATEGIC PLAN POLICY

4.5 Strategic Policy 1:

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 and amenity standards; and
c) being located so as to utilise existing and planned infrastructure, facilities and services in the assessment and determination of the application.

4.6 Strategic Policy 5:
"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

4.7 Environment Policy 3:
"Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

4.8 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.

4.9 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 watercourses;
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.

4.10 As a general principle, development should accord with the Strategic Aim which is: "To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having
particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage."

RESIDENTIAL DESIGN GUIDE
4.11 "2.2.2 New residential development should be informed by the best qualities of our existing residential areas. However, this does not mean that all new residential developments should seek to replicate the appearance of older ones, and good quality contemporary design is encouraged. Nevertheless, it is important that the design of new residential developments, including their scale (including height), form, layout/orientation, and detailed design (including the materials used) is informed by and respects both the nature of the development site and the character of the neighbouring buildings and surrounding area."

4.12 "3.2.2 Extensions should generally have the same roof pitch (angle) and shape as the existing dwelling and the height (roof ridge) should be lower than that of the main building. Generally, pitch roofs are the preferred roof type compared to flat roofs which are generally inappropriate forms of development, especially if publicly viewable, unless the existing property has a flat/low pitched roof design. The extension should normally incorporate any design/interesting features of the existing dwelling (with windows and doors replicating the design, proportions and materials of the original building, and being in line with the existing openings) unless a deliberate design decision has been made to adopt a different approach..."

4.13 "7.2.1 There are some common issues in relation to impact on neighbouring properties which may apply to both new dwellings and extensions to dwellings, and these are:
- potential loss of light/overshadowing;
- potential overbearing impact upon outlook; and
- potential overlooking resulting in a loss of privacy"

4.14 Each is detailed within the RDG and can be summarised for the purpose of this report as follows:

7.3 LOSS OF LIGHT/OVERSHADOWING - A development should not result in significant levels of loss of day light or overshadowing, especially to primary habitable rooms, or to private gardens. Taking into account orientation, change of levels and casting shadows. The 25 degree rule can be assessed in necessary cases.

7.4 OVERBEARING IMPACT UPON OUTLOOK - Ensuring appropriate levels of comfort and enjoyment of properties without outlook being impacted by an overbearing building/structure. The positioning, design and scale of an development should not be dominant or have an adverse impact on the primary windows of a primary habitable room or on the private garden that may be present in a neighbouring property.

7.5 OVERLOOKING RESULTING IN A LOSS OF PRIVACY - The "20 metre guide" refers to the distance between elevations that contain windows serving habitable rooms that face each other - if this distance is over 20 metres, overlooking is unlikely to be a concern. This distance can be relaxed where the design or orientation is such that privacy and amenity of a neighbouring property is not compromised. In dense urban areas where there is already a level of mutual overlooking a lesser standard may be acceptable. The required distance may need to be greater if there is a change in topography, which would result in an adverse effect on the privacy and amenity of a neighbouring property.

5.0 REPRESENTATIONS
Copies of representations received can be viewed on the government's website. This report contains summaries only.
5.1 Douglas Borough Council - no objection (14/06/2019).

5.2 DOI Highways Division - do not oppose subject to condition (23/08/2019):
- the access arrangements are based on the originally approved application 17/00769/A as a result please attach the same conditions as recommended for this application on 31.05.2019 by DOI.

5.2.1 For information purposes the conditions recommended by DOI dated 31.05.2018 for PA 17/00769/A were:
- "The visibility splays shown on drawing no. HLK/17/0107-5B dated May 2017 are to be provided prior to construction of the development, and maintenance as such unobstructed thereafter, with nothing above 1.05m in height provided within the splay areas."
- "At least 2 parked cars and a suitable on-site turning area must be provided as part of a future detailed or reserved matters application."
- "Proposed site levels showing a 1:12 maximum gradient between the highway and the front door of the proposed dwelling for all footpath and parking areas, must be provided as part of a future detailed or reserved matters application."

5.2.2 Updated comments were request from DOI and received 11/12/2019 - these comments stated that the plans for the current application indicated that there would be suitable on-site car parking provision and turning space for cars that they would be able to enter and exit in forward gear. The gradient within the site is slightly steeper than 1:12 but is close enough to be acceptable. What is critical is the gradient across the 6.0m distance between the gates and the edge of carriageway which has not been shown; this needs to be confirmed, (should not be steeper than 1:12 up or down). The notes in relation to visibility splays make mention of heights not greater than 1.05m above ground level or road level. I can confirm that it should not be greater than 1.05m above carriageway level.

5.3 DEFA Inland Fisheries - the site is within 9m of a watercourse and the necessary form is required to be completed and considered against the application (14/06/2019).

5.3.1 DEFA Inland Fisheries provided updated comments on 20/04/2020 - no concerns in relation to this development from a fisheries perspective, due to the nature of the nearby watercourse which is covered at the work site's location. They would like to reconfirm the condition expressed by Fisheries in previous communication stating that the culvert is not to be tapped into.

Neighbouring Properties

5.4 The owners No. 7 Strathallan Park - Objection (23/06/2019)
- Concerns with the two storey nature of the development and that the proposed dwelling is too big for the plot. Understand that the applicant has explained that they are seeking to preserve the views for adjacent properties but that the recent construction of a dwelling two doors along at Strathallan Road is huge and much bigger than originally envisaged.

5.5 The owners No. 6 Strathallan Park - Objection (28/06/2019 and 02/07/2019)
- concerns regarding the strain on utilities and amenities in the area and the subsequent impact of the development on their views, especially given that an application 97/1456 was refused for a pitched roof on adjacent property Tremissary House due to impact on both Strathallan Houses and those properties along the prom. There are also concerns regarding the risk of landslip at the site and the increase of traffic congestion on Summerhill if another property is built. The adjacent new build has also resulted in a devaluation of properties in the area.

Agent and Applicant Responses
5.6 The applicant responded to comments on 08/07/2019, these comments summarised as follows:
  o The ratio of footprint to plot size is 0.34, 4% higher than recently approved dwelling 16/01050/B but 5.5% lower than Tremissary House. The plot is not too big for the plot.
  o The strain on utilities has already been approved under PA 17/00869/A
  o The dwelling will sit on piles into bedrock avoiding increasing vertical stresses and reduce risk of landslip
  o Item 3.1 of design statement is non-regulatory requirement only self-imposed in the interest of immediate neighbours.
  o Combination of pitched and flat roofs harmonises with adjacent properties to avoid adverse impact and the proposed dwelling is set at a level lower than those along Strathallan Road.
  o The ridge of the two storey element is 6.02m lower than the ridge of Coachmans Cottage, 5.93 lower than Strathallan House. The flat roof is 2.02m lower than the existing ridge of garage.

5.7 The agent provided email correspondence dated 10/07/2019 between them and DEFA Fisheries, within these emails the agent states to DEFA that there is no watercourse within 9m, only a culvert but that this is underground and therefore they did not believe that the form needed completed. The DEFA Fisheries representative questioned if they would be tapping into the culvert, but no further email thread including a response from the agent to this matter has been included.

5.8 The applicant provided further information in an email dated 02/04/2020 outlining in more detail the rationale behind his finalised design for the new dwelling making reference to the surrounding dwellings (photographs included) and the flat roof and shallow pitch as to preserve views from the neighbours' dwellings.

6.0 ASSESSMENT
6.1 In understanding the acceptability of the current proposal we must consider whether the principle for development is acceptable, whether its detailed design is appropriate for the specific site context, if the scheme will result in any amenity impacts on the neighbours and whether the proposal presents a safe and suitable highway access and parking provision.

PRINCIPLE
6.2 Aforementioned in 4.0 of this report the site is designated as 'Open Space-private woodland' on the Douglas Local Plan, therefore any proposal for new residential development here would be contrary to the land use zoning. However given that the proposed dwelling is to remain sited within the extent of the established paved hardstanding area and the red line doesn't encapsulate the lower tree/scrub area that the proposal is not likely to result in any unacceptable loss or future domestication of the designated open space and this open space shall continue to provide a positive visual break in development.

CONTEXT AND DESIGN
6.3 New residential development should be informed by the best qualities of our existing residential areas. However, this does not mean that all new residential developments should seek to replicate the appearance of older ones, and good quality contemporary design is encouraged. Nevertheless, it is important that the design of new residential developments, including their scale (including height), form, layout/orientation, and detailed design (including the materials used) is informed by and respects both the nature of the development site and the character of the neighbouring buildings and surrounding area. Alongside respecting the visual context of the site, development shall also seek to limit any amenity impacts on the living conditions of the neighbours, be provided with safe highway access and sufficient amenity space for itself.
6.4 The proposed dwelling displays an inconsistency within itself, mixing single and two storey arrangements, flat and pitched roof designs and an array of fenestration sizes and styles, the result of which, is confusing in its own right. The site doesn't necessarily demand a traditional approach to design and approaches to modern design should not be discouraged, however the current proposal is neither one thing nor the other and when viewed in isolation the combined mix of features, approach to design and choice of finished materials results in an uncomfortable juxtaposition.

6.5 On further analysis of the immediate context of the site and the anticipated views from a public perspective it's likely that each elevation of the proposed dwelling will be read individually, the south elevation being prominent from the promenade, the west and north from Summerhill (dependant on direction of travel) and the south will not be visible except to neighbouring dwellings.

6.6 The proposed dwelling from each public view is likely to be read in conjunction with its surrounding dwellings, the two storey part being set below both Strathallan House and Cliff Cottage and from which the two storey shallow pitch roof designed has sought to replicate, and when read from the promenade the single storey flat roof correlates with the flat roof of Tremissary House aligning horizontally across the cliff. While not presenting a positive contribution to the streetscene, the proposal takes influence from the context and scale of immediate neighbours and is not expected to be so harmful as to bring any substantial adverse visual impacts to the general area.

6.7 In isolation the proposed dwelling is a little underwhelming and presents a missed opportunity, however its development here when read in the streetscene and wider landscape is likely to be engulfed by the immediate surrounding dwellings and merge into the general residential character of the area rather than stand out and draw attention to it. In this respect the proposal is perhaps not considered to be so significantly adverse as to warrant a refusal on visual grounds.

AMENITY IMPACT

6.8 The position, height and mass of the two storey part of the proposal is taller than the existing single storey hipped garage and sits closer to adjacent property Cliff Cottage/Coachmans Cottage (8m between the nearest elevations) and slightly closer to Strathallan House. The proposed development will undoubtable be more noticeable from the neighbouring properties beyond the existing garage but as the site of the works still sits at a level lower than the neighbours the general outlook is to remain fairly open and not to impact on the general amenity as to cause any significant harm to the living condition of the neighbours.

6.9 The introduction of first floor windows will increase the level of perceived overlooking between each of the dwellings although given its lower position it's likely that the application site will be the property more so looked upon by its neighbours higher up. This level of overlooking can often be expected at sites where properties sit close to each other side by side and due to the sloping typography with views occurring naturally over the properties below. Also taking into consideration that the applicant is also under ownership of Strathallan House and comments in this respect are likely to be unobjectionable.

6.10 Owners of two dwellings within Strathallan Park have raised a number of issues in relation to the application including concern for the size of the dwelling compared with the plot size, the impact on views, the potential for landslip and devaluation of property. While the value of properties and the right to a view are not planning matters, outlook from each property should be considered along with overdevelopment and landslip. In terms of outlook the proposed dwelling is to sit behind two existing dwellings that sit closer to the objectors property and already limit views towards the site, the proposed dwelling is also to sit at a level lower than Strathallan Road and given the distance from and lower level of the site
compared with the properties of Strathallan Park the proposal is not expected to result in any impact on general outlook or amenity.

6.11 The dwelling occupies a large area of the useable plot space, although is not considered to be so unreasonable as to cause any neighbouring harm or limit private amenity space and reads in union with the scrubland and open space below. In terms of the potential for landslip it's expected that construction matters and land will be considered as part of any building control application and as the applicant is the owner of Strathallan House it's unlikely that they would want to endanger the stability of the land at risk to their property. In light of the comments received and analysis of the amenity matters it is not considered that properties within Strathallan Park will be negatively or adversely affected as a result of the proposed dwelling.

6.12 Not only in assessing impact on adjacent amenity, consideration shall also be given to the amenity of the dwelling itself. Comparative calculations for dwelling and plot size ratios are contained in the next section, as it stands the proposed dwelling occupies a considerable area of the plot with the front entrance area owing itself for use as a driveway and manoeuvring area. Looking to the immediate surroundings the footprint, curtilage and amenity space of the proposal is fairly comparable to other properties in the area and would not be considered to result in an over development of the site. To the western side of the dwelling there is a small side patio area and to the south a small area running directly along the house before the land slopes steeply southwards. While the 'useable' amenity space is perhaps limited it would not be to an unreasonable level and would still allow space for external bin storage and to hang a washing line.

HIGHWAY AMENITY AND SAFETY
6.13 The proposed access and walling is to match the existing providing a uniform appearance throughout the roadside boundary treatment. The access gate is to be 4.2m wide and provided with 2m x 43m visibility in both directions. This access arrangement remains largely unchanged from that agreed as part of the AiP and in this respect the proposed access is considered to be acceptable and sufficient.

6.14 The footprint of the dwelling is calculated as being 343sq m and the plot area (proposed residential curtilage) being 790sq m, the proposed dwelling occupying approx. 43% of the site. The 'L' shaped dwelling and the proposed boundary wall with Strathallan House results in a similar 'L' shaped arrangement of the driveway. The driveway hardstanding area is around 170sq m which is more than sufficient to provide the necessary parking space for two cars off the road in accordance with the standards required in Appendix 7 of the IOM Strategic Plan. However, the size and formation of the dwelling coupled with the new boundary wall will likely limit the practicable manoeuvrability within the site and could potentially increase the possibility of vehicles reversing into or out of the site from the main road.

6.15 The current full detailed application now proposes a dwelling which is larger than that outlined in the AiP and fails to include any vehicle track or turning movements within the site. Further comments were sought from DOI Highway Services and these confirmed that there would be suitable on-site parking and turning as to allow vehicles to enter and exit the site in a forward gear, and that while the gradient within the site from the gates to the front door is slightly steeper than 1:12 it is close enough to be acceptable. DOI did express concern however for the gradient across the 6.0m distance between the gates and the edge of carriageway which has not been shown and this should not be steeper than 1:12 up or down. In respect of the these comments conditions requiring detail of the access gradients prior to commencement of any development is necessary, and that visibility splays be provided in accordance with the drawings and no obstruction greater than 1.05m from carriageway level.

SUMMARY
6.16 Throughout the process of the application the applicant and agent has sought to revise the scheme to meet with the concerns of the Department for the change of use of the Open Space. Minded that the new dwelling is now sited within the extents of the existing established residential curtilage and the red line removes the lower open space of the site it is considered that the development will have a limited impact on the loss of the designated open space as per the Douglas Local Plan and will harmonise with the designations as set out in the draft Area Plan for the East. The proposal integrates a mix of styles in trying to unify with its neighbours and in providing a low level design as to limit impact on neighbouring views. While not positively contributing to the streetscene or wider character of the area, the proposal is not considered to result in such a significant adverse visual impact as to warrant a refusal. The proposed dwelling will be provided with its own access adjacent to the existing access for Strathallan House, the works require the modification of the existing stone wall to ensure highway safety and visibility and the scheme has been considered acceptable by Highway Services subject to conditions.

CONCLUSION
7.1 The proposal will make best use of previously developed land within an existing town centre without resulting in an adverse impact or unacceptable loss of the designated open space the lower parts of which will remain undisturbed and will continue to positively contribute to the natural break in development along this part of the Douglas Promenade coast line.

7.2 The proposed dwelling will sit amongst a cluster of existing buildings and so will not negatively break the established line of residential development here. While likely to be recognisable when new, it is expected that overtime the dwelling will age with its surroundings and shall merge into the hillside development along Summer Hill and Strathallan.

7.3 The application is recommended for approval subject to a number of suitably worded conditions regarding the provision of the access gradient details prior to any other works, the provision of access and turning prior to occupation of the dwelling, revocation of extensions and garaging PDO to ensure appropriate consideration of any subsequent development and no works being undertaken to the culvert running through the site.

8.0 INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4), the following persons are automatically interested persons:
(a) The applicant, or if there is one, the applicant's agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The Planning Committee must determine:
 o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
 o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.3
Proposal: Change of use of agricultural land to driving range and the erection of new driving range building, and the change of use of existing driving range land back to agricultural use including the demolition of existing driving range building

Site Address: Part Field 510218
Comis
Mount Murray Golf Club
Santon
Isle Of Man

Applicant: Comis Holdings Ltd
Application No.: 19/01376/B - click to view

Planning Officer: Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the coming into use of the approved driving range the existing driving range shall be reverted back to agricultural use in accordance with drawing number DR-190131-02 Rev A and all associated driving range buildings, structures and paraphernalia removed and the ground returned to grass in accordance with drawing number DR-1901310-10.
Reason: The application has been assessed on a one for one basis only and in the interest of visual amenity.

C 3. All planting, seeding or turfing comprised in the approved details (drawing numbers DR-180424-02 and DR-1901310-10) must be carried out in the first planting and seeding seasons following the completion of the development or the first coming into use of the approved facility, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.
Reason: the landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 4. There shall be no external lighting installed at the site.
Reason: The application did not including any external lighting or a lighting scheme and therefore no assessment has been undertaken in this respect. Any external lighting would need to be considered as part of a separate planning application.
Reason for approval:
The proposal does not strictly accord with General Policy 3, however the one for one replacement of the driving range is considered to result in an overall net gain of agricultural land and to have an negligible environmental impact on the countryside beyond the existing driving range and by reason of its siting and landscaping is considered to have an acceptable impact on both the visual and amenity aspects of the surrounding countryside. The application is considered to comply with Environment Policies 1, 3 and 24, and the principal values of General Policy 2.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL IS CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site relates to the extents of the existing driving range facility at Mount Murray and parts of field number 510218 and the existing golf course on the western side of the Mount Murray Back Road.

1.2 The golf course and driving range are associated with the wider hotel and country club known as 'Comis at Mount Murray'. The golf course stretches across both sides of the main road wrapping the main hotel building and parts of a residential estate on the eastern side, and running between the A5 Castletown Road and the main golf club on the western side.

1.3 The existing driving range occupies approx. 7 acres there is a an existing driving range building (18m x 10m) and a number of external tee stands on the southern side of the range. Parking for the range is provided on the adjacent side of the road at the existing golf club house. The driving range is illuminated.

THE PROPOSAL

2.1 The current application seeks approval for the removal of the existing driving range facility and associated buildings and the return of the 7 acres to agricultural use, and the subsequent relocation of the driving range facility to the western side of the road and including the erection of a new driving range next to the existing golf club house.

2.2 The new driving range is proposed to occupy a triangular shaped parcel of field 510218 measuring approx. 3.6 acres, this area of land will stretch diagonally north-west and also encompass part of the existing golf course greens to create the new driving range facility.

2.3 Nearest the club house and situated within land already used as part of the golf course is to sit a new driving range building providing 10 teeing off bays and a small tractor store and ball dispensing area. The building measures approx. 35m long and has a slightly stepped arrangement both in terms of its height and widths, the central store area is the tallest and deepest section measuring approx. 6m tall and 9m deep, while the 5 bays either side measuring approx. 3.5m tall and 6m deep. The building is detailed to be timber framed and timber clad with a metal sheeting roof and metal roller shutter door to store area.
2.4 Also included in the scheme are a number of trees to be planted along the edges of the proposed driving range, this planting will comprise a mix of 10 different species as identified on drawing number DR-108424-02 dated 06/04/2020 including red birch, oak, scots pine and chestnut trees.

2.4 Drawing number DR-1901310-10 sets out the detail for the remediation of the land where the existing driving range building sits and once demolished its return to grass.

2.5 An Environmental Impact Assessment (referred to as an Environmental Statement) for the application was provided by the applicant electronically dated 21/05/2020. This concludes that there will be no adverse environmental impact from the proposal.

PLANNING HISTORY
3.1 The wider golf club and hotel site has been the subject of a number of applications, the existing golf club and golf course was original approved in the early 1990's (92/00585/B) although there are no recent applications considered specific or material to the current proposal.

PLANNING POLICY
4.1 There are a number of land uses in the area, the extent of the land ownership including the hotel covers an area recognised as being Tourist Accommodation in Parkland and AHLV on the 1982 Development Plan. The application site specific to this application however appears to fall outside of both of these area and is located within an area not designated for development and part of a small strip of designated 'woodland' lining the immediate sides of the road. In assessing the current proposal regard shall be given to the established nature of the existing golf course and driving range and whether the principle of its relocation meets the tests of General Policy 3 and Environment Policy 1 which seek to protect the countryside from unwarranted development, and whether or not the proposal would result in any adverse visual or amenity impacts as to harm the landscape and surroundings including the impact on the designated woodland using Environment Policy 3. Appendix 5 of the Strategic Plan also requires any proposals for golf courses and any associated development to be provided with an EIA. Environment Policy 24 is therefore relevant in considering the environmental matters of the application.

4.2 Although not strictly to be applied, the general standards set out in GP2 can often help in assessing visual, amenity and landscape impacts of a development.

4.3 General Policy 3 states (in part):
"Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative."

4.4 Environment Policy 1:
"The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."
4.5  Environment Policy 3:
"Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

4.6  Appendix 5 states (in part):
"The Need for EIA
A.5.2  It is proposed that the following types of development would require EIA in every case:
(j) Other projects ...
o  Golf courses and associated development;"

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

4.8  General Policy 2 states (in part):
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:

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 watercourses;
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;
k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
m) takes account of community and personal safety and security in the design of buildings and the spaces around them."
reduce visual impact and over 3000 trees and 850 shrubs and plants planted. As it is the only driving range structure on Island it is not envisaged that number using the facility will change and no new access or parking is required.

6.2 While alternative sites were considered none offered the same proximity to the existing club house and car parking and would require major alterations to the existing golf course. The proposed site had the greatest opportunity to meet the leisure needs with the least constraints and its relocation would return the existing 7-acre driving range back to agricultural use. While a two-storey building was considered it was discounted due to the visual impact. The proposed siting and selected single-storey building would have a slight negligible benefit on the environment and would have a negligible effect on existing transport infrastructure.

6.3 The nearest archaeological interest sites are between 1000-1500m away. The land forming the driving range is featureless and will largely be undisturbed and a thus a negligible impact is expected with the integrity, setting or understanding of these archaeological sites remaining unaffected.

6.4 The site is 100m above datum and other than the building itself no other hardstandings are planned. No foul drainage is required and surface water will be taken to a soakaway, as such the proposal poses a negligible flood risk and no negligible impact on water quality. With exception to the land on which the building is to be built the rest will remain unchanged save for maintenance to bring it up to golf course standard, there is to be a negligible benefit to ground conditions and soil and the development also create new agricultural land by reverting the old range back to agricultural use.

6.5 A Visual Impact Assessment was undertaken whereby the site was surveyed and photographed to assess visibility of the proposal, the viewpoints selected were those that have public access. Due to the existing clubhouse and hedgerows there was only one point where the new building would be partially visible and this footpath is located 500m away on the eastern side of Chibbanagh Plantation. The trees to be planted are to form a natural barrier to the range rather than netting used at the existing facility. The proposed single-storey timber clad building will be largely obscured from view, its development combined with the removal of the existing building and associated netting is considered to have a negligible benefit to landscape and visual amenity.

6.6 An ecological appraisal has found that there are no designated sites or areas of Special Scientific Interest within 2000m of the site. Plant communities at the site are not of botanical interest and there are no registered trees on the golf course. Rabbits, hares and feral cats are known to exist on the site although unlikely to have a permanent habitat with the regular maintenance and machinery activity at the golf course, a negligible impact is expected on native species. The site will effectively remain as a field albeit maintained to golf course standard, the extensive planting will present and encourage new habitats such as nesting birds and likely to have a moderate benefit to the areas ecology and biodiversity.

6.7 No additional noise is expected to be created by the development and a negligible amount during the brief construction period. In terms of air quality the IOM has automated air quality monitoring stations, according to IOM Gov website the station at Richmond Hill was discontinued due to the results indicating continued good air quality. The proposal is not anticipated to have any impact, however the development does including extensive planting and this will arguably have a positive impact on air quality. There may be negligible amount of dust during the short construction phase but mitigation is not considered necessary.

6.8 The applicant seeks to relocate and improve its driving range to form part of a centralised golfing facility, through an agreed land swap with a neighbouring farmer the development will result in a reduction to the overall Hotel and Golf Resort grounds and a net
gain of over three acres of agricultural land. The proposed driving range structure is visually less impactful that the existing range and more in keeping with the surrounding environment and safer for its users. The development will include significant planting creating new habitat, improving visual amenity and arguably assisting in improving air quality. The EIA has demonstrated that the proposal can be undertaken within acceptable environmental limits and relevant planning policies can be satisfied.

ASSESSMENT

7.1 The proposal does not strictly meet the exceptions to development in General Policy 3, however the site already comprises an existing and established driving range facility and the proposal ultimately seeks to replace this on a one for one basis albeit in an alternative location next to the existing golf club house and reverting the existing driving range back to agricultural use. The current proposal will not only result in an overall net gain of 3.4 acres of agricultural land but it would see the golfing facilities being clustered together on the same side of the road and helping towards reducing the general spread of development across the countryside.

7.2 The proposed driving range is to be set back from the main road beyond existing roadside vegetation and also beyond new trees to be planted as part of the scheme, as such it is not expected that there will be any prominent views from a public perspective as to impact on the general countryside character. Similarly the return of the existing driving range back to agricultural use and the removal of the associated paraphernalia will overtime put the general streetscene back to a typical countryside appearance and an improvement over the existing arrangement.

7.3 There are trees lining both sides of the main road although it is not quite clear from the 1982 plan (due to the scale at which it is prepared) where the extents of the woodland area stretches too and whether any part of this falls within the red line for the site, that aside, the proposal does not include any works that will result in the loss of or any impact to any trees in line with EP3.

7.4 The site and area is not identified or recognised on any plan as having any specific habitats or ecological importance, although it would not be unreasonable for bats to be found in the area given that some species utilise woodland areas for roosting and foraging. Aforementioned the proposal does not result in the loss of any trees and overtime the proposal is to contribute to the trees and woodland available through substantial planting as indicated on the landscaping plan, as such it is not considered that any protected species or special habitats will be lost or harmed as a result of the development.

7.5 The existing driving range building has some external lighting which can be seen across the landscape particularly during hours or darkness and more so over the winter months. While some species and habitats can acclimatise to certain environmental situations such as noise, lighting or general activity levels, these should not be exacerbated or made worse as a result of new development. In this case the general noise and activity from the proposed driving range is not expected to be any more significant than the existing, however there is no detail provided for any lighting at the new facility and as such no judgement can be made in this respect, therefore it is necessary to add a suitably worded condition revoking any installation of external lighting.

7.6 The proposed driving range and building is a one for one replacement basis and results in the centralisation of the main golfing facilities to one side of the main road. The proposal will see the immediate roadside areas revert back to agricultural use working towards improving on the overall appearance from a public perspective and reducing the spread of development across the countryside. The proposed driving range building is to sit back from the road and adjacent to the existing golf club house its position here is likely to have a limited visual impact and to present an improvement to the general site security. The
existing access and car park surrounding the existing club house will remain unchanged and its use is not expected to be so materially different from existing use as to result in any intensification or any new highway safety issues. The centralisation of the facilities on the same side of the road is likely to help contribute to the overall health and safety of users by limiting the need to cross the main road. The proposal will result in an overall beneficial net gain of 3.6 acres of agricultural land and with a negligible impact on the wider character and appearance of the countryside.

CONCLUSION
8.1 The proposed replacement driving range, by reason of its proposed siting coupled with the existing driving range land being reverted back to agricultural use is considered to have an overall environmental improvement beyond the existing arrangement and not to adversely impact the countryside in line with GP3 and EP1. A condition requiring the agricultural land being provided prior to the coming into use of the new driving range is considered necessary. The proposal has been provided with an EIA and it is not expected to result in any significant effect on the surrounding environment beyond that of the existing facility. The proposal is not considered to result in any undue harm on surrounding woodland or habitats in line with EP3 and the principles set out in GP2 subject to two conditions revoking any external lighting at the site and the tree planting being provided. The proposal is compatible with the existing golf facility and is likely to improve the overall safety of its users by reason of it positioning on the same side of the road as the existing car park.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 Article 6(4), the following persons are automatically interested persons:
(a) The applicant, or if there is one, the applicant’s agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.4
Proposal: Additional use of property as Natural Therapies Clinic
Site Address: Thie Ny Shee (Formerly Matfen)
Highfield Drive
Baldrine
Isle Of Man
IM4 6ED
Applicant: Paul David Kerwin
Application No.: 20/00146/C- click to view
Planning Officer: Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C: Conditions for approval
N: Notes (if any) attached to the conditions

C 1. The use hereby permitted is restricted to a natural therapy use as described in the planning statement only.

Reason: The Department has assessed the impact of the proposal on the basis of the use and any other use would require a separate assessment.

C 2. The use hereby approved shall only be undertaken between the following times:
o 09.00hours and 18.00hours Tuesday, Wednesday, Thursday and Friday
The use shall not be undertaken at any time on Saturdays, Sundays, Mondays, or Public Holidays.

Reason: To ensure that the development is undertaken in accordance with the application details and in the interest of protecting neighbouring living conditions.

C 3. The area of the building to be used for therapy shall be limited to that shown on the floor plans forming part of the application and the use hereby permitted shall not extend into any other part of the premises.

Reason: To minimise the disturbance to adjacent residential occupiers and to protect the residential character of the locality.

C 4. The use hereby approved shall only be for the benefit of Mr Paul Kerwin and Mrs Stefanie Kerwin while they are resident at 'Thie Ny Shee,' Highfield Drive, Baldrine and no staff may be employed and/or work at the premises.

Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 5. The driveway and access shall be kept available and unobstructed for parking at all times. The driveway shall be available for the parking of vehicles associated with the dwelling and therapy business, and shall remain free from obstruction at all times.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety.
Reason for approval:
The propose change of use would not harm the use and enjoyment of neighbouring properties and the available parking on the existing driveway is sufficient enough to accommodate the traffic associated with the proposed natural therapy use.

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 6(4):

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

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

It is recommended that the 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 6(4):

'Tara' Highfield Drive, Baldrine 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

'Cregneash,' Highfield Drive, Baldrine as they do not clearly identify the land which is owner or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy and also 2B with 'Cregneash' Highfield Drive, Baldrine being further than 20 metres away.

'Paston,' Highfield Drive, Baldrine as they do not meet the requirement of 2B of the Policy by the property being situated further than 20 metres from 'Thie Ny Shee.'

'Irton,' Highfield Drive, Baldrine as they do not meet the requirement of 2B of the Policy by the property being situated further than 20 metres from 'Thie Ny Shee.'

Planning Officer’s Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE
1.1 The application site is the residential curtilage of Thie Ny Shee, Highfield Drive, Baldrine which is situated to the south east end of Highfield Drive, two properties up from the main road of Baldrine Road. The property is two storeys high with a single storey side extension to the south.

1.2 The property also has parking to the front of the property which has space for around 4 cars of which it is on a sloping gradient.
THE PROPOSAL
2.1 The current planning application proposed the additional use of the dwelling for a two separate Natural Therapy Clinic's which will include massage, nutritional and herbal dispensing and acupuncture.

2.2 The proposed space where the Natural Therapy Clinic will be situated is to the bedroom, walk in wardrobe and en-suite on the left hand side of the property, no other areas have been proposed.

2.3 The proposed working times will be Tuesday to Friday with the hours of 9am to 6pm, whilst there will be two separate Natural Therapy Clinics from the site there will be no more than 1 client per hour and booking will be hourly.

2.4 No external or physical works are proposed as part of this application.

PLANNING HISTORY
3.1 There are several applications on the site of which the room in question was converted from a garage under PA10/00322/B.

PLANNING POLICY
4.1 The site lies within an area zoned as Predominantly Residential on the Laxey and Lonan Local Plan 2005, Lonan Map.

4.2 Given the nature of the application it is appropriate to consider General Policy 2, Business Policy 1 and Business Policy 7 of the Isle of Man Strategic Plan 2016.

4.3 General Policy 2 of the Isle of Man Strategic Plan 2016 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:
(c) does not affect adversely the character of the surrounding landscape or townscape;
(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, and
(i) does not have an unacceptable effect on road safety or traffic flows on the local highways."

4.4 Business Policy 1 of the Isle of Man Strategic Plan 2016 states; "The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan."

4.5 Transport Policy 7 of the Isle of Man Strategic Plan 2016 states; "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

4.6 Appendix A.7.6 of the Isle of Man Strategic plan 2016 should also be noted which stipulates that, for a typical residential development, two (2) spaces should be provided per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

REPRESENTATIONS
5.1 Highway Services have No Highways Interest in this application and have made the following comments; "The proposed on-site car parking would be acceptable for 3 or 4 cars. I accept that the driveway gradient would not comply with current standards; however, due to the topography of the area this would be true of many other properties in the same street."
This is normally a time when many people would have taken their cars to work but due to the impact of the virus I suspect that most people would not be working away from home. At the time of the survey there were no significant on-street car parking problems." (06.04.2020).

5.2 Garff Commissioners have considered the proposal (10.03.20 & 7.04.20) and have stated the following, "Members considered correspondence from a neighbour objecting to the application, particularly in regard to the impact of additional traffic and on parking on Highfield Drive. The location was discussed. It was agreed to defer to Highways on this matter. No objection.

5.3 The following neighbours have objected to the proposed change of use, please note that the below is shortened version and the actual objections can be found online;

5.3.1 The owners of 'Struie,' Highfield Drive, Baldrine have written in to object to the application with their main issue being regarding traffic issues. They are worried that due to where the property is situated close to the junction of Baldrine Road and Highfield Drive the property does not have a footpath on the opposite side of the road and as such if there is parking on the road outside the property it is not wide enough for two and they are subsequently worried that cars will park on the footpath causing a pedestrian safety issue. They have also stated that they think it's unlikely that visitors would park on the driveway due to how steep it is.

5.3.2 The owners of 'Amulree' Highfield Drive, Baldrine have written in to object to the application as they are worried about the "increase in traffic of unwary drivers who are not familiar with the location." They have also stated that the proposed change of use would be more suited to an inner city property within the close town centres of Onchan and Laxey which would bring more people to the towns centres. They have also stated that they do not think clients would use the driveway and that recent building works have been done to the property of which the builders vehicles were parked on the pavement outside the property and not on the driveway which had ample parking space available.

5.3.3 The owners of 'Tara' Highfield Drive, Baldrine have written in to object to the application with their main issue being that the clients when using the driveway would cause an obstruction on the footpath due to the driveway not being long enough for two cars in tandem. They are also worried about the increase of the traffic volume of the quiet country residential area.

5.3.4 The owners of 'Cregneash,' Highfield Drive, Baldrine have written in to object to the application. They are worried that the increase in traffic would compromise the safety of their children who play in Highfield Drive, due to its quiet nature. One of the occupants in the property works a different shift pattern and as such sleeps during the day of which the increased traffic would cause disturbance.

5.3.5 The owners of 'Paston,' Highfield Drive, Baldrine have written in to object to the application. They are worried that the driveway would be unsuitable for 4 parking spaces and that visitors currently park on the pavement.

5.3.6 The owners of 'Itron,' Highfield Drive, Baldrine have written in to object to the application. They have stated that the yellow notice was not up for the required time period and that the owners have not consulted the neighbours on their proposal. They also concur with their neighbours comments. They are also worried that the overall information given wouldn't be realistic or financially viable as a dual income.

ASSESSMENT
4.1 The fundamental issues to consider in the assessment of the planning application are the principle of the additional use and the potential impacts of the proposal on the wider amenity.
THE PRINCIPLE OF OPERATING A BUSINESS FROM THE SITE

4.2 When looking at the principle of the additional use it should be acknowledged that permission has been approved and refused for the operation of businesses from a residential property, throughout the Island.

4.3 'Thie Ny Shee' is within a site zoned as 'predominately residential' and as such the change of use of one of the rooms to a therapy room would not comply with the land use designation in 3.1, however the application site will majority stay as a dwellinghouse as such the proposed use is connected to the ancillary use of the dwelling and not a use in its own right over the existing use. There is also no alterations proposed to the property as such there will be no visual impact on the General Policy 2 of the Isle of Man Strategic Plan 2016 based on the small scale use.

4.4 It should be noted that 'Thie Ny Shee' is not close to a town centre or commercial area with the impact of the proposed change of use unlikely to draw materially harmful levels of trade away from the town or village centre. Moreover, to approve the application could enable the growth of a business that would eventually achieve a sufficient turnover as to encourage its moving into a larger, more attractive and more appropriate commercial premises in that town centre in due course.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES

4.5 Concerns can be raised by such proposals, namely relating to the impact upon on-street parking provisions and noise & general disturbances though people coming and going from the site. The applicants are the full time occupants of the property, living within the other rooms within the property and will be the only two employees working from this address. The supporting information with the application indicates that the business is to operate four days a week (Tuesday to Friday) and will take clients from 9am to 6pm.

4.6 In terms of neighbouring properties, due to the nature of the business, with only a single client at a time and no noisy activities being carried out, it is considered unlikely that there will be significant impact on the neighbouring properties.

4.7 The neighbouring properties have raised concern with regards to the additional traffic and the parking available on site. Whilst the coming and going of vehicles to the property is likely to increase above the existing arrangement as the applicants currently living in the at the address own one car, however these comeings and goings would likely be difficult to differentiate between a general household (for example a family of 4 each with their own car) and therefore it is unlikely that the business would be significantly more disruptive than normal domestic activities that would otherwise be acceptable in a dwelling.

4.8 The Strategic Plan required that a residential dwelling requires a minimum of two off road parking spaces, the proposed and existing car parking spaces on this application are 4 abide parking is tandem and as noted during my site visit and from Highway Services there is a significant gradient. The fact that the property does have the parking arrangement is sufficient enough to meet the required standards and in having two spaces available for those visiting the premises for therapy one after the other. The proposal is considered to be provided with sufficient parking and thus not expected to result in any adverse highway safety impacts on the area.

4.9 It is considered necessary to include a condition ensuring that the driveway is made available and unobstructed for the parking of vehicles at all times.

4.10 The planning statement received with the application states that a 10 minute overlapping period would be in place. To reduce the likelihood of clients parking on the side of the road and not the driveway it is considered necessary to include another condition to
state that there should be a 15 minute time period between clients, which should supply enough time for one client to come to the property and one to leave.

CONCLUSION
7.1 For the above reasons the proposal is considered to comply with General Policy 2, Business Policy 1 and Business Policy 7 of the Isle of Man Strategic Plan 2016 and therefore acceptable.

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
Item 5.5
Proposal: Erection of two dwellings, one on plot 11 and one on plot 16 (forming amendments to dwellings approved under PA 17/00852/B)
Site Address: Plots 11 And 16
Housing Development
Ballaglonney Farm
Crosby
Isle Of Man
IM4 2EE
Applicant: JM Project Management Limited
Application No.: 20/00248/B - click to view
Principal Planner: Miss S E Corlett

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. Any protective fencing within plot 16 which was required and approved under 16/01314/REM must be in place and retained throughout the construction of the dwelling on plot 16.

Reason: to ensure that no existing trees are adversely affected by the development.

C 3. No construction work may be undertaken on the site other than between 0800hrs and 1900hrs Monday to Saturday inclusive and at no time on public holidays.

Reason: To protect the living conditions of those living near the site.

C 4. The dwellings hereby approved shall not be first occupied until the bus layby and pedestrian crossing associated with the development are operational.

Reason: In the interests of highway safety.

C 5. Prior to the occupation of each of the dwellings hereby approved, the garage and car parking area associated with each shall be provided and shall remain free of obstruction thereafter.

Reason: To ensure that adopted car parking standards are met in the interests of highway safety.

C 6. All planting, seeding or turfing comprised in the approved details of landscaping, including the hedge to the south west of plot 11 and the two trees which now appear to the south east of plot 16 rather than on the boundary of this property, must be carried out in
the first planting and seeding seasons following the completion of the development or the occupation of the dwellings, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: The landscaping of the site is an integral part of the scheme and must be implemented as approved

Reason for approval:
The development is considered to accord with the relevant Strategic Plan policies, in particular General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

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

THE SITE
1.1 The site is a developing estate located on the southern side of the A1 TT Course in the centre of Crosby. The approved estate comprises 28 dwellings and a retail unit. Many of the dwellings have been completed and since the final approval of the estate, approvals have been granted for a flat roofed extension to one of the properties (plot 22 - 19/00677/B) and alternative house type to another (plot 13 - 19/01053/B).

THE PROPOSAL
2.1 Proposed here are revisions to the approved houses on two plots within the estate: plot 11 backs onto the north western boundary of the site with open land beyond and plot 16 sits on its own in the southern corner of the site.

2.2 As approved, both houses were similar with different finishes. As now proposed, the dwelling on plot 11 will remain similar to the approved dwelling but with stone cladding applied to the main projecting gable instead of the first floor front main part of the dwelling, bifolding doors will be installed at ground floor level at the rear and a different style of garage door will be installed (this would not have needed planning approval if changed once the house were constructed). This will also have a pitched roofed extension on the south western gable, bringing it closer to the southern boundary of the site which abuts an access potentially linking the estate with the land to the north west. This boundary is shown as a planted hedge.

2.3 The new dwelling on plot 16 will be larger than approved with a central wider stone projecting gable and a flat roofed rear annex with lantern light similar to that approved on plot 22. This plot does not abut any other properties but has estate roads to the north and west, the field to the south which is not approved or designated for development and the public path which was approved as part of the development, with the tree-lined river, to the east. The approved tree planting remains to the east of the house although the plans, included in the red line area and the dwelling will now be just over a metre from the rear boundary, closer than in the approved plans and the two proposed trees are now proposed a little to the south west of the boundary of the site: they would be impracticable if planted on
the boundary as shown as they would be too close to the extension and completely obscuring the outlook therefrom. The new location of the trees is outwith the red line but within the blue line area therefore capable of being implemented by the applicant.

PLANNING POLICY
3.1 Part of the site is within an area designated as Predominantly Residential on the 1982 Development Plan Order. On the latest version of the Area Plan for the East the site which was approved for this development is shown as Predominantly Residential and whilst the adjacent land was initially designated as Strategic Reserve site for mixed use, it was recommended for removal by the inspector and this was accepted by Cabinet Office who are currently consulting on the proposed changes.

3.2 As the site has approval for residential development, as approval has specifically been granted for dwellings on both of the plots which are the subject of the current application and as it is currently identified as predominantly residential on the latest version of the appropriate development plan, it is considered appropriate to assess the application against the criteria set out in General Policy 2 of the Strategic Plan which requires development to achieve the following:

(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 and
(g) does not affect adversely the amenity of local residents or the character of the locality.

3.3 The decisions on plots 13 and 22 as cited above are also material considerations in this case.

PLANNING HISTORY
4.1 There has been a long planning history associated with this development, all of which is relevant. A number of conditions were imposed, some requiring additional information and others requiring that works were undertaken before building or occupation commenced. Some of this has been satisfied either by the submission of further information which has been considered acceptable and in others, the undertaking of works which has satisfied those particular conditions, such as the creation of the bus lay-by, pedestrian crossing, tree protection. Of particular importance to the development of plot 16 is the retention of the protective fencing required to ensure no damage to the trees adjacent to the river. This should be reiterated as part of any approval of the current application. In addition, the approval of 19/00677/B was subject to the following conditions which should also be reiterated:

No development may commence until such times as protective fencing has been erected in positions approved by the Department to protect those existing trees which are to be retained, during construction. The approved fencing must be retained during the course of construction.

Reason: To ensure that the landscaping is effected in accordance with the approved plans and in the interests of the amenities of the area.

No construction work may be undertaken on the site other than between 0800hrs and 1900hrs Monday to Saturday inclusive and at no time on public holidays.

Reason: To protect the living conditions of those living near the site.

The dwelling hereby approved shall not be first occupied until the bus layby and pedestrian crossing associated with the development are operational.
Reason: In the interests of highway safety.

Prior to the occupation the dwelling, the garage and car parking area shall be provided and shall remain free of obstruction thereafter.

Reason: To ensure that adopted car parking standards are met in the interests of highway safety.

REPRESENTATIONS
5.1 Highway Services confirm that they have no objection to the application (19.03.20 and 11.05.20).

5.2 Marown Parish Commissioners have no objection to the application but note that the Planning Officer has previously suggested that the "personalisation" of the properties would improve their appearance of the unimaginative design of the houses and what is proposed does nothing to assist this. In addition they are disappointed with the flat roofed extension contrary to the guidance notes published by the Department and are opposed to this. They have no objection to the amendments to plot 11 (19.03.20). They seek more time to consider the amended plans on 07.05.20 and confirm on 21.05.10 that they have no additional comments to make on the amended plans.

5.3 DEFA Fisheries seek the completion of a Development within 9m of a watercourse form (12.06.20). The applicant responds on 12.06.20 to confirm that the house is 10.8m from the watercourse and that the plot already has planning approval for a dwelling in this position adding that this issue was dealt with in the approval in principle.

ASSESSMENT
6.1 The issues in this case are whether there are any adverse environmental effects with the changes to the house types and whether they would result in any adverse impact on the living conditions of those in any of the approved dwellings alongside.

6.2 The changed house types retain the style and character of the approved dwellings within the estate. Whilst the proposed dwellings are larger, they remain within the approved plots with sufficient space to allow the approved landscaping to be carried out. Whilst the larger dwelling

6.3 Whilst the flat roofed rear annex proposed for the house on plot 16 was considered unacceptable by the Department when 19/00677/B was initially considered, it was approved on appeal and thus should be considered acceptable in this case.

6.4 The enlargements in both cases here are not adjacent to approved dwellings and will not as such affect the living conditions of those in any adjacent approved dwellings.

6.5 Whilst the proposed dwelling on plot 16 now comes much closer to the boundaries largely due to the rear annex, it should be borne in mind that there is provision within the Permitted Development Order which allows extensions to be built without planning approval, subject to compliance with certain criteria as follows:

Class 14: The enlargement of a dwellinghouse (including the erection of an extension or conservatory).

Conditions:
(a) the general conditions applicable to Section A;
(b) the floorspace (measured externally) of the extension must not exceed 15 square metres beyond that of the original dwellinghouse;
(c) the extension must not exceed 4 metres in height above ground level;
(d) no part of the extension may be nearer to any highway which bounds the curtilage of the dwellinghouse than —

(i) that part of the dwellinghouse nearest to that highway, or
(ii) 20 metres,
whichever is the nearer.

(e) no part of the extension may be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
(f) the external finish of any walling must match that on the major part of the dwellinghouse; and
(g) operations within this class are allowed only if, on completion of the operations, at least 2 car parking spaces remain within the curtilage of the dwellinghouse. For the purpose of paragraph (g) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.

6.7 In this case, the driveway is short of the required width, and the proposed extension is larger than the permitted area. The dimensions of the driveway would restrict the erection of any extension under this Class. however, if the drive were wider, an extension would be able to be constructed which could come just as close to the boundary so the principle of such proximity is not considered objectionable.

CONCLUSION
7.1 The development is considered to accord with the relevant Strategic Plan policies, in particular General Policy 2.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:
(a) the applicant (including an agent acting on their behalf);
(b) any Government Department that has made written representations that the Department considers material;
(c) the Highways Division of the Department of Infrastructure;
(d) Manx National Heritage where it has made written representations that the Department considers material;
(e) Manx Utilities where it has made written representations that the Department considers material;
(f) the local authority in whose district the land the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
### Item 5.6

**Proposal:** Reserved Matters application for the erection of four detached dwellings addressing internal layout, design, external appearance, siting, drainage and landscaping (relating to PA 18/00912/A)

**Site Address:** The Old Parsonage  
Main Road  
Sulby  
Isle Of Man  
IM7 2HJ

**Applicant:** Fairway Construction Ltd  
**Application No.:** 20/00279/REM- click to view

**Principal Planner:** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

#### Recommended Conditions and Notes for Approval

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<td>C 1.</td>
<td>The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.</td>
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**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. | All existing trees shown as being retained on the tree retention/removal plan (drawing TR-1520) shall be retained and in the event that any of these retained trees become damaged or otherwise defective due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented. |   |                                          |

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

| C 4. | Prior to the commencement of the development hereby approved, the protective measures detailed in the Tree Protection Plan and Arboricultural Method Statement, submitted in support of the application on the 14th May 2020, shall be fully installed and implemented and retained for the duration of the construction process. |   |                                          |
Reason: To ensure that trees marked for retention are adequately protected, in the interests of maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 5. The construction of the access road and the driveway of plot 1 shall be completed to the base course layer before any other construction takes place and shall be constructed in strict accordance with the recommendations Arboricultural Method Statement, submitted in support of the application. For the purposes of maintaining construction access away from the retained trees, Plot 4 will be built prior to Plots 2 or 3 and Plot 3 will be built prior to Plot 2.

Reason: To prevent damaging ground compaction and ground disturbance occurring within the rooting areas of retained trees.

C 6. The implementation of the tree protection measures referred to in condition 2 and construction methods referred to in condition 3 shall be monitored by a suitably qualified and pre-appointed tree specialist, in accordance with section 3 of the Arboricultural Method Statement, submitted in support of the application.

Reason: In order to ensure compliance with the specified tree protection measures and construction methods, required for the successful retention of retained trees, and to ensure that professional technical advice is on hand to deal with problems that arise or modifications that become necessary.

C 7. The replacement tree planting and landscaping shall be carried out in accordance with the landscape scheme (drawing PL446/01 A), submitted in support of the application. Planting within communal areas shall be carried out in the first planting season following the completion of the access road to the base course level, and the planting within individual plots shall be completed in the first planting season following the completion of each individual dwelling. Any trees, shrubs, plants which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased, shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

Reason: to ensure that replacement tree planting and landscaping takes place to mitigate the tree removal required to facilitate the development.

C 8. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 9. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 10. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use.
Reason: To provide adequate off-street parking.

C 11. The western gable end elevation of the dwelling on Plot 1 should be finished in stone (same as other stone on dwelling) prior to the occupation of the dwelling and retained thereafter.

Reason: in the interest of visual amenities of the area.

C 12. Prior to the commencement of any works details shall be submitted in writing to the Department for approval which demonstrates where at least 2 bat boxes are provided within a suitable location within the site (attached to trees) and these bat boxes shall be installed prior to the occupation of any dwelling and retained thereafter.

Reason: In the interest of wildlife in the site.

N 1. Prior to the removal of any trees/vegetation thorough checks for birds, their active nests and eggs should be undertaken. If a nest is discovered while work is being undertaken, all work must stop and advice sought from the Ecosystem Policy Team, DEFA. The applicants is advised that bats and birds are protected under the Wildlife Act 1990

N 2. Access works: Condition 3 of 18/00912/A is not discharged, and access works are subject to Highway agreement under s109A of the Highways Act 1986. Further details are set out in the 2017 Manual for Manx Roads available at: https://www.gov.im/media/1359885/mfmr-103.pdf

Reason for approval:
Overall, the principle of 4 dwellings on this site has already been established, as well as the access to serve such dwellings. The proposal while potentially having an impact upon some of the existing trees on the site which does not favour the application; overall given the dwellings sit well within the site and are of a good design, would fit well within the site and street scene/Village and as they would provide additional dwellings within Sulby which is supported by SP1 & HP4 of the IOMSP; it is considered that the overall benefits of the development outweigh any potential impacts, namely upon to the loss of trees, which equates to one additional tree lost above what was considered acceptable under the AIP application. Furthermore the proposal would not have a significant adverse impact upon public or private amenities and therefore comply with GP2 of the IOMSP and the Residential Design Guide July 2019.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE LOCAL AUTHORITY HAVE OBJECTED TO THE APPLICATION BUT IT IS RECOMMENDED FOR AN APPROVAL

1.0 SITE
1.1 The application is The Old Parsonage, Main Road, Sulby which is located to the northern side of Main Road within the village of Sulby. The site is currently only accessed from a vehicular entrance which runs along the southern boundary of the site and direct accesses onto the Main Road. From this entrance a driveway runs in a north-western direction till it reached the main dwelling house "The Old Parsonage". This dwelling was a two storey
detached dwelling which was positioned to the western side of the site. This dwelling has recently been demolished. The remainder of the site i.e. central and eastern areas are made up of landscaped gardens with a number of mature trees within and along the boundaries of the site. The site has an area of approximately 0.3 hectares (0.77 acres).

1.2 To the north of the site is currently an open agricultural field, albeit planning permission was approved for seven dwellings (08/00294/B). To the east and south of the site are a number of residential dwellings. To the west of the site is an open agricultural field.

2.0 PROPOSAL

2.1 The application seeks Reserved Matters application for the erection of four detached dwellings addressing internal layout, design, external appearance, siting, drainage and landscaping. This relates to a previous Approval in Principle application for the erection of four detached dwellings and means of access (PA 18/00912/A).

2.2 The new access has already been approved, involved the replacement of the existing vehicular access with a larger one. The access would again be on the southern boundary of the site accessing onto Main Road. Visibility splays of 2.4m x 70m would be provided in each direction with a 0.5m off set. The existing stone boundary wall would be reduced in height to 1m to enable the splays being provided. A new estate road would be installed which would be slightly curved and run from the new access in a north-westerly direction up to the eastern boundary of the site.

2.3 Each of the four plots would be serviced by this estate road and access. The estate road includes a turning head and a pedestrian footpath on the western side of the road, which connects into the exiting pedestrian footpath which runs along Main Road.

2.4 Each dwelling would be detached and two storeys in height. The dwelling would be traditional in terms of their form with pitched roof with gable facing ends. However the window fenestration is more contemporary in design and appearance. The dwellings would be finished in a mixture of painted render, brick and timber boarding with a dark coloured grey roof.

2.5 A total of 15 trees would be removed, with 8 being retained and 12 new trees planted.

2.6 Please note amended plans have been submitted following comments made by the Forestry Division. These have resulted in the re-positioning of the internal road and plot 4 which have resulted in the retention of two additional trees, as initially 17 trees were to be removed.

3.0 PLANNING POLICY

3.1 The land is zoned under the Sulby Local Plan Order 1998 as being 'Predominately Residential Use'. The site is not within a Conservation Area, nor is it within an area zoned as High Landscape Value or Coastal Value and Scenic Significance.

3.2 Due to the site's location, land use designation and the type of development proposed, the following Planning Policies from the Isle of Man Strategic Plan 2016 and Sulby Local Plan 1998 are relevant when determining the 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 underused 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 Spatial Policy 4 states: "In the remaining villages development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities." Sulby is listed as being one of these villages.

3.6 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."

3.7 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."

3.8 Housing Policy 1 states: "The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016."

3.9 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."
3.10 Transport Policy 1 states: "New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes."

3.11 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."

3.12 Transport Policy 6 states: "In the design of new development and transport facilities the needs of pedestrians will be given similar weight to the needs of other road users."

3.13 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."

3.14 Other Material Considerations

3.14.1 Residential Design Guidance was issued by the Department of Environment, Food and Agriculture with the agreement of the Minister in March 2019. The aim of this guidance is to help all of those involved in the design process to work together to improve the quality of our built environment. 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).

4.0 PLANNING HISTORY

4.1 The previous planning applications is considered relevant in the assessment and determination of this application;

4.2 Approval in principle for the erection of four detached dwellings and means of access - 18/00912/A - Initially refused by the Planning Committee but Approved at Appeal.

5.0 REPRESENTATIONS

5.1 Full details of representations made can be viewed via the online planning services.

5.2 Lezayre Parish Commissioners have objected to the planning application for the following reasons, please note no comments have been received in relation to the amended plans;

(17.04.2020)
Site is too small for the four 5 bedroom properties and 3/4 bedroom properties would be more suited; the distant between dwellings and 1.8m high fences could result in a sense of enclosure; smaller properties would retain more trees and especially a very rare type of Walnut Tree("Butternut" - American Tree and the only one on IOM); again if projecting gorges where removed this would increase the number of trees retained; applicants Design and Access Statement is misleading in quotes of Sulby Local Plan and they have picked out words (rather than whole statements) to support their application; potential overlooking over the new dwellings from first floor windows; maybe overlooking to Plot 7 of the housing development to the rear of this site approved under application PA 08/00294/B; concerns this site and other unbuilt developments in Sulby could affect sewerage pipes/pumping station; 16 parking spaces throughout site seems excessive, with the potential for greater level of gardens; site is not within a Conservation Area although application says it is.

5.3 Highway Services make the following comments;

(23.03.2020)
"As the development is of less than five dwellings, it is understood that the street would be managed privately. Future owners and occupiers should be made aware of access rights and liabilities and obligations for its upkeep and other matters."
Access was approved on appeal under 18/00912/A on provision of satisfactory visibility splays of 2.4 x 70m in each direction with an offset of 1.05m and is to be subject of a s109A Highway Agreement.

The internal layout shows a shared surface street leading to a turning point and providing vehicular and pedestrian access to four dwellings where on-plot car parking and turning are to be provided. The layout is suitable with the turning within the proposed street capable of being used by a waste collection vehicle as demonstrated by the swept path analysis and that on plot adequate for car usage.

On construction, there should be provision for contractor parking. 16 parking places are to be provided within double garages and in the open. This is ample to serve the development of five bedrooomed units, allowing space for both residents and visitors. The garages are of sufficient size to cater for the storage of bicycles and other items. These should be retained for the stated purpose. Electric vehicle charging points should be fitted within each garage.

Accordingly, Highway Services do not oppose this proposal subject to conditions and advisory:

Conditions:

a) Pedestrian and Vehicle Space to be Laid Out: Development shall not be occupied until all areas shown on he approved plans to be used by vehicles, including the street, loading and servicing areas and vehicle parking space have been fully laid out, surfaced and drained such that loose materials and surface water o not discharge or transfer onto the highway. These areas shall not be used for any other purpose hereafter.

Reason: To ensure the free and safe use of the highway.

b) Retention of Garages: The garages hereby approved shall be kept available and used as garages for the parking of motor cars for the benefit of the occupant of the dwelling for the lifetime of the development.

Reason: To ensure the free and safe use of the street and adjoining highway.

c) Electric Vehicle Charging Points: Prior to the commencement of construction works, details of Electric vehicle Charging Points and cable enabled parking spaces to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with he approved details.

Reason: In the interests of promoting sustainable travel opportunities.

d) Provision for Contractor Parking: No development shall take place, including any works of demolition, until a plan showing the parking of vehicles of site operatives and visitors has been submitted to and approved in writing by the Planning Authority. The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety.

Advisory:

i. Access works: Condition 3 of 18/00912/A is not discharged, and access works are subject to Highway agreement under s109A of the Highways Act 1986. Further details are set out in the 2017 Manual for Manx Roads available at: https://www.gov.im/media/1359885/mfmr-103.pdf

Recommendation: DNOC"
"From the highways viewpoint the amended layout received on 13 May 2020 is acceptable with conditions and advisory to apply as set out in the Highway Services response on 23 April 2020."

5.4 Senior Forestry and Arboricultural Officer DEFA made the following initial comments:

"When the application in principle was submitted in 2018 I determined that the main issues to consider were i) the extent of tree removal required to facilitate the development ii) whether the proposed layout would achieve a harmonious relationship between the trees to be retained and the dwellings and iii) whether the trees to be retained could be adequately protected during construction. I consider this still to be the case.

i) the extent of tree removal required to facilitate the development

In 2018 I was clear that I thought the tree constraints on this site had been understated, with several of what I thought to be Category B trees rated as Category C's. Apart from Tree no. 8 (Walnut) which has been downgraded from a Category B to Category C (something I agree with), the same survey data has been used to support this application and so the same divergences still apply.

The attached JPEG, AI-01_CatBTrees_2018, is an annotated version of the tree constraints drawing (TS-19218, submitted 2018) which I produced to support my comments in 2018. The solid green shading shows the trees marked as Category B trees and the hatched green shading shows the additional trees which I consider to be Category B specimens.

The attached JPEG, AI-02_CatBRemoved_2018, is the same image showing (in red) the category B trees which were declared as 'to be removed' in the 2018 application. Note, Category C trees are not shown - there were a number of these also proposed for removal.

Based on the recommendations of the British Standard, Category B trees are trees of a moderate or high quality which are suitable for retention for more than 10 years and worthy of being considered as a material constraint to development. In 2018, although I was not entirely comfortable about the extent of the tree removal required to facilitate a development on this site, I did not feel strongly enough to object to the application. Despite this being clearly communicated to the applicant at the time, and during the appeal process which determined that the application should be approved, this reserved matters application is now proposing the removal of more tree than was previously proposed. The attached JPEG, AI-03_CatBRemoved_2020, shows the category B trees (my rating) which are proposed for removal as part of this application. Note, again, that Category C trees are not shown. The category B trees now proposed for removal are as follows:

%Tree 8, An early mature walnut
Tree 14, An early mature dawn redwood.
Tree 24, A mature birch tree
*Tree 25, A mature birch tree
Tree 27, A small ginko
Tree 28, A mature cherry tree
Tree 30, An early mature rowan
*Tree 33, An early mature ash tree
*Tree 38, An early mature lime tree
%originally rated category B, now assigned category C status (it is shown as a category B here because it was easier than changing the original annotations)
* additional removal, not proposed in 2018 application.

The additional tree removal now proposed tips the balance for me, to something which I cannot support. The loss of tree canopy cover here would be stark and unsympathetic to the character of the area. I believe this proposal conflicts with General Policy 2, points (c), (d)
and (f), as a result. As this area is currently a woodland garden, Environment Policy 3 should also be considered.

Yes, mitigation planting is proposed, but I am not convinced that the removal of so many good quality trees is justified, so replanting is not necessarily the answer. For example, if smaller or less houses were proposed, it is likely that more trees could be retained.

ii) whether the proposed layout would achieve a harmonious relationship between the trees to be retained and the dwellings
With the existing trees that would remain under this scheme, my main concern would be the impact of the shade cast by Tree 06 (Elm) on the front of the dwelling on plot 1. Fortunately, the property has a generous rear garden which, during the summer months, should get plenty of sun.

iii) whether the trees to be retained could be adequately protected during construction.
The tree protection plan and arboricultural method statement submitted with the application demonstrate that the trees can be adequately protected during construction. The entire (calculated) root protection area of tree 06 (elm) has not been included in a construction exclusion zone but I comfortable that what's proposed will be sufficient to ensure that this tree can be successfully retained. The installation of permanent hard surfacing within the rooting zones of retained trees represents a significant risk to their health and longevity. The strict implementation of the protection measures proposed will be critical to achieving a successful outcome. To avoid damaging compaction and ground disturbance occurring before they get the opportunity to install these elements, it will be critical for permanent ground protection measures to be installed before ANY other construction takes place. As a result of the complexity of these issues, if this application is approved, I recommend that a condition is applied which requires the site to be supervised during construction by a project arboriculturist.

Conclusion
The extent of the tree removal proposed as part of this application is too severe and does not accord with the strategic plan policies. Therefore, on behalf of the Agriculture and Lands Directorate of DEFA, I would like to register my objection to this application. If this application is approved, the successful retention of existing trees will require strict compliance with the protection measures and construction methods detailed in the arborists report with supervision by a suitably qualified tree expert during construction. The replanting proposed in drawing PL446/01revA will be critical to replace some of the tree canopy cover lost through this proposal, and to maintain the amenities of the local area..."

5.4.1 Following these concerns the applicants and the Senior Forestry and Arboricultural Officer have been in detailed discussion and amended plans have been submitted in response to these discussions. The Officer final comments to theses are:

(21.05.2020)
"Following the submission of amended plans and additional information on the 14th May I can revise my comments as follows:

i) the extent of tree removal required to facilitate the development
The attached JPEG, AI-01_CatBTrees_2018, is an annotated version of the tree constraints drawing (TS-19218, submitted 2018) which I produced to support my comments in 2018. The solid green shading shows the trees marked as Category B trees and the hatched green shading shows the additional trees which I consider to be Category B specimens.

The attached JPEG, AI-02_CatBRemoved_2018, is the same image showing (in red) the category B trees which were declared as ‘to be removed’ in the 2018 application. Note, Category C trees are not shown - there were a number of these also proposed for removal.
The attached JPEG, AI-03_CatBRemoved_2020_Revised, shows the category B trees (my rating) which are now proposed for removal as part of this amended application. Note, again, that Category C trees are not shown. The category B trees now proposed for removal are as follows:

%Tree 8, An early mature walnut
Tree 14, An early mature dawn redwood.
Tree 24, A mature birch tree
Tree 27, A small ginko
Tree 28, A mature cherry tree
Tree 30, An early mature rowan
*Tree 38, An early mature lime tree

%originally rated category B, now assigned category C status (it is shown as a category B here because it was easier than changing the original annotations)
* additional removal, not proposed in 2018 application.

The attached PDF shows the proposed tree removal in 2018 and 2020 side-by-side. The amended plans show that there is now only one additional tree marked for removal. As was the case with the 2018 approval in principle, whilst I am not entirely comfortable about the extent of the tree removal required to facilitate the proposed development, I do not feel there is a strong enough case on which to base an objection.

ii) whether the proposed layout would achieve a harmonious relationship between the trees to be retained and the dwellings
In addition to T06 referred to in my original comments, there is now also concern for the retained birch tree, T25, which is close to the front of dwelling. Having visited the site, however, and seen the open nature of the crown and light dappled shade cast by this tree I believe it should be possible to resist future requests to remove (or extensively prune) this tree. Since the amendments were discussed with the applicant/agent, all of the category B trees proposed for retention have been entered in the register maintained under Section 2 of the Tree Preservation Act 1993, which should provide an extra level of protection for these trees. An extract from the register (plan view) is attached for your information.

iii) whether the trees to be retained could be adequately protected during construction.

The amended tree protection plan and arboricultural method statement demonstrate that the trees could be adequately protected during construction. To repeat what I stated in my original comments, the installation of permanent hard surfacing within the rooting zones of retained trees represents a significant risk to their health and longevity. The strict implementation of the protection measures proposed will be critical to achieving a successful outcome. To avoid damaging compaction and ground disturbance occurring before they get the opportunity to install these elements, it will be critical for permanent ground protection measures to be installed before ANY other construction takes place. As a result of the complexity of these issues, if this application is approved, I recommend that a condition is applied which requires the site to be supervised during construction by a project arboriculturist.

Conclusion
The extent of the tree removal proposed as part of this application is still a concern but is now not severe enough to warrant an objection. If this application is approved, the successful retention of existing trees will require strict compliance with the protection measures and construction methods detailed in the arborists report with supervision by a suitably qualified tree expert during construction. The replanting proposed in drawing PL446/01revA will be critical to replace some of the tree canopy cover lost through this proposal, and to maintain the amenities of the local area.
Conditions to apply
If this application is approved I recommend that you consider applying the following conditions to the approval:

1) All existing trees shown as being retained on the tree retention/removal plan (drawing TR-1520) shall be retained and in the event that any of these retained trees become damaged or otherwise defective due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

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

2) Prior to the commencement of the development hereby approved, the protective measures detailed in the Tree Protection Plan and Arboricultural Method Statement, submitted in support of the application on the 14th May 2020, shall be fully installed and implemented and retained for the duration of the construction process.

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

3) The construction of the access road and the driveway of plot 1 shall be completed to the base course layer before any other construction takes place and shall be constructed in strict accordance with the recommendations Arboricultural Method Statement, submitted in support of the application. For the purposes of maintaining construction access away from the retained trees, Plot 4 will be built prior to Plots 2 or 3 and Plot 3 will be built prior to Plot 2.

Reason: To prevent damaging ground compaction and ground disturbance occurring within the rooting areas of retained trees.

4) The implementation of the tree protection measures referred to in condition 2 and construction methods referred to in condition 3 shall be monitored by a suitably qualified and pre-appointed tree specialist, in accordance with section 3 of the Arboricultural Method Statement, submitted in support of the application.

Reason: In order to ensure compliance with the specified tree protection measures and construction methods, required for the successful retention of retained trees, and to ensure that professional technical advice is on hand to deal with problems that arise or modifications that become necessary.

5) The replacement tree planting shall be carried out in accordance with the landscape scheme (drawing PL446/01), submitted in support of the application. Planting within communal areas shall be carried out in the first planting season following the completion of the access road to the base course level, and the planting within individual plots shall be completed in the first planting season following the completion of each individual dwelling. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased, shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

Reason: to ensure that replacement tree planting takes place to mitigate the tree removal required to facilitate the development.
5.5 Ecosystem Policy Officer (DEFA) makes the following comments (26.03.2020):
"Though I am mostly content with the tree and hedge species proposed for replanting, I request that the Amelanchier 'Robin Hill' tree and other species which are not Manx native, should be replaced with Manx Native or honorary native species.

I request a condition for the trees marked for removal to be removed as per the recommendations within the bat report dated 08/10/19.

Also, to further mitigate for the loss of habitat I request a condition for 2 bat boxes to be installed on suitable positions on the trees that are to be retained, in order to comply with Environment Policy 4 of the Strategic Plan. Boxes should be mounted at least 10 feet above the ground in an east or south facing position.

I also recommend that the following advisory notes are provided to the applicant:
Bats are listed on Schedule 5 of the Wildlife Act 1990; they are protected by law and it is an offence:
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.

All birds, their nests, eggs and young are protected by law (Wildlife Act 1990) 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
o 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 pounds.

The bird nesting season is usually between late February and late August or late September in the case of swifts, swallows or house martins.

Thorough checks for birds, their active nests and eggs should be undertaken prior to clearance of vegetation. If a nest is discovered while work is being undertaken, all work must stop and advice sought from the Ecosystem Policy Team, DEFA."

6.0 ASSESSMENT
6.1 The following material planning issues should be considered:
1. Principle of residential development;
2. Potential impact upon the character/appearance of the street scene;
3. Highway issues;
4. Drainage issues;
5. Potential impacts upon Neighbouring Residential Amenity;
6. Potential impact upon trees

PRINCIPLES OF RESIDENTIAL DEVELOPMENT
6.2 As indicated within the 'Planning Policy' section of this report, the site is designated for residential development; therefore it is considered that the principle of residential development is acceptable. Further, the principle of four dwellings on this site has been already accepted by the approval of the previous AiP application. However, this is not an
automatic reason to approval the current application as there are a number of material planning considerations that still need to be considered. However, the principle of using the site for residential and for four dwellings is acceptable.

6.3 It should also be noted that Strategic Policy 1 indicates we should optimise the use of previously developed land and ensure efficient use of sites (taking into account the needs for access, landscaping, open space and amenity) and that development should be located to make best use of planned and existing infrastructure, facilities and services. As Sulby Village is also regarded as a village where development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing as outlined by Spatial Policy 4. The site is 0.3 hectares (0.77 acres) in area. It is partially brownfield, close to a good bus route, near to local shop, pub, school, community halls, and churches and with existing build development to the east and south, with potentially further development to the north. As mention the site equates to approximately 0.3 hectares (0.77 acres) in area and with four dwellings proposed equates to a density of approximately 12 dwellings per hectare (or 5 dwellings per acre) which would be regarded as a fairly low density housing development. Further, it is less or similar to other housing density developments in the immediate area. Accordingly, when considering all issues to this application it is important to consider SP1 i.e. the new development is within a sustainable location within Sulby Village and therefore where they may be negative aspects of this application, the proposal does meet the aims of SP1 and therefore is a positive aspect to the application.

POTENTIAL IMPACT UPON THE CHARACTER/APPEARANCE OF THE STREET SCENE

6.4 Arguably one of the main concerns with the proposals is the number of trees which would be required to be removed (as was one concern of the AIP application), partly to enable the development to take place. As can be seen with the detailed comments from the Senior Forestry and Arboricultural Officer, while the level of tree loss does cause some concern, the level is not considered to warrant a refusal. It appears the main difference between what was discuss at the AIP stage and now is that one additional tree would be lost compared to what was considered acceptable at the AIP stage.

6.5 On this matter the pervious Planning Inspector made the following comments: "The question at this stage, therefore, is whether or not the principle of what inevitably will be a significant loss of trees, is acceptable at this stage. Although a total of over 30 trees could be lost, many of these are within the heavier landscaped parts of the site. Some are in poor conditions and would be lost in any case, irrespective of whether the site is developed. Both the appellant's arboriculturalist and the AO of DEFA are in agreement that the dense nature of the tree planting will most likely mean that, if left unmanaged, the surveyed trees will deteriorate due to overcrowding, suppression and wind damage.

The eastern and south-eastern parts of the site are the most heavily wooded and, apart from the large Ash (05) in the south-west corner of the site, most of the trees shown to be retained are likely to be kept in their current positions whatever the eventual layout of the housing site. This is because they are close to the boundaries of the adjacent properties and/or close to the road boundary. Thus these parts of the site, when considered in conjunction with a detailed landscaping proposal (at reserved matters stage) will have the potential to retain the perception of the site being a buffer area in this part of the village."

6.6 Their final concluding were comments: "Finally I have also found that the loss of trees would not be harmful to the character and appearance of this part of Sulby. A Licence has already been granted for the removal of 19 trees and it is not yet clear how many trees in total will need to be removed since the reserved matters of 'Siting'; 'Design'; 'External Appearance'; 'Internal Layout' and 'Landscaping' remain to be considered. Each one of these reserved matters could affect the number of trees affected and this is acknowledged by the PA; the appellant company and the AO (DEFA)."
6.7 The important aspects is that while the AIP did not know exactly how many trees would be lost (siting/design of dwelling was not for consideration); it was clear by all parties that there was an acknowledgement that a number would be. In terms of this application and as can be seen by the Senior Forestry and Arboricultural Officer comments, this is very close to what was initially envisaged and which was considered acceptable by the Planning Inspector. Again as mention by the Inspector, it is important to note the majority of the tree to be removed are located within the site, with the main larger trees to the eastern and southern boundaries being retained. Further additional tree planting is proposed throughout the site.

6.8 Accordingly, while there will be a visual impact of the loss of trees; which arguably goes against the scheme, the overall benefits of new housing on this site meeting the aims of SP1 and HP4 could considered to overcome these concerns.

6.9 In terms of the visual impacts of the new dwellings, the main public views would be from the Sulby Straight when traveling from the western section of the Village towards the Sulby Bridge. The west gable end of Plot 1 would be the most apparent section, and this dwelling on plot 1 would potential screen the majority of the remaining three dwellings. It should be noted that the mature trees and landscaping along the roadside of the Sulby Straight would also help reduce the visual impact. It is noted that the western gable elevation of plot 1 is mainly painted white render, which its other gable (east) is finished in stone cladding. It is perhaps worth conditioning that the western elevation be finished in stone, which would reduce the potential visual impact, namely painted white render generally draws the eye to such feature. Stone does not. The second main public vantage point of the site is from the access of the site where all four dwelling would be apparent. Careful design of the dwellings, layouts, siting, layout of the access road and the amount of landscaping within the site have been considered. It is considered the density, siting and layout of each dwelling is appropriate leaving spaces landscaped frontages which will hopefully provide a pleasant and well designed housing development.

6.10 The Planning Inspector while was not considering the design, details of the dwellings under the AIP application he did comment in terms of the cul-de-sac arrangement, stating: "Turning to other visual effects on the street scene, 'The Old Parsonage' is the exception along this part of the road in that, unlike the houses to the east, it does not directly front on to the Main Road. It is set back well within its grounds. Although the proposal would form a new cul-de-sac this would not, in my view, be out of character since other developments in the immediate vicinity are cul-de-sac type layouts (Ballabrooie and Kella Close). I agree again, therefore, with the PA that it is difficult to argue that the proposed development would be out of character in this part of Sulby."

6.11 The design of dwellings in term of form are traditional, albeit with more modern window fenestration and finishes. These will appear different to other properties within Sulby; however, Sulby has a variety of housing types/sizes and it is considered the proposal would just introduce a new house designs similar to what has occurred over many decades throughout the Village. Accordingly, the overall design, siting, layout, size, landscaping and finishes of the dwelling would all be acceptable and would create a pleasant housing development, without having a significant adverse visual impact to the amenities of the street scene, site or area.

HIGHWAY ISSUES
6.12 As outlined in the planning history the access arrangements and visibility splay have been accepted via the AIP application. This is not for consideration now. What is for consideration is whether the internal road layout and parking provision is acceptable.
6.13 As outlined by Highway Services they have considered the internal road layout and have raised not concerns.

6.14 In terms of off road parking, each dwelling would have at least 2 spaces per dwelling as per the requirements of the IOMSP.

6.15 Highway Services have sought two advisory conditions; one relating to the provision of electric vehicle charging points and the second relating to the provision of a plan showing how the contractor parking would be provided during the construction phase. In terms of the electric vehicle charging points, there is not planning policy which requires such provision. While the applicants are recommended that they do install such points it is not considered a condition can request this is undertaken as it would not meet the 6 planning test for attaching conditions (i.e. necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects). Again in relation to the provision of a contractor parking plan; again the department generally does not involve itself in the construction phase and therefore it is not considered this would meet the 6 tests.

DRAINAGE ISSUES
6.16 No comments have been received from Manx Utilities in relation to drainage of this site Manx Utilities. However, they previously raise no objection for four additional houses on this site. Further the matters of surface water/foul drainage etc. would be considered in detail by Building Control.

POTENTIAL IMPACTS UPON NEIGHBOURING RESIDENTIAL AMENITIES
6.17 The proposals potentially impacts by the new housing development would be the neighbouring properties Ballatash, Primrose View & Roslyn which are to the east and southeast of the site. Given the level of mature landscaping/trees located between the new and neighbouring dwellings (existing to be retained and proposed); the distance between and the dwellings; the design of the new dwellings (inc window positions) and the suns orientation (east to west) in relation to the proposed dwellings which are north/northwest of neighbouring dwellings; it is not considered there would be any significant impact to warrant a refusal. Further the clearing of some of the trees within the site would also improve the outlook and light to the rears of these existing dwellings.

7.0 CONCLUSION
7.1 Overall, the principle of 4 dwellings on this site has already been established, as well as the access to serve such dwellings. The proposal while potential having an impact upon some of the existing trees on the site which does not favour the application; overall given the dwellings site well within the site, of a good design, would fit well within the site and street scene/Village and as they would provide additional dwellings within Sulby which is supported by SP1 & HP4 of the IOMSP; it is considered that the overall benefits of the development outweigh any potential impacts, namely upon to the loss of trees, which equates to one additional tree lost above what was considered acceptable under the AIP application. Furthermore the proposal would not have a significant adverse impacts upon public or private amenities and therefore comply with GP2 of the IOMSP and the Residential Design Guide July 2019. The application is therefore recommended for an 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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.7
Proposal: Erection of an agricultural dwelling with garage and associated access
Site Address: East Part Of Field 321288
Trollaby Lane
Union Mills
Isle Of Man
IM4 4AW
Applicant: Mr Lee And Sarah Cain
Application No.: 20/00305/B - click to view
Principal Planner: Miss S E Corlett

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 dwelling hereby approved may be occupied by the applicants, Mr. and Mrs. Cain and their dependants or alternatively, persons engaged or last engaged solely in agriculture; or a widow or widower of such a person, or any resident dependants.

Reason: an exception to the presumption against development here is made on the basis of agricultural need and the particular circumstances of the applicants who are partly employed in agriculture on this holding.

C 3. The boundary of the residential curtilage shown by the red line on drawing 20/3009/02A must be formed by a Manx sod hedge or hedge planting using native species. Details of the boundary treatment in compliance with this must be submitted in writing to the Department and approved prior to the commencement of any other works associated with this approved development, and the development must be undertaken in accordance with these details and retained as such.

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

C 4. Prior to the commencement of any building or excavation works associated with this development, the tree protection shown in the drawing received on 29.04.20 must be in place and retained for the duration of the building works with no access nor storage of materials undertaken within the protected area.

Reason: to protect the visual and ecological importance of the site.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or
without modification), no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval nor shall the dwelling be extended, without the prior written approval of the Department.

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

Reason for approval:
The proposal is considered to accord with Environment Policies 1, 2 and 15 and Housing Policies 7, 8 and 9 of the Strategic Plan. Whilst its design does not comply with Planning Circular 1/98 and as such does not comply with Housing Policy 10 it is considered in this case the style of house is acceptable given its location.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE DEVELOPMENT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN

THE SITE
1.1 The site is a small parcel of land within a larger holding which sits on both sides of Trollaby Lane, reaching as far north as the A23 Top Road and as far south as Trollaby House which is not within the application site or the applicants’ ownership.

1.2 The holding is mostly agricultural fields, the land sloping gradually downhill from north to south. The holding does also include a group of farm buildings: some are older, stone structures which are not in good condition and the majority are more modern buildings designed to accommodate livestock and feed. At the time of the site visit the modern buildings accommodated cattle and feed.

1.3 There was or originally a dwelling in the midst of the farm buildings. However, this was demolished in the 1970s or so and the farm has been tenanted since. Whilst the applicants’ family originally owned and farmed the farm, its ownership changed and they continued as tenants, the applicants living in nearby Crosby. The owner of the site has recently passed away but before that had agreed the sale of the farm to the applicants.

THE PROPOSAL
2.1 Proposed is the erection of a dwelling to the south of the farm building group. The building will sit 70m to the south west of the nearest agricultural building with a new access onto Trollaby Lane. The dwelling will have a footprint of 11m by 12m and with two storeys - the upper floor accommodated with the roof and served by rooflights. The building will have three bedrooms and a bathroom in the roofspace and on the ground floor a kitchen, office, utility, lounge and living/dining room.

2.2 The dwelling is neither traditional nor modern, with a single external chimney, stone facing on the front and rear elevations and on the front of the linked garage and horizontally proportioned windows.

2.3 The residential curtilage is modest - approximately 40m by 30m.
2.4 A water main runs through the site, effectively splitting it into two halves (north east/south west).

2.5 The applicant provides supporting information in the form of a statement by Rural Business Consultancy who confirm that the farm extends to 83 acres of which 79 acres are capable of being cultivated with the land currently being grassed. He describes the family as until recently having a 40 strong suckler cow operation, farm assured and receiving premium prices. He also confirms that there is currently a pedigree herd of Limousin cattle including 6 breeding cows and 4 young cattle. He states that the family have enjoyed much recent success winning two local agricultural shows and also the winder prime stock shows and in 2019 they sold their first pedigree bull in the UK, one of the few Island breeders to do so.

2.6 He describes the opportunity for the applicants to purchase the farm as also an opportunity to invest in the farm which they previously, as tenants, were reluctant to do. He describes travel time to the farm as 10-15 minutes although in periods of road closure (they live on the TT Course) this can be more difficult. The farm is at risk of theft and criminal damage without a dwelling on site.

2.7 He describes the applicants intention to establish a herd of 80 cows initially using the same existing buildings to accommodate the cows and the young stock. However, they wish to establish a dairy facility - a milking parlour and associated dairy. The building required would be 21m by 9m which would accommodate the parlour, dairy and under cover collecting yard. Having this undercover will minimise the volume of dirty water collected and needing to be disposed of, making the management of pollution easier.

2.8 The move to dairy will require an increase in labour from the current 0.57 units. The applicants currently work elsewhere in addition to the farm labour to support their family and the dairy will provide sufficient income for a full time labourer to be engaged on the farm - increasing to 1.87 labour units. The applicants' son and daughter can supplement the labour available along with contractors. They also have 32 acres available through the family to be utilised for young stock grazing and fodder production. The move to dairy, as well as increasing labour requirements will also increase the need for on-site presence due to increased stock numbers, more cows calving and under DEFA's Agricultural Development Scheme and the Red Tractor Farm Assurance there is a requirement that animal health and welfare is not compromised and residing on site is a key part of that.

2.9 He advises that the applicants' plans are likely to be welcomed by Isle of Man Creameries who are concerned about the ageing producer profile.

2.10 Letters are also included from the owners of Trollaby House and Ballafreer Farm, all of whom support the application, confirming that the applicants have farmed here for 32 years.

2.11 No details are provided of the boundary treatment to the new residential curtilage. This should be planting - either a hedge of native plants or sod hedge. Further information has been provided showing an exclusion zone for the protection of the existing trees and confirmation from the applicant that no trees will be removed as part of this proposal, responding to points raised by other Directorates of the Department.

PLANNING POLICY

3.1 The site is not designated for a particular purpose on either the 1982 Development Plan Order or the draft Area Plan for the East and is within the Area of High Landscape Value and Scenic Significance. A number of sites to the east of the application site, not within the applicant's ownership, were proposed for development as part of the Area Plan for the East but rejected. The area where the existing buildings are is identified as Woodland.
3.2 There is therefore a presumption against development here as set out in Environment Policies 1 and 2 which protect the countryside for its own sake and have the protection of the landscape character as of paramount importance with EP3 specifically protecting trees. General Policy 3 sets out exceptions to this and this includes development which is essential for the conduct of agriculture. Environment Policy 15 provides further advice on this topic as follows:

"Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part.

Only in exceptional circumstances will buildings be permitted in exposed or isolated areas or close to public highways and in all such cases will be subject to appropriate landscaping. The nature and materials of construction must also be appropriate to the purposes for which it is intended.

Where new agricultural buildings are proposed next to or close to existing residential properties, care must be taken to ensure that there is no unacceptable adverse impact through any activity, although it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape."

3.3 The following are specific policies aimed at providing advice for the erection of new agricultural dwellings:

Housing Policy 7: "New agricultural dwellings will only be permitted in exceptional circumstances where real agricultural need is demonstrated."

Housing Policy 8: "Where permission is granted for an agricultural dwelling, a condition will be attached restricting the occupation to a person engaged or last engaged solely in agriculture; or a widow or widower of such a person, or any resident dependants."

Housing Policy 9: "Where permission is granted for an agricultural dwelling, the dwelling must be sited such that;

(a) it is within or immediately adjoining the main group of farm buildings or a group of farm buildings associated with that farm,
(b) it is well set back from any public highway, and
(c) it is approached via the existing farm access."

Housing Policy 10: "Where permission is granted for an agricultural dwelling, the dwelling should normally be designed in accordance with policies 1-7 of present Planning Circular 3/91 which will be revised and issued as a Planning Policy Statement."

PLANNING HISTORY

4.1 Planning approval was very recently granted for a new agricultural building (19/01443/B) and prior to that planning approval was most recently granted to this same applicant for a new modern agricultural building at the north western end of the existing line of buildings opposite the current application site. This has been constructed (16/00116/B). Prior to that, planning approval was granted to the other modern agricultural buildings under 01/01148/B and 96/01090/B again, all submitted by the current applicant.

REPRESENTATIONS
5.1 Marown Commissioners advise on 21.05.20 and 18.06.20 that they have no objection to the application.

5.2 Highway Services recommend on 24.04.20 and that the proposal is acceptable in highway terms with acceptable visibility, parking and turning facilities. They require that the access must be provided prior to the first occupation of the building with the visibility splay of 2.4m by 54m kept free from obstruction thereafter. They also recommend that provision is made for the prevention of surface water getting onto the highway, that a condition is attached to require that the access shown on the drawing is the only one used, that the garage should be kept available for car parking, that electric vehicle charging facilities are provided and advise that some works will require agreement from DoI under a Section 109A agreement of the Highways Act 1986.

5.3 The Arboricultural Officer of DEFA recommends that an arboricultural impact assessment is provided as without one, there is insufficient information provided to determine the likely impact on retained trees and hedges (08.04.20). The applicant has submitted additional information indicating that no trees will be removed to facilitate the development and defining a protection area. The Forestry Officer has confirmed that they are happy with the additional information (05.06.20).

5.4 Ecosystems Policy Office reiterate the comments of the AO, adding that photographs of any trees to be removed so that an assessment of their potential for bat roost features can be made with appropriate measures put in place if they are (08.04.20).

ASSESSMENT
6.1 The issues in this case are whether there is sufficient agricultural need to override the presumption against development here, whether the building is of an appropriate size and design for its location and whether the development would have an acceptable environmental impact.

Agricultural need
6.2 The holding is clearly established although the need for additional on site presence as a result of the dairy unit is a future aspiration: the dairy has not been the subject of an application and even if it were approved, it would take some time to build and stock and establish. Until that time, the applicants will continue to work elsewhere as well as on the farm so a planning condition which requires the occupancy of the dwelling by a person whose employment is solely in agriculture would not be able to be met by the current applicants. Equally, without the dairy unit up and running, any decision to approve the application on the basis of that need would be on faith. It would be possible to attach a condition which requires the occupancy of the dwelling to be Mr. and Mrs. Cain and their dependants or persons engaged or last engaged solely in agriculture; or a widow or widower of such a person, or any resident dependants.

6.3 It is relevant that relatively recently planning permission was granted to the removal of an agricultural occupancy condition of a property some 470m to the south west of this site. Three Acres was approved under 13/91220/C having been refused under 05/00654/C and 13/00835/C. The inspector was of the view that the condition, and indeed the approval relating to the erection of the dwelling, had not originally been truly on the basis of agricultural need, the holding being small and the agricultural activity being mostly on tenanted land and that there was no longer a need for an agriculturally constrained dwelling here and the application was approved on appeal. That house is not directly connected with the application site either physically or in terms of agricultural activity and even if it were available to the applicants with the tie still in place, their current position would not allow their lawful occupation and there is no access between that property and their land, thus still relying upon use of the TT Course to get between the two, which is currently an issue.
Size and design
6.3 Housing Policy 10 requires generally that new dwellings are designed as traditional cottages. What is proposed is not that and is lower and less conspicuous due to its mainly stone clad exterior. What is proposed would have less of an impact that would a traditionally styled, rendered Manx cottage styled property.

Environmental Impact
6.4 Housing Policy 9 requires that any new farm dwelling is accessed by the main farm access which this would be. It also requires that the building is set close to the main farm group. Whilst the dwelling is a little distance away, the water main prevents it being significantly closer and using a corner of the field will allow the rest of the field to remain used for grazing. The policy also requires the dwelling to be well set back from the public highway: what is proposed is right alongside it but unusually in this case, the farm yard is dissected by the public footpath and as such, being sited alongside it, as are the rest of the farm buildings, is acceptable here.

6.5 Trollaby Lane is usable by vehicles up until points to the north and south of the farm yard. As such, it is not possible for public vehicles to pass through the farm yard and the only members of the public who will be able to see the new dwelling will be those walking along the public footpath.

6.6 The application has confirmed that they do not intend to remove any trees so there will be no adverse impact on ecology or trees.

CONCLUSION
7.1 The success of this application rests upon whether it is believed that the applicants’ proposals to establish a dairy business here will happen and if so, that it will be successful. Even without that, the holding is being farmed remotely with the associated risks of damage and theft, particularly in this case as the farmyard is bisected by a public footpath which allows permanent public access to the site. The land locked nature of the applicants’ current dwelling does not help provide easy access to the farm during TT and FOM TT Course closure. It also relevant, although not of overriding persuasiveness, that there was formerly a dwelling associated with this holding and this no longer exists.

7.2 Accepting that the support of this application relies upon an amount of faith that the applicants will continue with their proposals for the dairy, the proposal will allow the applicants to sell their existing house once the new one is available and invest that money into the new enterprise and/or the existing farm. It is increasingly important that the Island produces as much of its own food as it can, to reduce transportation costs, support local employment and to ensure that the Island has uninterrupted food supplies, without having to rely upon imported goods. This application will support that objective with very little environmental cost. For these reasons the proposal is considered to accord with Environment Policies 1, 2 and 15 and Housing Policies 7, 8 and 9 of the Strategic Plan. Whilst its design does not comply with Planning Circular 1/98 and as such does not comply with Housing Policy 10 it is considered in this case the style of house is acceptable given its location.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:
(a) the applicant (including an agent acting on their behalf);
(b) any Government Department that has made written representations that the Department considers material;
(c) the Highways Division of the Department of Infrastructure;
(d) Manx National Heritage where it has made written representations that the Department considers material;
(e) Manx Utilities where it has made written representations that the Department considers material;
(f) the local authority in whose district the land the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.8
Proposal: Erection of a vehicle testing facility with associated access and landscaping
Site Address: Part Field 524881 And Land Adjacent Industrial Estate
Ballafletcher Road
Cronkbourne
Douglas
Isle Of Man
Applicant: Department Of Infrastructure
Application No.: 20/00323/B - click to view
Head of Development Management: Mr S Butler

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 the development hereby approved, a Stage 2 Road Safety Audit shall be submitted to and approved in writing by the Department. The development shall take place in accordance with the approved details and be retained as such thereafter.

Reason: in the interests of highway safety.

C 3. The development hereby approved shall not be brought into use until the vehicle manoeuvring, parking and pedestrian areas have been laid out in accordance with the drawings number 19/2766/06D (Proposed Site Plan - date stamped as having been received 02.06.20) and those areas shall be retained as such thereafter.

Reason: in the interests of the safety of users of the site.

C 4. The finishes and colours of the building hereby approved shall be in accordance with the detail shown on drawing number 19/2766/05D (Proposed Elevations and Section) date stamped as having been received 16.03.20.

Reason: To ensure the building is built in accordance with the approved details in the interests of visual amenity.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012, or any order which amends or supersedes it, no gates, walls or fencing may be erected on the site other than in the locations and in accordance with the details as shown on drawings number 19/2766/06D (Proposed Site Plan - date stamped as
having been received 02.06.20) and 19/2766/05D (Proposed Elevations and Section - date stamped as having been received 16.03.20).

Reason: To ensure the fencing built only as set out with the approved details in the interests of visual amenity and highway safety.

C 6. Prior to the commencement of the development hereby approved, a detailed landscaping scheme (including tree planting specification) shall be submitted to and agreed in writing by the Department.

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: because limited detail is shown on the landscaping plan (drawing number 19/2766/12) and to ensure an appropriate standard of visual amenity in the local area and that the development is appropriately landscaped to sit comfortably and acceptably in its location.

C 7. No importation to the site of inert materials or soils for infilling or landforming shall take place until a scheme for assuring the physical and chemical suitability (including freedom from potential land contaminants) of all soils and materials to be imported has been submitted to the Department and such a scheme has been approved by the Department. The scheme as approved in accordance with the condition shall be adhered to respect to all inert material and soil importation associated with the development hereby approved.

Reason: to ensure that only suitable fill material is imported onto the site, to avoid the risk of contamination.

C 8. The crashed vehicle compound and forensic inspection area shall be of impermeable construction with an oil interceptor installed to prevent any oils escaping from the site and entering the surface water drainage system.

Reason: To prevent pollution.

C 9. There shall be no external storage on the site of damaged vehicles other than within the crashed vehicle compound as shown on drawing number 19/2766/06D(Site Plan) - date stamped as having been received 02.06.20.

Reason: to ensure that the site is maintained and used in an appropriate manner, given its prominent location as a gateway into Douglas/adjacent to playing fields and in the interests of visual amenity.

C 10. There shall be no office use within the site other than as shown on drawings numbered 19/2766/03C (Ground Floor Plan) and 19/2766/04D (First Floor Plan) - both date stamped as having been received 16.03.20, and no office use shall occur other than that which is ancillary to the use of the site as a site for vehicle and driver testing.
Reason: to prevent the use of the site for general office use, which would be contrary to the policies of the Strategic Plan which direct offices to town centres other than in given circumstances.

C 11. The development hereby approved shall not be occupied unless it has been carried out in complete accordance with the approved finished floor and ground levels as shown on the approved plans.

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

Reason for approval:
The proposal is supported, noting the land use zoning for the majority of the site, the planning history for built development, the benefits of a modern test centre, the restriction of office to ancillary use, the quality of design and landscaping, the provision of suitable access and the preservation of potential for full development of the site.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

0.0 PREAMBLE
0.1 This report was previously included on the agenda for the (cancelled) meeting on the 29th June. Since publication the agent commented:

"As you know the cline and contractor are keen to get a site start asap post the planning decision. (working on the basis of your recommendation is supported). Would it be possible to amend the wording of the conditions in respect of timescale for discharging these, from "before a start on site" , to "prior to completing the works and occupation of the site" (or words to that effect.) ? The reason behind this is that the RSA 2 would take a little time to complete. This would not commence until the approval is secured, and possibly past the 21 day period, and I’m aware that the Highways officer is still based off island. Whilst that shouldn't affect the turn-around time too much - I'm mindful that this may incur delay. We are currently looking at the off-site works (signing / lining to Ballafletcher road) which will become part of the scheme and thus the Road Safety Audit - and I'm looking to agree this with Highways prior to undertaking the RSA, so that it is an inclusive document. All of this takes time and my concern is that to be in strict compliance with that condition, the contractor can't even put a machine on the site as that would constitute a start. Similarly with the landscaping - if the department are looking to DEFA for approval - this may take a period of time".

0.2 In light of the above the recommendation is amended such that the wording of conditions 2 (RSA) and 7 (landscaping) so that they state, "Prior to the development hereby approved being completed and brought into use...". The report has been unaltered other than this pre-amble.

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE GIVEN THE SCALE OF THE DEVELOPMENT AND ALSO THAT IT IS PARTIALLY A DEPARTURE FROM THE LOCAL PLAN DESIGNATION AND YET RECOMMENDED FOR APPROVAL.

1.0 THE SITE
1.1 The application site lies to the north of Ballafletcher Road. To the north and west of the site are sports pitches and associated facilities and to the east is an existing industrial estate. The application site is presently vacant and could be described as scrub land. The boundary to the Ballafletcher Road consists of a Manx hedge with a number of trees. The land generally falls in level from the north west to the south east.

1.2 The land forms the end of the existing Ballafletcher Estate Road and tapers towards the sports pitches. Access is presently from the Estate Road. There is a field gate onto the Ballafletcher Road.

1.3 The eastern part of the application site is zoned as "Predominantly Industrial" on the Braddan Parish District Local Plan 1991 while the western part of the application site is zoned as "Land owned by Government (Open Space in Agricultural Use)". The map for the local plans also states that areas not allocated for development are designated as of 'High Landscape Value and Scenic Significance'.

2.0 THE PROPOSAL

2.1 The proposal is for the construction of a new vehicle test centre facility. The application support statement notes that:
o It will be located close to the existing test centre on land owned by DfE;
o It will allow construction of modern facility and redevelopment of existing site;
o The majority of site is zoned for Industrial Use (Braddan Local Plan 1991) and the site is proposed for employment in Area Plan for the East with no modifications proposed to this;
o the proposed use is Sui Generis but comparable with industrial; and
o part of the site which is currently zoned land is not included within this development, but the proposal (including access arrangements) are intended to avoid undermining the future development of this.

2.2 The key aspects of the facility are set out below.
o Floor space of 1394sqm
o Provides for vehicle testing and driving tests (theory tests currently off site, but space in new facility to allow them to be moved on-site if desirable)
o Will allow better disabled access
o Vehicle testing and forensic testing of RTC, which requires storage compound for crashed vehicles (and forensic area within building).
o Building has test lane incorporating put for HGV testing and lifts for car/van testing
o Offices and welfare facilities for test centre staff only (1 manager 12 admin staff, 5 driving examiners and 6 vehicle examiners)
o Public counter and reception area

2.3 Key operational information is set out below.
o Open to public 09:00 - 16:30 M-F (excluding Bank Holidays)
o Tests and examinations pre-booked, reception area caters for call-in counter services including bookings and assisting with applications
o Driving Theory Test room will take place in batches (up to 9 days per month, with 3 sessions each day with c10 per session)
o Around 370 Driving Tests per month (10% for HGVs), people will bring own vehicles, park in public area and report to reception (separate provision for HGVs). All at pre-arranged times.
o Recovery teams and policy have 24 hour access to secure area for delivery of damaged/defective vehicles.

2.4 In relation to parking provision, the following is note.
o No specific category but 33 spaces required based on Out-Of-Town Office Space requirement of 1 per 15 sqm (277sqm), General Industrial 1 per 50 sqm (for Test Hall of 629 sqm) and Storage/Distribution of 1 per 100 sqm (for Storage Area of 308 sqm).
But have provided 53 based on 24 staff (1 each), 10 Stay over spaces (following non HGV Test), 10 theory test spaces, 4 spaces for arrivals for non-HG tests, 3 for general visitors and 2 for disabled.

Parking for HGV driving test is on the HGV test manoeuvring lane or within the Test Centre yard in identified spaces, and for vehicle testing is within the secure yard.

Also 4 motorcycle parking and 4 covered area for parking 4 bikes.

2.5 In relation to access the following is noted.

- New access from Ballafletcher Road as a two-way road, which also allows potential access to retained area for future development site.
- Detailed measures proposed to control traffic through the site.
- Accompanied by Road Safety Audit.

2.6 Drainage connections to be made to existing sewer systems with storm water being controlled by the installation of attenuation tanks within the test centre site (design statement for engineers provided).

2.7 In relation to the design of the building, the following is noted.

- The building is split into two functions - testing and support office/public areas. The operational requirements of these 'dictate' the form of the building.
- Offices and public areas face onto Ballafletcher Road and provide frontage screen to the testing halls/forensic testing and compound which are located against boundaries to the Ballafletcher Sports Field and existing HGV Testing/Manoeuvring Lane.
- Site slopes down to the new road, to form a level site will be cut into the ground around the sports field boundaries, with limited fill towards the existing estate boundary (so the building is lower at the sports field boundaries).
- Crashed vehicle compound is located in corner in less visible location.
- Existing planting screen maintained and reinforced.
- Finishes are facing brick work for the single storey entrance area, with horizontal colour cladding system above, colour graduated towards the eaves (plans state colour Denim - RAL 5014). Long elevation towards Ballafletcher Road is punctuated by a glazed curtain waling system. Roof is profiled coloured cladding system.

2.8 Fencing is shown as Zaun Duo 8, the website for this states, "Based on the Duo6 system, Zaun’s Duo8 system is a twin wire fencing panel featuring two 8mm horizontal wires that sandwich 6mm vertical wires. Aimed at providing a strong rigid perimeter fencing solution that is not only aesthetically pleasing but provides a barrier to secure your site from potential trespassers, vandals and thieves".

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Braddan Local Plan of 1991 as Predominantly Industrial and partly as "Land Owned By Government (Open Space in Agricultural Use)". This is as it was when both of the earlier applications were determined. The Braddan Plan will be replaced by the Area Plan for the East (proposed modifications in light of the Inspector's report have been published for comment).

3.2 Within the adopted Isle of Man Strategic Plan 2016, the following policies are considered to be relevant in the determination of this application:

- Strategic Policy 2 (development directed to existing settlements)
- Strategic Policy 5 (Design Statements)
- Strategic Policy 6 (Employment generating development should be on zoned land)
- Strategic Policy 7 (Protection of land zoned for employment purposes from other uses)
- Strategic Policy 9 (New offices directed to town centres)
- Spatial Policy 1 (Douglas Urban area main focus for employment and service centre)
- General Policy 2 (General 'Development Control' Considerations - including design, protection of trees and not prejudicing adjacent developments)
3.3 Within the Braddan Parish District Local Plan 1991, Paragraph 13.3 states that "The rural areas of Braddan Parish District will be designated as being of High Landscape Value. As part of this policy it is essential that the important tree groups and woodland within the parish be subject to a maintenance and management scheme which will include underplanting as and when necessary"

3.4 Paragraph 13.4 states that "No further development in the countryside will be permitted with the exception of those referred to in 13.2 and those which are required for national strategic reasons, and those required for essential agricultural purposes. All areas designated as open space must be respected and no further intrusion will be permitted."

3.5 Paragraph 6.7 states that "No further extension of any industrial areas into areas designated as open space will be permitted."

3.6 Paragraph 3.3 states that "No additional office development will be permitted in the Braddan Parish District with the exception of those necessary for the functioning of an approved industrial development, including science based industries, or where an individual office can be shown to be necessary solely for the needs of the local economy. Conversion of existing structures will be preferred to new development."

3.7 Other than the emerging Area Plan, the policies highlighted above have not changed since the previous approvals on the site (see below) - as the 2016 update of the Strategic Plan as confined to reviewing housing numbers.

4.0 PLANNING HISTORY
4.1 11/01290/A was for Approval in principle for mixed used development to provide industrial / warehousing, office / retail accommodation and leisure facilities including service road and car parking (discharging siting and means of access). This was approved on appeal, and the inspector’s report noted:
   o Age of the plan does not reduce its weight, but changes to circumstances have occurred - including loss of agricultural usage on this side of the road. Appeal site would square off developed area in a way that would have no material impact on the safeguarding of agricultural land or the countryside (as it would back onto sports pitches and the hospital), and would not create a precedent for further encroachment.
   o Proposals in principle, one storey but a substantial building presumed - set back from road and backcloth of higher land and the hospital, therefore nothing to suggest detailed designs need to be inherently difficult to achieve.
   o Proposed access well located - mid way between crests on the Ballafletcher Road with visibility splays.
   o Weight given to the Draft Economic PPS (at that point recently consulted on with no suggestion it would not be finalised).

4.2 The reserved matters application was not submitted within the appointed time, rather an application to extend the period in which the reserved matters could be submitted, was
made, 15/00004/B. This was refused by the Planning Committee and approved on appeal (and subject to an unsuccessful Petition of Doleance).

4.3 A further extension of time was approved under 17/00936/B.

5.0 REPRESENTATIONS

5.1 Braddan Commissioners have confirmed no objection (06.04.20)

5.2 DEFA (Trees) - notes limited impact on existing trees other than removal of 3 small sycamores (no objection to this as not good examples). Landscaping plan provided, but within limited detail - more requested to ensure the planting will provide relevant screening and visual softening of the site (16.04.20). Further comments were received (20.04.20) which clarified that tree protection measures were not required and that the additional information could be post-determination (i.e. conditioned).

5.3 DOI Highways originally objected to the application (23.04.20), and following discussions the applicant submitted amended plans (these amendments related to the layout of the roads etc. and so were not fully re-publicised). Highways commented on 05.06.20 as follows.

"The amended drawings overcome the highway objection raised on 23 April 2020 by:
- Altering the access junction to provide an enlarged version one with a central island to aid pedestrians crossing, visibility splays and of suitable size to better cater for large vehicles in keeping with the Design Manual for Roads and Bridges standards. Works to the existing highway would require a s109(A) Agreement.
- Widening the access way to better allowing two-way working.
- Provision of a layby for van parking.
- Provision of a turning space in advance of the main gate.
- Adjustment of the northern kerb line at the driver test bay to make for more comfortable turning on exit.
- Identification of designated pedestrian paths within the site, including between staff car parking and the building and crossing points.
- The number of parking spaces accounting for end user requirements, including on relocation of the theory test centre to the proposed site.
- Provision of two electric vehicle charging points, equivalent to 10% of the public car parking spaces.
- Identification of waste storage with collection to accord with the heavy goods vehicle routing.
- Revised vehicle tracking to demonstrate vehicle channels and turning through the site by large vehicle and a car at the exit of the driver test bay.
- Remove the arrows at the western end of the site to avoid any confusion for one-way operation.
- Indication of internal signage to waymark the site with the wording to be agreed; exterior signage to be considered by the Applicant and Highways post planning consent.
No gate is to be provided after the access junction. The access way to the first secure gate is to be constructed to adoptable standards for industrial use and offered to become highway maintainable at public expense with any land dedicated under a s4 Highway Agreement.

Lighting is to be compliant with local authority requirements. No revised Stage 1 Road Safety Audit has been submitted according with intention to provide a Stage2 RSA at detailed design stage. This would require to be covered by a condition prior to commencement on site.

Accordingly, Highway Services consider the amended layout requirements satisfactory to raise no opposition to this proposal subject to conditions to the amended drawings hereby approved covering the access, visibility splays, ECVP’s, waste and all the pedestrian and vehicle areas with a further condition for the submission of a Stage 2 Road Safety Audit prior
to commencement on site. The Applicant to note the requirements to enter into s4 and s109(A) Highway Agreements under the Highways Act 1986.

Recommendation: DNOC”.

5.4 DEFA (Pollution Control) commented (22.04.20) that for the groundworks, if the importation of material is required to infill an area then it should be demonstrated that the material is fit for purpose through analytical analysis and the source of the material be identified and made aware to the department. The crash vehicle compound and forensic inspection area shall be of impermeable construction with an oil interceptor installed to prevent any oils escaping from the site and entering the surface water drainage system.

6.0 ASSESSMENT
6.1 It is considered that the key issues are:
- Principle of Development/Location (including provision of out of town offices)
- Loss of Agricultural Land/Open Space
- Loss of Employment Land
- Impact on future uses
- Visual Impact (including on playing fields and landscaping)
- Transport - Highway Safety, Parking and Promoting other means of travel
- Prevention of Pollution
- Level of Information provided - EIA and Design Statement

6.2 Principle of Development/Location (including provision of out of town offices)
6.2.1 The site is in an accessible location on the edge of Douglas, very close to the existing facility. The nature of the proposal is such that the majority of the functions need a large site with good vehicular access which is best located on an industrial estate rather than town centre. The office and theory test elements could potentially be located elsewhere, although there are presumably operational advantages to them all being located together. It is therefore considered that the proposed uses are acceptable in this location, although a condition may be appropriate to restrict the office element to that directly related to the wider VTC use.

6.3 Loss of Agricultural Land/Open Space
6.3.1 Given the planning history of the site it is considered that the principle of developing the site has been established, without unacceptable impact on the countryside/agricultural land.

6.4 Loss of Employment Land
6.4.1 The proposed use is akin to employment uses, although not within the sectors which have been used to calculate employment land supply as set out in the Employment Land Review. However, as the proposal would in effect move an existing use from one site to another (and so free up the existing site) it is not considered to result in a net reduction in the amount of available employment land.

6.5 Impact on future uses
6.5.1 Part of the current allocation would remain undeveloped, however indicative details have demonstrated how this could be delivered, no landscaping is proposed on the area which would be built on and the access includes provision for this area. It is therefore considered that the proposal would not prevent the full development of the allocation.

6.6 Visual Impact (including on playing fields and landscaping)
6.6.1 The location of the site, being on a route into Douglas and adjacent playing fields means that a design standard and level of landscaping is required which may be more than in other areas.
6.6.2 The visual image from the Sport Field shows the roof of the new building clearly visible, from the cemetery entrance the site is glimpsed behind the screening, from Ballafletcher road the front elevation is clearly visible (same from Media House). However this front elevation is designed to be seen, and the form and material result in a suitable appearance. The existing landscaping to be retained, with appropriate strengthening should soften the development. Conditions are appropriate, as advised by DEFA (Trees).

6.6.3 The location of the compound for RTCs is appropriate to minimise visual impact, although a condition may be appropriate to prevent other external storage.

6.6.4 It is noted that the site includes very large external surfaced areas, although when the vehicle tracking information is considered it is difficult to see how these could be reduced.

6.7 Transport - Highway Safety, Parking and Promoting other means of travel
6.7.1 The comments from DOI Highways are noted and relied upon.

6.8 Prevention of Pollution
6.8.1 Within the context of EP22, the comments from DEFA Pollution Control and potential for conditions are noted.

6.9 Level of Information provided
6.9.1 The proposal is accompanied by a planning statement, which is considered to fulfil the requirement for a design statement. In assessing whether the proposal requires an Environmental Impact Assessment, appendix 5 of the Strategic Plan indicates one is required if a proposal will result in the creation of more than 500 square metres of commercial development outside identified settlements.

6.9.2 Although a small part of the site is outside the allocation, the footprint of the main building is largely within the allocation (a corner of the building, car parking and landscaping being on the unallocated area). It is noted that the Braddan Local Plan does not have specific settlement boundaries, although these could be taken to be any land which is outside existing/designated built areas. It is also noted that the site is surrounded by existing built development/roads/playing fields (and the hospital beyond) so could be said not to result in an overall expansion of the edge of settlements into open countryside, but the infilling of an area of open space within a settlement. Finally, there is no definition of commercial development, and it could be argued that a VTC is infrastructure rather than commercial development. However, the inclusion of commercial development within a sentence about housing could be taken to mean built development which is not housing (rather than development intended for economic benefit). Overall, it is not considered that the proposal meets the requirements for an automatic EIA.

7.0 CONCLUSION
7.1 The proposal is supported, noting the land use zoning for the majority of the site, the planning history for built development, the benefits of a modern test centre, the restriction of office to ancillary use, the quality of design and landscaping, the provision of suitable access and the preservation of potential for full development of the site.

7.2 The information provided as part of the application in the supporting statement (summarised in section 2) and the information on the plans is noted, and a number of conditions are proposed to ensure the development takes place in accordance with these details (and to address any areas with limited details). Given the location of the development, it is not considered necessary to control hours of operation by condition.

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:

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

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.9
Proposal: Erection of barn and equestrian manege
Site Address: Land Adj To Seaview
Oak Hill
Port Soderick
Isle Of Man
Applicant: Mike & Ann Atkinson
Application No.: 20/00361/B - click to view
Planning Officer: Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C: Conditions for approval
N: Notes (if any) attached to the conditions

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

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

C 2. No development may be commenced nor any equipment, machinery or materials be brought onto the site for the purposes of the development until the Construction Exclusion Zone (CEZ) has been fenced off in accordance with the approved Manège Plan, drawing 227/021. The fencing shall be maintained in position until the development is complete and within the CEZ nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit.

Reason: to ensure the construction exclusion zone is effective at excluding those activities which may be damaging to retained trees by clearly marking the boundary of the area and preventing construction activity accidentally straying in to a restricted area.

C 3. No development of the manege shall commence on site until a programme of archaeological work has been submitted to and approved in writing by the Department. The programme shall indicate the degree of supervision by a qualified archaeologist and the exclusion zones for heavy groundwork machinery. The development shall not be carried out unless in accordance with the programme of archaeological work so approved.

Reason: To ensure that archaeological remains and features are adequately recorded.

C 4. The manège and barn may only be used for the keeping and exercising of horses and associated uses by the owners of the site as defined in red and blue on the approved plans and may not be used for any commercial use.

Reason: The proposal is for a private facility and the use of the site by others or for a commercial purpose may have a different and potentially harmful impact on the surrounding amenities and highways.
C 5. Other than the lighting shown as to be attached to the gable ends of the proposed building on drawing 227/020, there shall be no other external lighting installed at the building and no external lighting installed at the manege.

Reason: In the interest of visual amenity.

Reason for approval:
The proposal by reason of its re-configuration of a previous approval, its acceptable visual impact, its limited impact on neighbouring amenities and highway safety and limited impact on the designated woodland and ancient monument both subject to necessary conditions, the application is considered to be acceptable and to meet with the tests of Environment Policies 1, 2, 3, 19, 20, 21 or 40

Interested Person Status – Additional Persons

It is recommended that Manx National Heritage should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations.

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL INVOLVES THE ERECTION OF A BUILDING AND AN OUTDOOR ARENA WITHIN AN AREA OF HIGH LANDSCAPE VALUE AND SCENIC SIGNIFICANCE AND CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN (EP20)

THE SITE
1.1 The site comprises part of two fields situated between the Old Castletown Road and the public footpath running between Quines Hill and Kewaigue (this footpath runs past the original old Fairy Bridge).

1.2 Within this area is a cluster of outbuildings and three existing dwellings known as The Lodge, Ballig House and Sea View. The outbuildings and Sea View are under the ownership of the applicants along with a number of fields sitting on both sides of the public footpath and on the adjacent side of Old Castletown Road.

1.3 Access is of the Old Castletown Road via a shared lane, The Lodge and Ballig House sit on the eastern side of the lane, Sea View and part of the site sit on the western side. The outbuildings and remaining part of the site sit towards the far northern end nearest the footpath.

1.4 Topography of the land here slopes both upwards from the Old Castletown Road and east to west across the site.

1.5 The site specific to this application has an irregular shape and aforementioned forms part of two fields, the first site sits on the western side of the shared lane beyond a group of trees and towards the rear of Sea View (approx. 44m (w-e) x 74m (n-s)), the second site continues along the lane to the far end between the existing outbuildings and the footpath (approx. 80m (w-e) x 70m (n-s)).

1.6 There are a number of trees within the area and a number surrounding sections of both sites with many around the edges.
In 2017 PA 17/00855/B was approved at Planning Committee for the removal of a number of trees and the erection of a barn and a manège sitting side by side within the far end site nearest the public footpath. The approval was subject to conditions relating to the private use of the barn and manège by the owners only and that prior to the removal of any trees a bat survey must be undertaken. A note was added stating that no lighting other lighting than that shown as to be attached to the gable ends of the proposed building, may be operational within the site.

THE PROPOSAL

2.1 The current proposal remains for a barn and manège however it now seeks to alter the location of the manège into adjacent field 522851 and towards the rear of Sea View, and the subsequent repositioning of the barn in the rear field as to sit on the flatter section of the site and slightly closer to the rear eastern boundary. The agents supporting letter states that these modification are being made as a result of discussions with a Fellow of the British Horse Society who had concerns for horse and rider safety when using the manège due to a significant drop between the manege and the eastern field alongside the public footpath and the considerable distance from the main house.

2.2 The proposed manège is to sit approx. 30m west of the access lane and beyond an area of existing trees lining the lane and approx. 40m north of the rear elevation of Sea View. The manège itself is to measure 25m wide and 45m long. Its positioning within this field will require a re-profiling of the sloping land in order to accommodate the level manège surface, the upper level of the field is to measure 102.400 and the surface of the manège 100.00.

2.3 The proposed barn is to measure 15m wide x 24m long, approx. 6.4m to central ridge and 5m to eaves. The building is to have a 1.8m high solid base, vertical timber boards above and cement sheet roof with rooflights. Internally the barn will provide 6 loose boxes, a tack store, feed store and hay store and a 3.8m wide door opening will sit on each gable end with two floodlights attached to the outside which shine downward at both ends to have a maximum distance of illumination of 6m from the building.

2.4 Spoil from the excavated manège site will be spread in the rear site and adjacent to the proposed barn amongst some existing spoil areas, the approximate depth of the proposed spoil will be 1.45m.

2.5 The application form states that the manège is to be for private use.

PLANNING HISTORY

3.1 Planning applications have been submitted for the creation of a garage with living accommodation above alongside Sea View as well as for two field shelters (02/00624/B) and agricultural buildings (00/00516/B).

3.2 Aforementioned there is extant approval under PA 17/00855/B for the creation of a barn and manège in the far site nearest the public footpath. The position of the barn was to provide the manège protection from the wind. As part of this application a number of trees were considered acceptable for removal subject to a bat survey being provided. This condition was satisfied and it appears as part of the current 2020 drawings that these trees have now been removed. The application was approved 22/09/2017.

PLANNING POLICY

4.1 The site lies within an area not designated for development on the Braddan Local Plan of 1991 and within an area considered to be of high landscape value and scenic significance (AHLV). The access lane also falls within an area designated as woodland and to the west of the proposed manège and central to the field is a recognised ancient monument.
4.2 There is a general presumption against any kind of development here as set out in General Policy 3 and Environment Policies 1, and Environment Policy 2 specifically protects the AHLV. However provision is made for some types of equestrian development under Environment Policies 19, 20 and 21 so long as there is no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2), there are exceptional circumstances to override the protection of AHLV and the development does not detriment the character and appearance of the countryside in terms of siting, design, size or finish of buildings. Consideration shall also be given to Environment Policy 3 where development will not be accepted if it results in loss or damage to woodland, and the ancient monument shall be judged against Environment Policy 40 where development will not be permitted which would damage, disturb or detract from it or harm the setting thereof.

4.3 Environment Policy 2: The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:
(a) the development would not harm the character and quality of the landscape; or
(b) the location for the development is essential.

4.4 Environment Policy 3: Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.

4.5 Environment Policy 19: Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the local highway network can satisfactorily accommodate any increase in traffic (see Environment Policy 14 for interpretation of Class 1 and 2).

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

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

4.8 Environment Policy 40: Development will not be permitted which would damage, disturb or detract from an important archaeological site or an Ancient Monument or the setting thereof.

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

5.1 Braddan Parish Commissioners - no objection (16/04/2020).

5.2 Department of Infrastructure Highway Services - Do not oppose subject to condition restricting the use of the facilities to private only (29/04/2020).
5.3 DEFA Forestry - Do not oppose subject to condition requiring the Construction Exclusion Zone to be erected and maintained throughout until the duration no the works to ensure the woodland copse is protected (15/04/2020).

5.4 Manx National Heritage - Do not oppose subject to condition (09/06/2020)

5.4.1 The site is a prehistoric Bronze Age burial mound, and is probably more than 3,000 years old. The mound was subject to an antiquarian investigation which recovered evidence of a human burial in a pottery vessel. There is very little detail of either the excavation, which took place more than a century ago, or the finds that were made, which appear now to be lost or in private hands.

5.4.2 It is often the case that modern techniques of archaeological excavation recover evidence of more than one burial in monuments of this type and age. Antiquarian excavation would focus on the initial burial, usually under the centre of the mound and leave the rest untouched, not appreciating that the monument became a magnet for secondary burials. The mound may, therefore, continue to have archaeological potential.

5.4.3 What is less clear is the potential for evidence of prehistoric activities to survive in the vicinity of monuments such as this: both the scale of activity and the degree to which it may have survived the passage of time subsequently varies from site to site and depends on the types of disturbance - in this case. There have been no reports of artefacts being recovered elsewhere in the field and as it’s used for grazing or fodder, there are no obvious crop-marks indicating buried archaeological features.

5.5.4 Aerial photograph shows the mound is still visible in the field and agricultural practices have generally avoided disturbing it. Although not easily seen from the road because of hedgerow vegetation, the mound is very prominent on account of being located at the highest point in the field.

5.5.5 The repositioned manège would come quite close to the burial mound with necessary groundworks encroaching within 50m. If minded to recommend approval, a condition requiring topsoil to be stripped under archaeological supervision should be attached, and a further condition should be imposed requiring that heavy earth-moving vehicles only operate from within the development site during the necessary cut-down, and should not manoeuvre around the outside of the site to the north, west and south of the footprint of the manège.

ASSESSMENT

6.1 There is extant approval for a barn and manège at the site. There is no net change in the level of development proposed which remains for a barn and manege, albeit now seeking a reconfiguration of their positioning. The ultimate test as part of this application is determining whether there would be any new or adverse impacts beyond that already approved, and whether there would be any new harm to the AHLV or any adverse impacts to the ancient monument or adjacent woodland.

6.2 The barn building proposed matches exactly the size and design of that building previously approved and its repositioning remains contained within same site area. The new siting is slightly closer to the eastern boundary although not so far removed from PA 17/00855/B particularly in wider visual terms as to result in any new or adverse visual impacts beyond the building already approved and is therefore considered acceptable.

6.3 The change to the siting of the manège is most notable, the applicant and agent have explained that its relocation closer to the main house is to better aid the safety of the riders using the manège. While it is agreed that this is a less isolated position compared with the previous approval, the main dwelling remains at a level lower than the manège and between
which sits a detached garage, and for both these reasons it could be argued that there is still limited visibility of any rider using the facility.

6.4 The site of the proposed manage is 8m from the boundary of the woodland copse, a sufficient distance coupled with a CEZ which is expected to protect their roots and longevity. Here the land is the most level although still has a steady incline northwards. To the west the field slopes steeply upwards where the ancient monument sits at the brow of the hill. The creation of the manège will require the cutting into the land to form a level riding facility, the closest edge of the manège will sit approx. 70m from the monument and the excess spoil is to remain on site and re-distributed adjacent to the proposed barn and amongst existing spoil heaps.

6.5 Manx National Heritage (MNH) have explained that agricultural practices appear to have avoided disturbing the monument and although not easily seen from the road, the mound is still very prominent on account of it being located at the highest point in the field. The proposed manège is to sit 70m east of the monument and at a level cut into and considerably lower. This arrangement will seek to limit any substantial views of the manège from the monument or from across the field and views from public perspective will be limited due to the topography and roadside vegetation. The development remains reasonably clustered around the existing house and built development and it is not considered that its development here would significantly adversely affect the setting of the monument, bring harm to the countryside landscape nor result in any substantial negative net change to the harm already accepted to the AHLV compared with the previous manège approval.

6.6 The soil classification here is A3 with a level 3/4, this type of soil is best recognised as being for cattle or sheep grazing. The land is used by the applicants for horse grazing and a manège facility would not be incompatible and would not result in any significant or unacceptable loss of level 3/4 agricultural land.

6.7 MNH brought attention to the monument acting as a magnet for the potential of secondary burials, while there were no obvious crop marks, the mound may continue to have archaeological potential. For this reason any groundwork’s undertaken for the manège must have archaeological supervision and heavy earth-moving vehicles shall only operate from within the development site and not outside of the footprint of the manège.

CONCLUSION
7.1 Subject to the necessary conditions (restricting the use to private only as this is the basis on which the application has been considered, for the installation of a CEZ to protect the trees and a condition for the necessary archaeological supervision for construction works) the application is not considered to be in conflict with the provisions of Environment Policies 1, 2, 3, 19, 20, 21 or 40 and is supported.

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
Item 5.10
Proposal: Erection of a chicken coop with three associated pens and beehives with associated hedging
Site Address: Field 224318
Glen Road
Ballaugh
Isle Of Man
Applicant: Mr Philip & Mrs Hilary Ridgway
Application No.: 20/00424/B - click to view
Principal Planner: Miss S E Corlett

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 development is considered to accord with General Policy 3, Environment Policies 1, 2, 3, 7, 8 and 15.

Interested Person Status – Additional Persons

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

Manx Utilities

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):

The Old Hall, Maple Cottage, Brook Villa, Burnside and Bridge Cottage as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT
Preamble
Since the publication of this report which was intended to be considered by the Planning Committee on 29.06.20, it has been pointed out on 19.06.20 by a local resident that the reference in paragraph 1.1 to a pedestrian access into the site is incorrect as this is an access only to the Manx Utilities facility, not the application site. The report should be considered in accordance with this correction.

THE SITE
1.1 The site is a strip of land which runs parallel with the Ballaugh Glen Road but separated in part by Maple Cottage and its residential curtilage and by the Ballaugh River. Access is available into the site from an existing entrance off Ballaugh Bridge at the northern end of the site and there is a pedestrian access via Ballaugh Glen Road to the south of Maple Cottage. An electricity substation sits immediately to the south of the site served by the pedestrian access referred to above.

1.2 The site has recently undergone work including walling and level changes (approved under 19/01429/B). The site is visible from Ballaugh Bridge where newly planted trees are visible.

THE PROPOSAL
2.1 Proposed is the erection of a chicken house, fencing to create three coops and three bee hives.

2.2 The chicken house will be 1.37m high at its ridge and 1.1m wide at its widest points.

2.3 The coops will be formed by fencing which will create three areas to provide alternative scratching areas in rotation. No details of the fencing are provided but fencing can be erected without permission up to a height of 2m under the provisions of the Town and Country Planning (Permitted Development) Order 2012 (Class 39).

2.4 The apiary area will be in the south of the site where three hives, each 46cm by 46cm and 315mm high surrounded by new hedging which will comprise blackthorn, rowan and griselinia).

2.5 The hive closest to the river will be 4m away: the hen house 10m from the river.

2.6 The applicants provided additional information following queries raised about the flood risk zone and the comments raised by others, stating that the MEA/DoI flood maps show that some of the land may flood during a '1 in 100 year' event and has a 1% chance of flooding in any single year and they advise that the electrical substation providing for the village is also situated within a flood zone, as is the neighbouring field used for the grazing of livestock, as well as The Old Hall itself and several other nearby residential and agricultural buildings.

2.7 They point out that as shown on the planning application, the chicken house and bee hives will all be constructed so as to be off the ground. One of the reasons for this is to alleviate flooding risks. Other reasons include insulation and damp proofing. This is standard practice in chicken and bee-keeping. Further, the chicken house will be built on a portion of the land outside of the flood-zone, so that even if a run should be flooded, the chickens will not be trapped in that area. The bee hive currently planned for the flood-zone, can be moved, built on higher stilts or just deleted from the application entirely, however since bees can fly, there is little to no risk of bees being trapped in a flooded hive.

2.8 In terms of alleged noise and activity levels they comment that when purchased, this land was effectively wasteland, not being touched for 35-40 years; overgrown with weeds, populated with diseased trees and unfit for agriculture of any sort. In order to bring this land
back to a viable agricultural state a considerable amount of work was required in terms of vegetation cutback and landscaping. Maintenance of this state will require an ongoing and regular investment of time and energy and funding regardless of the type of agriculture. However, the decision to grow fruit-bearing trees, to keep bees and raise chickens was made in part because of their relatively low-maintenance requirements, compared to other types of agriculture such as raising larger livestock species or growing and harvesting cereal crops or vegetables, all of which would require commercial levels of activity on the site and none of which would require planning permission. Whilst the work of upgrading and maintaining the site requires the use of some machinery, the bulk of the actual agriculture; building hives, collecting honey/eggs, picking fruits etc just requires, albeit a lot of, manual labour.

2.9 They comment that agriculture doesn't happen automatically or by accident. To develop and maintain an agricultural asset requires a considerable and consistent investment of time and energy. That being said, as a recreational farm designed to provide a small-holding level of agricultural return, the current and expected levels of activity at the site are minimal.

2.10 They do not consider that the two comments that have been submitted onto this planning application have any relevance to this application.

PLANNING POLICY

3.1 The north part of the site between Maple Cottage and Ballaugh Bridge is shown on the 1982 Development Plan map for the north as being land that is not designated for any particular purpose and the southern part that forms Registered Tree Area RA1435 is shown as an Area of Private Woodland or Parkland. The site is within an Area of High Landscape or Coastal Value and Scenic Significance.

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

(f) building and engineering operations which are essential for the conduct of agriculture or forestry';

3.2 Environment Policy 1 states that 'The countryside and its ecology will be protected for its own sake...Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative'.

3.3 Environment Policy 2 states that 'The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

(a) the development would not harm the character and quality of the landscape; or
(b) the location for the development is essential'.

3.4 Environment Policy 3 states that 'Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value'. Some of the trees within the site and surrounding area are Registered.

3.5 Environment Policy 7 states 'Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures
will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

(a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
(b) details of pollution and alleviation measures must be submitted;
(c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
(d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species'.

3.6 Environment Policy 8 states 'Agricultural buildings will not be permitted on sites where their existence and associated discharges would result in a breach of the 'Code of Good Agricultural Practice for the Protection of Water'.

3.7 Environment Policy 15 states that 'Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practicably possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part. Only in exceptional circumstances will buildings be permitted in exposed or isolated areas or close to public highways and in all such cases will be subject to appropriate landscaping. The nature and materials of construction must also be appropriate to the purposes for which it is intended.

Where new agricultural buildings are proposed next to or close to existing residential properties, care must be taken to ensure that there is no unacceptable adverse impact through any activity, although it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape'.

3.8 The site lies partly within a flood risk zone shown on the Indicative Flood Map for the Ballaugh River although the site of the henhouse and two of the bee hives are outwith the predicted flood area. Parts of the hen pens are within the flood risk area. The risk of flooding comes from the river. EPs 10 and 13 presume against development which would be at risk from or which would risk a flood unless this can be satisfactorily mitigated.

PLANNING HISTORY
4.1 The most relevant previous application is that for the erection of a storage shed, 18/01152/B which was refused under delegated powers, for the reason that:

"The applicant has not provided adequate justification to demonstrate that the agricultural need for a new building is sufficient to outweigh the general policy against development in the countryside proposal. The proposal therefore conflicts with General Policy 3 and Environmental [sic] Policy 2 of the Isle of Man Strategic Plan 2016."

4.2 This shed was to be positioned approximately in the centre of the widest part of the site but abutting the western boundary of the site and was to be 10m by 8m and 3.75m high.

4.3 More recently, planning approval was granted by the Planning Committee for alterations to existing walls, levels and the infilling of the old house remains on the site (19/01429/B).

REPRESENTATIONS
5.1 Ballaugh Parish Commissioners have not commented at the time of writing.

5.2 Highway Services do not oppose (18.05.20).

5.3 DEFA Fisheries request that the applicant complete a form relating to Development within 9m of a Watercourse after which they will provide additional comments (14.05.20). They later advise on 28.05.20 that they have received the completed form and have no objections to the application provided that there is no adverse effect on the adjacent watercourse.

5.4 DEFA Arboricultural Assistance advises that the work will not affect any retained trees (01.06.20).

5.5 Manx Utilities were contacted for their views and indicated that they would be discussing the matter in respect of the need for a brief FRA and later confirmed that they discussed the proposals with the applicant and initially advised that any works adjacent to the watercourse would require consent under the FRM Act. This has been applied for in advance and approved by MU FRM team. They advise that they have no real concerns over the requirement for a flood risk assessment given the development proposals but we advised the applicant to speak to the Planning section on whether you would insist on one (12.06.20).

Local residents

5.6 The owners of Bridge Cottage which sits 13m across the Glen Road from the site, object to the application, reiterating their concerns expressed to 18/01152/B, considering that the amount of maintenance which is required is excessive and noting that vermin has been relocated to residential property but stating that their experience since the change of ownership of the land has brought an increase in noise. They are concerned with the addition of more animals will increase the amount of noise and waste resulting from the site and that bees could be incompatible with the popular TT area surrounding the site and this may compromise the helicopter landing should this be required and they do not know how bees will react to two stroke engine noise. They are concerned with the timing of the application during the current global pandemic and consideration for those living in the village and the use of the planning process to establish a precedent for further development of this site (22.05.20).

5.7 The owner of The Old Hall, Glen Road which sits immediately to the south of Bridge Cottage, expresses concern that the site lies within a flood risk zone and he was advised by Manx Utilities that the application land is a flood plain and could never be built upon and hopes that he will not be faced with a series of planning applications for such. He is aware of the previous application which was refused and which was before he purchased The Old Hall. He understands that the site is agricultural but appears to be used intensively including several vehicles, a large tent and many people present which he considered inappropriate. He is concerned about noise and the development of what was a beautiful spot. He considers the private land signs and "huge plastic fences" are an eyesore (26.05.20).

5.8 The owners of Maple Cottage request interested person status as immediate neighbours of the site and suggest that the site has been used for recreational and social functions with rope swings and a slide and with events involving fireworks with no warning given to local residents. There are also a number of vehicles parked here. They state that the fencing which has been erected affects their view and the activity has affected their privacy. They do not believe that the applicants have any intention of using the site for agricultural purposes and are using this application to cover their domestic use of agricultural land which was referred in 18/01152/B as being unacceptable. They consider that the comment made by the applicant that they could turn the field over to livestock or crops as a barely veiled threat to them and their neighbours (08.06.20).
5.9 The owner of Brook Villa agrees with the points made by the owners of Bridge Cottage and The Old Hall regarding the excessive noise at weekends. They have no objection to the bee hives or the chicken coops but the field appears to be used for lifestyle purposes not agriculture. They would have no objection to the use of the field by sheep or cattle (09.06.20).

5.10 The owners of Burnside objects to even more noise and interruption from mowing the grass at early morning at around 8.30 am the dogs that they bring that just continually just bark all day while they are there. They suggest that the trees seem to be slowly disappearing again with cutting back the small digger that has seem to be the normal on the land. They consider that the three large hen houses that will bring even more vermin onto to the land (seems to have more on our own land since the alterations have taken place). The total disregard for any of the neighbours for instance large bonfire in the field with no mention to any neighbours regarding their animals etc. They suggest that the hen houses can hold up to 30 hens which increase his need to be at the site plus bees which have to have a flight path into the hives which with race and practice periods this is a very popular destination for the bikers. They just feel this is another step along the path for a larger building that they have already had planning refused to be built (20.05.20).

ASSESSMENT
6.1 The issues in this case are whether the proposed structures would have any adverse visual impact on the character and appearance of the area, having regard to the fact that the site is within an area of High Landscape Value and Scenic Significance where the countryside is protected for its own sake; whether they would have any adverse impact on the watercourse given that some of the development is within 8m thereof; whether there would be any adverse impact on the living conditions of those in Maple Cottage or the operation of the substation; whether there would be any adverse impact on any existing trees and if there are any adverse impacts, whether there are any material considerations which would override these. It is also appropriate to consider the impact of potential flood risk.

Visual impact
6.2 The structures will be visible from the public highway (Ballaugh Bridge), particularly the chicken coop although in time the newly planted trees will help to screen them. There is one hen house and three coops which can accommodate as many hens as the hen house can accommodate - in this case more likely to be 6-10 not 30 as suggested as the hen house provides the night time protection for the animals. Whilst agricultural in function, the coop has a domestic appearance which is a little at odds with the designation for the site as part of the countryside. The site is, however adjacent to the centre of the village and there are dwellings close by both Maple Cottage and those to the west. As such, the visual impact, whilst important, is not as significant or potentially adverse as it would be in the open countryside without buildings nearby. As such, the visual impact is considered acceptable in this case.

Impact on the watercourse
6.3 The only part of the development within the critical distance of the river are the bee hives - relatively small structures with no foundations and which will not have an impact on the watercourse.

Impact on living conditions of those in Maple Cottage and substation
6.4 The structures themselves are modest and will not adversely or significantly affect the living conditions of those in Maple Cottage or any other residential property in the vicinity. The coop is positioned at the furthest end of the field to Maple Cottage and the two are separated by vegetation and the watercourse. Agricultural use of land can result in impacts on adjacent dwellings through noise, smell and activity: if the land were used for the keeping of animals that did not require a building, this could happen without the need for planning
approval. It is not considered that the development will have a significant or adverse impact on the living conditions of those in adjacent residential properties.

6.5 The objections which have been raised are from properties some distance (over 100m) from the actual proposed structures: agricultural activity closer to them than that does not require planning approval. The proposed development is not considered to have any impact on Bridge Cottage or The Old Hall due to distance from the proposed structures and these properties. The impact of the bee hives and chicken coops and henhouse would not affect Maple Cottage or Brook Villa and indeed the objections do not relate to these elements of the use of the site, but rather the non-agricultural use of the site for social or recreational purposes which is more a matter for planning enforcement than this planning application which does not propose a residential or recreational use of the site.

Impact on trees
6.6 The structures are modest and not close to existing trees. There will, therefore be no adverse impact on existing trees. DEFA Forestry, Amenity and Lands Directorate have no objection on this basis (confirmed by e-mail dated 01.06.20).

Potential flood risk
6.7 The development is modest and will not increase the risk of flooding of other land. Whilst there is a risk that the structures on the site could be susceptible to flooding (one of the bee hives appears to be within the MU flood risk map), the structure is elevated by design and should not be affected by water ingressing the site. The applicant is aware of the flood risk maps and risk of flooding. It is not considered that there is a need for a flood risk assessment given the nature of the application.

CONCLUSION
7.1 The proposed structures are significantly smaller than that previously refused and will enable the land to be used for agricultural purposes. The introduction of the bee hives will enhance the biodiversity of the surrounding area with little or no adverse environmental impact. The chicken coop will be visible from the public highway but its size results in a relatively small impact and one which is considered acceptable. The application is therefore supported.

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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.
8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
## Item 5.11

**Proposal:** Change of use of existing tack room to dog grooming business  
**Site Address:** Ellan Farm  
Jurby East  
Isle Of Man  
IM7 3HA  
**Applicant:** Michelle Richardson  
**Application No.:** 20/00449/C  
**Principal Planner:** Mr Chris Balmer

### RECOMMENDATION:
To APPROVE the application

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**Recommended Conditions and Notes for Approval**

- **C:** Conditions for approval
- **N:** Notes (if any) attached to the conditions


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

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

**C 2.** For the avoidance of doubt planning approval is only approved for the use of the building for dog grooming purposes only.

**Reason:** Planning approval has been approved solely on the basis of the building being used for dog grooming purposes only and the application has been considered on this basis only. Without this condition the building could be used for all uses listed within Class 1.1 which would not be acceptable.

**Reason for approval:**
It is considered that while the proposal does not fully comply with EP16; the overall proposal would meet the aims of the policy while not having an adverse impact upon private or public amenities, or upon the countryside setting, especially as no physical works are required to be undertaken. Overall, it is considered the proposal would in the main comply with EP1 and E16 of the IOMSP.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer’s Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPLICATION COULD BE CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR AN APPROVAL
1.0 THE SITE
1.1 The site is forms part of the curtilage of Ellan Farm, Jurby East which is located to the southeast of Jurby East and south of the B3 road. Within the site is a detached outbuilding. To the north of the site is the main dwellinghouse Ellan Farm which is within the applicant's ownership. The site is accessed via a private lane off the B3 which runs in a southerly direction for approximately 275m to the detached outbuilding.

2.0 THE PROPOSAL
2.1 Proposed is the change of use of the existing detached outbuilding which currently is used as a tack room, which is proposed to be used as a dog grooming business.

2.2 The applicants have advised that they proposes to provide a pick up and drop of service for the dogs which are to be groomed. The applicant's proposes to pick up all dogs which are booked in for a grooming on that day in the morning, keep them there for the day and return each back to their owner once all dogs are groomed. The applicants comment that they have ample land and the garage attached to the proposed parlour for the dogs to play will be furnished with dog beds and toys as an indoor play area. They explain there are 7 dedicated parking spaces within the site as well.

3.0 PLANNING POLICY
3.1 The application site is within an area to which the Isle of Man Development Plan Order 1982 still applies. The application site is not designated for development within the 1982 Order. The site is neither within a Conservation Area nor within an area of High Landscape Value or Costal Value and Scenic Significance.

3.2 There is therefore a presumption against development here. However, it is noted that no built development is proposed and no physical changes are proposed to the building.

3.3 There is the following policy which states:

"Environment Policy 16: The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:
(a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
(b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
(c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
(d) there would not be unacceptable implications in terms of traffic generation;
(a) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and
(f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site.

Proposals to convert rural buildings to residential accommodation will be considered along with the advice given at Section 8.10 of this document."

3.4 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."
3.5 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."

3.6 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
(e) location-dependent development in connection with the working of minerals or the provision of necessary services;
(f) building and engineering operations which are essential for the conduct of agriculture or forestry;
(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

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

3.8 Class 1.1 - Shops Use, where the sale, display or service is to visiting members of the public, for the purpose of — (a) the retail sale of goods other than hot food; (b) a post office; (c) a travel agency or the sale of tickets; (d) the sale of hot drinks, sandwiches or other cold food for consumption off the premises; (e) hairdressing or the provision of beauty treatments; (f) the grooming of pets where no element of kennelling is provided; (g) a florist; (h) the displaying of goods for sale; or (i) the hiring out of domestic or personal goods or articles.

4.0 PLANNING HISTORY
4.1 There are no previous planning applications which are considered relevant in the determination of this application.

5.0 REPRESENTATIONS
5.1 Department of Infrastructure Highway Services do not object to the application (19.05.2020).

5.2 Jurby Commissioners have no objection (18.06.2020).

6.0 ASSESSMENT
6.1 The site is not designated for development and the proposal relates to a modern building. There for the conversion could therefore not be supported by any of the policies which allow conversion of old and interesting buildings (Environment Policy 16); albeit, the proposal would meet the remaining of the aims of Environment Policy 16. The reasoning for the policy is outlined within paragraph 7.13.2 of the IOMSP which states:
"One of the prime considerations in the determination of development proposals in the countryside will continue to be the conservation and enhancement of the landscape. In terms of the diversification of farms and farm buildings, there may be some circumstances where this may be appropriate and it is acknowledged that small scale enterprises can promote healthy economic activity in rural areas whether this be for commercial, industrial, tourism, sport or recreation uses. There is, however, a general presumption against the introduction of new uses into the countryside (including industrial or office uses): (a) for which there is no local need; (b) which would materially affect the rural character of an area; (c) which would necessitate the creation of new buildings; and (d) which would be more appropriate in industrial zones, business parks or within urban centre”.

6.2 The applicant's proposal to provide a drop off and pickup facility would potentially be more sustainable, as only one vehicle would be need to undertake this, rather than individual dog owners having to travel there and back to the site. Arguable such use could be provided within a settlement; however, as mentioned by the applicants they have available land around the site and the proposals would also create an indoor play area for the dogs while they wait to be taking back to owners. It has generally, also been accepted with similar applications (namely dog kennels) that should facilities should be located outside of settlements and more suited to rural areas, namely given space available and issues of noise.

6.3 Previously it was advised from Environmental Protection Units that a 100m gap should be kept form dog kennels to neighbouring residential amenities. Any closer and there may be an issue with noise. While this is not a dog kennel and the size of the unit would likely limited the number of dogs to a few at a time; it should be noted that the closest residential property (Sunny Croft - recently gained approval for a large equestrian building) is approximately 220m away to the southwest, where landscaping and other buildings are sited between the application site and nearby dwelling. Given these reasons it is considered that the proposal would not result in an impact from noise nuisance to warrant refusal of the application.

6.4 Highway Services have raised not objection to the proposal in terms of traffic generation, off road parking and the access which serves the site.

6.5 A condition should be attached to ensure the only use of the building can be for dog grooming. Dog grooming falls under Class 1.1 and therefore all those listed within this Use Class (see par 3.8 of this report) could be undertaken without planning permission. This would raise concern.

7.0 CONCLUSION
7.1 Overall, it is consider that while the site does not fully comply with EP16; it is considered overall the proposal would meet the aims of the policy while have not adverse impacts upon private or public amenities or have any adverse impact upon the countryside setting, especially no physical works are required to be undertaken. Overall, it is considered the proposal would in the main comply with EP1 and E16 of the IOMSP.

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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.12
Proposal: Erection of a detached dwelling and alteration to existing vehicular access
Site Address: Land To West Of Old School House
Main Road
Sulby
Isle Of Man
Applicant: Wren Homes (IOM) Limited
Application No.: 19/00989/B- 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. 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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. No works shall commence until full details of the proposed external windows and doors, have been submitted to and approved in writing by the Department. The works shall not be carried out unless in accordance with the approved details and retained thereafter.

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

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

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

C 4. Prior to any work commencing on site the visibility splays as shown on drawing 1512.5 are required to be provided and thereafter kept permanently clear of any obstruction exceeding 1.05m in height, within the applicants ownership, above adjoining carriageway level.

Reason: In the interests of highway safety.

C 5. 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, cedar cladding and details of the colour and texture of the render, 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 6. 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, enlargemen6 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 7. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 8. 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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, without the prior written approval of the Department.

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

C 9. 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 garden sheds or summerhouses shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 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 greenhouses or polytunnels shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 11. No development shall commence until details of the "re-aligned boundary wall" giving details on the finish, construction and height of wall 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 retained thereafter.

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

C 12. No development shall commence until details of the lowered front boundary wall 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 retained thereafter.

Reason: In the interests of the character and appearance of the site and surrounding area.
C 13. No development shall commence until details which included the inclusion of yellow brick surrounds to the front elevation windows and at eves level detail to front gable end fronting projecting have all 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 retained thereafter.

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

Reason for approval:
It is considered the proposed dwelling would be acceptable and would not have any significant adverse impacts upon public or private amenities and therefore considered to comply with Strategic Policy 1, Strategic Policy 2, Spatial Policy 4, Strategic Policy 4 and General Policy 2 of the Isle of Man Strategic Plan and the Sulby Local Plan.

______________________________________________________________
Interested Person Status – Additional Persons

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 6(4):

Reayrt-Ny-Curragh, 9 Kella Close, Sulby 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; 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; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

__________________________________________________
Planning Officer’s Report

THIS APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY BUT RECOMMENDED FOR AN APPROVAL

1.0 SITE
1.1 The application site represents land to the west of the Sulby Old School, now a single dwelling, which appears to be currently used as part of the garden of the Old Sulby School. The site is located to the southern side of the Main Road and east of Sulby School.

1.2 The site is accessed via a vehicular entrance and driveway which runs between the properties of the Sulby Old School and St Stephens Church & Hall. Both properties are Registered Buildings (Nrs 170 & 171). The driveway runs to the rear of the properties where an area of existing hardstanding can be found. These are currently used for parking spaces, although they appear to originally been used as the playground for the Sulby Old School. A single storey outbuilding (toilet block) and a modern detached double garage with attached lean to store can also be found. The existing entrance, driveway, areas of hardstanding, outbuilding and double garage are all within the ownership of the applicant, who also lives at the dwelling Sulby Old School.

1.3 The application site once accommodated the Old School House, which has been demolished a number of years ago. It is understood the house was for the former school
master. However, from a photograph and historical mapping of the site; it can be ascertained that the dwelling was a two storey Manx Vernacular property with three upper windows over a central doorway which was flanked by single windows either side. The dwelling did include a central projecting two storey gable end feature which included the central door way and the central first floor window. The front was finished in Manx stone with reddish brick detailing. The two storey gable end facing the Old Sulby School appears to be finished in render, although it is unknown whether this was original. No finishing details to the other gable end facing towards the new Sulby School or the rear elevation are known.

1.4 In terms of the size and shape of the footprint of the former Old School House, taking reference from the historical mapping, the property had a 'L-shape' footprint it and it appears the property had an overall width of approximately 11.5 metres, and an approximate maximum depth of 14 metres (main dwelling house 6.5m) which included the rear extensions/outlets to the main dwelling house.

1.5 Currently the remains of the old pedestrian and narrow vehicle accesses onto the Main Road serving the site, are still in place. The remaining walling and railings which front onto the Main Road, match that of walling and railings of the Sulby Old School.

2.0 PROPOSAL

2.1 The application seeks approval for the erection of a detached dwelling and alteration to existing vehicular access.

2.2 The proposed dwelling would appear as a single storey property with accommodation within its roof space, with a single storey rear outrigger. The dwelling would have a "L-shaped" footprint located centrally to either side boundary and its front elevation set level with the adjacent building the Old Sulby School. A double garage is also shown on the indicative plan and this is located along the eastern boundary of the site, set behind the proposed dwelling and detached from the main dwelling house. Access to the property would be from the existing narrower entrance onto the Main Road, albeit would be widened to improve access. This access would only serve this new property. A new boundary wall is proposed to create clear curtilages between the application site and the existing property Sulby Old School.

2.3 The new welling would be finished traditionally laid Manx stone to the front elevation, while gable elevation finished with a dark coloured smooth render, while the rear single storey outrigger would have a more contemporary approval with larger aspects of windows and finished in a mixture of dark coloured render and vertical cedar boarding. The roofs would be finished in natural dark blue/grey slate to match the adjacent properties.

3.0 PLANNING POLICIES

3.1 In terms of local plan policy, the application site is within an area recognised as being within predominantly residential use under the Sulby Local Plan. The site is not within a Conservation Area. The Sulby Old School and St Stephens Church & Hall are both registered buildings.

3.2 Due to the zoning of the site and the proposed works the following policies are relevant in the determination of the 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 of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

3.5 Spatial Policy 4 states: "In the remaining villages development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities.

These villages are:
- Bride
- Glen Maye
- Sulby
- Dalby
- Ballaugh
- Ballafesson
- Glen Mona
- Colby
- Baldrine
- Ballabeg
- Crosby
- Newtown
- Glen Vine
- Strang

Area Plans will define the development boundaries of such settlements so as to maintain their existing character."

3.6 Strategic Policy 4 states: "Proposals for development must:
(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas and sites of archaeological interest;
(b) 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; and
(c) not cause or lead to unacceptable environmental pollution or disturbance."

3.7 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."
4.0 PLANNING HISTORY
4.1 The following previous planning applications are considered relevant in the assessment and determination of this application site:

4.2 Approval in principle for erection of a dwelling addressing siting and means of access - 15/00795/A - APPROVED at appeal.

4.3 Approval in principle for conversion of old school house into dwelling, and erection of dwelling on adjoining plot - 94/00787/A - APPROVED at appeal.

4.4 Approval in principle for erection of dwelling, site adjacent to former school masters house - 93/01126/A - REFUSED

The following planning applications relates to the adjacent property Old Sulby School:

4.5 Erection of a detached dwelling - Land To East Of Old School House - 19/00087/B - APPROVED

4.6 Reserved Matters application for the erection of a detached dwelling (relating to PA 15/00794/A) - 18/00532/REM - REFUSED

4.7 Registered Building Application (RB 171) for demolition of existing garage and outbuildings, erection of new garage and garden walls (in connection with application 17/00072/GB) - 17/00073/CON & 17/00072/GB - APPROVED

4.8 Approval in principle for change of use from school to private dwelling - 00/01173/GA - APPROVED

5.0 REPRESENTATIONS
5.1 Lezayre Parish Commissioners have objected to the application which can be summarised as (10.10.2019); Consider that this land is no longer zoned for development and is part of the land used and enjoyed by the resident of the Old School House; any dwelling should match the original two storey School Master's House and have a similar roof height as former School, proposal is too modern with velux windows in the roof; proposal is more than a meter shorter than the original school and appears to look like the proposed dwelling behind the Church currently at Appeal (has since been approved) rather than blend with the registered buildings. The applicants have states that the vehicular access to the site is "existing" but this is not an existing access and historically, all applications for this were to be accessed from a joint access; we appreciate the applicants can apply to this access to be reinstated/created, but are of the opinion that the submitted plans do not show sufficient detail for highway approval; and traffic has increased over the last 18 years and careful consideration must be made to granting access onto the TT course.

5.2 Highway Services initially objected to the application (11.10.2019) due to concerns of visibility splays which were demonstrated. However, following additional plans being submitted Highway Serves no longer object stating (23.06.2020):

"The revisions overcome the highway objection raised on 11 October 2019. Drawing 1512.5 clarifies the access arrangements to show:

i. A 3.5m width at the property boundary on removing part of the boundary wall and repositioning the gateway pillar.
ii. Gateway pillars reduced to a height of 1.05m to gain lines of sight on exit.
iii. Visibility splays on exit of 2.4 x 65m to the left and 2.4 x 55m to the right.
iv. Space for turning to allow entry and exit in a forward gear."
The proposed access is understood to be positioned on the site of a previous vehicular entrance, but requires widening to meet current requirements. The proposed visibility splays are less than the current requirements for a 40mph speed limit on primary route of 2.4 x90m, but are in accord with the requirements within a settlement for speeds of below 40mph. On balance, this is satisfactory with risk likely to be lower given the school where a 20mph applies at school entry and exit times.

Additionally, the visibility splays are maximised and are in keeping with those of neighbouring properties. The proposed width is compliant with shared pedestrian and vehicle use and allows for adequate pedestrian to vehicle sight lines. Access would require to be surfaced in a consolidated and bound material. Any gates should open inwards or slide. The works in the highway would require a separate approval under a s109(A) Highway Agreement.

Parking is compliant with space to accommodate at least two parking spaces to meet standards as well as a garage of sufficient dimensions to park a car and cater for the storage of bicycles and other items. The garage should be retained for its stated purpose. An electric vehicle charging point should be provided.

As drawn now, the proposal raises no significant road safety or highway efficiency issues. Accordingly, Highway Services raises no opposition subject to conditions for:

a) Access, visibility splays to accord with Drawing: 1512.5 hereby approved.
b) Parking and turning to accord with Drawing: 1512.2 hereby approved.
c) Gates to open inwards or slide.
d) Garage retentions.
e) Electric vehicle charging point to be provided.

Additionally for an advisory for the necessity of a S109(A) Highway Agreement under the Highways Act 1986 for to the highway works associated with the access.

Recommendation: DNOC"
states that development should make the best use of resources by the use of previously developed land and unused and under-used land and buildings. There have been no policy changes since this time, so it is not considered there are any reasons not to accept the land is designation for residential development.

POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE ADJACENT REGISTERED BUILDINGS

6.3 It should be noted that when The Department gave "Notice of Proposal to Registered a Building" in 1998, it included the description of "St Stephens Church and former School House, together with its curtilage, and shown outlined in red on the attached plan". However the attached plan and the subsequent Registered Building approval (24th April 1998) did not include the curtilage of the site, only the buildings. Therefore, the Registered Building documents only include the buildings themselves and do not include the land around or any parts of the application sites. However, whilst a Registered Building Consent is not required now, or potentially in the future for the proposed developments, it is still important to considered the potential impact upon the Registered Buildings and the character and quality of the setting around them as indicated within paragraphs 6.8 to 6.10 of this report.

6.5 It is key that any dwelling should be in keeping with the character, appearance and finish of the Sulby Old School which is a Registered Building. Strategic Policy 4 seeks that any development should protect or enhance the fabric and setting of Registered Buildings. When the original approval in principle application (15/00795/A) was approved (different applicant) it was envisaged at that stage that the new dwelling would be very similar to the former school masters house. This former dwellings detail are outlined in paragraphs 1.3 and 1.4 of this report. Essentially, it was a traditional two storey Manx farmhouse styled property with Manx stone to front elevation, and render to sides. Yellow brick work surrounded the windows to front elevation. The proposed dwelling has a very similar footprint to the original school masters dwelling. The currently proposal differs, appearing as a single storey building, with similar proportions and former to the adjacent former schoolhouse. Whether this is the correct approach is a subjective opinion. Arguably replacing the original two storey dwelling on a "like for like" basis could perhaps be less "risky" given that was what was there previously. However, it can be argued that the proposed dwelling has less visual impact and would appear more subordinate to the Old School House, given it isn't as tall (0.8m lower) and appears as a single storey property rather than a two storey dwelling. The width of the dwelling of 10m (Old School House has a width of 21m) and a distance of the new dwelling being 6.8m from the western gable end elevation of the Old School House; again would ensure the dwelling is more subordinate with the former School House (as the neighbouring Church) being the main prominent features in the street scene and this grouping of properties.

6.6 Accordingly, while this would not replicated the original dwelling which was on this site; it is considers this proposal is arguably a betterment in terms of ensuring the existing Registered Buildings character and quality are still the prominent features, while the new dwelling of simpler form and appearance would be of secondary interest. Its used of traditional laid Manx stone (including plinth), render to gable elevations (as were original school masters house) natural slate roof and sliding sash windows are all appropriate materials. The roof windows are heritage styled rooflights which are small in size and include vertical glazing bar. This is a common type of rooflights found within traditional residential properties (inc those in Conservation Areas and to Registered Buildings) and are not unacceptable features. Overall, it is considered the proposal would protect the fabric and setting of the neighbouring Registered Buildings.

6.7 Comments have been made that the yellow brink surrounds (windows, door and within front gable ended roof detail) have not been included, which are features on neighbouring properties and were originally included on the former masters house. If it was
considered such a feature should be included then a condition could be attached which requires to be submitted which includes should detail.

6.8 Overall, it is considered a dwelling on this site could be designed to take account of the existing registered buildings in the immediate locality; without adversely affecting the character and appearance of these existing buildings.

POTENTIAL IMPACT UPON THE CHARACTER AND APPEARANCE OF THE STREET SCENE
6.9 Comments relating to the impact upon the Registered Building apply also to the visual impact within the street scene. The proposal would be most apparent when immediately passing the site and also when travelling along the Main Road to the west of the site and travelling towards to the site (Sulby School direction) albeit mature trees along the roadside (fronting Sulby School) would reduce its appearance. However, it is not considered the proposal would have an adverse visual impact upon the character and appearance of the street scene.

HIGHWAY ISSUES/PARKING PROVISION
6.10 In terms of parking provision the new dwelling has at least two off road parking spaces and turning facilities within the site to ensure vehicles can enter the site onto the Main Road on a forward gear.

6.11 It should be noted that this application proposes the inclusion of alterations to the existing narrow vehicular access. Following initial comments from Highway Services the applicants provided additional plans to demonstrate the visibility splays of 2.4m x 65m in a western direction (towards Sulby School) and 2.4m x 56m in an easterly direction (towards Sulby Bridge). For information it was acceptable that for the new dwelling to the east of the Form School House (behind St Stephens Church) splays of 2.4m x 54m in both directions. It should be noted that the splays do partially pass over land not owned by the applicants, as the western splay runs over land (Gov land) which fronts the Sulby School. However, the land in question is also part of the visibility splay for the main school exit onto Main Road. Accordingly, this land does not have any landscaping etc and is kept clear to ensure the visibility for the school is retained. Accordingly, there is a level of mutual visibility splay. Arguably, approval of this proposal would benefit the visibility splays of the school as the applicants will be required to maintain their own splays and keeping the front of their property clear of landscaping etc, which in turn helps person/s when exiting the main access of the school.

6.12 Highway Services have considered the proposal and have raised no objection to the proposal. Therefore given no objection being received it is considered the proposed altered access to serve this new dwelling would be acceptable.

7.0 CONCLUSION
7.1 Overall, it is considered the proposed dwelling would be acceptable and would not have any significant adverse impacts upon public or private amenities and therefore considered to comply with Strategic Policy 1, Strategic Policy 2, Spatial Policy 4, Strategic Policy 4 and General Policy 2 of the Isle of Man Strategic Plan and the Sulby Local Plan and therefore recommended for an approval.

8.0 INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4)), the following persons are automatically interested persons:
   (a) The applicant, or if there is one, the applicant's agent;
   (b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
   (c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:
   o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
   o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.
Item 5.13
Proposal: Creation of a dwelling with associated landscaping and access road and erection of detached storage building
Site Address: Right Of Field 624235
Via Ards To Cornaa
Cornaa
Ramsey
Isle Of Man
Applicant: Mrs J L Kermeen
Application No.: 19/01063/B - 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. 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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.
Reason: To control development in the interests of the amenities of the surrounding area.

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

C 4. 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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, without the prior written approval of the Department.
Reason: To control development in the interests of the amenities of the surrounding area.

C 5. No development shall commence until an ecological survey of the site has been submitted to and approved in writing by the Department. The ecological survey shall identify
matters of ecological interest within the site and measures to mitigate ecological impacts where appropriate, including a timetable for their implementation. The development shall not be carried out unless in accordance with the approved details.

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

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

Reason: In the interests of highway safety.

C 7. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 8. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing P01C date stamped 8th June 2020 must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works namely the driveway as shown on drawing P01C date stamped 8th June 2020 shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure the provision of an appropriate landscape setting to the development and to ensure that replacement tree planting takes place to mitigate the tree removal required to facilitate the development.

C 9. There shall be no external lighting along the new access road/driveway.

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

C 10. No development may be commenced nor any equipment, machinery or materials be brought onto the site for the purposes of the development until fencing has been erected along the blue lines shown in the Tree Removal and Protection Plan, drawing P04, to a specification that accords with the recommendations of Section 6.2.2 of British Standard 5837:2012 (Trees in relation to design, demolition and construction - recommendations). The fencing shall be maintained in position until the development is complete.

Reason: to ensure the construction exclusion zone is effective at excluding those activities which may be damaging to retained trees by clearly marking the boundary of the area and preventing construction activity accidentally straying in to a restricted area.

C 11. Within the Construction Exclusion Zones shown on the Tree Removal and Protection Plan, drawing P04, (and fenced off in accordance with condition 2 above), nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, until the development is complete.

Reason: to ensure the construction exclusion zone is effective by defining the activities which are restricted within this area.
C 12. The existing hedgerow to the western boundary of the site (along new driveway) is required to be retained, unless otherwise agreed in writing by the Department.

Reason: In the interest of visual amenities of the area.

C 13. Prior to the commenced of any development detailed plans are required to be submitted and approved in writing by the Department which demonstrate how the access is to be finished (i.e. gates, fencing, walls etc). The design should be simple in form, and appropriate for the type and style of dwelling in the countryside.

Reason: In the interest of visual amenities of the area.

Reason for approval:
Overall, the conversion of the existing properties within the site would re-establish a dwelling on the site, reuse existing historic and architectural buildings worthy of retention all in a sensitive and appropriate which would not adverse visual impact upon the amenities of the countryside setting and landscape and therefore comply with HP 13 and EP 1 & 2 of the IOM Strategic Plan. The new access arrangements while having some impact upon the visual amenities of the countryside/landscape, are considered necessary, appropriate, well designed and represent a significant improvement to highway safety for all road users and therefor comply with EP 1 & 2 and TP 4 of the IOM Strategic Plan. Accordingly, the application is recommended for an approval.

Interested Person Status – Additional Persons

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 6(4):

The owner/occupier of Glebe Cottage, Maughold
Manx Nation Heritage

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

Planning Officer’s Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE APPLICATION SITE
1.1 The application site is a parcel of land to the right of Field 624235, Via Ards To Cornaa, Cornaa, Ramsey. The site is located to the east of Corony Hill (A2), southeast of Corony Bridge and northeast of the settlement of Glen Mona.
1.2 The site is accessed via a single shared private track lane (public right of way) which is off the A2 and travels in an easterly direction for approximately 500m to where the new access for the proposal would be located.

1.3 Set back from the single track lane is a rectangular parcel of land, which is on land which rises upwards due to it being on a hillside. This parcel of land appears as a small woodland; but in fact contains a substantial amount of built development, in the way of a traditional Manx farmhouse with rear extension and a single storey detached outbuilding, all constructed with Manx Stone and all without roofs. The buildings appear to appear on the 1860 maps.

2.0 THE PROPOSAL

2.1 Full planning approval is sought for the creation of a dwelling with associated landscaping and access road and erection of detached storage building.

2.2 The proposed conversion of the existing building will in the main reused the existing built fabric/footprint, rather than extending the existing. The outbuilding would be converted to a garden store/fuel store. The works would result in a three bedroom dwelling.

2.3 A new access and driveway is proposed to serve the property which would run from the lane to the north (has public right of way but is understood to be private) in a southerly direction along the adjacent field boundary to the west and uphill to the site. The track includes passing places and along the eastern and northern side of the track a 1.3m high grass bank is proposed with gorse planting on top. The driveway is in most part constructed of bitmac with a central grass strip. The driveway is approximately 150m long. The 1860 map did appear to show a track in this location when the property was in use, but this has since been grassed over. This proposal would re-instate it.

3.0 PLANNING HISTORY

3.1 There are no previous planning application is considered of material relevance to the determination of the current application;

4.0 PLANNING POLICY

4.1 The application site is designated as High Landscape or Coastal Value and Scenic Significance under the IOM Development Plan Order 1982 and therefore not designated for development. The site is not within a Conservation Area.

4.2 The following policies are taken from the IOM Strategic Plan 2016 and are relevant for consideration:

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

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
(e) location-dependent development in connection with the working of minerals or the provision of necessary services;
(f) building and engineering operations which are essential for the conduct of agriculture or forestry;
(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
(h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

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

4.5 Environment Policy 2 states: "The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

(a) the development would not harm the character and quality of the landscape; or
(b) the location for the development is essential."

4.6 Housing Policy 11 states: "Conversion of existing rural buildings into dwellings may be permitted, but only where:
(a) redundancy for the original use can be established;
(b) the building is substantially intact and structurally capable of renovation;
(c) the building is of architectural, historic, or social interest;
(d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
(e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
(f) the building is or can be provided with satisfactory services without unreasonable public expenditure.
Such conversion must:
(a) where practicable and desirable, re-establish the original appearance of the building and
(b) use the same materials as those in the existing building.
Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar or even identical form.

Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

4.7 Housing Policy 13 states: "In the case of those rural dwellings which have lost their former residential use by abandonment, consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost.

Where:
a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and
b) there is an existing, usable track from the highway; and where
c) a supply of fresh potable water and of electricity can be made available from existing services within the highway.

This policy will not apply in National Heritage Areas (see Environment Policy 6). Permission will not be given for the use of buildings more ruinous than those in (a) above, or for the erection of replacement buildings. Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building (i.e. in terms of floor space measured externally, the extension measures less than 50% of that of the original)."

4.6 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."

5.0 REPRESENTATIONS AND CONSULTATIONS

5.1 Garff Commissioners initially raised concern of the visual impact by the creation of the new roadway to serve the property; albeit the information provided it was difficult to determine this. It was requested additional information be provided and until such information was provided they would object to the application (20.10.2019). Following additional information and an amended position for the new roadway the Commissioners have confirmed that they have no objection (07.12.2019). However, following concern from Highway Services of the new access, a further amended plan for a new repositioned access/driveway was submitted. Accordingly the Commissioner made the following comments (22.06.2020):

"The Commissioners are concerned that the creation of this access driveway will affect the character of the landscape in this area. They request that the Planning Authority requests the submission of full detail as to how the driveway will be implemented in a manner which has the least visual impact on this isolated area. Please could the Planning Committee consider setting conditions to mitigate against the potential for the 'urbanisation' of the landscape. The type of surface on the access should be specified, and the Commissioners request that any structures (gateposts, etc) that may be installed are strictly controlled to ensure the rural character of the landscape is maintained. All these matters must be agreed before any works commence.

Notwithstanding these comments, the Board does not object to the proposal for the creation of the dwelling."

5.2 Highway Services initially objected to the application as it did not demonstrate how vehicles traveling along the lane (outside of applicants ownership) was pass each other (14.01.2020). Following these comments the applicants provided amended/additional/statement in response. The main change is the location of the new access and lane has been along the western boundary of the site, compared to the original submitted scheme which located the lane to the eastern side of the fields. Highway Service subsequently commented on 14.08.2019 then concluded on 22.06.20 as follows:

"Highway Services satisfied that the revised design of the new direct access (Site Plan, Drawing No. P01c, May 220) will allow safe access to and from the proposed development."

5.3 The Ecosystems Policy Officer (DEFA) comments that there is insufficient information in the application to access the risk to bats and that a number of the trees proposed to be removed may have potential for bat roosts/nesting birds and these should be checked; the buildings should also be checked for bats/nesting birds; and a Preliminary Ecological Appraisal should be provided prior to the determination of the application (17.10.2019).
5.4 Arboricultural Officer (DEFA) makes the following comments (25.10.2019);

"I would like to make the following comments in relation to application 19/01063/B.

I would have no objection to the tree removal proposed as part of this application if the removal of canopy cover was mitigated by new planting within the site. There is currently insufficient information about the proposed tree planting on the eastern side of the access road (shown in the location plan, drawing P00, shaded green) to be confident that this represents adequate mitigation. I recommend that you request additional information to specify the species that will be used, the size and number (or planting density) of trees that will be planted, the planting method, and the timing of the planting. If this information is provided a condition should be applied to the approval to ensure that the planting is implemented in accordance with the approved details. For example:

1) The tree planting shall be carried out in accordance with [e.g. the planting plan], submitted in support of the application on [insert date]. The planting shall be carried out in the first planting season following the completion of the development. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased, shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation. Reason: to ensure that replacement tree planting takes place to mitigate the tree removal required to facilitate the development.

The tree removal and protection drawing, P04, shows the location of protective fencing to be erected for the purpose of protecting retained trees. Whilst there is nothing wrong with the location of this fencing, the area that is supposed to be treated as a Construction Exclusion Zone (CEZ) is open to interpretation; it's implied that the areas to the north and south would be CEZs but it may be difficult to enforce a condition restricting construction activities within these areas based on this drawing. I therefore recommend that you request an amendment to P04 showing the intended CEZs hatched out and clearly labelled, as shown in the attached annotated version. If this amended drawing was submitted conditions could be applied as follows:

2) No development may be commenced nor any equipment, machinery or materials be brought onto the site for the purposes of the development until fencing has been erected along the blue lines shown in the Tree Removal and Protection Plan, drawing P04, to a specification that accords with the recommendations of Section 6.2.2 of British Standard 5837:2012 (Trees in relation to design, demolition and construction - recommendations). The fencing shall be maintained in position until the development is complete. Reason: to ensure the construction exclusion zone is effective at excluding those activities which may be damaging to retained trees by clearly marking the boundary of the area and preventing construction activity accidentally straying in to a restricted area.

3) Within the Construction Exclusion Zones shown on the Tree Removal and Protection Plan, drawing P04, (and fenced off in accordance with condition 2 above), nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, until the development is complete. Reason: to ensure the construction exclusion zone is effective by defining the activities which are restricted within this area."

5.5 Manx National Heritage support the application stating (19.06.2020):
"I am writing on behalf of Manx National Heritage regarding the above planning application. A building such as The Ards, constructed of stone with semidilapidated walls and surrounded by trees, could potentially support roosting bats. In order to be sure that there are no bats present or to mitigate for their disturbance or relocation we recommend that a bat survey should be undertaken prior to works commencing.

Any development of the site should take place outside bird nesting season, 1st April to 31st July as it is an offence, under the Wildlife Act 1990, to intentionally disturb a wild bird or young at a nest.

It has been suggested that gorse be planted above newly created hedge rows as a form of screening from the proposed road-way to the dwelling. We are in support of this scheme but would recommend that it be the native Western gorse, Ulex gallii and not the invasive European variety, Ulex europaeus, which is firmly established on Mann and spreads very rapidly to the detriment of the native biodiversity."

5.6 The owner/occupier of Glebe Cottage, Maughold comments (03.12.2019) that the building was part of the Barony Estate and was a farm workers cottage to Ards Farm or perhaps associated with the Ballaglass lead Mine; it has been derelict for a number of years and if approved it needs to be known that there are about 9 or so other derelict dwellings spread around the Barony Estate.

6.0 ASSESSMENT
6.1 There are potential a number of issues relating to this application. These include:
1. Conversion of existing buildings to residential use;
2. The visual impact of the proposed works;
3. Highway Safety matters; and
4. Potential impacts to wildlife, namely bats.

Conversion of existing buildings to residential use
6.2 The main issues relates to the conversion of the former dwelling and the second the conversion of the existing outbuilding.

6.3 In relation to the conversion of the dwelling the relevant policy is HP13. This indicates that when those rural dwellings which have lost their former residential use by abandonment (this former dwelling has), consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost. Where:
a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and
b) there is an existing, usable track from the highway; and where
c) a supply of fresh potable water and of electricity can be made available from existing services within the highway.

6.4 The proposal does involve the conversion of the existing dwelling which does still have at least three walls up to eaves level. In fact it has all four, with only the roof missing. A structural report is included with the submission at the report concludes that:

"In our opinion both buildings can accommodate the proposed conversion works.

The main dwelling is exhibiting signs of some structural distress albeit this is confined to the gable peaks of the rear extensions where loose stone to the top to these walls have become dislodged....
The outbuilding needs extensive repointing and prior to this the ivy requires removal and treated to the north facing end wall along with removal of the debris and vegetation evident within the footprint of the outbuilding....

In conclusion we would advise that the proposal complies with Housing Policy 13 in that the existing buildings can be retained albeit the works require to be sequenced."

6.5 Accordingly, in terms of the conversion of the existing buildings it is consider they are substantially intact and standing up to eaves level and structurally capable of being retained; therefore complying with paragraph (A) of HP13.

6.6 In terms of additional criterial in HP 13, paragraph b requires that there is an existing, usable track from the highway. Strictly speaking the proposal fails this section of the policy as there isn't an existing, usable track from the highway as a new 150m long driveway is required from the private lane. Whether this is acceptable comes down to the visual impact and any associated issues form a highway safety perspective. This will be considered later in this report as well as the highway issues associated with this. If it is considered these matter are acceptable then it could be argued the proposal would meet the aims of the policy.

6.7 The final aspect of HP 13 is that a supply of fresh potable water and of electricity can be made available from existing services within the highway. The applicants have advised that a new water supply would be made available from the nearest highway (presuming A2) and electricity supply would be taken from local infrastructure. It is noted that there are residential properties further along the private lane to the east of the site and it is not considered unreasonable to consider that given they are highly likely to have such services; this site would also be able to be connected. This would be at the applicants own expense. Further it is clearly the applicants own interest to ensure this is provided; otherwise they would have a property with no water or electricity supply. The property foul water would be dealt with via a bio-disc and a soak a way is proposed on site to deal with surface water. Building Control would consider these matter further; however, the principle is acceptable.

6.8 Overall, while there are some aspects which may not entirely meet the policy requirements of HP13 in the strictest terms; overall, it is considered the overall benefits of the retention of the majority of the dwelling on this site outweigh these possible issues. Accordingly, overall it is considered the proposal meets the aims of HP 13. The conversion of the small outbuilding to a garden store/fuel store also raises no concerns.

6.9 There are consider two main aspects to the visual impacts of the proposed works, the first relates to the associated works required to convert the former dwelling and the second is the visual impact by the proposed new access and driveway.

6.10 When considering these aspects Environment Policies 1 & 2 are required to be taken into account. Environment Policy 1 requires that development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative. Environment Policy 2 states the protection of the character of the landscape will be the most important consideration unless it can be shown that: (a) the development would not harm the character and quality of the landscape; or (b) the location for the development is essential.

6.11 In terms of the works to the dwelling, the majority would be well screened from the majority of public views. The main public view would be from limited views when travelling along the A2 road (before Cardel Capel within Corony) when travelling from Ramey towards the Corony Bridge where the site can be viewed on the hillside/crest of hill. Currently, it appears as a rectangular wooded parcel of land. If in a vehicle, views are distant, limited and fleeting given the roadside landscaping along this section of the A2. It should be noted that a
number of trees within the site are being retained, namely to the northern section and southern section of the site. Accordingly, the currently view of a rectangular wooded parcel of land would remain in most part.

6.12 The new driveway would follow the existing field boundary to the west of the site, which includes a "dog leg" which then heads in a easterly direction across the field to the new dwelling. The driveway was changed and redesigned following discussions with the Department and now it is of a design/finish/position which is in keeping with similar driveways to property's in the area and commonly found throughout the countryside; i.e. a drive with a central section of grass with two dark coloured tracks either side and all enclosed by grass banks with gorse on top. A condition should be attached to prevent any lighting being installed along the driveway. The applicants are also proposing additional tree planting along sections of the driveway. The proposal would following the footprint of the original lane which served the property when it was occupied (1860's map show it), although this has been grassed over presumably when the house was no longer used.

6.13 The works are arguable most visible from the nearby shared public lane which is open to members of the public to walk along. Again with the retention of the trees as mention above, the dwelling will be well screened, similar to how it is currently. The main change will be the new driveway, but as mentioned with the new grass bank and landscaping and as the driveway itself is a low level form of development, will in most part go unnoticed. Person will see the new access and parts of the driveway when immediately walking past the new access; however, its overall design will just appear as many similar types of access/drives to properties/farms in the countryside. Accordingly, again it is not considered the works from the private lane views, would result in intrusive features.

6.14 Overall, it is considered the applicants are proposing a sensitive scheme, i.e. not proposing large extensions to the existing property, but just converting the existing built fabric which is currently in place which are of architectural and historical interest; while providing access in arguable the most sensitive way and least visual intrusive in the landscape/countryside setting. Therefore it is consider the proposed developments would not adversely affect the countryside or harm the character and quality of the landscape and therefore comply with EP 1 & 2 of the IOMSP.

Highway Safety matters;
6.15 Following an amended plan relocating the new access and driveway Highway Services have considered these and raise no objection. Therefore there are no concerns with the traffic generated by a single dwelling. There is also more than two off road parking spaces within the site and therefore the proposal is acceptable from this respect.

Potential impacts to wildlife, namely bats.
2.37 The matters raised by DEFA are noted, essential to ensure no bats are impacted by the development through the construction works and removal of trees. It is considered these matters can be addressed via a condition required a Preliminary Ecological Appraisal being undertaken prior to any works commencing and the conclusions of this report are fully adhered to. It should also be noted that other legislation does deal with the said works; i.e. the Wildlife Act. Therefore the applicants could clear the site of vegetation/trees without planning approval; and therefore while the comments are noted, arguable given there is other legislation which deals with this, there is an argument that the issues raised lie outside the planning remit.

7.0 CONCLUSION
7.1 Overall, the conversion of the existing properties within the site would re-establish a dwelling on the site, reuse existing historic and architectural buildings worthy of retention all in a sensitive and appropriate which would not adverse visual impact upon the amenities of the countryside setting and landscape and therefore comply with HP 13 and EP 1 & 2 of the
IOM Strategic Plan. The new access arrangements while having some impact upon the visual amenities of the countryside/landscape, are considered necessary, appropriate, well designed and represent a significant improvement to highway safety for all road users and therefore comply with EP 1 & 2 and TP 4 of the IOM Strategic Plan. Accordingly, the application is recommended for an approval.

8.0 INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4), the following persons are automatically interested persons:
(a) The applicant, or if there is one, the applicant’s agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material;
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.14
Proposal: Erection of seven detached dwellings with integral garages including access roads, drainage and landscaping

Site Address: Ballagarey Nurseries
Greeba Avenue
Glen Vine
Isle Of Man
IM4 4ED

Applicant: Hartford Homes Ltd
Application No.: 19/01396/B- click to view

Principal Planner: Miss S E Corlett

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the occupation of any dwelling within the development, the developer shall provide the visibility splays shown in plan ITB15248-GA-001 and these shall be retained as such thereafter.

Reason: in the interests of highway safety.

C 3. Prior to the first occupation of any dwelling the respective car parking as shown in the approved plans shall be provided and remain as such for the duration of occupation of the approved development.

Reason: to minimise on-street car parking that could be detrimental to the operation of the highway.

C 4. The recommendations of the Protected Species Report February 2020 must be implemented in full.

Reason: to mitigate the impact of the development on the ecology of the area.

C 5. Prior to the undertaking of any built development, the applicant must have had approved in writing by the Department:

i. a lighting plan which will demonstrate that any proposed lighting will minimise the impact on any bats that commute and/or forage in close proximity to the new development

ii. the location and design of at least two starling nest boxes
iii. the design and location of at least two bat boxes suitable for a maternity colony for species known to occur in the area

iv. the design and location of a bee brick in each proposed dwelling

v. an amended planting scheme which incorporates native species as recommended in the Protected Species Report February, 2020

and the development must be undertaken in accordance with these approved details.

Reason: to mitigate the ecological impact of the development.

C 6. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwellings, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: The landscaping of the site is an integral part of the scheme and must be implemented as approved.

Reason for approval:
Whilst the development will have an impact on the environment and those living near to the site, it is considered, having regard to General Policy 2, Environment Policies 3 and 4 of the Strategic Plan and the Residential Design Guidance, that this impact is acceptable.

__________________________________________________________________________

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 6(4):
2, Greeba Avenue
Roylea, 4, Greeba Avenue
Auldyn, 6, Greeba Avenue
Sunhill, 7, Greeba Avenue
9, Greeba Avenue
Jesswin, 11, Greeba Avenue
13, Greeba Avenue
15, Greeba Avenue
17, Greeba Avenue

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

__________________________________________________________________________

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE NUMBER OF OBJECTIONS WHICH HAVE BEEN RECEIVED INCLUDING ONE FROM THE LOCAL AUTHORITY AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE
1.1 The site is a parcel of land which sits to the south west of Greeba Avenue, backing onto a number of existing properties: 7-19 (odd numbers only), and Garey Beg, all off Greeba Avenue, the end of a developing estate on the site of the former dwelling, Ballabeg which is accessed from the A1 Main Road (TT Course) and to the south west the site backs onto Reayrt Aalin, Timberwoods, Ballacosney, The Elms, High Rigg, Ballagarey Bungalow and Ballagarey House. To the south east is 5, Greeba Avenue and the entrance to the site sits between 5 and 7, Greeba Avenue. A greenhouse sits to the south east of the site between 5, Greeba Avenue and Ballagarey Bungalow.

1.2 The existing properties which abut the site from Greeba Avenue are predominantly single storey, some with accommodation in the roofspace. The properties on the Main Road are a mix of single storey and two storey dwellings. The approved dwellings on the Ballabeg site are two storey.

1.3 There is an existing access onto Greeba Avenue serving the nurseries which currently occupy the site.

1.4 The site falls into three distinct parts: the entrance leads into an open area that has greenhouses on its south eastern side and residential properties looking into the site from this direction (5, Greeba Avenue and Ballagarey Bungalow) as well as a timber shed to the north west of the entrance. The view from and of 7, Greeba Avenue is currently screened by significant vegetation - ivy, trees and bushes.

1.5 There is a line of leylandii running northeast to southwest from midway on 7, Greeba Avenue and on the other side of this, adjacent to the other half of 7, Greeba Avenue, is a more formally managed area which has a central area where it looks like things were planted surrounded by small fruit trees planted in lines on either side. There is access into this area from the Main Road alongside Ballagarey House. The final and largest part of the site is currently unmanaged field where the Greeba Avenue properties abut the site with boundaries which comprise fencing with some planting and where the Main Road properties have more substantial, planted boundaries.

THE PROPOSAL

2.1 Proposed is the development of the site for seven dwellings. The applicant makes the point that the number of dwellings falls below the requirement for affordable housing (Housing Policy 5) or the provision of Public Open Space (Recreation Policy 3).

2.2 The dwellings take five different forms - all but one are two storey, five with gable ended roofs and two with hipped roof, one being a bungalow (plot 4, closest to 9, Greeba Avenue) and all having attached or integral garages. The style follows that of the Ballabeg site to which this will be joined, forming a through route from the TT Course to Greeba Avenue. Where the two roads join there will be a speed table.

2.3 The dwellings will be separated from the existing properties round about by a variety of distances ranging from 16m between 9, Greeba Avenue and the garage of the property on plot 4 to 40m between the rear of the dwelling on plot 1 and the nearest house. The level of the site and the houses will fall as the development proceeds north west towards the approved development and the properties on Greeba Avenue are higher than those on the development site which in turn are higher than those fronting onto the Main Road. The applicant has provided a drawing, 13A, which shows the distances between the proposed and existing dwellings and the current boundary treatment abutting the site.

2.4 An existing access from Ballagarey House is to be blocked off with fencing and hedging. A new access to Ballagarey Bungalow is to be provided to link in to the proposed estate road along with a new access to the rear of 5, Greeba Avenue. The existing boundary of the site with the rear of the A1 properties and those on Greeba Avenue is to be reinforced by
additional planting "as required". The planting schedule shown on drawing 04 shows the boundaries to be planted with field maple, hawthorn, beech, holly, honeysuckle, blackthorn and rose at 450mm centres in a double staggered row with each row being 450mm apart with a random mix of species with 3-7 of the same type together.

Access and transport
2.5 The applicant has provided a transport statement which describes Greeba Avenue as a lightly trafficked residential street which serves 30 dwellings directly as well as forming a link to other land beyond. It describes the provision of footways, the proximity to services and the regularity of the bus service. It refers to Greeba Avenue as being subject to a 20 mph limit and the visibility available at the entrance to the site onto it being 2.4m by 33m in both directions which accords with the requirements of Manual for Manx Roads. It confirms that two spaces in addition to garaging, will be provided for each property and cycle parking will be available in sheds and garages on each site. The link with the adjacent site will remove any requirement for a refuse vehicle to need to turn within the site but suggest that it could safely access and egress the development and having passing opportunities for other vehicles whilst parked on the proposed estate road.

2.6 They estimate that the development will result in around 4-5 two ways vehicle movements in the weekday morning and evening peak periods equating to one vehicle every 12 minutes.

Trees
2.7 An Arboricultural Impact Assessment has been provided which details the need to remove 7 Category C trees, 1 Category B group, 5 Category C groups and the partial removal of one Category B group resulting in the removal of a further 75 Category C trees. 6 further trees are recommended to be removed to be removed in the interests of good management. This removal will result in the loss of 975 sq m of canopy cover within the boundary of the development. The trees to be removed are birch (5), elm (6), ash (10), plum (12), pear (13), leylandii (15) and sycamore (21). The groups involve pines, sycamore, fruit trees, ash and hawthorn. The trees to be removed sit on the boundary of the site with the development site alongside, alongside the access onto Greeba Avenue and two rows between 7, Greeba Avenue and Ballagarey House and High Rigg. They confirm that there are no Cat A trees on the site and any tree loss will be mitigated by new planting that has been approved by Forestry Amenity and Lands Board. In response to concerns expressed by the owners of 7, Greeba Avenue the existing trees on that rear boundary have been shown accurately and included in the Root Protection Areas.

2.8 A planting scheme has been produced as shown in drawing 04 and supported by a Tree Protection Plan and Arboricultural Method Statement.

Drainage
2.9 The development will be connected to the existing drainage system installed in the adjacent development.

Fencing
2.10 The plots will have 2.4m high fencing behind the fronts of the buildings and separating the development from 7, Greeba Avenue with a lower section of brick walling running towards Greeba Avenue along the new boundary of number 7 from a distance of 15m.

Affordable housing
2.11 The applicant confirms on 21.02.20 the position on the non-provision of affordable housing:

"The approval for seven plots at Ballabeg has been consented, with no AFH, since Nov 2016."
Hartford purchased the Ballabeg site in August 2018, with the benefit of the outline approval. We secured a reserved matters approval in October 2018; commenced our site works with demolition at the end of 2018 and drainage works commencing in early 2019.

We had no involvement with the Ballagarey site until June 2019. Our first Pre application submission was on 10th July. We do not own this land (please see attached ownership certificate) but we do have an option to buy, that we entered into only 3 months ago (Dec 2019).

You can see from the above sequence, spanning over 4 years, there was no anticipation from the outset that the two sites would be joined. If we had known at the time that Ballagarey was available, our approach to their development would have been entirely different, perhaps at a higher density, and not as complicated as it has been.

When we met last September (2019), to look at our developed sketch proposals for the Ballagarey site, we agreed that, as the Ballabeg site was under construction, the two sites would be treated as being separate. We also discussed the benefits of linking the sites roads, to provide an emergency access during TT, and that provisions should be included to prevent it being a shortcut.

The sketch proposal we tabled originally, in July of 2019, was for 12 plots, including 3 affordable homes. Subsequent sketch proposals, not tabled, included as many as 16 plots. However, after numerous site visits and in considering the relationship of the denser proposals in relation to the existing homes, we felt a more sympathetic layout and lower density would reduce the impact dramatically on the surrounding dwellings. This became all the more acute when the land owner reduced the site area we were planning on using in order to maintain access to Ballagarey Bungalow, located to the south eastern end of the land. Following sympathetic preplanning to address the privacy issues, the reduced site area and market enquiries, the final design arrived at 7no new homes which we felt was ultimately more in keeping with existing densities.

We understand the Commissioners concerns of why no affordable housing is being provided on the site. Hopefully the above helps to explain, but ultimately this development is only for 7 dwellings and the adjacent site of seven dwellings is, as stated above, separate. Indeed the Ballagarey Nurseries site is entirely capable of being developed on its own, by anyone, though that would eliminate the gain in linking roads to add permeability to the network.

We work very hard to ensure our schemes fit into their locations and comply with planning policy, and we provide affordable homes and public open space when this is appropriate."

2.12 Wildlife
2.12.1 Additional information has been provided on 04.03.20 which includes a Protected Species Report incorporating a bat report by Manx Bat Group and that all concludes that with the implementation of the biodiversity recommendations, adequate compensation will be provided to address the impact from the development. The PSR was undertaken by Manx Wildlife Trust Consultancy Services. It reports that there is one Wildlife Site within 2km of the site - the Central Valley. 327 species are recorded within 0.5km of the site including 6 specific species of bat, some other unidentified bat species and common frog where adults and spawn were recorded within 150m of the survey site.

2.12.2 They undertook a survey of the buildings and vegetation on the site observing some potential access points for bats in one of the buildings and noting the vegetation currently on the site. They identify a potential bat roost within one of the trees shown to be removed and they recommend that prior to the removal of any tree, a bat risk assessment must be undertaken before any works can proceed. If any bats are encountered including when buildings are to be removed, all work should stop and advice sought from the Department, Manx Wildlife Consultancy or the Manx Bat Group. They recommend that two bat boxes
suitable for a maternity colony for species known to occur in the area be erected on an existing mature tree on the western boundary or alternatively, a pole mounted box could be employed in a relatively dark and sheltered part of the site close to potential foraging and commuting habitat. A lighting plan should be submitted to minimise impact on any bats that commute and/or forage in close proximity to the new development and a bat roost feature should be incorporated into a new property near eaves level with a sunny aspect (west, south or east) and away from direct artificial lighting.

2.12.3 Six species of bird were recorded using the survey site - starling, song thrush, herring gull, rook, siskin and coal tit with the first two on the Red List. They recommend that shrub and tree removal is undertaken outside the bird nesting and breeding season (typically March to August inclusive) and any shrub or tree clearance required within the season must have a pre-clearance check and any active nests found must be safeguarded until all young are fledged and independent of the nest.

2.12.4 No common frog were recorded although a precautionary working method is recommended with the clearance of vegetation conducted during the hibernation period (typically November to January) and if this is not possible a pre-clearance check for common frog must be undertaken and any frogs encountered must be transferred to a receptor site agreed with DEFA and when moving rubble and log piles, particular care should be taken and must avoid the hibernation period (typically October to February inclusive). Any frogs encountered during work must result in all work stopping and advice sought.

2.12.5 They advise that the presence of legally protected and high conservation status species and significant assemblages is unlikely. Mature boundary features will be an important consideration for associated species including the potential for standing deadwood and habitat connectivity. No rare or nationally rare and scarce plants were recorded and are considered unlikely. No invasive species were recorded. They advise that particular care should be taken when removing rubble and log piles and this should avoid the hibernation period (typically October to February) and if any lizards are encountered during site work, all work must stop immediately and advice sought. The development must integrate a bee brick into each new dwelling.

2.12.6 They conclude that simple avoidance measures will enable the project to achieve legal compliance and intelligent design and implementation of pro-biodiversity recommendations are required to compensate for the impacts of the development and to achieve a no net loss result. They recommend that landscaping should include native woody species that are matched to soil conditions and which are beneficial to birds for food, shelter and nest sites and they recommend common hawthorn, blackthorn, sessile oak, holly, elder, ash and honeysuckle.

Construction Activity
2.13 They are aware that the construction will create inconvenience and disruption to local residents but they advise that they had a duty under Health and Safety Executive regulations to ensure the safety of both operatives and the general public. They envisage the primary access during construction will be from the Main Road but at some point, it may be that this is blocked off and construction traffic has to use Greeba Avenue to access the site. They will undertake a pre-commencement survey of the road and boundaries affected as a record of their condition.

2.14 They comment that covenants are not a material planning consideration and that if approved, those with the power to enforce a covenant would be welcome to discuss the matter with them. They acknowledge that new development is seldom welcomed by those close by but they emphasis that this site is sustainable and designated for development which makes it suitable for development subject to the design being appropriate. They did consider
a higher density of development but discounted this as they felt that was not in keeping with the area.

2.15 For further clarification of the distances between the bungalow and 9, Greeba Avenue, the applicant submitted drawing 15 which shows a section between the properties and stating that the proposed bungalow will be 1.16m lower in floor level than number 9, the eaves will also be 1.16m lower and the highest part of the proposed house being 740mm lower and the proposed garage 1390mm lower. The plan also shows the distances between various parts of the proposed house and number 9, at furthest being 21.4m away and at closest 18.4m and angled 30 degrees from being parallel with number 9. The section shows the planted hedge between the two screening bothy ground floors from the other.

PLANNING POLICY

3.1 The site lies within an area designated on the Isle of Man Planning Scheme (Development Plan) Order 1982 as Residential. On the Area Plan for the East, the site was identified for residential development in the first draft but following Cabinet Office’s preparation of a document for the public inquiry, responding to issues raised by others, the site was downgraded to a reserve site for release at some time in the future. However, the inspector considered that the residential status of the site should be reinstated, stating the following:

"Site MH023 - Ballagarey Nurseries, Glen Vine
393 This vacant area of 0.9ha was initially allocated as a specific housing site in the draft Area Plan, as published in May 2018. However, the Cabinet Office subsequently proposed that it be rezoned as Strategic Reserve land. In a written representation, Hartford Homes argued that it should be washed over as predominantly residential, to enable its early development as a windfall site. I agree. This unused land is within the built-up area of Glen Vine. In my view, it should be restored to beneficial use as soon as possible. Its designation as a strategic reserve would impose an unnecessary restriction on its development, prior to its formal release. I recommend that Site MH023 be washed over as part of a predominantly residential area, in the Area Plan."

3.2 As such, the following parts of the Strategic Plan are relevant:

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:

(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;
(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".

3.3 Affordable housing and Public Open Space are referred to in Housing Policy 5 and Recreation Policy 3 respectively. Ecology is further protected in Environment Policy 4 and trees given further protection in Environment Policy 3.

3.4 The Department has recently published the Residential Design Guidance (March 2019) which 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.
PLANNING HISTORY
4.1 The site has not been the subject of any previous applications which would be relevant to the consideration of the current proposal. The adjacent redevelopment of Ballabeg was approved most recently under 18/00995/REM.

REPRESENTATIONS
5.1.1 Marown Parish Commissioners submit a number of letters noting that the draft Area Plan for the East washes over the site with a residential zoning but in advance of the plan being approved, suggest that the development is perhaps premature. They also consider that the development will result in an overbearing presence on the properties on Greeba Avenue and the dwellings on plots 5, 6 and 7 are too close together and constitute over-development. They consider the access from Greeba Avenue to be inadequate with poor splay and turning sweep and considering that the development is to be connected to Ballabeg Grove, it would not appear that there is a need for this access. If the access from Greeba Avenue is considered essential then steps must be taken to ensure it does not become a through road with a gate part way down: this would require a turning head and note that there is a small hammer head approved as part of the Ballabeg Grove development (16.01.20).

5.1.2 They submit a further letter on 04.02.20 seeking additional time to comment on the amended plans and then comment on 20.02.20 such that they have no further points to raise.

5.1.3 They submit further views on 19.03.20 stating that they do not accept the applicant's argument in favour of there being no affordable housing noting that 18/00995/REM for Ballabeg Grove had the current applicant as the owner and on the current application they are the prospective purchasers for the current application and considering that the two developments have been conceived as a whole with consistent house types and layout and a continuous road linking the two. They note that on drawing 4B the top left hand dwelling is shown as existing whereas it is at best under construction and identical in every way to plot 3 of the proposed development. They draw a comparison with an application for 21 houses in Crosby which was approved only on the basis that affordable housing was being provided in association with this, albeit through a separate Reserved Matters application. They state that they are committed to the provision of affordable housing in the parish and this estate of 14 houses must contain 25% affordable units (3 dwellings)[affordable housing is generally calculated to the nearest single decimal place so in this case the requirement would be for 3.5 units provided either wholly as a commuted sum or partly on site and partly as a commuted sum].

5.1.4 Further comments were received on 16th April, 2020, reiterating the points raised previously, adding that only something, like a wall, that physically separates the two developments would enable them to be considered as two separate entities.

5.2 Highway Services comment on 15th January, 2020, concluding that they have no objection subject to the attaching of conditions which require the provision of visibility splay and car parking prior to the occupation of any of the dwellings. They consider that visibility is acceptable as is the impact of the additional vehicles on the highway network, the internal layout of the road.

5.3 Arboricultural Officer, DEFA comments on 13.01.20 that of the 12 individual trees and 8 tree groups to be removed, the majority are not prominent to the public and are of poor form. G2 is located close to Greeba Avenue and the canopies are overhanging the road and starting to cause access issues which pruning will not address. He considers that this group are not suitable for retention. These trees sit around the existing and proposed entrance to the site. He notes that the proposal will result in a loss of canopy cover to the site but the landscape drawing (04B) shows adequate mitigation planting and this should be required by planning condition. He considers the tree protection plan acceptable and will afford appropriate protection to the proposed retained trees.
5.4 Ecosystems Policy Officer, DEFA comments on 17.01.20 and again on 10.03.20 requesting a bat suitability study is undertaken by a licensed bat ecologist to determine whether bats could be using any of the trees which are to be removed to facilitate the development. If any are found suitable then a bat roost survey should be undertaken by a licensed bat ecologist and a report detailing the findings should be approved prior to the determination of this application. If bats are found to be using the site then a mitigation plan for their protection should also be submitted for agreement prior to determination and the development must be undertaken in accordance with the agreed mitigation plan. Reference is made to the Wildlife Act 1990 in respect of its protection of bats and breeding birds and they recommend that vegetation and tree removal is undertaken outside of the bird breeding season (March to August) and thorough checks for nests and eggs even outside the bird breeding season, should be undertaken prior to the removal of vegetation. Finally, they recommend the installation of bird boxes are integrated into the design due to the habitat being removed as a result of the proposed development, with numbers and locations to be approved prior to the determination of the application and the development undertaken in accordance with these details. Their later submission recommends that the development should be undertaken strictly in accordance with the Protected Species Report of February 2020 in respect of bats, birds, common frog, common lizard and invertebrates and the identified measures shall be adhered to and implemented in full and maintained thereafter. They request in addition to these recommendations that at least two starling nest boxes are erected on the new properties as mitigation for this Red Listed and Schedule 1 species. They advise that boxes should be placed on north/north east facing elevations at least 2.5m above ground level, ideally high up under the eaves of the buildings. They recommend that the planting schedule incorporates rowan and elder to mitigate the loss of other habitats on the site and that native planting would be better than ornamental planting shown on the plans. They note that there is no lighting plan and as such a low level lighting plan in line with the Bat Conservation Trust Guidance Notes on Bats and Artificial Lighting in the UK should be submitted to and approved by the Department. The location of the proposed bat boxes should also be shown on an approved plan to ensure that they are located away from artificial light sources.

Local Residents
5.5 The owners of the following properties have objected to the application: a number of residents sought additional time to submit comments due to changed working and lifestyle practices due to the CV19 situation: these requests were generally granted:

2, Greeba Avenue (16.05.20)
Roylea, 4, Greeba Avenue (14.01.20, 09.04.20 and 10.06.20)
Auldyn, 6, Greeba Avenue (16.01.20 and 20.04.20)
Sunhill, 7, Greeba Avenue (14.01.20 and 09.04.20)
9, Greeba Avenue (15.01.20, 25.03.20, 09.04.20 and 14.04.20)
Jesswin, 11, Greeba Avenue (23.01.20)
13, Greeba Avenue (14.01.20)
15, Greeba Avenue (14.01.20)
17, Greeba Avenue (14.01.20 x 3)

The objections relate to the following:

i. the loss of ecological habitat noting owls, pheasant, robins, crows, storks, blue tits on the site as well as bats and the Wildlife Act 1990 and Environment Policy 4 of the Strategic Plan are cited

ii. the loss of so many trees is not acceptable and replacement planting will take time to have effect

iii. the development does not include affordable housing
iv. prematurity as the Area Plan for the East has not yet been adopted

v. reference is made to an appurtenance title for 9, Greeba Avenue which may be affected by this development

vi. potential overlooking of existing dwellings on both sides, many of which are single storey having two storey dwellings directly behind and adverse impact on the privacy of existing residents and the enjoyment of their gardens and maintenance of boundary fencing

vii. the additional light pollution is not acceptable

viii. the existing drainage system already struggles to cope with existing loading in terms of surface water and some properties flood in periods of heavy or prolonged rainfall

ix. the additional traffic is unacceptable on Greeba Avenue, particularly in TT race and practice periods when the additional 7 dwellings in Ballabeg Grove will also be using the access: has thought been given to the installation of a gate to prohibit through traffic for all but essential times?

x. the increased use of the access will adversely affect the living conditions of those directly opposite the entrance

xi. Greeba Avenue is a bus route and vehicles parked on both sides will adversely affect visibility for those emerging from the site

xii. if the site is to be used as a cut through for pedestrians, there are no footpaths within the development and this will not be safe

xiii. properties in Greeba Avenue will have less available light

xiv. two storey dwellings will not be in keeping with the area as Greeba Avenue accommodates mostly bungalows

xv. construction vehicles will adversely affect the road surface in Greeba Avenue and whilst the development is being undertaken there will be a diminution of existing residents' privacy

xvi. if Manx stone walls are to be demolished, they should be replaced with stone walls

xvii. the development will result in the loss of a pond which accommodates frogs, fish and newts and the loss of half of the existing garden of 7, Greeba Avenue

xviii. A request is made that should planning approval be granted, a condition should be attached to prevent netting being applied to trees and bushes to prevent birds nesting and also that existing trees within adjacent sites should be protected during construction.

ASSESSMENT
6.1 The site is shown on the only adopted plan for the area (the 1982 Plan) as Residential and the latest version of the Area Plan for the East which will eventually replace that part of the 1982 Plan which relates to the Area Plan area, indicates that the site should be considered as residential as part of the surrounding area. It is therefore considered that the principle of the development of the site for residential purposes is acceptable and the development is consistent with the adopted and emerging development plans.

6.2 The issues in this case are whether the development complies with the standards set out in General Policy 2. Whilst the development adjoins a site being developed by the same
developer, and cumulatively the combined sites would generate sufficient dwellings to warrant a requirement for public open space and affordable housing, the sites are different, were in different ownerships, were put to different uses and were originally proposed for development by different parties. As such, whilst the sites are now to be joined with a through route which will benefit the 7 dwellings approved on the adjacent site, it is not considered appropriate in this case to require the provision of POS or affordable housing either on site or by way of a commuted sum. Reference to the site in Crosby is not relevant as the two reserved matters applications - one for 21 dwellings and the other for 7 related back to a single approval in principle for the whole conjoined site.

6.3 Impact on the character and appearance of the area
6.3.1 The dwellings proposed will not be prominent from a public perspective in the vicinity: whilst they may be visible from Greeba Avenue, they will be seen behind and within existing residential development. The proposed dwellings are not the same in size or design, as those next to it but the properties in Greeba Avenue are very different to those fronting onto the main road and whose being built on the site alongside. As such, it would be impossible for the development to be consistent with all of the development next to it.

6.3.2 The proposed access will have an impact on the appearance of the area in that the entrance will be widened and trees and vegetation will be lost. The latter does not meet with any objection from the Arboricultural Officer of DEFA and the trees lost will be replaced by new ones although it will take some considerable time for the new trees to go anywhere near providing the impact that do the existing which are to be removed. It is relevant that the AO notes that some of the trees near to the entrance are encroaching onto the road and "are starting to cause access issues which pruning will not fully solve. These trees are not suitable for retention."

6.3.3 The proposed development contains a variety of dwelling shapes and sizes and it is considered that this variety will provide an acceptable impact on the area.

6.4 Impact on the living conditions of those in adjacent property
6.4.1 The requirement for new development to be in a sustainable location automatically means that new dwellings will be next to existing ones. Furthermore, the requirement in Strategic Policy 1 to make the best use of unused or underused land means that there is also an aim to make the best use of this type of land: the more dwellings that are built in sustainable locations, the fewer will need to be built in locations that are not considered sustainable.

6.4.2 That is not to say that developments should be over-dense or uncomfortably close to others and the Residential Design Guidance provides advise on how new dwellings should be developed so as not to cause an unacceptable impact on others nearby. To avoid dwellings resulting in overlooking and intruding onto other dwellings' privacy, a distance of 20m should be maintained where elevations containing windows look directly towards each other. The closest proposed dwelling to an existing property is that on plot 4 which backs at an angle to 9, Greeba Avenue and the closest elevation which contains a window or patio door, is 19.2m from the closest point of 9, Greeba Avenue but 1.5m lower. Every other part of that property, and all other dwellings in the development are more than 20m from existing dwellings front to back or back to back.

6.4.3 In terms of outlook, as the proposed dwellings are mostly two storey and those in Greeba Avenue are single storey - some with dormer accommodation - it is important to consider whether there would be an impact on the outlook of the existing properties from these new, taller properties. Again, the RDG provides advice on how to calculate this relationship and suggests that a rule of 25 degrees from the existing property windows should be maintained free of obstruction. The applicant demonstrates in drawing 07B that the 25 degree guidance is being observed.
6.4.4 Whilst it is completely understood that those people next to the site who currently have an unobstructed outlook over open space will have that changed to a landscape which has two storey buildings within it, removing the openness and possibly removing some of the view available from the rear elevations, this impact needs to be balanced against the need for development to be located in sustainable locations and to make best use of available land. Having regard to the advice in the RDG it is considered that the impact that the proposed development will have on the existing properties around the site - in Greeba Avenue and those which front onto the Main Road, is acceptable.

6.5 Impact on the highway
6.5 Highway Services consider that the development would have an acceptable impact on the local highway network. Their recommended conditions relating to the provision of the car parking spaces and the visibility splays prior to the occupation of the first dwelling, are supported.

6.6 Other environmental impacts
6.6.1 There will be an impact on the loss of open space and trees and a resulting impact on ecology. Any site which is designated for development and which is not presently actively used or built upon will have this impact and a balance needs to be struck. This balance comes with an appropriately designed development which tries to retain as much beneficial vegetation as possible whilst still providing a sustainable development which makes best use of the site. Also, appropriate mitigation through how the development is undertaken and the incorporation of ecology-friendly features is also important. The Protected Species Report should be conditioned to be accorded with in full and further plans of the proposed lighting, the location of bat and bird boxes, bee bricks and amendments to the planting scheme to incorporate native species should be approved prior to the commencement of any works.

CONCLUSION
7.1 Whilst the development will have an impact on the environment and those living near to the site, it is considered, having regard to the policies in the Strategic Plan and the Residential Design Guidance, that this impact is acceptable and the application is recommended for approval subject to conditions as referred to in the body of the report.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 Article 6(4), the following persons are automatically interested persons:

(a) The applicant, or if there is one, the applicant’s agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.15
Proposal : Change of use to include use classes 2, 3, 4, 5 (excluding light industrial), and 6
Site Address : Mountain View Innovation Centre
Jurby Road
Ramsey
Isle Of Man
IM7 2DZ
Applicant : ZipAddress Ltd
Application No. : 19/01449/C- 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. 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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. For the avoidance of doubt approval is hereby given only for the following additional uses (as set out in the Town and Country Planning (Permitted Development) Order 2012 - or equivalent classes of any order which replaces it):

- Main Film Studio Building - Research & Development excluding light industrial (Use Class 5);
- Building referred as "Babbages" (Ground Floor) - Food and Drink (Use Class 3) - canteen open to members of the public, financial and professional services (Use Class 2) and offices (Use Class 4);
- "Babbages" (First Floor) - Financial and professional services (Use Class 2) and offices (Use Class 4); and
- Existing two storey office block with attached small sound stage/workshop - Financial and professional services (Use Class 2), Offices (Use Class 4), Research & Development excluding light industrial (Use Class 5), and Storage or distribution (Use Class 6).

Reason: The application has been judged and considered acceptable on the basis of the above proposed uses only.

C 3. No visitors/customers shall remain in the existing Film Workshop Building, the Film Studio building and the "Babbages" building outside the following hours 0730hrs till 0000hrs. These times do not apply if the existing buildings are being used for the purposes of the making and/or production of films.

Reason: In the interests of the residential amenity of the area.
C 4. The approval hereby given only allows for the existing Film Studio Workshop, Sound Stage Building and the "Babbages" building being occupied/operated for the users as Civic
and Community Halls, Exhibition Halls, Conferences and Training Centres for more than 8 days per month with a maximum duration of 5 consecutive days in a month for one event. Furthermore, only one activity may take place within these buildings at any one time, unless the activities are associated with each other. These periods of use do not apply if the existing buildings are being used for the purposes of the making and/or production of films.

These restriction does not apply for the Use Class 3 (i.e. cafe) of the Town and Country (Permitted Development Order) 2012 (or the equivalent class in any order which replaces it) within the "Babbages" building which will operate as a café open to members of the public. The uses of this section of the building would not account as an "event". However, if it is used for the purposes of Civic and Community Halls, Exhibition Halls, Conferences and Training Centres then the first paragraph of Condition 4 above would apply.

Reason: In the interests of the residential amenity of the area

Reason for approval:
It is considered the proposed additional uses and additional hours of operation (namely for the events, training, conference uses) would be acceptable and would not have any significant impacts upon public or private amenities and therefore comply with the relevant planning policies referred to within the IOMSP.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE
1.1 The site is an area of just over 11 acres situated between the A13 Jurby Road and the Sulby River. Access to the site is from the Jurby Road via a lane 260m long, from the A13 to the west of a property called Baldromma and curving round to the east close to another property, Baldromma Farm Bungalow which has been part of the film studio application site in previous applications but in this case is shown as having been sold in one of the accompanying drawings.

1.2 The site accommodates four buildings, all large scale structures, the office/film workshop which is at the northern end of the site which is 31m by 21m and is two storey, the ground floor is mainly open with small offices around the outer part: the first floor is all open plan offices. This provides a total of 1300 sq m of floor area. To the south of this is a building which is attached to the main film studio which is further south. This building is 24m by 28m (672 sq m) and single storey but contains a variety of inner buildings and rooms, a sub-station and changing room/canteen unit. The main film studio has a footprint of 25m by 43m (1075 sq m). There are areas of hardstanding around the buildings which are used for parking. There is also a small detached building alongside the bungalow which provides a further 59 sq m of floor area.
1.3 Under a previous application (14/01257/B) this allowed the original film studio buildings to be used for additional uses(retaining ability to make films) such as; Civic and Community Halls, Exhibition Halls, Conferences and Training Centres. The application also allowed other buildings in the site to be uses for commercial offices, which included the use
of the existing canteen to be used to serve employees at the site. Since the PA 14/01257/B, there was an additional application to change the use of a sound recording studio to a children's day nursery (18/00206/C).

1.4 The buildings, mainly the principal film studio building, are visible from the southern side of the Sulby River, distant views being from the Lezayre Road and from the northern end of the Garey Road which links Churchtown with the Jurby Road. However, the current applicants have undertaken a significant planting scheme (tree planting also) in the last few years; along the main access to the site, along the roadside boundary (Jurby Road) and additional planting throughout the site. In time this planting will likely reduce the appearance of the buildings, especially form the Jurby Road.

1.5 Since the approval of PA 14/01257/B, a further application (19/00122/B) was approved for the improvement of the access onto the Jurby Road, by way of increasing visibility splays. Additionally, the speed limit along this section of the Jurby Road has been reduced from being derestricted to 40mph.

2.0 PLANNING POLICY
2.1 The site lies within an area of "white land" on the Town and Country Planning (Development Plan) Order 1982 that is, not designated for development.

2.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains a number of policies which are considered materially relevant to the assessment of this dwelling:

2.3 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."

2.4 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
(e) location-dependent development in connection with the working of minerals or the provision of necessary services;
(f) building and engineering operations which are essential for the conduct of agriculture or forestry;
(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

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

2.6 Environment Policy 22 states: "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."

2.7 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."

2.8 Business Policy 1 states: "The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan."

3.0 THE PROPOSAL
3.1 The application seeks approval for additional use of various building in the site and extend the opening hours from 7.30am till midnight. It should be noted that the applicants application have quoted the Use Classes from the 2012 Order, rather than the recently adopted Use Class Order 2019. As the application was submitted before the 2019 Order came into operation, it must be determined on the basis of the 2012 order, which set out the following Use Classes:

   o Class 2 Financial and professional services;
   o Class 3 Food and drink;
   o Class 4 Offices;
   o Class 5 Research and development, (excluding light industry); and
   o Class 6 Storage or distribution.

3.2 The following additional uses are proposed in the relevant buildings:

Main Film Studio Building
3.3 Current Uses - Sound Stage, Community, exhibition conference, events, meeting area and training centre. With the exception of the sound stage (filming), the remaining uses are condition to be at certain hours of the day and limits the days throughout the year such uses can occur (please see history section of this report to see conditions listed). It should be noted that some of the uses initially proposed have been omitted following concerns of the Department and permission was necessary required.

3.4 Proposed additional uses -
   Light industry and Research & Development (excluding light industrial); and

3.5 The applicants initially sought Food & Drink and Storage or distribution to be included. However, the department had concerns of the while Main film study being used as a restaurant and a Storage or distribution raise concerns (given the size of the building) that this may result in larger companies using the space and more likely to operate HGVs form the site, which has previously been refused. Accordingly, the applicants withdrawn these two requests. It should be noted the applicants only sought the Food & Drink use, not because they wished to operate a restaurant, but to serve food for their events. However, it is considered that the "events" uses which they already have permission for would include the
ability to people to eat food and drink (i.e. weddings, corporate events etc) and therefore doesn't need permission.

3.6 Building referred as "Babbages" which is to the north and attached to the main film studio building.

3.7 Current Uses - At ground floor level - Community, exhibition, conference, events, meeting area and training centre. Further small individual offices (current leased to small individual business) and the café/kitchen area (former canteen) which currently only serves employees on-site. At first floor level there are two rooms, one used as the original hair, make up and laundry and the second used as a conference, meeting area and training room.

3.6 Proposed additional uses - Food and drink, financial and professional services, offices at ground floor and at first floor financial and professional services and offices. The main difference is the applicants wish to be able to have non-workers on the site (i.e. members of the public) to visit the existing café that is currently located at the ground floor of the "Babbages" building.

Existing two storey office block with attached small sound stage/workshop.

3.6 Current Uses - At ground floor and first floor the office building is used as offices, varying in open plan and individual rooms which are used by the applicants own companies. The small sound stage/workshop building which is an open plan single floored building which can be used as a sound stage/workshop, but also as an exhibition, events, meeting and training room.

3.7 Proposed additional uses - For the current office building and the small sound stage/workshop building it is proposed for the following additional uses; financial and professional services, office, Research & Development, and Storage or distribution.

3.8 It is perhaps important to note the background of the applicants business 'ZipAddress Ltd', which is the holding company of the 'AFD Group' (AFD Software Ltd, AFD Design, Friends and Heroes Productions Ltd, Friends and Heroes LLC, Jellyfish One LLC, Bloom Media, Isansys Ltd and Spring Harvest Holidays Ltd). The company also owns, maintains and manages a variety of commercial and residential properties for use by Group companies and/or staff members within the IOM and the UK.

3.9 The applicant's website (Mountain View Innovation Centre - name of complex - https://www.mvic.im/) describes the aims of the site area:
"We're all about nurturing innovation at Mountain View - not only sharing physical space with fellow businesses, but providing a creative environment in which to turn good ideas into successful enterprises in a stimulating, supportive environment. We're also all about Community - the Community of the people who work here, but also the community in which we live - so our facilities are equally available to churches, charities and community groups. Whether you're a mall start-up business, need more space for growth, need a suite of offices in which to flourish - or just want to hold your meeting or event at Mountain View, why not join us." The companies are largely technology and media based.

3.10 The AFD Group relocated its existing technology business from Scotland to Ramsey in 1997, and has continued to grow since then. The company has occupied 3 sites in Ramsey as it has grown and expanded, and in 2016 gained planning approval to relocated to Mountain View where they have upgraded the site throughout (repaired buildings, upgraded car parks, access road, significant tree planting and landscaped, installed solar panels etc).

4.0 PLANNING HISTORY

4.1 There are a number of previous planning applications associated with this site; however, only the following are considered relevant in the determination of this application:
4.2 Alterations to existing sod bank to improve vehicular access visibility - 19/00122/B - APPROVED

4.3 Change of use of a sound recording studio to a childrens day nursery - 18/00206/C - APPROVED

4.4 Additional use of Film and Animation Studio and ancillary facilities as commercial offices for Technology Companies, and as Civic and Community Halls, Exhibition Halls, Conferences and Training Centres and upgrade of existing private road. - 14/01257/B - APPROVED subject to the following conditions:

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

Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. Within two months of the date of this decision a soft landscaping scheme is required to be submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works shall include planting to the south and west of the existing main film studio building. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings. Any trees or plants which within a period of five years from the occupation of the buildings die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 3. Within three months of the date of this decision the existing road, car park and hardstanding areas are required to be finished with either a Bitumen Macadam or Asphalt surface or similar as shown in the drawing within Appendix 6 and retained thereafter.

Reason: To improve the residential amenities of nearby properties and improve the visual amenities of the landscape.

C 4. The approval hereby given allows the existing Film Studio Workshop and Sound Stage Building (including the canteen building) currently used for the making and production of films to also be used for the following additional uses only:

Civic and Community Halls, Exhibition Halls, Conferences and Training Centres

Reason: In the interests of the residential amenity of the area.

C 5. No visitors/customers shall remain in the existing Film Workshop Building or the Film Studio building (including the canteen building) outside the following hours 0900hrs till 2230hrs. These times do not apply if the existing buildings are being used for the purposes of the making and/or production of films.

Reason: In the interests of the residential amenity of the area.

C 6. The approval hereby given only allows for the existing Film Studio Workshop and Sound Stage Building (including the canteen building) being occupied OPERATED for the additional uses listed in condition 4 for more than 8 days per month with a maximum duration of 5 consecutive days in a month for one event. Furthermore, only one activity may take place within these buildings at any one time, unless the activities are associated with each other.
These periods of use do not apply if the existing buildings are being used for the purposes of the making and/or production of films.

Reason: In the interests of the residential amenity of the area."

4.5 PA 11/01061/C - Change of use of existing film studios to warehousing/light industrial - Refused 20th September 2011 for the following reasons:

"R 1. The film studio development which currently occupies the site was originally allowed as an exception to policy in the late 1990s. It is considered that there is insufficient evidence to demonstrate that there is no longer a need for such facilities and as such, there is no justification for approval of a development which would otherwise be unacceptable on this site. The policy to permit development outwith those areas designated for development on the basis of the site being previously-developed (General Policy 3c of the Strategic Plan) requires existing use to be redundant. The Committee is not satisfied that this site is redundant for its originally intended purpose.

R 2. General Policy 3 and the definition of previously-developed land as set out in the Definitions and Glossary of Terms, requires development of such sites to "reduce the impact of the current situation on the landscape or the wider environment and where the development proposed would result in improvements to the landscape or wider environment." No improvements are proposed: it is not clear that the originally required landscaping scheme was implemented. The proposed use would at the very least perpetuate the large scale of the buildings and most likely increase the frequency of traffic to and from the site and possibly the scale and amount of traffic.

It is very likely that the width and construction of the access lane would have to be increased, this increasing the visual impact of the site as viewed from the A13 and the appearance of parked vehicles, particularly HGVs may well increase the visual impact of the site as viewed from further afield - from the Garey Road and the A3 TT course. The situation regarding car parking is not clear and it is likely that the existing area of hard standing would need to be increased, potentially encroaching into the flood risk area and increasing the potential for flood risk through increased rates of flow from larger areas of hard standing.

As such, it is not accepted that the development would satisfy General Policy 3 and as such there is no justification for the proposed development.

R 3. The residential property on the site (Baldromma Beg) has been sold off from the overall site use. As such, there would be a dwelling immediately adjacent - in fact in amongst a proposed industrial site and which would share the same access. The impacts of the proposed change of use on the amenities of the property are likely to be adverse - the increased level of traffic, the likelihood of heavier and larger vehicles and an increased level of activity and as such the proposed development is considered to be unneighbourly and unacceptable for this reason.

R 4. The visibility available to drivers emerging from the site onto the Jurby Road is not adequate for the proposed use which is likely to result in an increase in traffic using the access."

4.6 PA 02/02070/B - Amendments to previously approved film studio complex including car parking provisions, access drive, landscaping details and the siting of workshop and offices Status - Approved at Appeal 29th July 2004

4.7 PA 00/02206/B - Erection of film studio, workshops, toilet block and MEA substation - APPROVED
4.8 PA 99/01402/B - Erection of portal frame building to replace existing unit to be used for film purposes, Baldromma, Jurby Road, Lezayre - APPROVED

4.9 PA 97/01102/C - Change of use of two barns for film animation studio and associated workshops, Baldromma Farm, Jurby Road, Lezayre - APPROVED

4.10 PA 97/02051/B - Erection of sound recording studio at Baldromma Farm, Jurby Road, Lezayre - APPROVED

4.11 PA 97/02053/A - Approval in principle for erection of building for film studio, Baldromma Farm, Jurby Road, Lezayre - APPROVED

4.12 PA 98/01151/B - Construction of portal frame building for use as film studio and upgrading of existing buildings for ancillary use, Baldromma Farm, Jurby Road, Lezayre - REFUSED

4.13 PA 98/01606/B - Construction of portal frame building for use as film studio and upgrading of existing buildings for ancillary use, Baldromma Farm, Jurby Road, Lezayre - APPROVED

5.0 REPRESENTATIONS
5.1 Lezayre Parish Commissioners have recommended an approval (30.01.2020). They however, do not agree with allowing the use class 6 (Storage or Distribution) as this would bring more traffic, possibly larger vehicles to the site; note applicant's wish to extend hours of operation does this mean Condition 5 of the original approval (PA 14/01257/B) need to be changed and also will the courts have to issue a licence to midnight?; and will Condition 6 need to be looked at too?

5.2 Highway Services do not object (10.01.2020).

6.0 ASSESSMENT
6.1 It is considered there are a number of key issues which need to be considered when determining the application, these include; Principle of proposed additional uses on the site; potential impacts of neighbouring amenities; and potential highway safety issues.

Principle of proposed additional uses on the site

Main Film Studio Building
6.2 Current Uses - Sound Stage, Community, exhibition conference, events, meeting area and training centre.

6.3 Proposed additional Uses Research & Development (excluding light industrial). The applicants also wish to extent the opening hours from 0730hrs till 0000hrs. Currently the hours are 0900hrs till 2230hrs.

6.4 As outlined in par 3.5 of this report there was initial concern of the whole building being used for Food & Drink and Storage or Distribution. As it turned out the applicants didn't want a restaurant, just to be able to serve food at events. However, it is considered this could be undertaken under their existing permission. The concerns outlined by the Commissioners of the use of the building as Storage or Distribution is shared and the applicants have confirmed they no long seek permission for this use in this building. Accordingly, the only additional use is the use of the space for research and development. This raise no concerns. Additionally, extending the hours again raise no concerns. The fact no private objections have been received gives comfort that the existing uses of the site has not been causing concern.
Building referred as "Babbages"

6.5 Current Uses - At ground floor level - Community, exhibition, conference, events, meeting area and training centre. Further small individual offices (current leased to small individual business) and the café/kitchen area (former canteen) which currently only serves employees on-site. At first floor level there are two rooms, one used as the original hair, make up and laundry and the second used as a conference, meeting area and training room.

6.6 Proposed additional uses - Food and drink, financial and professional services, offices at ground floor and at first floor financial and professional services and offices. The main difference is the applicants wish to be able to have non-workers on the site (i.e. members of the public) to visit the existing café that is currently located at the ground floor of the "Babbages" building. The applicants also wish to extent the opening hours from 0730hrs till 0000hrs. Currently the hours are 0900hrs till 2230hrs.

6.7 At ground floor the main change would allow non-workers on the site to visit the café. There are also a number of small individual officers which are currently leased to companies (start-up). Currently these can only be used as offices for the business while the additional uses would allow financial services and professional services for these small business. Again no concerns are raised by the proposals and would give greater flexibility to the applicants, provide good quality space for new/small businesses and provided café facilities for not only the workers on the site, but also visitors and members of the public. Again the new hours raise no concern.

Existing two storey office block with attached small sound stage/workshop

6.8 Current Uses - At Ground floor and first floor the office building is used as offices, varying in open plan and individual rooms which are used by the applicants own companies. The small sound stage/workshop building which is an open plan single floored building which can be used as a sound stage/workshop, but also as an exhibition, events, meeting and training room.

6.9 Proposed additional uses - For the current office building and the small sound stage/workshop building it is proposed for the following additional uses; financial and professional services, office, Research & Development, and Storage or Distribution.

6.10 Perhaps, the only concern with the new uses is the Storage or Distribution, namely the use of the small sound stage/workshop building. In this case the concern is far less than if the Main Film studio was used, namely given the size difference. The small sound stage/workshop building is approximately the same size as a small industrial unit, which generally are served by smaller vehicles and vans, rather than HGVs. Accordingly, it is not likely that HGVs would operate from this unit. Again the new hours raise no concern.

6.11 Overall, it needs to be understood that if an application where received for a new building/s within the countryside for the current and proposed uses, it is very likely the Department would resists such a applications; given the majority should be within a town centre. However, the Former Film Studio site is unique on the IOM, which was granted permissions as an exception to help grow the film industry on the Island over 25years ago. Unfortunately, in recent times this demand significant reduced and while the site can still accommodate film making, it was accepted during the previous application (14/01257/B) that the amount of film making was not at a level to make the site sustainable. DfE (formerly DED) previously indicate that it is useful that a large sound stage remains available for filming hire, but the studio facilities would benefit from more flexible usage to ensure sustainability and therefor by diversifying the site, it will help protect and retain the studios and improve the condition of the entire site in the future. Therefore, while the existing and proposed uses would not normally allowed out of towns/settlements, the fact remains there are substantial buildings within a countryside location (albeit on the outskirts of Ramsey) and as previously
considered under the previous application (14/01257/B) that a more flexibility of uses on the site was acceptable, it is considered the additional flexibility for the new uses are also acceptable as is the additional hours

Potential highway safety issues
6.12 Since the original approval, the access to the site onto the main road have been improved to give a greater level of visibility. Further the speed levels have been reduced from derestricted to 40 or 50mph.

6.13 Highway Services have consider the proposed additional uses and have raise no objection.

6.14 Parking provision is provided via existing hardstanding (recently been improved with the laying of tarmac) throughout the site, generally around the buildings. There is space around the site, if additional parking was needed.

6.15 Overall, it is considered the proposals would be acceptable to highway safety to all road users.

Other matters
6.16 The Commissioners raise an issue with the previous attached Conditions 5 & 6. In relation to Condition 5 this relates to the opening hours, which as outlined in this report is considered acceptable and this approval would allow for the hours to be extended. A condition should be attached to any approval. In relation to Condition 6, this restricts the amount of Civic and Community Halls, Exhibition Halls, Conferences and Training Uses within the Film Studio Workshop and Sound Stage Building (including the canteen building); to no more than 8 days per month with a maximum duration of 5 consecutive days in a month for one event. Furthermore, only one activity may take place within these buildings at any one time, unless the activities are associated with each other. These periods of use do not apply if the existing buildings are being used for the purposes of the making and/or production of films. This application does not proposed to alter this. Should in the future the applicants which to extent the days when such uses could occur, they could make a further planning application to vary the condition. It should also be noted that the new proposed uses (2 Financial and professional services, Food & Drink, Offices, Research & Development & Storage and Distribution) are in the main not affected by Condition 6. It should also be noted that the allowance of the café within the Babbages building for use by members of the public is not is also not affected by the restrictions of Condition 6 as people using it would be classes as a café (Use Class 3) rather than one of the allocated events etc.

7.0 RECOMMENDATION
7.1 Overall, it is considered the proposed additional uses and additional hours of operation (namely for the events, training, conference uses) would be acceptable and would not have any significant impacts upon public or private amenities and therefore comply with the relevant planning policies referred to within the IOMSP. It is recommended for an approval.

8.0 INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4), the following persons are automatically interested persons:
(a) The applicant, or if there is one, the applicant's agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.
8.2 The decision maker must determine:
  o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
  o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.
Item 5.16
Proposal: Erection of a replacement detached dwelling, detached garage and wood store with associated landscaping, relocation of vehicular access and extension of residential curtilage to rear of dwelling

Site Address: Ellan Ash
Clenagh Road
Sandygate
Ramsey
Isle Of Man
IM7 3AE

Applicant: Mr David & Mrs Rebecca Griffin
Application No.: 20/00122/B- 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. 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 works a Habitat Management Agreement shall be submitted to and approved by the Department which demonstrates how the existing curtilage and the wildflower meadow within the new residential curtilage and adjacent field will enhance biodiversity and the development shall be undertaken in full accordance with this Agreement and maintained as such thereafter.

Reason: A reason why the application is considered acceptable is due to the overall environmental impacts and the improvement and enhancement of biodiversity throughout the site is one measure to achieve this.

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 which includes the provision of the visibility splays as shown on drawing 952-005, and all shall be retained thereafter.

Reason: In the interests of highway safety.

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

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.
C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 6. No development shall commence until a bat survey has been submitted to and approved in writing by the Department. The bat survey shall identify impacts on bat species together with mitigation, where appropriate, including a timetable for its implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the bats.

C 7. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new planting (including tree planting/hedgerow) showing, type, size and position of each. All planting, seeding or turving comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works include footpaths, hard surfacing materials and fencing along the southern garden of the new dwelling fronting onto the "Grass Access Track". The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

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

Reason for approval:
On balanced for the reason indicated within this report, it is considered the proposal would be acceptable, complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan.

Interested Person Status – Additional Persons

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 6(4):

IOM Natural History and 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; 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; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.
Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT PROPOSES A REPLACEMENT DWELLING THAT HAS A GREATER THAN 50% INCREASE IN FLOOR AREA OVER THE DWELLING TO BE REPLACED AND IS RECOMMENDED FOR APPROVAL

1.0 THE APPLICATION SITE
1.1 The application site is the residential curtilage of Ellan Ash, Clenagh Road, Sandygate located on the eastern side of the Clenagh Road, and south of the Sandygate crossroads. The site is access via an existing pedestrian entrance off the Clenagh Road. There is not vehicular access/off road parking spaces associated with this dwelling. There is a field gate to the southern boundary albeit this leads to overgrown gravelled areas at the rear of the site and the fields to the rear which are also within the applicant's ownership (8.5 acres). The area to the rear of the question appears in the past to have been used in parts for tipping of waste (not current applicants who have only recently purchased the site) and the land does not appear to have been used for agricultural purposes for a number of years. There is also a single storey outbuilding along the roadside boundary, two cabins/trailers and the area to the rear of the dwellings has areas of gravels hard standing, which in places have overgrown in the last few years.

1.2 Within the site there is the single storey dwelling which has traditional elements. It is currently unoccupied, but is habitable, albeit a poor state of repair and would need substantial renovation to be lived in to a reasonable standard. It has not lost its habitable status.

2.0 THE PROPOSAL
2.1 The application seeks approval of erection of a replacement detached dwelling, detached garage and wood store with associated landscaping, relocation of vehicular access and extension of residential curtilage to rear of dwelling.

2.2 The proposed replacement dwelling is in two clear elements, the first is a two storey traditional Manx farmhouse dwelling with three upper windows over a central doorway which is flanked by single windows either side at ground floor level. The basic footprint of the proposed dwelling measures 10 metres in width, a depth of 6.7m and a eaves height of 5m metres and a ridge height of 8.2 m. The proposed dwelling would be finished in painted render, a grey nature slate roof and dark grey aluminium windows. The second aspect is a single storey building which would be attached to the north-eastern corner of the new main dwellinghouse and runs in a easterly direction. This building is made up of two elements a flat roofed linked which leads to the larger pitched roof building. This building is finished in a dark green cladding and has the finishes and form in the main to appear as a more modern agricultural barn, albeit on a smaller scale.

2.3 A detached garage (similar finish and form to the single storey pitched roof extension mentioned above is located to the northern boundary of the site, opposite the main dwelling house with a new courtyard parking/turning area in between. This area is accessed via a new vehicular entrance which is off the Clenagh Road.

2.4 The existing front boundary in the main (hedgerow) is to be removed, to enable the required visibility splay. However, a brand new hedgerow is proposed along the entire roadside boundary of the site which also includes seven new trees. Two small trees are lost by the creation of the new access.

3.0 PLANNING HISTORY
3.1 Construction of front porch - 87/00451/B - APPROVED
4.0 PLANNING POLICY

4.1 The application site is within an area recognised as being an area which is not designated for development under the IOM Development Plan Order 1982. The site is not within a Conservation Area.

4.2 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 the planning application.

4.3 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."

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

4.5 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
(c) previously developed land which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
(e) location-dependent development in connection with the working of minerals or the provision of necessary services;
(f) building and engineering operations which are essential for the conduct of agriculture or forestry;
(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

4.6 Housing Policy 12 states: "The replacement of an existing dwelling in the countryside will generally be permitted unless:
(a) the existing building has lost its residential use by abandonment; or
(b) the existing dwelling is of architectural or historic interest and is capable of renovation.
In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:
(i) the structural condition of the building;
(ii) the period of non-residential use(2) or non-use in excess of ten years;
(iii) evidence of intervening use; and
(iv) evidence of intention, or otherwise, to abandon."
4.7 Housing Policy 14 states: "Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area, which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, 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.

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."

5.0 REPRESENTATIONS

5.1 Jurby Parish Commissioners raise no objection commenting (17.03.2020): "no objection, they consider that the proposal to place the existing small cottage with a more enhanced dwelling would be an enhancement to the area."

5.2 The Department of Infrastructure Highways Services have no objections to the principle; however, this is conditional upon the existing access servicing the original house being permanently block up (18.03.2020).

5.3 The Ecosystem Policy Officer (DEFA) comments that the proposals for ecological enhancements within the site and surrounding curtilage is great to hear that thought has been put into the creation of habitats, natural corridors for wildlife corridors for wildlife and the inclusion of nest boxes for the benefits of birds, and it will be wonderful to see this area becoming much more valuable for wildlife. One area that needs to be considered is the potential for bats within the building to be demolished. A bat survey should be undertaken as they are protected under the Wildlife Act and it is an offence to kill, injury or damage bats shelter. There is also potential for birds to nest in vegetation within the site and again birds their nests are protected also. Birds nest between February and late August or late September and checks for nests/birds should be undertaken before any works and if found advice from the Ecosystem Policy Team should be sought (12.03.2020).

5.4 IOM Natural History and Antiquarian Society comments that they note that the original dwelling has been altered and therefore is not the most representative of vernacular/traditional dwellings; however, proposal should still be considered against HP12 and accordingly, a structural survey should be submitted to justify it demolition; the currently dwelling fronts the road while new dwelling gable end faces the road which result in a very bland and unattractive feature of the redevelopment of the site; the society does not feel that the total scheme proposed is justified or will integrate well into the countryside and therefore object to the application (04.03.2020).

6.0 ASSESSMENT

6.1 Under the provisions of General Policy 3 and Housing Policy 4 of the Isle of Man Strategic Plan 2007 the erection of a replacement dwelling on a one for one basis is an accepted exception to the general presumption against development within the countryside. Whilst the existing dwelling is in poor condition it is considered the dwelling has been occupied in the last 10 years as a dwelling and therefore still retains its full habitable status and therefore also accords with Housing Policy 12. The second aspect of HP 12 indicates that; "the existing dwelling is of architectural or historic interest and is capable of renovation". The existing dwelling has lost a number of traditional features/poor alterations; these include
enlarged windows from vertical proportion to square portions, installation of an uPVC porch to front elevation, rear extension again with inappropriate window proportions. The applicants comment that the dwelling now appears more like a bungalow rather than a cottage in appearance. They also comment that the cost of renovating and modernising of the existing dwelling relative to its scale would be uneconomically viable. While no figures have been included to support this argument and it could be argued that the property is capable of renovation; albeit the question needs ot be add whether it is of a "architectural or historic interest" also. It is noted visiting the site that significant works/costs would likely be required to make the dwelling to a reasonable standard and to make the property more energy efficient which would also require additional cost, albeit not to as level a new build could achieve. If it were, it is not considered the dwelling is of a significant "architectural or historic interest", it is a common style; albeit there are better examples of Manx cottages throughout the IOM (which should be retained), but not of a quality which is considered essential to retain. Accordingly, one must ask whether the retention is key and when considering the proposal against HP12, it is perhaps important to consider if there are any benefits of the new dwelling, which would perhaps overcome any potential concerns of HP12. In terms of the principle the Department is comfortable that there is no real architectural or historic interest. Whether the dwelling could be converted is perhaps open for interpretation.

6.2 The second Policy to consider is Housing Policy 14 which raises a number of issues that need to be taken into account. In terms of siting approximately ¼ of the new dwelling would sit on the existing footprint, the rest of the new footprint extending further inwards of the site away from the Clenagh Road. The dwelling would also be re-orientated 90 degrees, so that the western gable end elevation of the two storey aspect of the dwelling would face towards the road. This elevation (closets aspect of new dwelling to road) would be 7m away from the road, compared to the existing dwelling which closest aspect is 1.5m to the road. In terms of the new siting, the principle does not raise any concern.

6.3 The application does propose to increase the residential curtilage of the site; albeit there could be argument that it does not. In 1987 the planning application showed the curtilage of the site having a depth of 18m (575sqm in area) measured back from road; however, in recent times (visiting site and aerial photograph) it does appear this has been extended, with the installation of hardstanding and fencing. Currently, fencing is partially in place along the rear boundary of the new proposed curtilage which extends 32m back from the road (1200sqm) and this area clears appears to have been used as part of the curtilage of the use of the dwelling. It is noted on Google Street View (taken in 2010) that the previous owner appeared to be operated a seafood business form the site which included a number of crab/lobster baskets / trailers/cabins within the rear section of the site, which is proposed to be the new curtilage. There is also hardstanding through this area. Clearly therefore the rear aspect has not been used for agricultural purposes but rather as uses associated with the dwelling/business run from dwelling. There is also evidence of tipping in this area and the field beyond. The applicants where advised during pre-application stage that in the interest of clarity they should seek to extend the residential curtilage; albeit there are argument that the use of this section of the land may have become lawful for other uses.

6.4 In terms of both the siting and the extension of the curtilage, the main issue is whether by undertaking such development whether this has an adverse visual impact upon the countryside. This will be considered latter in this report.

6.5 In relation to the size of the new dwelling, this would be much greater than the existing. The proposed dwelling is greater than the 50% referred to within the policy. This proposal would equate to a 245% increase (proposed floor area 259sqm & existing floor area 75sqm). However, this is not automatic reason for refusal of the planning application as Housing Policy 14 goes onto to state that consideration may be given to larger dwellings 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. In
this instance the existing dwelling is in very poor condition; however, this is not a reason for it to be considered "poor form". The property as outlined previously in this report, has been unsympathetically altered and/or extended over time, and this certainly reduces its original character. It does however retain its original form i.e. pitched roof with gable end chimneys at either end, so when passing the site it does have its original traditional form; however, only on closer inspect does this reduce. It is considered the existing in some elements is not of poor form, while other aspects it is. However, what can be concluded is the new two storey dwelling would have a more traditional character. There is of course the single storey element of the proposal which is more innovative design, however, the main element of the dwelling is of a traditional element and the element most apparent form pubic views.

6.6 In terms of the visual impact and whether "by its design or siting, there would be less visual impact"; it is difficult to argue it has "less visual impact" given the amount of development contained within the site. Having said this, there is the potential the visual impact of the works from some aspects could be reduced, namely when travelling from the north or south along the Clenagh Road. The setting back of the dwelling into the site helps and with mature trees and mature roadside hedgerows to the northern and southern boundary of the sites would reduce the impact of the dwelling further. When passing the site it would be difficult to argue it would have less visual impact, albeit with the amount of roadside landscaping proposed (hedgerows and tree planting), in the near future would help reduce the visual appearance of the dwelling, garaging and courtyard area. Again it should be noted that the roadside boundaries to the north and south of the site which are made up with substantial hedgerows/trees/bushes would potential hid the majority of dwelling from pubic views.

6.7 In terms of comments received that having a gable end facing the road would have a "very bland and unattractive feature"; this is not agreed. The neighbouring property to the south of this site has the same design and this does not have an unacceptable feature along this section of the street scene. In fact this arrangement is a very common throughout the IOM and therefore the proposed orientation with gable facing the road does not raise a concern.

6.8 Arguably, it is considered that the proposal could be consider to comply with some aspect of HP14, but not with others. It is consider the main element of the dwelling would be of a more traditional character than the existing and comply with HP14. The single storey element of the new dwelling has a more contemporary style; albeit the use of green corrugated cladding (found on agricultural barns) adds significant interest and arguable is better than just a normal painted render extension, which arguably would be more "traditional". However, HP 14 does allow buildings of "innovative, modern design where this is of high quality, and would not result in adverse visual impact; designs". Arguable this proposal falls within "traditional and innovative, modern design" in some elements and traditional in others. It is considered this approach should be supported and encouraged.

6.9 However, it is important to consider the site and partially the character and size of dwellings in the area, especially along Clenagh Road. There are a number of properties in the area and this dwelling would be not appear out of place with these along Clenagh Road, especially given the size of the site and context which it sits. The main element viewable from pubic views (when passing site) would be the upper section of the two storey element of the traditional dwelling, which would fit well with the majority of properties which have a similar appearance.

6.10 An additional consideration is the ecology and environmental benefits of the new scheme. Recently the Department refused (contrary to EP1, GP3 & HP14) an application (19/00182/B) for a replacement dwelling due to the siting of the new dwelling not being on the original footprint and also given a new and much larger residential curtilage was also being proposed. This was appealed by the applicant's where the Planning Inspector
recommend an approval, which was subsequently agreed by the Minister. In reserving the decision the Inspector stated:

"28. With regard to whether or not the proposal constitutes an overall environmental improvement, the PA takes the view that the improvements simply relate to a better house on a larger site and that these are for the convenience of the appellant and her family. Again, at first sight, that stance is understandable considering the significant difference in size of the two sites. The PA considers, that the differences of siting and size do not result in an overall environmental improvement and, therefore that the proposal is contrary to policy HP14.

29. On behalf of the appellant it is argued that there would be significant overall environmental improvements. These range from the reduced carbon footprint of the new dwelling against that of the cottage, through to landscaping the site; the formation of the new Sod bank; the creation of a natural habitat corridor between the ‘dubs’; returning the existing cottage land to agricultural use; the introduction of a bio-disk treatment plant; the natural management of the two ‘dubs’; the thinning out of dense undergrowth and the transformation of the existing garden into a wildlife site."

6.11 The Inspector (and Minister) accepted this line of argument and that "overall environmental improvements" did not just related to the visual impact upon the environment which the Department had initial concerns, but also other environmental implications i.e. wildlife/habitats/carbon footprint/energy efficiency etc.

6.12 In this case the applicants comments that they are proposing solar power heating and energy with the installation of solar panels on the garage roof; thermal insulation will greatly exceed current Building Regulations standards; management of existing and proposed trees; planting of wildflower gardens; Swift nesting boxes installed; management of existing agricultural land to rear of site to become a valuable wildlife habitat (they have been in discussion already with Manx Wildlife Trust to advise); replacement of existing septic tank with new sewerage system to reduce impacts on water course (Lhen Trench is adjacent to site and near existing tank); and solar powered vehicle charging points will be installed within garage. These works have been full supported by the Ecosystem Policy Manger (DEFA - see comments section). The applicant's ambitions are to ensure this proposal will be carbon neutral and will enhance the environment and be of benefits to wildlife.

6.13 With regard to comments made from Highway Services, it is noted the existing entrance is proposed to be retained. This access does not serve the dwelling but rather the fields to the rear. It is also proposed to erect fence along the southern part of the site which runs along the existing lane which links the existing field gate access to the fields to the rear. Accordingly, this field's gate access would not be used by the occupants of the new dwelling and it is therefore not required to be blocked up. Discussions with the applicants they have stated:

"The entrance will not be used in connection with the new dwelling, but it will have to remain a right of way to the fields while its disputed. In the plans we purposely separated the dwelling from that entrance in case a right of way was ever upheld."

Also

"Should the claim for right of way not be upheld / fail, then access to the remaining the land in the ownership of the applicant would be via the existing field access further north towards Sandygate."

6.14 However, given this existing field access would not serve the new dwelling (doesn't appear to be used for existing dwelling either as evidence on Google Street View that parking
was half on verge and half on the road to front of site) it is not consider it clocking up is required in this case.

7.0 CONCLUSION
7.1 In conclusion, due to the size increase of the proposed dwelling, it cannot be ignored that the proposal is an increase in size over that of the existing and complies with some elements of HP14 and not totally with other aspects. Therefore the application could be refused on this ground. However, for the reasons indicated within paragraphs 6.5 to 6.9 of this report, it is considered the proposal would not harm the character or appearance of the site or landscape of the area. This is important as the requirements of Environment Policy 1 indicate that the countryside should be protect for its own sake and that development that would harm the character and quality of the landscape should not be allowed. From these policies Housing Policy 14 was introduced to help control the re-development of existing sites in the countryside. The pre-amble of HP14 indicates that; "It is important that replacement dwellings should relate closely to the buildings they replace in terms of siting and size, that the resulting visual impact is appropriate for the countryside...". Accordingly, whilst in this case it could be argued the proposal may not fully comply with the wording of HP14, the resulting development would not harm the character and quality of the landscape which is according to the most important consideration; a point the Jurby Commissions make. It is considered the resulting development would result in a well-designed and high quality development which should be supported and encouraged, especially as the visual impacts are not considered significant.

7.2 There are also clear ecology and environmental benefits and with the proposal, given the applicants are proposing to undertaken a number of environmental improvements within the site (see par 6.12) which would fully comply with EP1.

7.3 On balanced for the reason indicated within this report, it is considered the proposal would be acceptable, complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan. It is recommended that the application be approved.

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.
Item 5.17

Proposal: Alterations and erection of 3 storey rear extension, rear access and additional residential use

Site Address: 44 Bucks Road
Douglas
Isle Of Man
IM1 3AD

Applicant: Cannell Print Limited
Application No.: 20/00241/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 application is considered to comply with General Policy 2, Housing Policy 17 of the Strategic Plan and the Residential Design Guide.

Interested Person Status – Additional Persons

None

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 is the commercial curtilage of 44 Bucks Road, Douglas, a two-storey mid-terrace dwelling located at the east of the Buck Road close to the junction with Albert Street.

1.2 At the rear of the property there is a single-storey workshop. The south half has a wooden door and a mono-pitched roof. The north half has a brick wall with paint and a flat roof.

1.3 The building is currently vacant. It was used as an art gallery and dealer. On the ground floor, there is a sales area. On the first floor, there are two offices and a kitchen and a toilet.
1.4 The back alley has a focal point of 42 Bucks Road, its light blue two-storey extension, followed by a variety of rear elevations, including walls, single/two-storey and three-storey extension, etc.

2.0 THE PROPOSAL
2.1 The proposed work is the alteration and erection of three-storey rear extension, rear access and additional residential use.

2.2 The proposed extension is going to have the following features:
- approx. 5.4m wide and projecting approx. 9.7m from the rear elevation;
- A flat roof with glass fibre roof covering;
- approx. 8.2m in height, the top is in line with the eaves of the main building; and
- The elevations will be finished in a smooth render.

2.3 The proposed extension is going to have the following details:
- A garage door and an entrance door on the rear and side elevation of the extension;
- A double-hung casement window and a top-hung casement window on the mezzanine floor;
- Two casement window on the first floor.

2.3 The proposed south half of the ground floor would project approx. 6m from the rear elevation.

2.4 The ground floor of the main building is going to remain as a sales area. The ground floor of the extension will have a garage/workshop, a toilet, a bin storage area and a staircase that links all levels of the extension. The mezzanine floor of the extension will have an office. The first floor of the main building is going to have two bedrooms and a bathroom. The first floor of the extension will have a kitchen/dining/lounge area and a toilet.

2.5 The extension and the main building will be connecting on the north side on the ground floor and the mezzanine floor. It will connect with the main building on the south side on the first floor.

3.0 PLANNING HISTORY
3.1 46 Buck Road was approved to change the rear part use from office to residential under PA 19/01189/B.

3.2 42 Buck Roads was approved retrospectively to include residential use along with retail use under PA 19/00979/C.

3.3 50 Buck Roads was approved to the erection of extension to rear elevation and conversion of upper floors into two apartments under PA 15/00370/B.

4.0 PLANNING POLICY
4.1 In terms of local policy, the site lies within an area designated as Predominantly Residential Use in the Douglas Local Plan 1998. The proposed use is consistent with this land use designation. The rear of the property is on the boundary of Windsor Road Conservation Area.

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

4.3 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:
(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;
(g) does not affect adversely the amenity of local residents or the character of the locality".

4.4 Environment Policy 36:
"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."

4.5 "8.12.1 Extensions to Dwellings in built-up areas or sites designated for residential use:
As a general policy, in built-up areas not controlled by Conservation Area or Registered Building policies, there will be a general presumption in favour of extensions to an existing property where such extensions would not have an adverse impact on either adjacent property or the surrounding area in general."

4.6 Housing Policy 17:
"The conversion of buildings into flats will generally be permitted in residential areas provided that:
(a) adequate space can be provided for clothes-drying, refuse storage, general amenity, and if practical, car-parking;
(b) the flats created will have a pleasant clear outlook, particularly from the principal rooms and
(c) if possible, this involves the creation of parking on site or as part of an overall traffic management strategy for the area."

4.7 Residential Design Guidance (July 2019) provides advice on the design of new houses and extensions to an existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential property.

4.8 RDG 4.3 Two Storey Rear Extension sets out some key considerations. These include the impact on the amenities of those in neighbouring properties such as loss of light and/or overbearing. These impacts can be regulated by designing with the right depth (projection) and location. The section also specifically mentioned that the 45-degree line should be used to determine the impact on neighbouring properties.

4.9 RDG 5 sets out key considerations regarding architectural details. These include window details and external finishing. The general idea is that the extension should have a similar style with the main dwelling for a coherent appearance unless the clash between modern and traditional design can be handled with elegance.

4.10 RDG 7 sets out key considerations regarding the impact on neighbouring properties. These include the potential loss of light/overshadowing, overbearing impact upon outlook and overlooking resulting in a loss of privacy.

5.0 REPRESENTATION
5.1 Douglas Borough Council has no objection on this application (18/03/2020).

5.2 DoI Highway Services do not oppose this application (19/03/2020).

6.0 ASSESSMENT
6.1 The main concerns for this application are its impact on the character of the area and its impact on the amenities of the residents and the neighbours.

6.2 The extension is at the rear of the property. The rear lane is characterised by rear outlets of varying size and appearance and what is proposed will not be out of keeping with these. The visibility of the proposed extension is limited from Albert Street by existing rear annexes at numbers 42 and it will not extend out as far as that at number 54 so will have that as a partial backdrop. As such, it is considered that the proposal is acceptable in terms of the impact on the street scene.

6.3 The rear of the property is the boundary of Windsor Road Conservation Area. In this case, it would not be seen when coming into the Windsor Road Conservation Area from Sydney Mount on to Albert Street, which is a one-way street. However, as pedestrians walking from Albert Street onto Sydney Mount (out of the Conservation Area), the extension will be clearly visible. As a back alley, the street scene is a mix of structures with the visual focal point being 42 Bucks Road. The extension is no worse or better than the existing street scene in terms of design so there is no detrimental effect to the views out of the Conservation Area.

6.4 The proposal will retain the two existing parking. If the occupants work in Douglas then this may not work so well for them, but it is also likely that if they live in Douglas they may choose not to have a car. It is considered that the proposal will not harm highway safety.

6.5 Whilst the property looks out over a rear lane, there is perhaps more space available at the rear due to the position of the lane between Albert and Mona Streets. The light and outlook available are therefore considered acceptable. There is a separate bin store within the site, which is not on public display nor passed on the way into the flats. Whilst there is not a great deal of space for amenity purposes, it is not unusual to many other blocks of flats where the rear yard has been given over to car parking. It is considered that the outlook and amenities available to the flats are acceptable.

7.0 CONCLUSION

7.1 The proposal is considered to comply with General Policy 2 of the Strategic Plan and Residential Design Guide Section 4, 5 and 7. Therefore, it is recommended for approval.

8.0 INTEREST 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 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.

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
whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.18
Proposal: Additional use of residence as a photography studio
Site Address: 13 Ballaughton Park
Douglas
Isle Of Man
IM2 1LA
Applicant: Amore Du Plessis
Application No.: 20/00292/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The use hereby approved shall only be undertaken between 9:00 to 18:00.
The use shall not be undertaken at any time on Public Holidays.
Reason: To ensure that the development is undertaken in accordance with the application details and in the interest of protecting neighbouring living conditions.

C 3. The area of the building to be used for photography studio shall be limited to that shown on the floor plans forming part of the application and the use hereby permitted shall not extend into any other part of the premises.
Reason: To minimise the disturbance to adjacent residential occupiers and to protect the residential character of the locality.

C 4. The use hereby approved shall only be for the benefit of the applicant while they are resident at 13 Ballaughton Park, Douglas and no staff may be employed and/or work at the premises.
Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 5. The driveway and access shall be kept available and unobstructed for parking at all times.
Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

Reason for approval:
This application is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE
1.1 The application site is the residential curtilage of 13 Ballaughton Park, Douglas, a three-storey mid-terrace property located on the southeast corner of Ballaughton Park.

2.0 THE PROPOSAL
2.1 The proposed work is the additional use of the residence (3.3) as a photography studio (1.2).

2.2 The applicants state that the studio would only take 1-2 customers a week and only operate between 9:00 and 18:00.

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

4.0 PLANNING POLICY
4.1 In terms of local policy, the site lies within an area designated as Predominantly Residential Use in the Douglas Local Plan 1998.

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

4.3 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:
(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;
(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;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;".

4.4 Business Policy 10:
"Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas."
4.5 Transport Policy 7:
"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

4.6 Appendix 7.6 states that for neighbourhood shops space for staff, customers and service vehicles will be required. For assembly and leisure site, there should be 1 space per 15 square metres gross floor space.

5.0 REPRESENTATION
5.1 Douglas Borough Council has no objection on this application (24/03/2020).

5.2 DoI Highway Services does not oppose this application (01/04/2020).

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of the planning application is the principle of the additional use and the potential impacts of the proposal on the wider amenity.

THE PRINCIPLE OF OPERATING A BUSINESS FROM THE SITE
6.2 When looking at the principle of the additional use it should be acknowledged that permission has been approved and refused for the operation of businesses from a residential property, throughout the Island.

6.3 The use class for a photography studio can vary from being a professional service (1.2) or an office (2.1). In this case, the studio is appropriate if put in a shopping centre so the class here will be determined as a professional service (class 1.2).

6.4 13 Ballaughton Park is within a site designated for 'predominately residential use'. As such, the proposal could be seen as contrary to the land use designation. However, the application site will remain as a dwellinghouse in its majority. The proposed use is connected to the ancillary use of the dwelling and not a use in its own right over the existing use. There is also no external physical alteration proposed to the property, so there will be no visual impact in General Policy 2 of the Isle of Man Strategic Plan 2016 based on the small-scale of its use.

6.5 It should be noted that although 13 Ballaughton Park is not close to a town centre or commercial area, the impact of the proposed change of use is often run with an appointment-based system and it's unlikely to draw away trade from the town or village centre by a materially harmful level.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES
6.6 The main concerns for this application relate to the impact upon on-street parking provisions and noise & general disturbances though people coming and going from the site. The applicants are the full-time occupants of the property, living within the other rooms within the property and will be the only people working from this address. The supporting information with the application indicates that the business is to operate seven days a week and will take clients between 9:00 and 18:00, with a typical client spent about 4 hours within the property and only 1-2 client a within a week.

6.7 In terms of neighbouring properties, due to the nature of the business, with only a single client at a time and no noisy activities being carried out, it is considered unlikely that there will be a significant impact on the neighbouring properties.

6.8 There could be concerns about the additional traffic and the parking available on site. The property has one parking space in front and use of a second space elsewhere on the
estate (the latter being the one which the owner users). This means one space could be made available for customers. It is noted that DOI Highways have not objected. Whilst the traffic relates to the property is likely to increase above the existing, the additional traffic is hard to differentiate from that of a general household with frequent visitors, and therefore it is unlikely that the business would be significantly more disruptive than normal domestic activities that would otherwise be acceptable in a dwelling.

6.9 On balance, the proposal is considered to have provided with sufficient parking and thus not expected to result in any adverse highway safety impacts on the area. However, it is considered necessary to include a condition ensuring that the driveway is made available and unobstructed for the parking of vehicles at all times.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for approval.

8.0 INTEREST 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 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.

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.
Item 5.19
Proposal: Erection of an agricultural storage building
Site Address: Field 420849
Glen Road
Colby
Isle Of Man
IM9 4HW
Applicant: Mr Matthew Costain
Application No.: 20/00342/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. Prior to construction works commencing on the building itself, the proposed works on the Manx stone wall to improve visibility, shown on drawing no 1849 - 02 dated 18/03/2020, shall be implemented and the visibility splays shall remain unobstructed at a height of 1.05m thereafter.
Reason: In the interest of highway safety

C 3. The agricultural building hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for agricultural or equestrian purposes.
Reason: The building has been exceptionally approved solely to meet agricultural need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The building may only be used as an Agricultural or Equestrian Storage Building.
Reason: The countryside is protected from development and an exception is being made on the basis of an Agricultural (and potential Equestrian) Storage need only. As such the building may be used only for the purposes for which it is approved.

C 5. No development shall be commenced until a hard and soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include [numbers, density, size, species and positions of all new trees and shrubs]; the location of grassed areas details of the hard surface treatment of the open parts of the site and a programme of implementation.
All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Department. 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. All hard landscape works shall be permanently retained in accordance with the approved details.

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

C 6. The dimensions for the roller shutter door on the Proposed South Elevation annotated as 3000 wide and 4000 high on Drawing No. 1842-03 is 3000 wide and 3000 high on the scaled dimension and as such the approved dimension is the scaled dimension (3m x 3m) and not the annotated dimension (3m x 4m).

Reason: to clarify the extent of the approval due to inconsistent plans.

Reason for approval:
The application is considered to accord with General Policy 3, Environment Policy 1 and Environment Policy 15 of the Strategic Plan and is supported.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THERE IS AN OBJECTION FROM THE LOCAL AUTHORITY AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The site represents the curtilage of Field 420849 situated on the eastern side of the A27 (Glen Road), Colby and south west of the Water Treatment Works. The land which is served by a single track field access which is situated on the south-west end of the site and directly opposite Avistine, the property situated on the eastern side of the A27 has a boundary wall made of Manx stone that runs along the entire length of this boundary. Along with the land defined in red that is 2.5 acres, additional land situated north of the site is defined in blue, indicating that it is within the ownership or control of the applicant, extending the field acreage within the control of the applicants.

1.2 This site is surrounded by agricultural fields with one of the fields at the southern boundary having a large agricultural building (a stable building) which was approved in 2016. This building is concealed from the highway by a thick line of vegetation of the western and northern boundaries.

THE PROPOSAL

2.1 Proposed is the erection of an agricultural storage building alongside the south-western boundary of the site together with the reduction of the height of the boundary wall on the right of the site access to Glen Road to 1050mm to improve visibility from the site.
The agricultural building will be of portal frame steelwork construction with a 3mx 4m roller shutter door on the south elevation and a 1.8m x 2.4m timber door on the east elevation. There are no windows on the elevations, although eight 1m wide rooflights will be installed on the roof pane (four on each pane). The building will be 4.8m high at the roof ridge, 3.9m high at the eaves, 6.7m wide and 12.6m long. The walls will be clad in dark green coloured corrugated plastisol coated steel sheeting. All other features will be coloured dark green to ensure the building blends into the landscape.

The building will be situated 15m west of the site entrance and the track from the road to and be set 5m from the existing Manx stone wall on the western boundary of the site.

The applicant has provided supporting information as justification for the proposed development within the application site which is as follows:

i. The acreage of the field adjacent which will also be served by the agricultural storage building - 4.6 acres (424937 field no.)
ii. This Agricultural Shed will replace the existing out-building on Ballachrink Farm, as currently there is planning in place to convert our existing out-building/barn into general storage units, (20/00403/B).
iii. Consequently, we require this new agricultural shed for the purpose of the storage of farming equipment - For example - Farm Tractor, Grass Topper, Digger, Quad Bike.
iv. This farming equipment will need to be used to maintain the farm land, so by keeping the shed/farming equipment close to the farm for ease of access, and in the best condition, it will need the appropriate protection and storage.
v. If you please refer to the south elevation drawing, and to the size of the doors, this has been designed to be able to accommodate the future possibility of keeping horses on said field.

PLANNING POLICY
3.1 The site lies within an area on the Area Plan for the South (2013) Map 6 which is not designated for development. 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 application;

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

a) essential housing for agricultural workers who have to live close to their place of work (Housing Policies 7, 8, 9 and 10)
b) conversion of redundant rural buildings which are of architectural, historical, or social value and interest (Housing Policy 11)
c) previously developed land which contains a significant amount of buildings where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environmental and where the development proposed would result in improvements to the landscape or wider environment
d) the replacement of existing rural dwellings (Housing Policies 12, 13 and 14)
e) location-dependant development in connection with the working of minerals or the provision of necessary services;
f) building and engineering operations which are essential for the conduct of agriculture or forestry
g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative and
h) buildings or works required for interpretation of the countryside, its wildlife or heritage".

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

3.4 Environment Policy 15:
"Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they form a part.

Only in exceptional circumstances will buildings be permitted in exposed or isolated areas or close to public highways and in all such cases will be subject to appropriate landscaping. The nature and materials of construction must also be appropriate to the purposes for which is it intended.

Where new agricultural buildings are proposed next to or close to existing residential properties care must be taken to ensure that there is no unacceptable adverse impact through any activity, although it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape".

PLANNING HISTORY
4.1 The application site has not been the subject of any previous planning application and as such there are no previous planning applications that are considered specifically material to the assessment of this current planning application.

REPRESENTATIONS
5.1 Highway Services indicate that they do not oppose the application with the following comments in a letter dated 24 April 2020:

The proposal is acceptable in highway terms on the proposed lowering of the boundary wall to 1.05m that would greatly improve lines of sight from the existing gated field access. There may be a slight increase in movements to and from the field, but these are unlikely to have a material negative impact on highway efficiency and are not expected to cause a significant adverse road safety issue.

5.2 The Arbory Parish Commissioners have made the following comments regarding the application in a letter dated 23 April 2020:

The Commissioners were concerned to note that two applications before them (20/00205/B and 20/00342/B) were for agricultural sheds but neither application appeared to give sufficient justification to warrant their approval. Due to the limited information presented in both of these applications, the lack of any independent verification of agricultural need and lack of information regarding the acreage of agricultural land the barns were required to support, the Commissioners felt unable to assess either proposal with any certainty and so could not support them. The Commissioners would expect to see much more information regarding the agricultural justification for these applications before they could be properly considered.
Further to the applicant providing additional information as justification for the proposed development the Arbory Parish Commissioners have made the following additional comments in a letter dated 24 June 2020:

The Commissioners felt that there remained insufficient agricultural justification to warrant development in the countryside as proposed in 20/00342/B. The relatively small acreage available set next to the size of barn proposed seemed to the commissioners not to be sufficient to justify the development. Further, the Commissioners would have expected to see a report from an agricultural consultant providing an explanation of the agricultural operation proposed and a justification for the barn. As none of this is available the Commissioners cannot support this application.

ASSESSMENT

6.1 The key issues to consider when assessing applications such as this are the principle of the development and the impact the development will have on the character of the countryside, and the highway safety impact of the proposed works. It is not considered that the proposal would have any impact on the living conditions of those in nearby dwellings due to the distance therefrom; 20m to the eastern outbuilding at Avistine and 26m from Thie-Ny Chibbyr, and the existing roadside vegetation that lines both sides of the highway.

6.2 The principle of the erection of agricultural storage building

6.2.1 As with any countryside development, there is a presumption against any which would adversely impact the countryside. With this development proposal, which is within the countryside, it must be established if there is sufficient need for the building.

6.2.2 The applicant has demonstrated in their supporting information showing the various uses of the proposed building which falls within the acceptable use for storage buildings setup in support of agriculture. This submission also indicates that the proposed building will support the maintenance of the field and livestock on the farm. As such, it is considered that the proposal accords with the guidelines stipulated in GP 3 of the Strategic Plan.

6.2.3 Whilst the Arbory Parish Commissioners stated that they would require further information in order to determine their support for the application, it is considered that the information which has been provided as additional information is sufficient to justify the need for a building with a footprint of 85sqm to support 7.1 acres of agricultural field and equestrian activities on the farm. Moreover, locating the new agricultural building in close proximity to the fields it serves would be an improvement on the location of the existing agricultural storage building which is further away and not adequately enclosed for the proposed use. It is equally legitimate to require buildings or structures needed in association with these uses. As such, the agricultural need for the new building is therefore accepted.

6.3 Assessment of Equestrian use

6.3.1 With regard to the additional use of the building for equestrian use, the presumption against equestrian development in the countryside, as stated in Environment Policy 19 and 21 is a key consideration. The equestrian policies, Environmental Policies 19-21 refer to the loss of amenity, the loss of high quality agricultural land, impact to the local highway network and impact on the character and appearance of the countryside.

6.3.2 The area of land that will directly be effected by the development i.e. its footprint, is considered not to be high quality agricultural land as shown on the Agricultural Land Use Capability Map of the Isle of Man (the land is within Class 3/4). The other factors are discussed in the broad assessment of the proposal which indicates the building meets the required criteria set out in the aforementioned policies.

6.4 Impact on the character of the countryside
6.4.1 The new building would be sited to fit within an area of agricultural fields, although it would be noticeable from the surrounding highways. However, its green cladding would ensure that it completely blends into the landscape and surrounding treeline. The building will also be sited relatively close to the building group within the locality (about 20m) and agricultural building located south of the proposed building (26m), and will have no adverse visual impact from its proposed location. In this respect, it is considered that the building would fit within the existing layout of the farm and would not appear out of place.

6.4.2 It is also considered that the agricultural buildings are generally to be found in rural areas and in this case, it is close to existing agricultural fields and associated buildings which form part of the open countryside. No further impact on the surrounding countryside is envisaged.

6.5 Highway safety impact
6.5.1 The propose change to the existing boundary wall will ensure there is better visibility for vehicles exiting the site. As such, it is not considered that the location of the site entrance will have any significant or adverse impact on highway safety. It is also noted that the level of activity on the local highway network as a result of this development will be relatively low as the farm equipment will be kept on site and not transported from another site; thereby diminishing any impact the proposed development would have on the nearby highway. Highway Services have indicated that the proposed access will be acceptable in highway safety terms and the Department has no reason to disagree with that recommendation.

RECOMMENDATION
7.1 Overall, it is concluded that the planning application is in accordance with aforementioned General Policies of the Isle of Man Strategic Plan 2016 and is recommended for approval.

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

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

8.2 The decision maker must determine:

o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.20
Proposal: Additional use of residence as beauty therapy business
Site Address: 54 Maple Avenue
Onchan
Isle Of Man
IM3 3JT
Applicant: Michelle & Sian Shelley
Application No.: 20/00378/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

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

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

C 2. The use hereby approved shall only be undertaken between the following times: Wednesday 9:00 to 20:00; Thursday 9:00 to 21:00; Friday 9:00 to 20:00 and Saturday 9:00 to 18:00.

The use shall not be undertaken at any time on Sundays, Mondays, Tuesday or Public Holidays.

Reason: To ensure that the development is undertaken in accordance with the application details and in the interest of protecting neighbouring living conditions.

C 3. The area of the building to be used for beauty therapy shall be limited to that shown on the floor plans forming part of the application and the use hereby permitted shall not extend into any other part of the premises.

Reason: To minimise the disturbance to adjacent residential occupiers and to protect the residential character of the locality.

C 4. Notwithstanding the provisions of the Town and Country (Planning Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification) the use herey approved is limited to beauty therapy and shall only be for the benefit of the applicant while they are resident at 54 Maple Avenue, Onchan and no staff may be employed and/or work at the premises.

Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 5. The driveway shall be available for the parking of vehicles associated with the dwelling and therapy business, and shall remain free from obstruction at all times.
Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

Reason for approval:
This application is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan.

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**Interested Person Status – Additional Persons**

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

Owner and occupier of 67 Maple Avenue, Onchan, IM3 3JT
Owner and occupier of 71 Maple Avenue, Onchan, IM3 3JT

as they refer to the relevant issues in accordance with paragraph 2C of the Interested Person Operational Policy 2019 and as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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**Planning Officer’s Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE
1.1 The application site is the residential curtilage of 54 Maple Avenue, Onchan, a single-storey detached property located on the west end of Maple Avenue.

2.0 THE PROPOSAL
2.1 The proposed work is the additional use of the residence (3.3) as a beauty therapy business (1.1).

2.2 The applicants state that the studio opening hours would be: Wednesday 9:00 to 20:00; Thursday 9:00 to 21:00; Friday 9:00 to 20:00; Saturday 9:00 to 18:00. It would only serve one customer at a time.

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

4.0 PLANNING POLICY
4.1 In terms of local policy, the site lies within an area designated as Predominantly Residential Use in the Onchan Local Plan 2000.

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

4.3 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:
(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;
(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;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;"

4.5 Business Policy 10:
"Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas."

4.6 Transport Policy 7:
"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

4.7 Appendix 7.6 states that for neighbourhood shops space for staff, customers and service vehicles will be required. For assembly and leisure site, there should be 1 space per 15 square metres gross floor space.

5.0 REPRESENTATION
5.1 Onchan District Commissionaires has objected on this application on the ground that it would impact the neighbouring properties (19/05/2020).

5.2 DoI Highway Services does not oppose this application with a recommendation of adding restrictions on the operation (30/04/2020). The comment states that there are three parking spaces available within the property and since business as such usually runs on an appointment based method, there is unlikely to be a surge in traffic and parking demand that exceed the capacity of the street.

5.3 The owner/resident of 67 Maple Avenue objects to this application (27/04/2020). Reasons include too many traffic as the cul-de-sac being used as a turning point; not enough parking space as many families have more than one car; manoeuvring difficulties due to the existing volume and hard to enforcing social distancing with the proposal.

5.4 The owner/resident of 71 Maple Avenue objects to this application (05/05/2020). Reasons include increasing traffic in front of the property due to car-manoeuvring; limited parking available due to increasing number of residents choosing remote-working; a business creates additional safety risk in a residential area and approval would lead to increase the number of similar business and disturb the character of the neighbourhood.

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of the planning application is the principle of the additional use and the potential impacts of the proposal on the wider amenity.

THE PRINCIPLE OF OPERATING A BUSINESS FROM THE SITE
6.2 When looking at the principle of the additional use it should be acknowledged that permission has been approved and refused for the operation of businesses from a residential property, throughout the Island.
6.3 54 Maple Avenue is within a site designated for 'predominantly residential use'. As such, the change of use of one of the rooms to a beauty therapy room would not comply with the land use designation. However, the application site will remain as a dwellinghouse in its majority. The proposed use is connected to the ancillary use of the dwelling and not use in its own right over the existing use. There is also no external alteration proposed to the property, so there will be no visual impact in General Policy 2 of the Isle of Man Strategic Plan 2016 based on the small-scale of its use.

6.4 It should be noted that although 54 Maple Avenue Onchan is not close to a town centre or commercial area, the impact of the proposed change of use is often run with an appointment-based system and it's unlikely to draw away trade from the town or village centre by a materially harmful level.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES
6.5 The main concerns for this application relate to the impact upon on-street parking provisions and noise an general disturbances though people coming and going from the site. The applicants are the full-time occupants of the property, living within the other rooms within the property and will be the only people working from this address. The supporting information with the application indicates that the business is to operate four days a week (Wednesday to Saturday) and will take clients from 9:00 to 21:00. Although these are quite long hours, the main issues are traffic and noise impacts, dealt with below.

6.6 In terms of neighbouring properties and noise, due to the nature of the business, with only a single client at a time and no noisy activities being carried out, it is considered unlikely that there will be a significant impact on the neighbouring properties.

6.7 The neighbouring properties have raised concern about the additional traffic and the parking available on site. Whilst the traffic relates to the property is likely to increase above the existing, the additional traffic is hard to differentiate from that of a general household with frequent visitors and therefore it is unlikely that the business would be significantly more disruptive than normal domestic activities that would otherwise be acceptable in a dwelling.

6.8 The Strategic Plan required that a residential dwelling requires a minimum of two off-road parking spaces, the proposed and existing car parking spaces on this application are three abide the parking is tandem and as noted during my site visit and from Highway Services. The fact that the property does have the parking arrangement is sufficient to meet the required standards and in having two spaces available for those visiting the premises for therapy one after the other. The proposal is considered to have provided with sufficient parking and thus not expected to result in any adverse highway safety impacts on the area.

6.9 It is considered necessary to include a condition ensuring that the driveway is made available and unobstructed for the parking of vehicles at all times.

OTHER MATTERS
6.10 In terms of undermining safety or the character of the area, as mentioned above, although being conducting commercial activity in a residential area, the traffic and customer behaviour is similar to a typical household visitor when observing from the outside. So there is little concern or evidence that such activity would dramatically change the safety or character of the area.

6.11 In terms of fear of business spreading, this is the first business application within the area. All future applications of a similar nature would be considered on their own merits.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for approval.

8.0 INTEREST 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 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.

8.2 The decision-maker must determine:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.21
Proposal: Erection of a polytunnel
Site Address: Glenduff House
Glen Duff
Ramsey
Isle Of Man
IM7 2AT
Applicant: Mr Dirk & Mrs Suellen Daniel
Application No.: 20/00382/B - click to view
Planning Officer: Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

C 1. The 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. If the use of the polytunnel hereby approved ceases for a period exceeding 12 months, the polytunnel and any supporting base shall be removed and the ground restored to its former condition within 3 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.
Reason: The building has been exceptionally approved solely to meet a personal need and its subsequent retention would result in an unwarranted intrusion in the countryside.
Reason for approval:
The proposed polytunnel complies with General Policy 3, Environment Policy 1 and 2 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE OFFICER IS RECOMMENDING AN APPROVAL OVER THE COMMISSIONERS REFUSAL

THE APPLICATION SITE
1.1 The application site is the residential curtilage of Glenduff House which is situated down a long driveway to the south of the Sulby River and to the north of Glen Duff, around half way between Sulby and Ramsey.
1.2 The rear of Glenduff House where the works are proposed the area is laid to lawn with sections of trees and scrub land.

THE PROPOSAL
2.1 The current planning application seeks approval to erect a polytunnel to the rear of Glenduff House measuring 12.8m by 6.1m with a height of 2.84m at the apex and a height of 1.37m to the sides. The proposed polytunnel will have a 200 micron super therm polythene cover which will be secured with anchor plates.

PLANNING HISTORY
3.1 The previous planning applications are not considered to be specifically material in the assessment of the current application.

PLANNING POLICY
4.1 The site lies within an area zoned as "white space" and an "Area of high Landscape or Coastal Value and Scenic Significance," on the 1982 Development Plan, North Map. Given the nature of the application it is appropriate to consider General Policy 3, Environment Policy 1 and 2 of the Isle of Man Strategic Plan 2016.

4.2 General Policy 3 of the Isle of Man Strategic Plan 2016 states, "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
(e) location-dependent development in connection with the working of minerals or the provision of necessary services;
(f) building and engineering operations which are essential for the conduct of agriculture or forestry; (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
(h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

4.3 Environment Policy 1 of the Isle of Man Strategic Plan 2016 states, "The countryside and its ecology will be protected for its own sake."

4.4 Environment Policy 2 of the Isle of Man Strategic Plan 2016 states, "The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:
(a) the development would not harm the character and quality of the landscape; or
(b) the location for the development is essential.

REPRESENTATIONS
5.1 Highway Services have No Highways do not oppose the application and note, "The proposal is acceptable in highway terms given the intended private use and the proposed
polytunnel, requiring no change to access and parking. There is unlikely to be an increase in traffic movements. Accordingly, Highway Services do not oppose this proposal subject to a condition, if appropriate, restricting it to personal use." (30.04.20)

5.2 Lezayre Parish Commissioners have considered the application and recommend refusal and note "My commissioners not in favour of polytunnels for domestic use. They would not object to a more permanent structure which would be more in keeping with the surroundings. We note that the material to be used as the covering has a seven year guarantee. If the planners are mindful to approve this application, could a condition be added for the covering to be replaced when it shows signs of failing." (30.04.20)

ASSESSMENT
6.1 The key issue to consider in the assessment of this planning application is the potential impacts upon the visual amenities of the street scene.

6.2 In the first instance the principle of development needs to be address. "Glenduff House" is situated on a site which is does not have a specific land use designation and is a site which lies within the countryside where development is restricted, in order to protect the countryside for its own sake.

6.3 Whilst the polytunnel has been stated for domestic growing use the principle of the polytunnel and growing fruit and vegetables is agriculture in nature and as such the principle would fit under General Policy 3, Part F.

6.4 When looking at the placement of the polytunnel it is situated to the north of the site, situated around 250 metres away from the main road of Lezayre Road and as such the likelihood of the polytunnel being seen is minimal due to the topography of the land and the mature hedging/ existing garage providing suitable shielding from public views.

6.5 To the west of the site is the Bernahara Road where there could potential be public views of the polytunnel, whilst this could change the character and appearance of the area polytunnels are not an item which is often seen within an agricultural site.

6.6 Given the existing size of the garden area, the polytunnel would not result in the loss of a large amount of garden area and in turn it is not considered to harm the existing enjoyment of "Glenduff House." Overall, the development is deemed acceptable in this location and would not result in a detrimental impact upon the existing character and appearance of the main dwelling.

CONCLUSION
7.1 For the above reasons the proposal is considered to comply with General Policy 3, Environment Policy 1 and 2 of the Isle of Man Strategic Plan 2016 and therefore acceptable.

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 adjoiniing 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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
**Item 5.22**

**Proposal:** Alterations, creation of external seating area, erection of ticket kiosk, and installation of flue (part retrospective)

**Site Address:** Boathouse Cafe
Mooragh Park
Ramsey
Isle Of Man
IM8 3AP

**Applicant:** Conrod Limited

**Application No.:** 20/00410/B - click to view

**Planning Officer:** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

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<th>Conditions for approval</th>
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<td>N</td>
<td>Notes (if any) attached to the conditions</td>
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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:
While the creation of the outdoor seating area could be considered contrary to the principles of the open space designation of the site, the proposal is expected to facilitate the recreational facilities and outdoor pursuits in the area and is considered to comply with Paragraph 10.3.5, Recreation Policy 2 and Community Policy 7 of the Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer’s Report**

The application site comprises the existing Boathouse Café and adjacent seating area situated on the southern side of Mooragh Park Lake, Ramsey. The café sits within a larger shared building also providing changing and general facilities for leisure operations. The building sits adjacent to and below the level of North Shore Road, towards the rear of the building is a secured kayak storage area.

1.2 The building is single storey and finished with a part hipped part flat roof. There is a tower feature at the western corner. The café area subject to this application is accessed by
double doors adjacent to the open seating area with benches. There are a number of window openings throughout the elevations each fitted with roller shutters.

1.3 The café is already in use. Opposite the café building and nearest the edge of the lake there is a fairly large open area providing a mix of uses including picnic table seating for use by the café, boating facilities or the general public and there are some small boats stored here amongst pedalo's for rent on the lake. Between the café and the picnic seating is an access route which forms part of the path running around the entire lake and also wide enough for service vehicle access.

2.0 THE PROPOSAL
2.1 The current application seeks approval for a number of works:

2.2 To the café building:
  o the retrospective installation of a flue (650mm high x 300mm at its widest) in the end hip of the café roof to serve a pizza oven (retrospective);
  o the blocking up of two windows on the west and rear elevations;
  o the erection of a retaining wall to the rear of the café to form a bin store area.

2.3 To the external seating area:
  o the erection of two aluminium framed canopies 5m x 3m over the external seating area both fitted with tensile membrane roof sheeting 2.1m to eaves and 3m to peak
  o the installation of timber planters and barriers enclosing the seating from the access zone.

2.4 To the lake:
  o The installation of a 1.4m x 1.9m x approx. 2.4m tall timber shed to be used as a ticket kiosk for activities on the lake.

3.0 PLANNING HISTORY
3.1 PA 20/00356/D was recently approved for the installation of illuminated and non-illuminated signage in relation to the new business operating the café. The signage approved was both fixed to the existing café building and to the barriers (proposed for development as part of the current application) to the external seating area.

4.0 PLANNING POLICY
4.1 The application site is in an area designated in the Ramsey Local Plan 1998 as Public Open Space. The written statement accompanying the local plan highlights the Mooragh Park area as a major asset for outdoor pursuits and the importance of protecting such significant areas of existing open space for amenity purposes. While there are policies seeking to protect the parks Brooachs and promenade for their landscaping and conservation values there are no specific policies relating to the lake or its immediate surrounds.

4.2 In assessing the current proposal consideration shall be given to two policies and a supporting paragraph from the Strategic Plan that cover design considerations for open space and community safety.

4.3 Paragraph 10.3.5: In certain circumstances it may be beneficial to allow the redevelopment of areas of underused, poorly maintained or inappropriately located open space. Development on such areas will only be permitted where alternative provision can be made. However, the new open space must be easily accessible to the local community and be at least equivalent in terms of type, quantity and quality to that which is being replaced.

4.4 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.

4.4 Community Policy 7: The design of new development and the extension and refurbishment of existing buildings and development must, as far as is reasonably practical, pay due regard to existing best practice so as to help prevent criminal and anti-social behaviour.

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

5.1 Ramsey Town Commissioners - no objections (01/06/2020).

5.2 Department of Infrastructure Highway Services - Do not oppose (13/05/2020).

5.3 DEFA Inland Fisheries - sought completion of 9m Watercourse Form, on receipt of this they confirmed that as this is a coastal location and the boat lake is essentially an estuary they had no further comments (23/06/2020).

6.0 ASSESSMENT
6.1 The quality of life on the Island and the quality of our environment are improved by attractive open spaces and by facilities for recreation and other community purposes, these can be both formal and informal, including amenity space and can be privately or publicly owned.

6.2 The current application seeks a number of works to the existing building, the installation of a ticket kiosk and the creation of outdoor seating area. In respect of the physical works to the building including the installation of the fairly small flue, blocking up of windows and the creation of a small retaining wall; the existing building is not of any special architectural or social interest to warrant its protection and the works are not considered to result in any unacceptable visual harm as to warrant a concern and no amenity impacts on adjacent properties due to the distance between them and the site. In respect of the ticket office, its design is fairly reasonable given the level of seasonal service it is to provide and in order to support the recreational facilities on the boating lake. Its siting here will benefit control of the use of the lake and to some degree the safety of the users without any significant adverse visual or amenity harm to the surrounding environment.

6.3 Where the application requires most consideration is the proposed outdoor seating area adjacent to the existing café which is to be enclosed by planters and covered by two canopies installed with outdoor heaters. Compared to the existing unrestricted open seating picnic benches it could be argued that the proposed seating is more exclusive to the use of the café only and not as readily accessible by the public or users of the open space.

6.4 Surrounding the site are other areas of open space where the existing public benches could be relocated including immediately alongside the proposed seating area next to the lake and where they would remain of equivalent community benefit and accessible to all.

6.5 The proposed seating would support the new use of the café by an established business which already operates a coffee shop in Parliament Street. The continued use of the café will benefit the users of the Mooragh Park and the inclusion of outdoor covered seating will help to provide improved facilities for all year round dining or dining later in the evening.
which may help to encourage visitors to stay longer, providing a new attracting and offering an overall community gain for the area.

6.6 Physically the structure appears of fairly high quality, it is of reasonable height and is generally designed to best suit the surrounding open space including decorative planters to soften the edges. Its installation would not be out of keeping with the area and would not result in any visual or amenity harm to cause concern.

6.7 The covered area would not be the first of its kind within the park, with there being sheltered seating area, bandstand and cafes and covered areas on the adjacent site of the lake. In terms of the potential to give rise to anti-social behaviour the covered seating area would not be so different to others in the area, the area is already frequented by police and there is CCTV in operation. The site is nearest the main road and far more readily accessible for emergency services and public view, it would also be in the business operators' best interest to ensure suitable surveillance is in place.

7.0 CONCLUSION

7.1 The works to the building and the installation of a ticket kiosk are considered to be acceptable and not to result in any visual or amenity harm to the area, and while the provision of outdoor covered seating could be considered contrary to the open space designation, its installation here is considered acceptable, to provide continued benefit to the users of the recreation facilities and general community gain. Physically the structure is judged to be in keeping with the surrounding area and would therefore not result in a harmful impact on the character or amenity of Mooragh Park.

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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- 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 13th July 2020

Item 5.23
Proposal: Conversion of barn into a residential dwelling with associated access
Site Address: Bottom Yard Stone Barn Stable Block
Ballacallin Beg
Foxydale Road
Garth
Crosby
Isle Of Man
Applicant: Mr David Wilson
Application No.: 20/00440/B- click to view
Principal Planner: Miss S E Corlett

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the occupation of the dwelling hereby approved, the proposed access as shown in drawings DW/03B and DW/01/20 must be provided and retained as such thereafter.
Reason: in the interests of highway safety.

C 3. Prior to the undertaking of any work to the existing building, there must be approved by the Department a survey for the presence of bats and appropriate mitigation should any bats or their roosts be found. The development must be undertaken in accordance with these details.
Reason: to ensure that the development accords with Environment Policy 4.

N 1. The applicant's attention is drawn to the provisions of the Wildlife Act 1990 in particular respect to its provisions for the protection of nesting and breeding birds.
Reason for approval: The development is considered to be in accordance with Housing Policy 11 and Transport Policy 1 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report
THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE DEVELOPMENT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN

THE SITE

1.1 The site is an area of land which contains buildings and which sits in the middle of a complex which was formerly operated as an equestrian unit spread over two holdings - Ballacallin Mooar whose principal dwelling which sits to the south of the equestrian buildings and Ballacallin Beg whose cottage sits to the east of the group. The various buildings are linked by a range of lanes some of which also link to the main dwelling, Ballacallin Mooar.

1.2 The holding has been recently split into a number of different units now in different ownership. Ballacallin Beg now has two permanent dwellings - the cottage which has permission for a significant extension at the rear and the adjoining barn has approval for conversion to a second dwelling (both 18/00718/B).

1.3 There is additional living accommodation within the complex, historically created within existing out buildings for farm staff and tourist accommodation within the Ballacallin Beg complex.

1.4 This current application concerns an existing building which sits at the southern end of the group which is currently accessed from the Garth Road (B35) and which mostly accommodates equestrian outbuildings. The building has been sold separate to these but maintains an access route past the buildings to the B35 using part of a field which has two gates, one at the south eastern end alongside the existing lane which leads from the existing building to the main entrance and one adjacent to the road.

1.5 The building which is the subject of this current application is two storey, stone built and faced and attached to a lower building which turns through 90 degrees to form an overall L shape. The application concerns only the two storey element of the existing building although the remaining structure will be retained.

1.6 The building also has a brick single storey lean to annex at its front and a smaller structure alongside to the right. The windows in the front are square in shape and slightly different in size and there are two pedestrian doors.

1.7 There is a free standing portal frame building within the site which sits to the south of the barns to be converted. This is shown on the drawings to be relocated elsewhere within the complex but outwith the red line area. This sits almost 17m from the front of the main barn to be converted.

1.8 There are no windows currently in any other elevations although there are two first floor pedestrian doors in the rear elevation at first floor level.

THE PROPOSAL

2.1 Proposed is the conversion of the two storey element of the existing building to a dwelling. The dwelling will have three bedrooms and a hall on the ground floor and a lounge, kitchen and fourth bedroom on the first floor.

Changes to the building

2.2 The building will be changed physically in the following ways to accommodate the new use:

i. the two existing doors on the rear elevation will have windows installed

ii. the two front doors will be blocked up in the bottom half and converted to square windows to match the others on this elevation

iii. a new vertically proportioned window is to be introduced on the eastern elevation
iv. the south eastern corner of the building is to be reconstructed with glass
v. there is to be a 2.4m wide entrance feature which extends to eaves level where the top of
the glazed element is curved and in which there is to be a central ground floor entrance door
vi. the roof is to be reconstructed with no change in height or pitch
vii. two rooflights are to be installed in the rear roof pitch
viii. a new pedestrian door is to be installed in the rear elevation at ground floor level
ix. a new flashed top to the existing concrete base of the building to the rear which is to be
removed, is to be introduced to weatherproof this part of the building.

2.3 Construction traffic will use the main entrance from the equestrian buildings, not the new
means of access. The new access proposed leads from an existing gated field entrance which
sits 44m to the south west of the main entrance into the larger site. It then heads south east
towards the lane leading from the main entrance to the application building, meeting a stand
of trees in the north eastern corner of this field before passing between the trees and linking
to the lane. This route is to be cleared and smoothed - there is no intention of excavating or
re-surfacing this route. Trees are shown to be removed in the Tree Protection and Removal
information but it is understood that this is as a result of the condition of the trees not their
removal to facilitate the development and the applicant has indicated that he would prefer to
retain them if possible.

2.4 The applicant has provided additional information which demonstrates that the visibility
from the proposed entrance is 110m to the north and 140 and more to the south although
the technical drawing shows these splays as 26m and 22m respectively. On the site visit,
having looked at both the existing and proposed entrances, it appeared that the proposed
access would provide more visibility than the existing due to impediments at the entrance to
views in both directions.

2.5 The application also includes a report from a structural engineer which confirms the
structural adequacy of the building for conversion. The report explains the surveys which
were undertaken and a description of the construction of the building. It identifies a crack in
the front right hand corner (se) caused by a collision with a farm vehicle. Otherwise the
building is described as reasonably vertical with no apparent significant bulges or distortions
to indicate structural stress. It also describes a slight bow to the main front wall believed to
be due to the spread of the A frame trusses and slight cracking at the centre of the front wall
where a disused opening has been infilled and a large crack in the front wall of the smaller
building (this is not proposed for any work in this current application). It recommends
restraint to the walls to the first floor by installing stainless steel tie rods and lateral restraint
straps fixed to the timber joists to minimise outward movement of the walls due to the
deterioration of the lime mortar. It also recommends the installation of a concrete slab
protected from moisture by a damp proof membrane complete with insulation to meet
contemporary standards. The roof is recommended to be re-slated over a breathable
membrane. The front right hand corner may need underpinning.

PLANNING POLICY
3.1 The site lies within an area designated on the 1982 Development Plan Order as not for a
particular purpose and not within an area of High Landscape Value or Scenic Significance with
part of the site being within an area of Woodland.

3.2 As such, there is a presumption against development as set out in Environment Policy 1.
There are exceptions to this set out in General Policy 3 which includes the conversion of
existing buildings to alternative uses including residential, as set out in Housing Policy 11.
This states:

Housing Policy 11: Conversion of existing rural buildings into dwellings may be permitted, but
only where:
(a) redundancy for the original use can be established;
(b) the building is substantially intact and structurally capable of renovation;
(c) the building is of architectural, historic, or social interest;
(d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
(e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
(f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must:
(a) where practicable and desirable, re-establish the original appearance of the building; and
(b) use the same materials as those in the existing building. Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form.

Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character.

3.3 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.4 Environment Policy 4 protects ecology.

PLANNING HISTORY
4.1 No planning applications have been submitted for this site.

REPRESENTATIONS
5.1 Highway Services object to the application, asking for additional information on visibility splays and advise that of the width of the access, that any gate should be set back by 5m and the intervening area bound so that material is not tracked from the access onto the highway. They also suggest that in order to better adhere to Transport Policy 1 of the Strategic Plan, electric vehicle charging points and secure bicycle storage facilities should be provided (20.05.20). Following the submission of further information, Highway Services confirm that they do not object to the application (10.06.20).

5.2 Marown Parish Commissioners have no objection to the application (21.05.20).

5.3 DEFA’s Ecosystems Policy Office ask that a bat survey is undertaken prior to determination and that the applicant is advised of the provisions of the Wildlife Act 1990 in respect of nesting and breeding birds (05.06.20). It is understood that the applicant has commissioned a survey for bats.

ASSESSMENT
6.1 The issues in this case are whether the proposal complies with the provisions of Housing Policy 11 and whether the provisions for access meet the requirements for highway safety.

6.2 The building is certainly of historical and architectural interest, being a handsome structure in a rural setting surrounded by a mix of other agricultural and equestrian buildings, mostly modern. The building did not appear to be being used at the time of the site visit and given the other, modern buildings surrounding it (which sounded like they accommodated horses), it would not appear that the application building is required for its original agricultural purposes given its small door openings and upper floor. Other than a large crack in the south eastern corner, the building appears intact and stable and it is proposed to deal
with this element in the design of the converted property, taking away the defective walling and replacing it with structural glazing. There is a structural engineer's report which supports the conversion as structurally viable. The building is separate from the access to the buildings immediately to the north and as such can be used independent from these buildings and its residential use would not impinge upon the agricultural or equestrian use of these existing buildings. The proposal is therefore considered to comply with these elements of HP11.

6.3 Highway Services indicate that they are content with the proposal in highway safety terms and as is noted above, the proposed access appeared to have better visibility than the existing at the time of the site visit.

6.4 Whilst TP1 requires development to be sited so that it is close to existing public transport routes including rail and cycle routes, this does not extend as far as saying that private dwellings should provide secure bicycle storage and the policy does not mention electric vehicles. The proposal is clearly on a site large enough to facilitate secure parking for both cars and bicycles and there could be external power points which could facilitate the charging of an electric vehicle, should the owner possess one. As such it is not considered necessary or appropriate to ask for these features to be specifically provided.

CONCLUSION
7.1 The development is considered to be in accordance with Housing Policy 11 and Transport Policy 1 of the Strategic Plan and the application is supported.

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:
○ whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
○ whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.24
Proposal: Installation of two containers for storage of shellfish
Site Address: Manesca Building
The Quay
Port St. Mary
Isle Of Man
IM9 5EA
Applicant: Island Seafare Ltd
Application No.: 20/00459/B - click to view
Principal Planner: Miss S E Corlett

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 container hereby approved may remain in situ in accordance with the approved drawings until 20th July, 2024 and thereafter must be removed from the site.

Reason: the application is for the temporary retention of the container which is not designed to be a permanent feature in any area and this is situated within a proposed Conservation Area.

Reason for approval:
The development is considered to comply with General Policy 2 and Environment Policy 35 of the Strategic Plan and Planning Policy Statement 1/01.

Interested Person Status – Additional Persons
None

Planning Officer’s Report


1.0 SITE
1.1 The application site forms part of the curtilage of the largest building at Island Seafare Ltd, The Quay, Port St Mary. The existing building is utilised for storage and factory processes relating to the running of the business. The standalone building is two storeys tall. The north-east elevation faces towards the harbour and adjoins a small yard bound from the boat store by a stone wall.

1.2 The north-east gable elevation of the main building is approx. 13m long and comprises an access door and two windows at ground floor level and three windows and a service door at first floor.
1.3 Within the curtilage of the site are two existing shipping containers approved under PA 15/00839/B alongside the main building and 17/01173/B on the seaward side of the building. Both were for cold water storage of shellfish for a temporary period up to 31/08/2020.

2.0 PROPOSAL
2.1 Proposed here is the continued retention of the two shipping containers which sit alongside the main building, approved in 2015.

2.2 The 6m long x 2.4m wide containers are proposed to be utilised as a cold storage facility to keep shellfish alive prior to shipment. The applicant is concerned that should a marina be developed in the village, he will be required to relocate so does not wish to invest in permanent buildings here. He also explains that when he applied for the container in 2015 it was their intention that they would look to build a coldstore onto the factory offering something more permanent. During the intervening period they have seen a downturn in the supply of their core raw material - kind and queen scallops due to quota restrictions and this meant that the applicant had to invest heavily in installing live holding tanks allowing them to diversify into crab and lobster which meant pushing a permanent coldstore further into the future.

2.3 No timescale is given for the retention of the containers.

3.0 PLANNING HISTORY
3.1 The most relevant previous applications are referred to above.

4.0 PLANNING POLICY
4.1 The site lies within an area designated as 'Harbour Area' on Map 7 of the Area Plan for the South 2013, and also lies within the proposed Conservation Area of Port St Mary. The following policies are applicable to this application:

4.2 6.25.1 and Employment Proposal 4 of The Area Plan for the South 2013 explains that the harbours in Port St Mary are in active use and that expansion and introduction of marine based industry may be permitted as long as it does not prejudice the use of the harbour areas for leisure or tourist purpose.

4.3 Employment Proposal 4:

"New industrial development within the harbour areas of Castletown and Port St Mary should be marine based, and of a scale which is appropriate for a relatively small port. Such development should where possible: be sited immediately adjacent to existing industrial uses; not adversely affect the amenity of neighbouring residents; and not prejudice the use of the harbour area for leisure or tourist development by virtue of restricting access to existing or possible future leisure facilities. New industrial buildings must be designed and finished to a high standard so as to acknowledge the prominence and importance of the harbour-side location."

4.4 Although only proposed for Conservation and not officially designated as a Conservation Area it is important that Environment Policy 35 is considered, which states:

"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."

4.5 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:

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 watercourses;

e) does not affect adversely public views of the sea;

4.6 Planning Policy Statement 1/01 requires that the special character of the area is considered in the determination of applications for development within a Conservation Area.

g) does not affect adversely the amenity of local residents or the character of the locality."

4.6 Planning Policy Statement 1/01 requires that the special character of the area is considered in the determination of applications for development within a Conservation Area.

5.0 REPRESENTATIONS

5.1 Port St Mary Commissioners have not commented on this application.

5.2 Highway Services do not oppose the application (27.05.20).

6.0 ASSESSMENT

6.1 The most important issues for consideration in the assessment of this application are the impact of the proposal on the character and appearance of the area, the impact on the surrounding area and local environment and whether it would seek to preserve or enhance the proposed Conservation Area in which the container will sit.

6.2 The applicant explained in the previous application that they had not opted for a longer term masonry built extension to the existing property as the current lease for the site expires in 2021. The container is to provide an immediate facility until the site can be formally secured for future use post 2021. In addition, if a marina were developed in the village, it would be unlikely that the lease would be continued so the applicant is reluctant to spend money on permanent buildings here.

6.3 In terms of the containers, the area is already of an industrial appearance, within which the containers would not look and in fact do not look so out of place. However the accumulation of such structures should not be endorsed. 6.25.1 of The Area Plan for the South 2013 explains that the harbours in Port St Mary are in active use and that expansion and introduction of marine based industry may be permitted as long as it does not prejudice the use of the harbour areas for leisure or tourist purpose and where possible the development should "not adversely affect the amenity of neighbouring residents" and that "new industrial buildings must be designed and finished to a high standard so as to acknowledge the prominence and importance of the harbour-side location." While the current application is a departure from this plan it is considered that the departure is a minimal one due to the temporary nature of the container and its minimal impact on visual and public amenity. The proposal is also considered to meet with the DEFA food strategy plans by helping a local business to increase their production of local produce this results in a boost to economic contribution.

6.4 As the existing harbour area is already of an industrialised form the retention of an additional container in this instance is unlikely to impact the character of the proposed conservation area added to which, part of the character of the harbour area is that it is a working environment with close links to the sea and harbour: what is proposed functionally supports this character.

6.5 Given the circumstances of the business and similar to the previously approved steel container it would be reasonable to add a condition relating to the temporary retention. Such
a condition would help to limit the permanent siting of such units and help to give the applicant sufficient time to consider a long term plan which could result in a more permanent approach to the facilities required by the business.

7.0 CONCLUSION
7.1 Ultimately the proposed development complies with General Policy 2 and addresses Environment Policy 35 of the Isle of Man Strategic Plan 2016 and Planning Policy Statement 1/01. Although the application is a departure from the Area Plan for the South due to its temporary nature and minimal impact on public and residential amenity the proposal is considered acceptable. A culmination of these kinds of structures is far from ideal and as such the application is recommended for approval subject to a condition relating to its temporary nature. A further period of four years is considered appropriate reflecting the original period of approval.

8.0 INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:
(a) the applicant (including an agent acting on their behalf);
(b) any Government Department that has made written representations that the Department considers material;
(c) the Highways Division of the Department of Infrastructure;
(d) Manx National Heritage where it has made written representations that the Department considers material;
(e) Manx Utilities where it has made written representations that the Department considers material;
(f) the local authority in whose district the land the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.
Item 5.25
Proposal: Alterations, erection of two storey extensions and alteration to vehicular access
Site Address: Westwood House
             Dalby
             Isle Of Man
             IM5 3BT
Applicant: Mr Mark & Mrs Kate Holligon
Application No.: 20/00460/B- click to view
Principal Planner: Miss S E Corlett

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:
Whilst the extensions significantly extend the property beyond the level generally permitted in Housing Policy 15, in this case the additional floor area over and above what had approval under an earlier approval is insignificant (3 sq m) and as such the scale of the works is considered acceptable. The flat roofed element cannot be said to respect the existing in terms of proportion, form or appearance. However, in this case the visual impact is considered acceptable given the distance from the public viewpoint and the intervening vegetation.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THIS APPLICATION IS BEFORE THE PLANNING COMMITTEE FOR DETERMINATION AS IT IS AN APPLICATION FOR AN EXTENSION TO A DWELLING IN THE COUNTRYSIDE WHICH IS OVER THE 50% THRESHOLD AND IS RECOMMENDED FOR APPROVAL.

THE SITE
1.1 The application site is the curtilage of Westwood House, Dalby which is a detached dwelling situated to the western side of the main highway which runs down the west coast of the Island linking Peel with Dalby via Glen Maye. The dwelling is the former parsonage, reinstated to its current layout in 1894. The property sits on the coastal side of the A27, to the south of the roadway to Niarbyl Bay and cafe.
1.2 The house is set within approximately half an acre of land, most of the garden is to the north west with limited garden space to the rear. The existing garage is detached and is to the south side of the dwelling. The front elevation of the property is attractive, however the rear and side elevations have limited windows and do not have a particularly attractive fenestration.

1.3 There are a number of mature trees on site which make it difficult to view from the main public thoroughfares. There is a view of the property when travelling from the Niarbyl café in a north east direction, but given the height of the hedges, there are only fleeting glimpses. To the south west there are open fields which are not publicly accessed, but from this view the gable end would be visible. When travelling along the highway (to the east of the application site) in a northerly direction, there is very limited views of the dwelling given that the site is at a much lower level than the highway and the trees and hedging again provides screening. When passing the entrance to the driveway the other gable end of the dwelling can be seen, but again is tucked away behind a number of trees.

1.4 Planning approval has been granted through 12/01334/B and 13/00263/B for significant extensions to the dwelling.

THE PROPOSAL

2.1 The application seeks approval for the alteration and erection of extensions to provide additional living accommodation due to expanding family requirements. Proposed are two extensions. These are similar in position and form to what has approval but slightly larger and different in appearance and finish.

2.2 The north eastern elevation is 0.4m shorter from front to back than that approved previously (12/01334/B) and set further forward on the front elevation and will have gable verges. The extension on the other end of the house is 0.7m wider and now has a flat roofed extension in front to provide a dining room.

2.3 The overall floor areas are as follows:

Existing 209 sq m
Approved 407 sq m
Now proposed 410 sq m.

The applicant has provided simplified floor plans of this (online referred to as "APL additional information 29 May 2020 pdf").

2.4 The north eastern extension is now to have a lower link element and a larger glazed element at first floor level rather than two vertical windows as approved. The extension on the south western elevation now has a larger, more modern window at first floor level and a flat roofed glazed unit in front (the dining room). To help illustrate the impact of this part of the scheme particularly, the application includes visualisations of the scheme which show the supporting elements and the parapet above in black with matching frames in the windows in the stone element behind.

2.5 As with the earlier applications, the scheme also involves alterations to the access - widening the existing 2.5m opening to 4m which does little to change the available visibility which is shown on the drawings, but will improve the manouevrability of vehicles coming and going.

PLANNING POLICY

3.1 The site lies within an area designated on the Isle of Man Planning Scheme (Development Plan) Order 1982 as an area of High Landscape or Coastal Value and Scenic Significance. Environment Policies 1 and 2 protect the countryside for its own sake with the protection of
the character of the landscape the most important consideration in EP2. General Policy 3 sets out exceptions to the presumption against development in such areas and whilst the extension of existing properties is not included as an exception, Housing Policies 15 and 16 provide guidance on how and when extensions can occur. In this case, HP15 is relevant as the existing dwelling is more traditional than not and could not be considered of poor form. This policy was applied in the case of the previous two applications.

3.2 Housing Policy 15
The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

REPRESENTATIONS
4.1 Highway Services do not oppose the application (27.05.20).

4.2 Patrick Parish Commissioners have no objection to the application (09.06.20).

PLANNING HISTORY
5.1 The most relevant recent applications are referred to above. The 2012 application was subject to a condition which suspended many parts of the Permitted Development Order as follows:

"Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking or re-enacting that Order) no extensions, greenhouses, polytunnels, walls, gates, fences, garden sheds, summerhouses, flag poles, decking, garages, car ports, flag poles or tanks for the storage of oil or gas for domestic heating shall be erected nor windows or rooflights, solar panels or ground or water source heat installations replaced or installed (other than those expressly authorised by this approval)."

ASSESSMENT
6.1 The issues in this case are whether the proposed development would have an acceptable impact on the countryside which is of high landscape value and scenic significance, having regard not only to the appropriate Strategic Plan policies referred to in section 3 above but also the previously approved scheme which, whilst having expired and has not been commenced (no approval under the Building Regulations has been sought or granted), is relevant as the policies and circumstances of the site have not changed since those approvals were granted.

6.2 The previous condition attached to 12/01334/B but not 13/00263/B for some reason suspends almost all of the provisions of the PDO. However, the condition should relate to the development undertaken and it is difficult to see how the extensions proposed justify a suspension of the provisions of the PDO in terms of solar panels, walls, fences, ground or water course heat pumps or storage tanks. As the windows are now modern, it is not considered necessary to suspend the provisions of the Order in terms of windows. The applicant cannot undertake extensions as the proposed extensions take up more than the amount of additional floorspace allowed under the Order.

6.3 Much of the work is so similar to what has approval as to have the same environmental impact as the approved scheme. The most significant change is the inclusion of the flat roofed annex which would be visible from the Niarbyl Road but at a distance of 80m and with intervening trees which lessen the prominence of the building in this vista.

CONCLUSION
7.1 Whilst the extensions significantly extend the property beyond the level generally permitted in HP15, in this case the additional floor area over and above what had approval
under an earlier approval is insignificant (3 sq m) and as such the scale of the works is considered acceptable. The flat roofed element cannot be said to respect the existing in terms of proportion, form or appearance, however, in this case the visual impact is considered acceptable and the application is supported.

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:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.26
Proposal : Conversion of existing structure for residential and additional tourist use (part retrospective)
Site Address : The Tower
Knockaloe Beg Farm
Knockaloe Beg Lane
Raggatt
Peel
Isle Of Man
IM5 3AQ
Applicant : Robert & Fiona Anderson
Application No. : 20/00488/B- click to view
Principal Planner : Miss S E Corlett

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval
C : Conditions for approval
N : Notes (if any) attached to the conditions

Reason for approval:

It is considered that the development does not comply completely with Housing Policy 11 or Environment Policy 15 but in this case, there is sufficient justification to consider the proposal acceptable as the overall site is used for tourist and residential accommodation and the original structure is historically part of the character of the farmholding and should be preserved.

__________________________________________________________________________

Interested Person Status – Additional Persons

None

__________________________________________________________________________

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE DEVELOPMENT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN

THE SITE
1.1 The site is a triangularly shaped piece of land which forms part of the holding of Knockaloe Beg Farm which sits to the west of the A27 coastal road which links Peel with Glen Maye. The site accommodates a range of buildings - a farmhouse which provides permanent residential and tourist accommodation, agricultural buildings and buildings which have been converted from agricultural to tourist and café uses. Permission has also been granted for the installation of glamping pods and a camp site (see Planning History).

THE PROPOSAL
2.1 Proposed is partly retrospective approval for the conversion of the building to permanent and tourist accommodation. Building works are also proposed in the form of a sun lounge. All of the proposed works have been implemented but the applicant considered that permission had been grated previously for roofing and window works so these elements are not unlawful. The accommodation comprises a sun lounge which acts as an internal link between the shower room and the main accommodation, a modest living and kitchen space and in one corner of the space is a small spiral staircase which leads up to a small bedroom.

2.2 The applicant explains that the works were approved in principle in 2007 but that they went ahead with the conversion works without applying for approval of the reserved matters.

2.3 There are no as existing (original) buildings proposed and the as approved drawings which are provided, differ from what is proposed in a number of ways:

The original building had a gable ended stack: the proposed scheme has a stack which projects up from close to eaves level in the side of the northern plane
The original building had an offset, square upper floor window and what is proposed has a central, rectangular window.

2.4 Also proposed is the addition of a sun lounge which projects 1.45m and 4.85m from the existing projecting walls alongside the building, creating additional floor space of 13 sq m. The overall floor area as original was 33 sq m. A shower room of a further 8 sq m was added without planning approval in 2014 “to make it possible” for the applicants' daughter to live in. In 2019 they added a conservatory and used all the reclaimed materials and wooden windows to maintain the original character of the building including lime render for the internal finishes.

2.5 The applicant suggests that the application building, which they refer to as a shepherd’s cottage, is redundant for its previous historic use as an itinerant shepherd's cottage but which up until recently had been used as a store. The building was substantially intact and they have used the old walls in their entirety and replaced the roof on old wall plate level. The building forms part of the walled garden which is now used as a working vegetable and fruit garden.

2.6 The applicants explain that the Knockaloe Beg Farm has become a popular staycation and holiday destination over the past 12 years and they have been looking to fill different areas of the tourist market and the proposed cottage will add very well to their portfolio of accommodation, adding a quaint, romantic building with a lovely view of the vegetable garden, “taking people back in time”. It is located sufficiently far from the existing residential buildings so not to be a nuisance and the development needs no new services. They add that they are the only property on the Island with a Gold Green Tourism Award.

PLANNING POLICY
3.1 The site lies within an area designated on the Town and Country Planning (Development Plan) Order 1982 as not for a particular purpose and within an area of High Landscape Value and Scenic or Coastal Significance. There is therefore a presumption against development here other than where this is in accordance with, inter alia, Environment Policy 16 and Housing Policy 11.

3.2 These state:

Environment Policy 16: The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:

a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
d) there would not be unacceptable implications in terms of traffic generation;
e) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and
f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site.

Housing Policy 11: Conversion of existing rural buildings into dwellings may be permitted, but only where:
(a) redundancy for the original use can be established;
(b) the building is substantially intact and structurally capable of renovation;
(c) the building is of architectural, historic, or social interest;
(d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
(e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
(f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must:
(a) where practicable and desirable, re-establish the original appearance of the building; and
(b) use the same materials as those in the existing building.

Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character.

PLANNING HISTORY
4.1 The most relevant previous application for this site is 05/92183/B which was for and in which the two shepherd's cottages (the current application building and another on the other side of the walled garden) were shown as being re-roofed and their doors and windows replaced. It would not appear that there was a proposal in this application to use these buildings for any new purpose.

REPRESENTATIONS
5.1 Patrick Parish Commissioners advise on 09.06.20 that their next meeting is not until 13.06.20.

5.2 Highway Services do not oppose (03.06.20).

5.3 DEFA Fisheries Directorate request that a Development within 9m of a watercourse form is completed (10.06.20).

ASSESSMENT
6.1 The issue is whether the works comply with EP16 and HP11. The fact that the works have already been undertaken should not be a material or persuasive consideration.

6.2 The works - the shower room and the sun lounge - do not appear out of keeping although they do add relatively significantly to the size of the original building, arguably more
than the "modest" amount referred to in HP11 and indeed EP16 which presumes against any extension at all.

6.3 The finished project does not appear out of keeping and adds to the range of tourist accommodation available on the site. The space within the walled garden is now used for the growing of vegetables and for recreation. The building, along with the other on the other side of the walled garden, is an important part of the history and character of the site and its continued use and maintenance in a way that will not adversely affect the overall character of the area, should be encouraged.

CONCLUSION
7.1 It is considered that the development does not comply completely with HP11 or EP15 but that in this case, there is sufficient justification to consider the proposal acceptable and the application is supported. Whilst DEFA has requested a form to be completed regarding works within close proximity of the watercourse, the works have already been completed and as such, the completed form is not necessary.

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

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

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.27
Proposal: Erection of timber shed for use as nail salon
Site Address: 27 Samuel Webb Crescent
Rearyt Y Sheear
Douglas
Isle Of Man
IM2 6PP
Applicant: Mrs Wendy Jayne Buttery
Application No.: 20/00502/B - 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. 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 clients of the hairdressers use hereby approved shall remain on the application site outside of the following hours: Tuesdays to Saturdays 0900hrs till 1800hrs; albeit with the allowance of up to 3 "late nights" per week also between Tuesdays to Saturdays till 2030hrs.

Reason: In the interest of protecting neighbouring living conditions.

C 3. The use hereby approved shall only be for the benefit of Mrs Wendy Jayne Buttery while she is resident at 27 Samuel Webb Crescent, Rearyt Y Sheear, Douglas and no staff may be employed and/or work at the premises.

Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 4. The two existing off road parking spaces (as shown on submitted plan) shall not be used for any purpose other than the parking of vehicles for the residents and visitors (including visitors of the nail salon) of 27 Samuel Webb Crescent and shall remain free of obstruction for such use at all times.

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

Reason for approval:
It is concluded that the planning application is in accordance with the policies of the Isle of Man Strategic Plan 2016 as set out in the report.
Interested Person Status – Additional Persons

None

Planning Officer’s Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT THE APPLICATION IS RECOMMENDED FOR APPROVAL

1.0 THE APPLICATION SITE
1.1 The application site is the residential property 27 Samuel Webb Crescent, Rearyt Y Sheear, Douglas which is a two storey mid-terraced property located on the eastern side of Samuel Webb Crescent which sits within a residential housing estate which has been constructed in recent times. The property has two off road parking spaces.

2.0 THE PROPOSAL
2.1 The application seeks planning approval for the erection of timber shed for use as nail salon. The shed would be located to the rear garden of the property. The shed would have a width of 4m, a depth 3m.

2.2 In terms of the operation of the hairdressing business, the use within the summerhouse has been in operation since December 2015. The summerhouse measures 2.8m x 2.8m and is within the rear garden of the property. Within the summerhouse are two hairdresser chairs and a single chair for the washing of hair. The applicant has advised that the hours of operation are 9.30am - 6pm Tuesday-Saturday with 3 late nights up till 8.30pm. The applicant also advises that they do school runs and their children have after school clubs therefore they aren't in the Salon continuously at the stated times. The applicant has stated that their clients are booked on an appointment basis and there is only one client at a time without any overlap therefore avoiding anybody waiting.

2.3 There are currently two accesses to the summerhouse, the first is via the main dwelling or second is a pedestrian gate via which accesses onto the rear access lane. It is proposed on the drawings the latter would be used for clients visiting the site.

3.0 PLANNING HISTORY
3.1 There are no previous planning applications which are considered relevant in the assessment and determination of this application.

4.0 PLANNING POLICY
4.1 The Onchan Local Plan identifies the area as being 'predominantly residential use'. The site is not within a Conservation Area.

4.2 General Policy 2 of the Isle of Man Strategic Plan 2016 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;
incorporates where possible existing topography and landscape features, particularly
trees and sod banks;
does not affect adversely the amenity of local residents or the character of the
locality;
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;
does not have an unacceptable effect on road safety or traffic flows on the local
highways;
can be provided with all necessary services;
does not prejudice the use or development of adjoining land in accordance with the
appropriate Area Plan;
is not on contaminated land or subject to unreasonable risk of erosion or flooding;
takes account of community and personal safety and security in the design of
buildings and the spaces around them; and
is designed having due regard to best practice in reducing energy consumption."

Strategic Policy 9 states: "All new retail development (excepting neighbourhood shops
and those instances identified in Business Policy 5) and all new office development (excepting
corporate headquarters suitable for a business park(1) location) must be sited within the
town and village centres on land zoned for these purposes in Area Plans, whilst taking into
consideration Business Policies 7 and 8."

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."

5.0 REPRESENTATIONS
5.1 DOI Highway Services do not oppose (on 09.06.2020).
5.2 Douglas Borough Council do not oppose (08.06.2020).

6.0 ASSESSMENT
6.1 The main considerations when determining the application are the principle of
operating a business from the site; the potential impacts upon neighbouring amenities; the
potential impact upon on-street parking in the area and potential visual impact.

The principle of operating a business from the site

When considering this matter it is important to acknowledge that permission has been
approved and refused for the operation of businesses (i.e. beauty treatments, hairdressers &
tutoring) from a domestic property. In fact the Departments Permitted Development Order
permits a number of business operation to be run from a dwelling, these including child
minding (up to 6 children), Bed and Breakfast (up to 3 bedrooms) and an occupant of a
dwelling can operate any business from home (no visitors/staff allowed) via a home office
within the property. Accordingly, whilst the proposal does not meet the residential use of the
site; this is not an automatic reason to refusal the application. Other material considerations
as listed in paragraph 6.1 of this report need to be considered to determine whether the use
would result in an adverse impact to neighbours/area.

A further issue in terms of the principle is the impacts on the nearby town centre. It
is generally presumed that new commercial uses will be directed towards existing commercial
areas. However, the impact of a single employee operating in this location is unlikely to draw
materially harmful levels of trade away from the town centre. Moreover, to approve the
application could enable the growth of a business that would eventually achieve a sufficient
turnover as to encourage its moving into larger, more attractive and more appropriate commercial premises in that town centre in due course.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES

6.4 The main concerns relate to the loss of privacy/overbearing impact upon outlooks and general disturbance (lighting) to their property due to the increased level of visitors to the nail salon use.

6.5 The proposal would have a window and glazed patio door within its northern elevation and this looks directly towards the rear garden of Nr 25. However, the 1.8m high timber fence would prevent any significant overlooking. Again in terms of overbearing impacts; the shed could potential impact the outlooks of Nr 25 and 29. However, given the height of existing boundary fences, the height of the shed being slightly taller than this fence, and given it is set away from the shared boundaries, it is considered the impact would not be so great as to warrant a refusal.

6.6 In terms of general disturbances by person/s coming and going from the site, it is considered given the small scale nature of the business, the size of the summerhouse, the business is on an appointment basis only and the hours of operation proposed, it is considered the hairdressers business at the application site would not result in an significant impact upon neighbouring amenities to warrant a refusal.

6.7 Overall, whilst the nail salon use will increase the level of persons coming and going from the site and increase the likelihood of disturbances, it is not considered for the reason given the impacts would be so great to warrant a refusal. Accordingly, the proposal would comply with General Policy 2 of the Isle of Man Strategic Plan 2016.

THE POTENTIAL IMPACT UPON ON-STREET PARKING IN THE AREA

6.8 The proposal includes the provision of a minimum of two off road parking spaces to the front of the property (an opposite on the opposite of the estate road). Again the proposal could result in a great level of parking to the site/area. However, given the size of the unit it is perhaps no greater impact compared to visitors to the property (i.e. family/friends). Highway Services have considered the scheme and have raised no objections.

7.0 CONCLUSION

7.1 Overall, it is concluded that the planning application is in accordance with aforementioned policy of the Isle of Man Strategic Plan 2016 and is recommended for approval.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:
(a) the applicant (including an agent acting on their behalf);
(b) any Government Department that has made written representations that the Department considers material;
(c) the Highways Division of the Department of Infrastructure;
(d) Manx National Heritage where it has made written representations that the Department considers material;
(e) Manx Utilities where it has made written representations that the Department considers material;
(f) the local authority in whose district the land the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:
whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
whether there are other persons to those listed above who should be given Interested Person Status
Item 5.28
Proposal: Additional use of premises for retail purposes
Site Address: Sulby Glen Hotel
Main Road
Sulby
Isle Of Man
IM7 2HR
Applicant: Mrs Rosemary Christian
Application No.: 20/00520/C - click to view
Principal Planner: Miss S E Corlett

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. Approval is given for the area edged pink on the submitted floor plan to be used as a shop (Class 1.1 of the Town and Country Planning (Use Classes) Order 2019) or as part of the use of the remainder of the premises as a hotel/public house, no approval is given for any other retail use.
Reason: to clarify the extent of the approval.
Reason for approval:
The development is considered to accord with Business Policies 9 and 10 and General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report
THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE SITE IS NOT DESIGNATED FOR THE PROPOSED USE

THE SITE
1.1 The site is the curtilage of the Sulby Glen Hotel which sits on the northern side of the TT Course (A3) on the south western corner of the crossroads formed by the TT Course and the Sulby Glen and Clannagh Roads (A14). The hotel is a substantial and attractive landmark in
the village due to its size and appearance, as well as its function as a community facility and its position in the streetscene.

1.2 The hotel has on the ground floor a public house which also provides a restaurant and hosts a number of community events - mhallias, parties and other gatherings. Recently as a reaction to the COVID 19 situation and also the closure of the village shop opposite, the hotel has been providing local shop services with agreement from the Department as an emergency measure.

1.3 The hotel has three main areas of floor space - a public bar on the western side, a lounge bar in the centre and a breakfast room to the right of the left hand front entrance. There is also a rear entrance to both other bars.

THE PROPOSAL

2.1 Proposed is the use of the breakfast room as a shop - general store. The area concerned is between 30 and 40 sq m. The applicant would like to open between 0900hrs and 1700hrs Monday to Saturday and 1000 - 1600hrs on Sundays with two extra employees. They explain that the car park has 35 parking spaces off road and that their Fire Certificate and Police and Hygiene checks are all up to date. No physical changes to the building are proposed and there is separate access to the proposed shop area without having to go through the public house or restaurant areas.

2.2 Class 1.1 of the Town and Country Planning (Use Classes) Order 2019 defines shop as follows:

Class 1.1 - Shops
Use, where the sale, display or service is to visiting members of the public, for the purpose of —

(a) the retail sale of goods other than hot food;
(b) a post office;
(c) a travel agency or the sale of tickets;
(d) the sale of hot drinks, sandwiches or other cold food for consumption off the premises;
(e) hairdressing or the provision of beauty treatments;
(f) the grooming of pets where no element of kennelling is provided;
(g) a florist;
(h) the displaying of goods for sale; or
(i) the hiring out of domestic or personal goods or articles.

PLANNING POLICY

3.1 The site lies within an area designated on the Sulby Local Plan of 1999 as Area of retail/commercial - public house. The Local Plan Written Statement refers to the general stance on significant new retail developments and states that no new retail developments will be permitted in Sulby unless the scale and character is appropriate to the village environment. It was generally considered that the existing retail facilities in the village were sufficient although better parking should be available for the shop at the crossroads (opposite this site). Modest extensions to the shop were considered acceptable provided that car parking is provided. Policy CM/P/1 states that new retail development will only be permitted within Sulby where this is appropriate in terms of scale and character to the environment of the village. CM/P/2 states that improvements and expansion of the existing retail and restaurant uses in the village will be encouraged and any proposals for expansion of the Sulby Crossroads shop should include off street parking.

3.2 The Strategic Plan contains the following policies and guidance which are considered relevant:
Business Policy 9: The Department will support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail development proposals will require to be supported by a Retail Impact Assessment(1)

(1) Retail Impact Assessment is defined in Appendix 1 as follows:

Retail Impact Assessment
An assessment undertaken for a planning application for major retail developments (those over 500m sq of floor space measured externally). The assessment examines the impact of development on the vitality and viability of existing shopping centres within the catchment area of the proposed development. The assessment usually includes the likely cumulative effect of recent planning permissions, development under construction and completed development.

9.4.4 For the purposes of Business Policy 9 major retail development will be classed as any new or increase in existing retail development of more than 500 sq. metres of floor space measured externally. For the purposes of Business Policy 10 new neighbourhood shops within new residential developments will not normally comprise more than 100sq metres of floor space measured externally.

Business Policy 10: Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5.

3.3 Community Policy 2 states: new community facilities should be located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings.

3.4 Whilst not directly relevant to the current application, Community Policies 3 and 4 both presume against the loss of local shops, public houses and community facilities except where it can be demonstrated that it is no longer practical or desirable to retain such facilities or where it can be demonstrated that the use is no longer commercially viable or cannot be made commercially viable.

3.5 Whilst the site is not designated for retail use as a shop, the general standards of development set out in General Policy 2 are considered relevant as follows:

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:

(c) does not affect adversely the character of the surrounding landscape or townscape;
(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;
(l) does not have an unacceptable effect on road safety or traffic flows on the local highways;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan and
(m) takes account of community and personal safety and security in the design of buildings and the spaces around them.
4.1 Planning approval was granted for internal alterations and provision of additional toilets, office and storage space under 93/01547/B and 97/01923/B.

REPRESENTATIONS
5.1 Lezayre Parish Commissioners have no objection to the application (26.06.20).

5.2 Highway Services have no objection (09.06.20).

ASSESSMENT
6.1 The existing use and land use designation are for the site to be used as a public house. This is a different use class to general retail which is what is being sought here. However, both involve customers calling - the shop with customers and staff calling and being on the premises during the daytime and the public house more orientated towards the middle of the day to the evening. It is possible that some customers may use both sets of facilities on their visit. If approval is granted it should refer to Class 1.1 which includes a range of types of retail use, on the basis that in general terms these uses are considered to have materially the same impact as each other and there is no reason why in this case there should be any different consideration, given that the site is at the edge of a settlement and within walking distance of a number of existing properties.

6.2 The shop is not significant in terms of the Strategic Plan definition and does not require a RIA. It is also relevant that at the time of the preparation and adoption of the local plan, Caley's Stores was operational. It closed a couple of years ago and that site has been the subject of a successful application for the erection of an additional dwelling on the site (18/00024/A with 20/00494/B seeking an extension of time for the submission of the reserved matters application. This development would not preclude the continued use of part of the site as a shop and the plans included the provision of a single vehicle parking bay and two spaces at the rear in addition to the new house and spaces for that.

6.3 The proposed shop has the benefit of considerably more parking spaces than has or will have the shop across the road and is also on the same side of the road as all the new houses in St. Stephen's Meadow and a number of houses up the Clannagh Road meaning that customers from here would not need to cross the A3 to get to the shop. Sulby is split into two distinct parts, separated by a number of fields: the local church and school and a number of houses.

6.4 Rural shops and public houses have been found to struggle in recent times: applications have been refused for the re-use of two rural establishments - the Waterfall in Glen Maye and the Liverpool Arms in Lonan - as dwellings with suggestions in both cases that insufficient work had been undertaken to see if there were alternative uses for the buildings which would still offer community facilities and both were considered to contravene Community Policy 4. In this current case the public house is diversifying by offering new and different services that the community clearly wish to have, supporting CP4 and complying with CP2.

6.5 The use of part of the hotel as a shop will have little impact on the character of the area - the main impact being customers coming and going at earlier hours than is currently the case and it is noted that the shop is not intended to be operational early in the morning or late at night although the hotel could be the latter, subject to appropriate licence. It is considered that there is sufficient parking and that the comings and goings of those customers who come by car, would not be detrimental to highway safety given the existing use of the existing accesses onto the A3 and A14. Similarly, whilst there may be increased comings and goings during the day this is not considered to be so significant an impact on local residents as to justify refusal of the application, given the existing use of the premises and the benefit of a local shop for the local community.
6.6 Whilst the applicant has provided intended hours of operation, it is not proposed to condition these as the enforcement of the closing times would be problematic as the hotel is already operational and also not necessary given that the hotel is operational anyway and there are no restrictions on those opening times and the premises could be open for breakfasts or meals outside of the proposed opening times for the shop.

CONCLUSION
7.1 The development is considered to accord with Business Policies 9 and 10 and General Policy 2 of the Strategic Plan and is supported.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:
(a) the applicant (including an agent acting on their behalf);
(b) any Government Department that has made written representations that the Department considers material;
(c) the Highways Division of the Department of Infrastructure;
(d) Manx National Heritage where it has made written representations that the Department considers material;
(e) Manx Utilities where it has made written representations that the Department considers material;
(f) the local authority in whose district the land the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

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