



Isle of Man
Government

Reiltys Ellan Vannin

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, 10th August 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 27th July 2020.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any Section 13 Agreements concluded since the previous sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for 24th August 2020.

PLANNING COMMITTEE Meeting, 10th August 2020
Schedule of planning applications

<p>Item 5.1 Brooklands Sir Georges Bridge Abbeylands Isle Of Man IM4 5EH</p> <p>PA19/01029/B Recommendation : Permitted</p>	<p>Conversion of existing redundant agricultural barn to residential property</p>
<p>Item 5.2 Barn Adjacent Struan Thie Sulby Glen Sulby Isle Of Man IM7 2BD</p> <p>PA20/00389/B Recommendation : Permitted</p>	<p>Conversion of barn to provide tourist living accommodation</p>
<p>Item 5.3 Carrick Sulby Glen Sulby Isle Of Man IM7 2AZ</p> <p>PA20/00396/B Recommendation : Permitted</p>	<p>Erection of detached building to provide triple and double garages with workshop to replace existing garage and storage buildings</p>
<p>Item 5.4 Manesca Building The Quay Port St. Mary Isle Of Man IM9 5EA</p> <p>PA20/00459/B Recommendation : Permitted</p>	<p>Installation of two containers for storage of shellfish</p>
<p>Item 5.5 Swallows Rest Gibdale Farm Bayrauyr Road St Marks Ballasalla Isle Of Man</p> <p>PA20/00473/B Recommendation : Permitted</p>	<p>Variation of condition 4 of PA 09/00703/B to remove agricultural tie</p>
<p>Item 5.6 Tudor Lodge 18 Stanley Terrace Douglas Isle Of Man IM2 4EP</p> <p>PA20/00565/B Recommendation : Permitted</p>	<p>Demolition of rear outlet / garage and erection of detached building to provide bedroom accommodation</p>
<p>Item 5.7 Tudor Lodge 18 Stanley Terrace Douglas Isle Of Man IM2 4EP</p> <p>PA20/00566/CON Recommendation : Permitted</p>	<p>Registered Building consent for the demolition elements relating the application 20/00565/B</p>
<p>Item 5.8 Cedar Lodge Glen Mona Loop Road Glen Mona Ramsey Isle Of Man IM7 1HG</p> <p>PA20/00571/C Recommendation : Permitted</p>	<p>Change of use from bed and breakfast to apartment with additional tourist use</p>

<p>Item 5.9 51 Castlemona Avenue Douglas IM2 4EB</p> <p>PA20/00633/C Recommendation : Permitted</p>	<p>Use of one room within property as a therapy room</p>
<p>Item 5.10 13 Pickard Close Castletown IM9 1BB</p> <p>PA20/00635/B Recommendation : Permitted</p>	<p>Rendering works to front elevation</p>
<p>Item 5.11 Mizpah Ballafesson Road Port Erin Isle Of Man IM9 6TX</p> <p>PA20/00642/B Recommendation : Permitted</p>	<p>Erection of replacement three bedroom dwelling</p>

Item 5.1

Proposal : Conversion of existing redundant agricultural barn to residential property
Site Address : Brooklands
Sir Georges Bridge
Abbeylands
Isle Of Man
IM4 5EH
Applicant : Mr Roy Antony Stephenson
Application No. : 19/01029/B- [click to view](#)
Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The hard and soft landscaping works shall be completed in full accordance with the approved details hereby permitted. Any hard landscaping material used to make up the parking and turning area within the application site shall allow for permeable spaces to enable infiltration unless otherwise agreed in advance with the Department.

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

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 development shall be undertaken strictly in accordance with the mitigation, avoidance, compensation and enhancement measures identified in Section 7 of the Protected Species Report November 2019 by Manx Wildlife Trust Consultancy Services. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Environment Policy 4 of the Isle of Man Strategic Plan 2016 and the Wildlife Act 1990.

C 5. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Planning Directorate. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendation outlined in the BCT and ILP Guidance Note 8 Bats and Artificial

Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Environment Policy 4 of the Isle of Man Strategic Plan 2016 and the Wildlife Act 1990.

C 6. The means of vehicular access to and from the site and the pedestrian areas within the site shall be only as shown on the approved plan Drawing No's. 10853-001 rev B; 10853-002 rev A and 201 rev A.

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

C 7. Prior to any works commencing on site the access and visibility splays on drawing nos. 10853-001 rev B; 10853-002 rev A date stamped 28/05/2020 shall be constructed and remain free from obstruction thereafter.

Reason: In the interests of Highway Safety

C 8. Prior to the use of the access hereby approved the surface of the access and hardstanding measured back from the carriageway shall be properly formed of a consolidated and sealed material with surface water drained into the site.

Reason: In the interests of highway safety and to ensure the proposed development does not result in flooding of the abutting highway.

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 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.

N 1. In order to provide the proposed accesses the developer will need to enter into a Section 109A Highway Agreement with the Highway Authority.

Reason for approval:

Overall and on balance, it is considered that the proposal, subject to a condition relating to parking provisions, landscaping of the site, and species protection complies with General Policy 3, Housing Policy 11, Environment Policy 1 and Environment Policy 16 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED OT THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

SITE

1.1 The site is part of the wider Brooklands, Sir Georges Bridge, Abbeylands, which is towards the southern end of Abbeylands; the application building is to the south of the group

of buildings that constitute Brooklands. Other buildings close by include Mullen E Corran and Meadow View south west of the application site, as well as Crossways and Abbey Court which are situated 105m northeast.

1.2 The application property consists of three connected buildings; a small shed, a large storage shed, and a two storey hayloft with shed underneath. The current parking is suitable for four vehicles and the access for this property is via Ballaoates Road. This traditional Manx stone building has been painted white while its roof is made up of grey slate tiles. The larger section has a steeply pitched roof with a gable facing the road, while the smaller sections have mono-pitched roofs.

1.3 The site is visible from Ballaoates Road, though given that the land falls away somewhat in a southerly direction and the road is lined with a robust hedge and line of trees. As such, views of the site when approaching from the south is limited almost exclusively to the upper floor and roofs of the taller section abutting the highway. However, the building is clearly visible when approaching the property from the north as the building is only about 600mm from the highway and stand out.

THE PROPOSAL

2.1 This planning application seeks approval for the conversion of existing redundant agricultural barn to residential property.

2.2 The proposed barn conversion will provide a three bedroom dwelling. This would include two bedrooms, a lounge, kitchen, dining area and bathroom on the ground floor, while the upper floor would comprise a bedroom and ensuite. It is also proposed that the four parking spaces will be converted to create two parking spaces with space for internal turning so that a car can enter and exit in forward gear.

2.3 Other works will include the installation of a flue on the west facing lean to roof, the installation of photovoltaic solar panels on the south facing roof of the existing barn section, in addition to re-rendering the building with smooth masonry render and the installation of UPVC windows on some elevations.

2.4 Additional information has been provided to address highway safety concerns with the initial proposal which proposes the following:

i. Altering the position of and pushing back the proposed east of the site access to an angle that would create egress with improved visibility for vehicles exiting the site (Access to be moved 4.5m south west resulting in centre lining moving by 4.5m). This will enable a sight line of 2.4m x 59.31m north of the site access.

ii. Additional hardstanding area created to serve as parking for vehicles so that there would be sufficient turning space within site.

iii. The sod bank on the south western section of the site and by the access to be repositioned to enable sight lines of 2.4m x 43.05m in the south direction from access.

iv. Vegetation by existing boundary wall to be removed (including tree) and bank reduced to a maximum of 0.9m above carriageway level.

2.5 The applicants have also provided a Structural Report prepared by Manx Structural Solutions in support of the application which concludes that the application property is suitable for the proposed use and confirms that "the buildings are reasonably robust and capable of renovation".

PLANNING POLICY

3.1 The site is designated as 'Open Space' on the Onchan Local Plan Order 2000 map No.2. The strategic plan includes several policies applicable to the proposal which have been included below.

3.2 General Policy 3 is applicable to Development outside of those areas which are zoned for development on the appropriate Area Plan the policy states that proposals will not be permitted outside of the list of exceptions provided. The exceptions are as follows:

- (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'.

3.3 Paragraph 8.10 of the Strategic Plan: Conversion of Rural Buildings to Dwellings

8.10.1 Throughout the countryside, there are examples of buildings which are no longer suitable or needed for their originally intended use, but which are of sufficient quality or interest to warrant retention and re-use.

8.10.2 Conversion of such buildings into dwellings can make a useful contribution to the housing stock, ensure retention of our built heritage, and improve the appearance of what might otherwise become derelict fabric. The following policy is therefore appropriate:

3.3.1 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."

3.4 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'.

3.5 Environment Policy 23: When considering alterations and improvements to existing facilities the Department will require that consideration be given to the potential adverse impact of the proposed changes to existing neighbours.

3.6 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.

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

3.7 It is also worth noting that although the proposed development is situated in an area that is not zoned for development, due regard will be given to parts (b), (c), (f), (g), (h) and (i) of General Policy 2.

PLANNING HISTORY

4.1 The application site has been the subject of three previous planning applications none of which is considered to be materially relevant to the determination of the current application.

REPRESENTATIONS

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

5.1 The Department of Infrastructure (DOI) Highways Division previously recommended REFUSAL for the application in a letter dated 11 October 2019 with the following comments:

The conversion of redundant agricultural barn to residential property will result in a material increase in vehicle movements entering and exiting the site.

Whilst there is existing access, there are concerns over what appears to be a lack of acceptable visibility particularly to the left for a drive exiting the site.

As a result, the proposals are not considered acceptable due to the access being considered unsafe in terms of substandard visibility.

Refusal is therefore recommended.

5.1.2 Having received additional information and revised plans from the applicants, Highways have provided the following revised comments in a letter dated 5 June 2020:

The amended drawings sufficiently overcome the highway objection, showing an adequately modified shared pedestrian and vehicle access and appropriate visibility splays on repositioning the boundary walls. Additionally, the revisions show an altered hardstanding area of a side by side from a tandem arrangement with space for two cars and turning compliant with parking standards and design guidance. The access and hardstanding would need to be formed of a consolidated and sealed material with surface water drained into the site. A s109(A) Highway Agreement would apply to the works in the highway.

Consideration should be given to a separate bicycle storage facility and electric vehicle charging points.

There is space for the storage for waste and kerb side collection.

As the revisions shown on drawings no. 10853-001 rev B; 10853-002 rev A and 201 rev A satisfy highway requirements, Highway Services raises no opposition subject to conditions to accord with the drawings hereby approved to cover access, visibility splays and the pedestrian vehicle areas within the site. The modifications to the vehicle access require a s109(A) Highway Agreement under the Highways Act 1986.

5.2 DEFA's Senior Biodiversity Officer has written in with the following comments in a letter dated 7 October 2019:

The building proposed for conversion has potential for nesting birds and roosting bats.

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

- o intentionally or recklessly kill, injure or take a bat
- o intentionally or recklessly damage or destroy, or obstruct access to , any structure or place which bats use for shelter or protection
- o intentionally or recklessly disturbs any bat while it is occupying a structure or place which it uses for that purpose. The maximum penalty that can be imposed is a fine up to 10,000 pounds.

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.

Several species of bat have been recorded in the local area and the building is situated between wooded valleys increasing the potential for bats to be present. The Ecosystem Policy Team recommends that an ecological assessment for bats and birds is undertaken prior to the determination of this application. Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd Edition 2016). Surveys are required to identify the species of bat utilising the

property, their abundance and whether they are breeding and this will determine the mitigation required. Should bats be found then a mitigation plan for their protection should be submitted to the Planning Department prior to the determination of this application. The presence of bats will not prevent the property from being converted but provision must be shown for the ongoing protection of the bats.

5.2.1 Upon receipt of the Protected Species Report from Manx Wildlife Trust Consultancy Services for the site, the Senior Biodiversity Officer has stated in a letter dated 3 December 2019 that:

The Protected Species Report November 2019 (see attached) undertaken by Manx Wildlife Trust Consultancy Services for Brooklands Barn, Abbeylands, confirms that a brown-long eared bat roost, swallows nests and a wren's nest were identified within the building. Section 7 of the report identifies mitigation and reasonable avoidance measures.

Lighting near the entrances to bat roosts could disturb bats and cause them to abandon a roost. Should the application be granted permission we recommend the following conditions:

The development shall be undertaken strictly in accordance with the mitigation, avoidance, compensation and enhancement measures identified in Section 7 of the Protected Species Report November 2019 by Manx Wildlife Trust Consultancy Services. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Environment Policy 4 of the Isle of Man Strategic Plan 2016 and the Wildlife Act 1990.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Planning Directorate. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendation outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Environment Policy 4 of the Isle of Man Strategic Plan 2016 and the Wildlife Act 1990.

5.3 DEFA's Arboricultural Officer although consulted on 25 September 2019, has not commented on this application at the time of drafting this report, and so it is assumed that there are no objections to the application.

5.4 Onchan District Commissioners have recommended that the application be approved for planning purposes only "Subject to the Department of Infrastructure's recommendation" in a letter dated 8 October 2019.

ASSESSMENT

6.1 As well as the consideration of the individual policies which provide advice for the various elements of the scheme, it is important to consider the overall and cumulative impact of all the elements together, which would include:

- (i) the visual impact of the proposed development on the character and appearance of the existing dwelling,
- (ii) the impact on the surrounding area and street scene
- (iii) the impact upon the amenities (overlooking, loss of light and over bearing impact) of the neighbouring properties and
- (iv) the impact on Residential amenities for future occupants.

6.2 The Principle of the development

6.2.1 The policies outlined above are clear that proposals such as this are generally to be supported as an exception to the principle that there should be no development in the countryside. In this case, and taking the key elements of Housing Policy 11 as the

fundamental basis for the assessment, it is considered that the proposal represents an appropriate such exception.

6.2.2 The conversion of the stone barn to residential accommodation complies with HP 11 in that it relates to a building of historic and architectural interest: The Traditional Manx Barn, with its neighbours within Brooklands reflects the character of the Manx countryside which would be vital to retain. The existing building is being largely retained as is with minimal change to window and door openings and there is only a very small physical alteration to appearance of the building.

6.2.3 The barn is evidently redundant (as shown in the accompanying statement which highlights the fact that it has previously been rented for commercial purposes in recent years with two currently occupied by third parties (a window fitter and a painter and decorator), while it is also evidently structurally intact and of certainly historic interest. There is no reason to assume its use for residential purposes would be incompatible with adjacent uses; while the additional comings and goings associated with its use would be less impacting than the existing use which is commercial. Also, there is nothing to indicate that the converted barn could not be attached to the necessary services, either.

6.2.4 The retention of the majority of the window and door openings, particularly on the larger section is to be strongly welcomed. This will really help preserve the appearance - and thereby character - of the building. The use of timber frames for some of the windows in the existing barn is welcome, and the use of more contemporary materials to the smaller sections is appropriate in ensuring that the dwelling is made to be more energy efficient.

6.2.5 In view of the above, it is considered that the relevant policies of the Strategic Plan are met, while the effect on the landscape will be satisfactorily neutral.

6.3 Character and appearance

6.3.1 Paragraph 8.10.2 provides appropriate criteria for the conversion of such buildings into dwellings, stating that such proposed uses should ensure retention of our built heritage, and improve the appearance of what might otherwise become derelict fabric.

6.3.2 The agricultural building itself, which is the subject of this application doesn't appear to have been significantly altered, apart from the painting on the external wall and the change to the colour of the existing doors and windows. Other features of this traditional building have remained unchanged.

6.3.3 In considering the proposal, it is noted that the level and scale of the proposed changes would not be significant enough to alter the appearance of the dwelling. The only change which would be visible from the abutting thoroughfare would be the increase in the height of the South east facing section of the storage shed to flush with the height of the eaves of the main barn, and the addition of a window 2.1m wide and 2.4m high. These changes are considered to be relatively modest and not judged to cause harm to the appearance of the main building or the character and quality of the area. Granting the site is situated by the highway, making these changes viewable from some vantage points, the surrounding hedging and trees lining the highway would conceal these changes; with clear views only when directly in front of the property. Besides, the scale of the proposal would remain subservient to the host building and would be considered appropriate when read within the context of its built form, with the finish to match and as such deemed acceptable.

6.3.4 Housing policy 11 also requires that conversions should: (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; conditions which the proposed development respects.

6.4 Impact on the surrounding Area

6.4.1 Regarding the impact on the surrounding area, it is noted that the buildings are old and may well provide roost sites for bats and/or owls and a condition requesting a survey with appropriate mitigation is not uncommon for an application of this type. The Protected Species Report for the site has identified certain bat species which roost within sections of the building and as such, it would be vital for conditions to be imposed to ensure that the development is carried out without resulting in negative impacts for these animals.

6.4.2 In view of the fact that the development would retain significant portions of the built fabric for the affected rural buildings, it is noted that the development will ensure the retention of the Islands built heritage, and improve the appearance of what might otherwise become derelict fabric (as the quality of the buildings are tending towards dereliction, a condition the proposed intends to correct), thus complying with Paragraph 8.10 of the Strategic Plan on the Conversion of Rural Buildings to Dwellings.

6.5 Impact on neighbours

6.5.1 Environment Policy 23 weighs up the impact of proposals on neighbours by asserting that consideration is given to the potential adverse impact of the proposed changes to existing neighbours when making improvements to existing facilities. It is, however, noted that the closest dwelling to the application site 'Abbey Court' is situated 105m northeast of the application property; separated by farm fields and as such any impact on neighbours would be negligible.

6.6 Parking and highway safety

6.6.1 General Policy 2 (h) and (i) requires that there be no unacceptable implications in terms of highway safety resulting from developments. The proposed changes to the access and parking on the site, the changes to the surrounding hedging, as well as the removal of part of the low frontage wall to Ballaoates Road would ensure that entrance and exit from the site is safer, since the works would ensure better visibility; giving drivers a better line of sight when exiting the site.

6.6.2 It is also vital to state that the modified vehicular access places vehicles exiting the site between 4-6m from the barn enabling a clearer view to the highway, so that traffic using it can come and go safely; a situation which the current access and parking situation cannot adequately provide. It was witnessed onsite that there would be area enough to allow for proposed site alterations to provide for the required parking and internal turning of vehicles to ensure that vehicles can enter and exit the site in forward gear, with sufficient space for improved visibility exiting the site.

6.7 Residential amenities for future occupant

6.7.1 The internal accommodation of the proposed dwelling consists of a two bedrooms, lounge, dining/kitchen, utility, store and bathroom at ground floor level, whilst the accommodation within the upper floor would accommodate a bedroom and en-suite. It is considered the internal accommodation would be an acceptable size, and all primary rooms would have adequate level of outlook and light. It is also worth noting that due to the properties location, views from the front and from the dwelling itself would be over fields to the north and east of the site, while the views to the garden and south would be to the surrounding woods.

RECOMMENDATION

7.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan, therefore it is recommended that the application be approved.

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 5.2

Proposal : Conversion of barn to provide tourist living accommodation
Site Address : Barn Adjacent
Struan Thie
Sulby Glen
Sulby
Isle Of Man
IM7 2BD
Applicant : Mr David Manser
Application No. : 20/00389/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. The barn conversion hereby approved shall be used only for family and friends of those occupying the main dwelling or as tourist accommodation. The building shall not be occupied as an independent dwelling unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

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. 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 5. The development shall not be occupied or operated until the secure and covered bicycle storage has been provided to the Department and approved in writing. The secure and covered bicycle storage shall be retained and available at all times thereafter.

Reason: To promote sustainable travel in the interests of reducing pollution and congestion.

C 6. The walls and vegetation which is situated within the visibility splay shown on drawing no.20 1382 04, shall be reduced to a height of 1m and the splay shall thereafter be maintained at this height and free from any obstruction exceeding 1.05m above the level of the adjacent highway carriageway

Reason: For the interests of highway safety

N 1. It is recommended that the applicant contact DEFA Inland Fisheries with the regards to any impact on the ecology of the nearby Sulby River.

N 2. Please note the following regarding nesting birds,

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.

N 3. If at any point during the works items are found that indicate the barn could of been a previous mill or if the location of any former or existing openings for mill machinery are found they should be carefully recorded with Manx National Heritage being informed.

Reason for approval:

The proposed barn alterations and conversion to tourist to comply with Strategic Policy 1, General Policy 3, Environment Policy 1, 2, 16 & 22, Housing Policy 11, Business Policy 11, 12 & 14 and Transport Policy 7.

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 LOCAL AUTHORITY HAVE OBJECTED BUT IT IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE

1.1 The site defined in red is part of the larger site of "Struan Thie," Sulby Glen which is situated to the western side of the Tholt-y-Will road to the south of Sulby and immediately to the south of the water treatment works.

1.2 The barns which are the subject of this application are situated to the north west of the site and are situated at a lower level than the house and the A14 main roadway.

1.3 Currently at the moment the site is separated into three stores two to ground floor level and one to the first floor level. The store room on the lower level closest to the roadway has a door with a bay window and also has a large covered opening to the north west elevation. The next storage area has a doorway and window situated to the north west elevation and two windows situated to the north east elevation. The storage area to the first floor level is situated to the northern end of both ground floor storage areas and can only be accessed from a doorway on the south east elevation.

1.4 To the lower ground level of the storage units is set in Manx stone with the first floor level being rendered and painted. Both levels have a tin roof.

1.5 To the north of the barn is a small store room which is set in Manx stone and has a tin roof.

THE PROPOSAL

2.1 The current application seeks approval to convert the existing storage barn into a one bed roomed tourist unit. This will include the following alterations,

- o Conversion of the front bay window and garage door into two bi-folding doors measuring 3.1m by 2m and 3.1m by 1.8m
- o Replacement roof from the existing roof sheets to black/dark grey marley profile 6 corrugated sheeting or natural blue/dark grey roof slate.
- o Replacement of gutters with black/dark grey gutters and downpipes
- o Existing stone wall to be made good and re-pointed where needed
- o Existing render to be removed and re-pointed with lime render
- o Replacement windows and doors to be black/dark grey glazed units.
- o Installation of two rooflights measuring 1.1m by 1.2m situated to the side of the roof facing "Struan Thie."

2.2 To the outside area there is to be decking and a patio with two specific parking areas being available to provide 3 parking spaces.

2.3 Access to the site is from the main entrance into "Struan Thie."

PLANNING HISTORY

3.1 There are several applications on the site of which the most relevant would be PA90/01258/A which was for "Approval in principle for change of use from garage/workshop to domestic, Struan Thie, Sulby Glen, Lezayre," and was Refused.

PLANNING POLICY

4.1 The site lies within an area zoned as not designated for development and as an "Area of High Landscape or Coastal Value and Scenic Significance" on the 1982 Development Plan.

4.2 Within the draft Landscape Character Assessment the site lies within an area of Narrow Upland Glen where the following advice is available:

"4.3 Type B: Narrow Upland Glens

The overall strategy for the protection and enhancement of the Narrow Upland Glens Landscape Character Type is to conserve and enhance: the distinctive well-wooded character of the glens; the distinctive field patterns on lower valley sides, defined by Manx hedgerows with mature trees; the pattern of winding roads, enclosed by sod banks, with small fords and bridges across water courses; the remote, tranquil, and unsettled character; and the various visible cultural heritage features, such as scattered abandoned mines.

Key landscape planning considerations in relation to the protection and enhancement of this Landscape Character Type are as follows:-

- (a) Housing and business development would be out of place on the visually-sensitive upper slopes of the Narrow Upland Glens;
- (b) Care should be taken to ensure that any new development that is deemed necessary reflects local building materials and styles; is of an appropriate scale and relates well to existing buildings; and is well integrated with the surrounding landscape through sensitive siting and appropriate screen planting;
- (c) Linear development along road corridors which extends urban influences into the wider undeveloped countryside should be avoided;
- (d) New tourist or recreation development and related infrastructure, such as car parks and litter bins, should be sensitively designed and "low key" in nature;
- (e) Care should be taken to minimise visual clutter of highways infrastructure and signage on the steep, winding rural roads within Narrow Upland Glens;
- (f) New river crossings should respect the traditional scale and materials of existing historic bridges;
- (g) Vertical telecommunications masts or structures should be avoided on the upper slopes, since they would create visual clutter, affect open skylines, and/or detract from views from Narrow Upland Glens towards adjacent Landscape Character Types."

4.3 Given the nature of the application it is appropriate to consider Strategic Policy 1, General Policy 3, Environment Policy 1, 2, 16 & 22, Housing Policy 11, Business Policy 11, 12 & 14 and Transport Policy 7.

4.4 Strategic Policy 1 of the Isle of Man Strategic Plan 2016 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 and amenity standards and
- c) being located so as to utilise existing and planned infrastructure, facilities and services."

4.5 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) Conversion of redundant rural buildings which are of architectural, historic, or social value and interest. (Housing Policy 11)

4.6 Environment Policy 1 of the Isle of Man Strategic Plan 2016 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".

4.7 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 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."

4.8 Environment Policy 16 of the Isle of Man Strategic Plan 16 states, "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.

4.9 Environment Policy 22 of the Isle of Man Strategic Plan 2016 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."

4.10 Housing Policy 11 of the Isle of Man Strategic Plan 2016, "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."

4.11 Business Policy 11 of the Isle of Man Strategic Plan 2016, "Tourism development must be in accordance with the sustainable development objectives of this plan; policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings could be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted."

4.12 Business Policy 12 of the Isle of Man Strategic Plan 2016, "Permission will generally be given for the conversion of redundant buildings in the countryside to tourist use providing that the development complies with the policies set out in paragraph 8.10 - Housing Policy 11."

4.13 Business Policy 14 of the Isle of Man Strategic Plan 2016 states, "Tourism development may be permitted in rural areas provided that it complies with the policies in the Plan. Farmhouse accommodation or quality self-catering units in barn conversions and making use of rural activities will be encouraged but must comply with General Policy 3 and Business Policies 11 and 12. Other forms of quality accommodation in rural areas will be considered, including the provision of hostels and similar accommodation suitable for walkers but must comply with General Policy 3 and Business Policies 11 and 12."

4.14 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."

REPRESENTATIONS

5.1 Highway services have commented on the application and have stated that "whilst the visibility is below the standard of 2.4x70m at 2.4x36m in each direction, it is maximised and is to be enhanced by the lowering of the boundary wall to a height of 1m meeting the height requirements to not exceed 1.05m. Highway services also have requested that the following conditions be attached to the application,"

1) Provision of Visibility Splays - Dimensioned on Approved Plan: Prior to the commencement of the use hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05m above the level of the adjacent highway carriageway. Reason: In interests of highway safety.

2) Provision of Parking and Vehicle Areas - Prior to the commencement of the use hereby permitted, the proposed on-site car parking turning shall be laid out in accordance with the approved plan. The vehicle parking areas accessed must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development. Email: highwaysdevelopmentcontrol@gov.im Officer: SH Department of Infrastructure Sea Terminal Building, Douglas, Isle of Man, IM1 2RF development. Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.

3) Bicycle Parking - No works shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the Planning Authority. The scheme shall be fully implemented before the development is brought into use and thereafter retained for this purpose. Reason: In interests of encouraging use of sustainable modes of transport." (12.05.20)

5.2 Lezayre Commissioners have considered the proposal and Refuse the application at a 3-2 majority and state the following, "The commissioners have concerns regarding the access and egress at this site. The site is on a narrow section of the Sulby Glen Road. Tourists would not

be aware of how fast and busy this little road is at certain times of the day. Should tourist's accommodation be placed so close to a highway. We recently reported two small landslides to the DOI on the hillside opposite in this area, which we have asked to be investigated. We have concerns regarding the stability of the hillside and the trees opposite." (15.05.20)

5.3 The Department has received two comments from Manx National Heritage, firstly to comment on the possibility of birds within the barn and as such the works should be done outside the bird nesting season, to request that the applicant consults DEFA Inland Fisheries prior to works and the possibility of the barn being within a flood risk zone. The second comment received was regarding the possibility of the barn being a historic mill and that any historic features should be saved. (7.05.20)

5.3.1 A discussion with the Registered Building Officer and additional information received from the application to show photographs of the property deemed that there were no historic features which needed to be saved/ replicated. A note will be added to the application to note that if there are any mill related structural items that they be recorded for historical sake.

5.4 A comment has been received by Biodiversity requesting a bat survey and that any vegetation is cut outside of bird nesting season. (15.05.20)

5.4.1 A preliminary bat survey was carried out on the 29th June 2020 which found "no evidence of the presence of bats and that the building had little or no potential for supporting bats."

ASSESSMENT

6.1 The fundamental issues with this application which need to be assessed is the principle of the development, whether there is any impact on the countryside, whether there are any highway impacts and whether there is an impact on neighbouring amenity.

6.2 Principle

6.2.1 In the first instance the principle of the development needs to be addressed due to the structure being a barn which is situated on a site which lies in the countryside where development is restricted, in order to protect the countryside for its own sake, as such when assessing the principle of the development Housing Policy 11 and Business Policy 12 are most relevant.

6.2.2 From the photos provided of inside the storage barn and from the past history of the site, specifically PA94/01794/C which was for the change of use from outbuilding to sign & lettering preparation and application, which was approved, it can be seen that any previous use for the barn as agricultural is no longer there. The barn is also in good structural standing with the only alterations proposed to the barn being the removal of the bay window and garage door and the installation of two sets of bi-folding doors, with no extensions proposed.

6.2.3 As such the principle of changing the barn into a tourist accommodation is acceptable subject to the below factors.

6.3 Visual Impact

6.3.1 The barn itself is situated at a lower level than the main road which means that only parts of the dwelling can be seen from each part of the road. When coming to the property from the North West the northern part of the upper barn can be seen, with the roof and the existing garage door/ proposed bi-folding doors. When travelling from the south east the main parts which are seen are the south side of the barn and the roof.

6.3.2 Both of these vantage points will see several different aspects of the property, which when viewed with the removal of the render to part of the barn and with a new roof, will help assist the property in looking more traditional and will assist in the barn looking more attractive in the streetscene.

6.3.3 Whilst it is noted that the bi-fold doors are not a traditional feature which would be generally seen within traditional setting, within the setting here the bi-fold doors are more attractive than the current garage door and with the other alterations proposed will assist the property in looking cohesive in its environment.

6.4 Highway Impact

6.4.1 When looking at possible highway implications it is necessary to look at the comments made by both Lezayre Parish Commissioners and by the Highway Division. Lezayre Parish Commissions have stated that one of their reasons for refusal is the "access and egress at the site. The site is on a narrow section of the Sulby Glen Road. Tourists would not be aware of how fast and busy this little road is at certain times of the day." Whilst it is noted that Lezayre Parish Commissioners have stated the above the Highway Division have stated that the main road has a 30mph speed limit. The Highway Division have also not recommended refusal for the application.

6.4.2 It is noted that the Highway Division have stated that whilst the existing vehicle access is acceptable, the available visibility is below the standard of 2.4m x 70x at 2.4x36m in each direction but there is the availability of reducing the vegetation on both sides of the vehicle access to 1 metre to assist in vehicles. As such a condition which states that the vegetation should be reduced to 1 metre each side and maintained in this way should be attached.

6.4.3 With regards to the parking on site, it is noted that due to where the property is situated that a lot of the traffic coming to the site would be from vehicles due to the distance of the property away from local bus routes. Whilst the proposed tourist unit is only one bedroom the applicants have supplied two separate parking areas of which one is to north of the site and one is to the east of the site. The applicants have not supplied any information on whether alternative forms of travel have been looked at but to safeguard the site for future sustainable forms of travel a condition should be attached for covered cycling parking to be available and maintained thereafter.

6.5 Neighbouring amenity

6.5.1 When looking at the neighbouring amenity there are two points to look at firstly whether there would be any impact to the change to the barn and whether there would be any impacts on "Struan Thie" with regards to the flue to be installed.

6.5.2 Whilst the barn is separate from the main dwelling of "Struan Thie," the nearest property to the barn would be "Mount Karrin Farm" which is situated to the north west of the barn, approximately 118 metres away. Generally concern can lie in the potential to cause disruptions to the immediate neighbouring properties. Whilst it's difficult to assess how an individual person would behave whether they are a tourist or permanent resident. As a tourist, a person may be out a lot of the time, but may also have greater late nights and be disruptive on return. On the other hand, permanent residents may be at home more of the time, but be more likely to invite friends or family over for dinner or parties that may be noisy. In general terms, however, the majority of people tend to behave well and raise no concerns, although there will always be a percentage that might not, whether they are a permanent resident or otherwise.

6.5.3 There was recently an application which was approved initially but refused on appeal following an adverse recommendation from the inspection. The application, PA18/01125/B

was refused for reasons relating to the appearance of the flue and the effect of its use in terms of smell and smoke nuisance, to the immediate neighbour. The inspector accepted that that flue would only be seen by those living around the site but still considered that an adverse visual impact experienced by them would breach GP2 and the RDG. He was also concerned about the emissions from the flue, regardless of the fact that it appeared to have been installed by a registered installer and that Environmental Health had visited the site and had not experienced any smoke or smell.

6.5.4 Discussions were held with the Head of Building Control and Standards within the Department indicate that in his view, the issue at Close Cowley was not with the location and installation of the flue which would appear to accord with the guidelines in the Building Regulations, but with the operation and it is possible that incorrect fuel was being used. There are procedures for this which would normally involve the installer returning to check the installation. Whilst in the Close Cowley case, the EHI visited the site it is clear that on their visit there was no smoke or smell nuisance. It would appear from the discussions with Building Control that there are both standards for flues and measures which can be taken through Building Control and Environmental Protection which can address issues should they arise.

6.5.5 In speaking to the Head of Building Control regarding the flue within this property and any possible implications due to the height of the flue and the window in the nearest elevation, the Head of Building Control has stated that there should not be an issues and in the absence of any evidence that this current proposed flue will result in harm to the living conditions of "Struan Thie", it is considered that the proposed flue is acceptable.

6.6 Possible Flooding

6.1 An issue had been raised by Manx National Heritage on the close proximity of the barn to the Sulby River and that the property is potential within a flood risk zone. When looking at Indicative Flood Map of Sulby River it can be seen that "Struan Thie" and the adjacent barn are outside of the flood risk area. Whilst the barn is outside of the flood risk area there is the possibility that ecology can be harmed in the proposed building works and as such a note will be added to consult DEFA Inland Fisheries prior to commencement.

CONCLUSION

7.1 For the above reasons the proposal is considered to comply with Strategic Policy 1, General Policy 3, Environment Policy 1, 2, 16 & 22, Housing Policy 11, Business Policy 11, 12 & 14 and Transport Policy 7 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 5.3

Proposal : **Erection of detached building to provide triple and double garages with workshop to replace existing garage and storage buildings**

Site Address : **Carrick
Sulby Glen
Sulby
Isle Of Man
IM7 2AZ**

Applicant : **Mr & Mrs Chris Higgins**

Application No. : **20/00396/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. 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 showing, type, size and position of each and existing landscaping (i.e. roadside hedgerow). 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 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 and hard surfacing materials. 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.

C 3. The development hereby approved shall not be occupied 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, shall remain free of obstruction for such use at all times and shall be retained for the life of the development.

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 existing trees and hedges shall be retained in accordance with the approved details. Any retained tree or hedge which within five years of the approved development being occupied or completed (whichever is the later) dies, is removed or becomes seriously

damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

Reason: To safeguard the appearance of the development and the surrounding area.

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. The garage(s) hereby approved shall be used for the parking of private cars only and shall not be used for the parking of commercial vehicles and/or for the repair/maintenance of commercial vehicles.

Reason: To safeguard the residential character and amenities of the area.

C 8. The flood risk mitigation detailed in the Flood Risk Statement received on the 9th April 2020 will be put into place prior to occupation of the garage and workshop and retained as such thereafter.

Reason: to mitigate against unnecessary damage

Reason for approval:

The proposed garage and workshop whilst not necessarily under GP3 is a structure which would be found with a domestic property.

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 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 Carrick, Sulby Glen, Sulby which is a 1960's/1970's bungalow, situated to the western side of the Sulby Glen Road and south of the

Sulby Crossroads. The site is accessed via an existing entrance off Sulby Glen Road which is situated to the eastern boundary of the site.

1.2 The existing bungalow is being extended under PA19/00045/B, of which the works are currently 85% done.

1.3 The Sulby Local Plan 1999 written statement has the following to say about the character of Sulby, "4.1 The rural character of Sulby is principally attributed to the significant tracts of open space that exist within the village which should continue to be preserved and protected from indiscriminate development."

1.4 The site can be characterised as a flat parcel of land with mature vegetation on the surrounding boundaries.

THE PROPOSAL

2.1 The current planning application seeks approval to erect a five car garage with workshop which is situated in an L shape. The three car garage part measures 11.7m by 6.5m which also includes an outside accessible only store and WC. The two car garage measures 6.3m by 6.5m with the workshop connecting the three car garage and two car garage measuring 6.7m by 6.5m. The overall height at the peak of the roof is 1.8m.

2.2 Four rooflights measuring 0.780m by 0.980m are proposed, of which three are going to be situated in the south elevation of the three car garage with one being situated in the west elevation of the two car garage.

2.3 The overall garage and workshop is to be situated to the north east of the site.

2.4 Also proposed is the alterations to the front main entrance into the dwelling by removing the existing entrance walls, pillars and gate and reintroducing pillars and gates set back 5m and 7m respectively. There is also the introduction of a small wall surrounding the "courtyard" area.

PLANNING HISTORY

3.1 There has been one previous application on the site which was for, "Alterations and extensions to property to provide additional living accommodation." Which was approved.

PLANNING POLICY

4.1 The site lies within an area zoned as Open Space (including agriculture) on the Sulby Local Plan Order 1998 and as such is not designated for development.

4.2 Within the draft Landscape Character Assessment the site lies within an area of Narrow Upland Glen where the following advice is available:

"4.3 Type B: Narrow Upland Glens

The overall strategy for the protection and enhancement of the Narrow Upland Glens Landscape Character Type is to conserve and enhance: the distinctive well-wooded character of the glens; the distinctive field patterns on lower valley sides, defined by Manx hedgerows with mature trees; the pattern of winding roads, enclosed by sod banks, with small fords and bridges across water courses; the remote, tranquil, and unsettled character; and the various visible cultural heritage features, such as scattered abandoned mines.

Key landscape planning considerations in relation to the protection and enhancement of this Landscape Character Type are as follows:-

- (a) Housing and business development would be out of place on the visually-sensitive upper slopes of the Narrow Upland Glens;
- (b) Care should be taken to ensure that any new development that is deemed necessary reflects local building materials and styles; is of an appropriate scale and relates well to existing buildings; and is well integrated with the surrounding landscape through sensitive siting and appropriate screen planting;
- (c) Linear development along road corridors which extends urban influences into the wider undeveloped countryside should be avoided;
- (d) New tourist or recreation development and related infrastructure, such as car parks and litter bins, should be sensitively designed and "low key" in nature;
- (e) Care should be taken to minimise visual clutter of highways infrastructure and signage on the steep, winding rural roads within Narrow Upland Glens;
- (f) New river crossings should respect the traditional scale and materials of existing historic bridges;
- (g) Vertical telecommunications masts or structures should be avoided on the upper slopes, since they would create visual clutter, affect open skylines, and/or detract from views from Narrow Upland Glens towards adjacent Landscape Character Types."

4.3 Given the nature of the application it is appropriate to consider General Policy 3, Environment Policy 1, 10 and 13.

4.4 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 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."

4.5 Environment Policy 1 of the Isle of Man Strategic Plan 2016 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."

4.6 Environment Policy 10 of the Isle of Man Strategic Plan 2016 states: "Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a floor risk assessment and details of proposed mitigation measures must accompany any application for planning permission."

4.7 Environment Policy 13 of the Isle of Man Strategic Plan 2016 states: " Development which would result in an unacceptable risk from flooding, either on or off site, will not be permitted."

REPRESENTATIONS

5.1 Highway Services have considered the application and do not oppose the application subject to the following conditions,

"a) Provision of parking and vehicle areas - prior to the commencement of the development hereby permitted, the proposed on-site car parking, and turning shall be laid out in accordance with the approved plan. The vehicle parking areas must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development. Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.

b) Retention of Garages - The garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Planning Authority. Reason: To retain the garages for parking purposes." (21.01.2019).

5.2 Lezayre Parish Commissioners have considered the proposal and Unanimous approve, subject to all garaging to be for residential use only (6.02.19).

5.3 The Ecologist and Environment Planner for Manx National Heritage has commented on the application stating, "I am writing to you on behalf of Manx National Heritage to highlight our concerns over this planning application. The location of the existing building, close to trees and the open countryside together with the nature of its construction could make the building attractive to roosting bats. Bats are protected under Schedule 5 of the Isle of Man Wildlife Act making it an offence to disturb their roost sites. We recommend that a bat survey is carried out to determine their presence or absence works are undertaken."

5.4 The Arboricultural Officer has written in and has no objection to the application but notes the following, "It would appear from the plans that would be some conflict between the trees on the North of the site and the proposed development, however the previous hard standing and the existing footings would likely deter the surrounding trees roots. For this reason I have no objection to this development."

5.5 Due to the property being within a flood risk zone Manx Utilities Authority have been contacted for their views of which no reply has been received to date.

ASSESSMENT

6.1 The fundamental issues with this application is the principle of the proposed garage, the visual impact and whether the garage would affect the character and appearance of the existing dwelling or the countryside, the impact on parking and highway safety and if there are any potential issues with the garage being in a flood risk zone.

6.2 Principle

6.2.1 In the first instance the principle of the development needs to be addressed due to the property being within an area zoned as "Open Space," where development is restricted, in order to protect the countryside for its own sake. Whilst General Policy 3 allows for some exceptions within the countryside the proposed garage does not fit within any of these categories.

6.2.2 Whilst there is nothing within the strategic plan on new development in the form of detached garages, there have been detached garages approved, in some instances, where the garage would not have an undue impact on the countryside or undermine the rural character of an area. Furthermore the Permitted Development Order allows (subject to conditions) the erection of a double garage (6mx 6m); therefore there is a general acceptance to the principle of a garage to properties within the countryside (i.e. land not designated).

6.2.3 Whilst the principle in general is acceptable, it is required to see whether a garage on this site would be acceptable.

6.2.4 The applicants have supplied information stating that the proposed garaging is to replace the current run down garage and outbuildings and that, "the proposed detached garage would not only provide parking for domestic cars it would also provide storage space for vehicles and equipment owned by the applicant for the up keep and maintenance of large garden areas..."

6.2.5 When looking at the photos supplied with the application it can be seen that the area where the proposed garage and workshop is going is run down with the structures looking poorly maintained and dated. Whilst the proposed garage and workshop is large in size the applicants have said they currently own three cars, a van, a sit on mower, a tractor with a topper and a mini digger. As such the size of the garage seems viable for the information given.

6.3 Visual Impact

6.3.1 Sulby Glen Road has a mix of dwellings along it, in the vicinity of the application site there are a mix of large properties set back from the road and some more traditional cottages which are situated directly adjacent to the roadside.

6.3.2 The garage and workshop has been designed to fit within the main the dwelling with the design features being the same and the proposed dwelling. The proposed garaging would be a visual improvement on the garage and outbuildings which are currently in place and especially when the alterations and extensions on the main property are finished.

6.3.3 When looking at the overall height of the garage and workshop whilst this could potentially provide an overbearing feeling this has been designed to fit in with the current dwelling, which is a bungalow. The height within the pitched part of the roof is 1.8m high and as such is only being used for storage.

6.3.4 There is also large amount vegetation situated to the north and east of the site which helps to shield the garage and workshop from the public vantage point of Sulby Glen Road. More vegetation has been proposed to the north east of the development and to make sure that this is done a condition should be attached to the application.

6.4 Highway Safety

6.4.1 The removing of the gates and pillars and reinstating them further back into the property will help assist any cars who want to come and go from the property by providing space after the gates prior to entrance or exit of the main road.

6.5 Flood Risk Zone

6.5.1 On the Indicative Flood Map Sulby River and Tributaries the proposed garaging is situated within a flood risk area, as such the implications of this needs to be explored. A flood risk assessment has been received which has stated that the normal flood mitigation such as

keeping all gullies free of fallen leaves and making sure the occupants familiarise themselves with aspects such as where the gas and electricity shut offs are. There is also the following mitigation with regards to flood barriers to external doors. To make sure that the property is protected against any flooding a condition should be attached to state that the flood risk mitigation should be followed through.

CONCLUSION

7.1 For the above reasons the proposal is considered to comply with General Policy 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 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 5.4

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 containers hereby approved may remain in situ in accordance with the approved drawings until 10th August, 2024 and thereafter must be removed from the site.

Reason: the application is for the temporary retention of the containers which are 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

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT AS THE PROPOSAL RESULTS IN A DEPARTURE FROM THE AREA PLAN FOR THE SOUTH 2013.

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 - king 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;
- 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 no objections (23.07.20).

5.2 Highway Services do not oppose the application (27.05.20 and 09.07.20).

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 the additional containers 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 containers it would be reasonable to add a condition relating to their 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 5.5

Proposal : Variation of condition 4 of PA 09/00703/B to remove agricultural tie
Site Address : Swallows Rest
Gibdale Farm
Bayrauyr Road
St Marks
Ballasalla
Isle Of Man
IM9 3AT
Applicant : Mr & Mrs T Roberts
Application No. : 20/00473/B- click to view
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The mitigating evidence against the retention of the condition would tip the balance in favour of the applicant in this instance without setting a precedent for future similar applications. As such it is recommended that the removal of the condition is allowed.

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 residential curtilage of 'Swallows Rest' Gibdale Farm, Bayrauyr Road, St. Marks. The property sits to the north of the highway set back approx.100m+ in a rural setting with high hedges on both sides of the highway.

1.2 The dwelling has the appearance of a traditional two storey house and resembles some of the design attributes from Planning Circular 3/91. The frontage is a typically modest Manx cottage in appearance, with a projecting Manx stone two storey projecting gable to the front and two single storey annexes on each side of the main build. The building has a

traditional chimney stack on each gable and a natural slate roof with concrete verge cappings. The windows are all either vertically proportioned or wider apertures and window casings.

2.0 THE PROPOSAL

2.1 Proposed is the removal of condition number 4 attached to the original approval (09/00703/B) for the dwelling, which restricts occupancy to persons engaged in agriculture;

"The dwelling may be occupied only by a person or persons engaged or last engaged solely in agriculture; or a widow or widower of such a person, or any resident dependants".

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the site has been zoned under the Isle of Man Development Plan Order 1982 as being within an area of 'white land' or not zoned for development.

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:

3.3 there is a presumption against development in such areas not zoned for such (countryside) as set out in Strategic Plan General Policy 3, Environment Policies 1 and 2 and particular policies against the development of new dwellings in these areas - Housing Policy 4 and Strategic Policy 2 are relevant.

3.4 Exceptions to these policies can be made under specific circumstances, including agricultural need as set out in Environment Policy 15 and Housing Policies 6-10, referring to agricultural buildings and dwellings. Housing Policy 8 explains that if approved, a condition would usually be attached to restrict the occupancy of the property to someone who was employed in agriculture. Paragraph 8.9.4 states:

'Such a condition will not usually be removed on subsequent applications unless it is shown that the long-term need for dwellings for agricultural workers, both on the particular farm and in the locality, no longer warrants reserving the dwelling for that purpose'.

4.0 PLANNING HISTORY

4.1 The planning history associated with the site and concerning the application site are briefly noted below;

19/00019/B - Alterations to existing driveway - approved

10/00448/B - Creation of a farm track- approved

11/01380/B - Erection of an agricultural barn- refused

09/00703/B - Erection of a replacement agricultural worker's dwelling - approved

PA 08/0574 - erection of replacement dwelling - refused on appeal

PA 06/0256 - erection of agricultural building - permitted

PA 04/1462 - removal agricultural worker's occupancy condition - refused on appeal

PA 02/1446 - installation of windows in converted agricultural building - permitted

PA 01/0677 - conversion of agricultural building to dwelling - permitted

PA 90/1327 - alterations and extensions - permitted

PA 84/0136 - erection of dwelling, field 685 - permitted

5.0 REPRESENTATIONS

5.1 Malew Parish Commissioners have no objection (04/06/20)

5.2 Highways Services have no objection (27/05/20)

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application is; Whether there is justifiable long term need to retain the condition. Each case must be assessed on its merits and with particular reference to the history of the use; the situation

regarding such matters as ownership, tenure and land use and whether or not there is a need for such a continued 'tied' use.

6.2 Looking at the more recent history of the site, under the 2009 permission a replacement building of a much larger scale was approved and implemented. Considered at that time of consideration was that there was sufficient reason to justify the dwelling of this size on the basis of an agricultural need.

6.3 The applicant has confirmed, the property has approx. 60 acres of land and woodland (identified in blue on the plan) much of the land to West of the dwellinghouse is woodland and is not farmed by the current owner or by a tenant farmer. Whilst Planning consent was granted (PA 06/0256) for an agricultural barn, there is no agricultural activity taking place on the land or at the property and they further state neither of their employment statuses are related to agriculture or horticultural industries. The applicant further states they have not been in compliance with the condition since purchasing in 2005, furthermore the 2009 approval where the agricultural occupancy condition was imposed, this was never appealed if this was not the intention. Although the applicant states; "this was not what we applied for".

6.4 Building control records state a submission was made to them (BC ref; 11/07003/DOM) in January 2011 and a completion certificate was issued on 14th April 2016. The applicant has also stated they pay normal domestic rates (private residential dwelling) and not the lower agricultural level normally associated with a farm workers / agriculture dwelling. This has been verified by the Rates department on 24/07/20 by email, who confirmed; "At the time of valuation, April 2016, checks were made with DEFA who advised that no farming was being undertaken by the owners (currently the applicants).

6.5 DEFAs' agricultural officer has confirmed the property Swallows Rest and the wider land holding is not an active farm and does not have any livestock registered to the property or surrounding fields. On this basis, it appears that the property has functioned as a normal dwelling house and has clearly not been 'required for use by an agricultural worker'.

6.6 The applicant states the property was marketed through two estate agents and a letter from one of the agents, Black Grace Cowley, dated 10th February 2017 confirms the property was marketed "for sale by private treaty for approximately 12 months". Whilst there had been significant interest, this has not materialised in a sale and they (Black Grace Cowley) consider the agricultural tie has been a material consideration for purchasers which has prevented a successful sale.

6.7 The applicant confirms in their supporting statement the property was marketed at a reduced market rate to take into account the occupancy condition and whilst there was substantial interest in the property, of the two offers received and accepted both parties withdrew their respective offers once they understood the implications of the occupancy condition. Throughout the marketing period there was no interest from any individual who would be able to comply with the condition as such the property is no longer on the market due to having been withdrawn by the owner in light of the above.

6.8 From this information it appears that the property is unlikely to be acquired by someone who would comply with the condition and those already involved in agricultural activities would already be in accommodation near to or on the farm they currently have. As this is not a viable option as a farm the purpose of the condition is questionable, it could be considered more akin to those with equestrian interests.

6.9 Turning to the properties advertisement price, this reflected in the size of the property and its curtilage. It is clear that an agricultural workers salary would not be commensurate to a property of this size and alienates those employees from this financial level of property on the Isle of Man.

6.10 It is understood the application site has been under review by the departments planning enforcement team. A section 25 Notice was served on 23rd March 2016 stating a breach of the agricultural occupancy condition. A legal response was submitted to the Section 25 Notice. No further correspondence on this matter has been received since (the department last wrote on the) 3rd January 2018. To date no formal action has been taken and the option to "regularise" the breach is currently being exercised through this application.

6.11 To understand the farming context on the Island, in 2018 there were 731 individuals employed by in Agriculture/ horticulture. The Island currently has 338 farms. (data from Agricultural and Horticultural Census 2018) Presumably each with a dwellinghouse on.

6.12 The Department receives a number of applications for the removal of agricultural ties year on year and it is becoming more apparent that modern day farming on the smaller scale has been declining despite government financial support (Appendix 1 - Developing a Reliable, Sustainable, Self Reliant Manx Agriculture) to help offset the rising cost associated with importing fertilisers, sprays, feeds and fuel. The report further highlights on page 19; "The Island also has a high cost production system due to the wonderful latticework of small fields which reduces production efficiency but significantly enhances the countryside heritage and the rural enjoyment of the Island's residents and visitors. The land and farm type on the Island substantially restrict the producer's ability to diversify into alternative products, restricting much of the Island's landscape to grass based livestock production for human consumption". This helps us understand the current farming situation and the demand for farming.

6.13 Considering the land holding with the property, as noted with 60 acres, whilst this could be classed as a small holding (private use, not necessarily a productive or viable farm holding), reviewing the land quality and topography we can see, the land comprises 21 fields with an average field size of approx. 3 acres, and as the owner confirms there is no farming activity, much of the land (2018 aerial imagery) appears to be overgrown or left to develop as nature intended for the condition of the land. The IoM soils maps identify this area as being of class of 3 and 3-4 quality. Considering Class 3 land characteristics can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management, while Class 4 are poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. The quality of the natural land goes some way to understand the limitations of agricultural usage and helps understand the viability in trying to manage the land without financial risk.

6.14 Weighing up the above factors, it is considered that the retention of the agricultural condition would appear to be no longer reasonable in this current context. This is also reinforced by the fact that attempts to sell the property to local farmers and those aspiring to have some form of agricultural holding have not been successful. The fact that it has not been used as an agricultural worker's dwelling since it was built, neither of the occupants are employed in this industry and residential occupancy rates are being paid since 2016 to date. The quality of the land surrounding the property and modern farming practices, all contribute to reasons for the property or those occupants of the property not to become involved in farming. In this case the applicant has met the strict test required by Policy HP8 and, due to the particular circumstances of this case, it is not considered that the removal of Condition No 4 (removal of an 'agricultural tie') would set any precedent for future similar applications.

7.0 CONCLUSION

7.1 From the above assessment, it is difficult to conclude there is no long term requirement for an agricultural dwelling in this location, however the mitigating evidence against the retention of the condition would tip the balance in favour of the applicant in this

instance without setting a precedent for future similar applications. As such it is recommended that the removal of the condition is allowed.

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

Item 5.6

Proposal : Demolition of rear outlet / garage and erection of detached building to provide bedroom accommodation
Site Address : Tudor Lodge
18 Stanley Terrace
Douglas
Isle Of Man
IM2 4EP
Applicant : Emerald Assisted Living Limited
Application No. : 20/00565/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.

Reason for approval:

It has been previously assessed that the development proposed is acceptable without causing undue harm to local residential amenity and also without causing undue harm to the natural environment or cause undue harm on public amenity. No significant material circumstances have altered since the original applications, which is very similar to what is now proposed and comply with GP2 and EP35 of the IOMSP.

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 10 Victoria Place, Douglas 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 PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

1.0 THE SITE

1.1 The application site is the curtilage of Tudor Lodge Residential Care Home, Stanley Terrace, Douglas. The property is situated at the end of the terrace with its north western elevation facing onto Marathon Road. To the rear of the property is Stanley Place land which runs between Stanley Terrace and Victoria Place. The property is currently served by a garage which is detached from the building and is accessed from Stanley Place.

2.0 THE PROPOSAL

2.1 This application seeks approval for the demolition of rear outlet / garage and erection of detached building to provide bedroom accommodation.

3.0 PLANNING POLICY

3.1 The application site is located within an area identified as being Predominantly Residential by the Douglas Local Plan and the Draft Area Plan for the East. The site is within a Conservation Area.

3.2 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;
- (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 Environment Policy 35 states: "Within Conservation Areas, the Department will permit only development which would preserve or enhance the character and appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development."

3.4 Paragraph 10.11.1 of the Strategic Plan sets out the following: "Health care facilities such as nursing homes, residential homes, or training centres are usually sited within residential areas, but can generate activity and traffic which has detrimental effects on the amenity and character of these areas. The following policy is therefore adopted."

3.5 Community Policy 6 states: "New community health care facilities and extensions to existing facilities will be permitted provided that they:

- a) would not result in an over concentration of such uses in a particular area;
- b) would not have an unacceptable effect on the residential or prevailing character or amenity of the area;
- c) would be easily accessible; and
- d) would not have an unacceptable impact on the local highway network."

3.6 Housing Policy 17 states: "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."

4.0 PLANNING HISTORY

4.1 The application site has been the subject of five previous planning applications which are considered materially relevant to the assessment of this application:

4.2 Variation of condition 1 of application 15/01332/B for alterations, conversion of garage and erection of a single storey extension, to extend the period of approval for a further 4 years - 19/01325/B - APPROVED

4.3 Variation of condition 1 of application 15/01332/B for alterations, conversion of garage and erection of a single storey extension, to extend the period of approval for a further 4 years - 19/01325/B - APPROVED

4.4 Variation of condition one of PA 11/01029/B to extend the period of permission by an additional four years - 15/01332/B - APPROVED

4.5 Alterations, conversion of garage and erection of a single storey extension to provide additional living accommodation - 11/01029/B - APPROVED at Appeal.

4.6 Alterations, conversion of garage and erection of a single storey extension to provide additional living accommodation - 06/00484/B - APPROVED

4.7 Erection of staff accommodation with integral garage to replace existing garage/store to rear - 00/01057/B - REFUSED at Appeal

4.8 Change of use to residential care home - 92/00384/C - APPROVED

5.0 REPRESENTATIONS

5.1 The Highways Services of the Department of Infrastructure does not object to this application (received on 26.06.2020) COMMENTING:

"The site history and user operations have been noted and that the loss of the garage is not to count towards parking. It is understood that the garage has historically and is being used as a storage facility. The Applicant is advised that a licence may be necessary for the use of the highway for equipment and materials."

5.2 The owner/occupier of 10 Victoria Place, Douglas have objected to the application on the following grounds (19.06.2020):

"Our house is immediately opposite this place our house back is at the top of Stanley Place, The mess and nuisance this work will cause will be a massive problem for accessing our house and parking problems along with the mess they will make on our outside newly decorated house. Will they be repainting our house when it covered in mess and dirt. Also access to the back of their new annex and parking problems."

6.0 ASSESSMENT

6.1 Firstly it needs to be acknowledged that a similar scheme has previously been approved for two additional bedrooms to be used in association with the care home. The only really differences is that this is a total new build which other applications sought to convert the existing garage and included an linked extension between the bedrooms and the back of the building. The link extension is not proposed by this application. Accordingly, the level of development is less than what has previously been approved. It should be noted that application 19/01325/B could be implemented toady, as it has not expired.

6.2 From a visual perspective the design is very similar to what has already been approved which include two windows to the rear, with flat roof and parapet wall to rear lane

elevation. It is considered the form of development would be acceptable within the street scene and would comply with GP2 of the IOMSP.

6.3 In terms of the impact upon neighbouring amenities, again the level of developed is very similar, if not less than what has previously been approved. There is a similar sized structure already in place and it is not considered the proposal would raise an significant adverse impacts to neighbouring amenities to warrant a refusal.

6.4 In relation to impacts of the general disturbances of the development during the construction phases, while the concerns of the Occupants of Nr 10 Victoria Place are reasonable and understandable; they are not a material planning consideration which can be taken into account.

6.5 Highway Services have considered the application and have raised not concern. The primary access to these rooms would be from the main building which in turn would utilises the main entrance of the building off Ballaquayle Road. The proposal does include a pedestrian gate (as did previous applications) but this is a replication of the existing situation in the same position.

7.0 CONCLUSION

7.1 It has been previously assessed that the development proposed is acceptable without causing undue harm to local residential amenity and also without causing undue harm to the natural environment or cause undue harm on public amenity. No significant material circumstances have altered since the original applications, which is very similar to what is now proposed and comply with GP2 and EP35 of the IOMSP. It 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:

- 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 5.7

Proposal : Registered Building consent for the demolition elements relating the application 20/00565/B
Site Address : Tudor Lodge
18 Stanley Terrace
Douglas
Isle Of Man
IM2 4EP
Applicant : Emerald Assisted Living Limited
Application No. : 20/00566/CON- 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 works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

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

Reason for approval:

It is considered the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan therefore it is recommended that the application be approved.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the curtilage of Tudor Lodge Residential Care Home, Stanley Terrace, Douglas. The property is situated at the end of the terrace with its north western elevation facing onto Marathon Road. To the rear of the property is Stanley Place land which runs between Stanley Terrace and Victoria Place. The property is currently served by a garage which is detached from the building and is accessed from Stanley Place.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Registered Building consent for the demolition elements relating the application 20/00565/B.

3.0 PLANNING STATUS AND POLICY

3.1 The application site is located within an area identified as being Predominantly Residential by the Douglas Local Plan and the Draft Area Plan for the East. The site is within a Conservation Area.

3.2 The Strategic Plan contains two policies which are relevant:

3.3 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."

3.4 Environment Policy 35 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."

3.5 Within Section 7.32 - Demolition in Conservation Areas of the IOMSP, the following text is all relevant and informs Environment Policy 39 (below):

"7.32.1 Under Section 19 of the 1999 Town and Country Planning Act, Conservation Area designation introduces control over the demolition of most buildings within Conservation Areas...

7.32.2 The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. When considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;

- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);

o the adequacy of efforts made to retain the building in use;

o the merits of alternative proposals for the site."

3.6 Environment Policy 39 states: "The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area."

3.7 Conservation Areas of Planning Policy Statement 1/01 (Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man):

"POLICY RB/6 DEMOLITION

There will be a general presumption against demolition and consent for the demolition of a registered building should not be expected simply because redevelopment is economically more attractive than repair and re-use of an historic building; or because the building was acquired at a price that reflected the potential for redevelopment, rather than the condition and constraints of the existing historic building. Where proposed works would result in the total or substantial demolition of a registered building, an applicant, in addition to the general criteria set out in RB/3 above, should be able to demonstrate that the following considerations have been addressed:-

o The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings and returns may, in fact, be more favourable given the publicly acknowledged status of the building. Furthermore, historic buildings may offer proven performance, physical attractiveness and functional spaces that in an age of rapid change may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should take into account possible tax allowances and exemptions. In rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;

o The adequacy of efforts made to retain the building in use. An applicant must show that real efforts have been made, without success, to continue the present use, or to find new uses for the building. This may include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition.

o The merits of alternative proposals for the site. Subjective claims for the architectural merits of a replacement building should not justify the demolition of a registered building. There may be very exceptional cases where the proposed works would bring substantial benefits for the community; these would have to be weighed against preservation. Even here, it will often be feasible to incorporate registered buildings within new development, and this option should be carefully considered. The challenge presented by retaining registered buildings can be a stimulus to imaginative new designs to accommodate them

POLICY CA/6 DEMOLITION

Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6 above, when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits

of any proposed new development when determining whether consent should be given for the demolition of an unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole."

4.0 PLANNING HISTORY

4.1 The application site has been the subject of five previous planning applications which are considered materially relevant to the assessment of this application:

4.2 Variation of condition 1 of application 15/01332/B for alterations, conversion of garage and erection of a single storey extension, to extend the period of approval for a further 4 years - 19/01325/B - APPROVED

4.3 Variation of condition 1 of application 15/01332/B for alterations, conversion of garage and erection of a single storey extension, to extend the period of approval for a further 4 years - 19/01325/B -

4.4 Variation of condition one of PA 11/01029/B to extend the period of permission by an additional four years - 15/01332/B - APPROVED

4.5 Alterations, conversion of garage and erection of a single storey extension to provide additional living accommodation - 11/01029/B - APPROVED at Appeal.

4.6 Alterations, conversion of garage and erection of a single storey extension to provide additional living accommodation - 06/00484/B - APPROVED

4.7 Erection of staff accommodation with integral garage to replace existing garage/store to rear - 00/01057/B - REFUSED at Appeal

4.8 Change of use to residential care home - 92/00384/C - APPROVED

5.0 REPRESENTATIONS

5.1 The Highways Services of the Department of Infrastructure does not object to this application (received on 26.06.2020) COMMENTING:

"The site history and user operations have been noted and that the loss of the garage is not to count towards parking. It is understood that the garage has historically and is being used as a storage facility. The Applicant is advised that a licence may be necessary for the use of the highway for equipment and materials."

6.0 ASSESSMENT

6.1 The main issue to be considered in the assessment of this application is whether the existing garage building should be retained as it makes a positive contribution to the character or appearance of the Conservation Area.

6.2 In the planning application it was considered that the proposed new building would be acceptable. The existing building is in a poor state of repair and is not an original form of development, rather an add on in the past. Its design, finish and appearance has an adverse impact within the street scene. Therefore in relation to the demolition, there are no concerns as it is considered the merits of alternative proposals are beneficial within Conservation Area and the main building.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle Of Man Strategic Plan therefore it is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application;
- (c) Manx National Heritage; and
- (d) The local authority in whose district the land the subject of the application is situated

8.2 In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.

Item 5.8

Proposal : Change of use from bed and breakfast to apartment with additional tourist use

Site Address : Cedar Lodge
Glen Mona Loop Road
Glen Mona
Ramsey
Isle Of Man
IM7 1HG

Applicant : Mr John & Mrs Jo Roebuck

Application No. : 20/00571/C- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The change of use hereby approved shall be used only for family and friends of those occupying the main dwelling or as additional self contained tourist accommodation. The building shall not be occupied as an independent dwelling unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

Reason for approval:

This planning application is recommended for approval as it is concluded that the scope of works would not harm the use and enjoyment of neighbouring properties or the wider environment in accordance with those planning policies 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 IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The application site is the residential curtilage of Cedar Lodge, Glen Mona Loop Road, Glen Mona, Ramsey. The property is a single storey detached bungalow, located on the eastern side of the Glen Mona Loop Road that sits at a lower level than the highway.

2.0 THE PROPOSAL

2.1 Proposed is the Change of use from bed and breakfast to apartment with additional tourist use. The applicant notes; "this area of the house was specifically used and built as an apartment for my father. Last year (2019) it was approved by IoM Tourism for B&B use. We would now like to use it for an apartment for tourist use only".

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area designated as an area of 'white lane' or not zoned for development on Isle of Man Development Plan Order 1982 Also the property is further designated within an area of High Landscape Value or Coastal Value and Scenic Significance.

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:

3.3 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.

3.4 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.

3.5 Strategic Policy 8

Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests and where they enable enjoyment of our natural and man-made attractions.

3.6 The Strategic Plan also contains the following which is considered relevant to this application: Paragraph 9.5.8 states, "The use of existing private residential properties as tourist accommodation may be acceptable if it can be demonstrated that it will not compromise the amenities of any neighbouring residents."

3.7 Business Policy 13

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

4.0 PLANNING HISTORY

4.1 11/00597/B - Alterations and erection of entrance porch - Approved.
08/01081/B - Alterations and extension to dwelling (comprising amendments to development approved under 07/01548B)
07/01548/B - Alterations and erection of an extension to provide additional living and ancillary accommodation. Approved.

5.0 REPRESENTATIONS

5.1 Garff Commissioners have made no objection.

5.2 Highways Services commented on (23/06/20) "The reduction in the amount of car parking with this proposal is noted; but adequate space remains to meet standards" and Do not object.

6.0 ASSESSMENT

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

- (i) the visual impact of the proposed development on the character and appearance of the existing dwelling, and street scene; (EP1&2) (SP8)
- (ii) the impact upon the neighbouring amenities (BP13)

Visual impact.

6.2 The self-contained accommodation would be 1 ensuite bedroom with its own sitting room access from a separate access. As the proposal does not intend to extend but merely seek the additional use of the existing built fabric and floor space, it is considered the proposal would have a neutral impact on the surrounding streetscene and that of the Conservation area. This aspect is deemed to be an acceptable additional use that complies with Strategic Policy 8 and in turn Environmental Policy 1 and 2.

Neighbouring amenities

6.3 Business Policy 13 indicates that permission will generally be given for the use of private residential properties as tourist accommodation providing that it can be demonstrated that such use would not compromise the amenities of neighbouring residents. There are a not many residential properties along this section of road which is reflect by the lack of any objections. The nearest residential property is to the north, and whilst this is within 20m of the property, it is not considered the proposed tourist use would be any different than that of a friend or family member occupying the unit, than a tourist use would be. Given the size of the area / accommodation to be used, it would likely lend itself to only accommodate two people.

6.4 As the property sits detached within its own grounds, it is not considered there to be any adverse impact on the neighbouring residential amenity. The proposed accommodation is in such close proximity to the main part of the dwelling house, it is considered any adverse harm would have greater impact on the owners before those of the neighbouring residents. As such this aspect complies with Business Policy 13.

7.0 CONCLUSION

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

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;

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

8.2 The decision maker must determine:

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

Item 5.9

Proposal : Use of one room within property as a therapy room
Site Address : 51 Castlemona Avenue
Douglas
Isle Of Man
IM2 4EB
Applicant : Mrs Gillian Dwyer
Application No. : 20/00633/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 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 for the benefit of Mrs Gillian Dwyer while she is resident at 51 Castlemona Avenue, 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.

Reason for approval:

It is concluded that the planning application is in accordance with the referenced policies of the Isle of Man Strategic Plan 2016.

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 site is No. 51 Castle Mona Avenue, which is a single dwellinghouse. The site is located on the north western side of Castle Mona Avenue. To the north east of the site is the residential property of No. 53 Castle Mona Avenue. To the south west of the application site is the residential property of No.49 Castle Mona Avenue.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for use of one room within property as a therapy room. The applicant explains in their submission that they have been working as a fully qualified aroma therapist in the Douglas Salon for the past 18 years. However, due to the recent pandemic which has hit her hard financially and her age (63) she has decided to reduce my workload and work 2-3 mornings per week mainly one or two clients per day. Due to changes in pension rules, she will need to carry on working till reaching the retirement age and this proposal will provide the additional income needed and will remove the requirement for rent out a room in Douglas town centre. They also confirm that she owns a double garage directly opposite their house with adequate parking for 2 vehicles if needed.

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 dwelling has been zoned under the Douglas Local Plan Order 1998 as being within an area of predominately residential; 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;
- (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."

4.3 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."

4.4 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 does not oppose (09.07.2020).

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; and the potential impact upon on-street parking in the area.

The principle of operating a business from the site

6.2 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 refuse 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.

6.3 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, in this case it appears that the applicant is wishing to reduce her hours and operate on a more part time basis.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES

6.4 A concern can be the general disturbance due to the increased level of visitors to the property. However, the proposal would be for a single room and the applicant clearly does not propose to operate the business to a high level, more part time arrangement with one or two people visiting a few times a week. Accordingly, it is considered given the small scale nature of the business, it would not result in a significant impact upon neighbouring amenities 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

6.5 The proposal includes the provision of a minimum of two off road parking spaces to the front of the property. 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:

- 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 : Rendering works to front elevation
Site Address : 13 Pickard Close
Castletown
Isle Of Man
IM9 1BB
Applicant : Emma Louise Quinn
Application No. : 20/00635/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. This approval relates to the rendering of the front elevation of the property to match that already undertaken to the side and rear, as illustrated in the submitted photographs.

Reason: to clarify the extent of the approval.

Reason for approval:

The proposed change from brick to render is not considered to conflict with General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

THE SITE

1.1 The site is the residential curtilage of an end of terrace property situated on the southern side of the entrance to Pickard Close, a cul de sac of similar properties arranged around a courtyard style of buildings which back onto the playing fields and buildings of Victoria Road Primary School.

1.2 The dwellings are all finished with facing brickwork on the ground floors and dashed render above. This property has an attached garage which sides onto School Lane which links

Victoria Road and Douglas Street. This property had approval for the rendering of the rear and side elevations which has been implemented.

1.3 The rear and side of the garage and those of the rear annex are visible as one proceeds up School Lane towards Pickard Close as are other, rendered buildings alongside this route.

1.4 The houses in Pickard Close are not identical: some have large porches on the front which block out the view of the facing brickwork and the house opposite the application property has a first floor conservatory on the side which is clearly visible when looking at the front elevation.

THE PROPOSAL

2.1 Proposed is the rendering over of the front of the house to match the work already done on the side and the rear and side of the garage and rear extension. The applicant has explained previously that the property is experiencing damp in the walls of the areas which are formed in facing brick and wishes to render over them. She has previously provided details of the proposed render - a thin coat silicone render which has fibreglass mesh built in and she intends to replace the existing render on the upper level to match in. The render finish will be smooth. The brochure information shows that this appears like a simple smooth render which can be painted or coloured.

2.2 Unfortunately this application lacks the information submitted with the previous application although this can be seen online and in the previous planning application file. The applicant has provided additional photographs of the property parts of which have already been rendered.

PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South (2013) as Residential. As such, the following Strategic Plan policy is relevant to the consideration of the application:

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

3.2 The Residential Design Guidance 2020 provides advice on new residential development including alterations. It recommends generally that:

"2.2.2 This document is intended to facilitate good quality design, and an important aspect of that is local distinctiveness. 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.

2.2.3 The character and context of any residential development is created by the locally distinctive patterns and form of development, landscape, culture and biodiversity. These elements have often built up over a considerable time and tell a story of the site's history and

evolution - the creation of a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to it, for example by allowing the long-term retention of existing mature landscaping features or water features. The initial site context should also identify established building heights, lines and orientation of buildings that are adjacent to the site and should have a positive relationship with established housing and other development, including ease of pedestrian and vehicular movement."

PLANNING HISTORY

4.1 The property has been the subject of two earlier applications, 88/00962/B for the rear extension and 95/00064/B for the addition of a front porch, both approved and 85/01288/B was refused for the conversion of the attached garage to a dining room. Rendering was approved recently under 18/01295/B to the rear and side elevations.

REPRESENTATIONS

5.1 There are no representations on the file at the time of writing.

ASSESSMENT

6.1 The issue in this case is whether the change in the external finish will have any adverse impact on the character or appearance of the property or the surrounding area.

6.2 The close, whilst comprising similar properties, is not of identical buildings although all of the fronts have the brick and render split. The approach to the close is formed by buildings which are all one finish or another - render or dashed render and in this respect, this property would be more in keeping with the wider area than its neighbours with the brickwork and render finish.

6.3 Whilst continuity can be a positive element of a group of buildings, it can also often be the case that variety is also welcome. In this case, the existing houses in the close are not identical and this continuity is already compromised by the inclusion of large garage doors at ground floor level and the incidence of parked vehicles within the front garden areas, reducing the effect and dominance of the brickwork as a feature within the close.

6.4 For the above reasons the application is considered to have an acceptable impact on the area.

CONCLUSION

7.1 The proposed change in render is not considered to conflict with General Policy 2 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:

- 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.

Item 5.11

Proposal : **Erection of replacement three bedroom dwelling**
Site Address : **Mizpah**
 Ballafesson Road
 Port Erin
 Isle Of Man
 IM9 6TX
Applicant : **Mr Stephen Edwards**
Application No. : **20/00642/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. 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.

C 3. The dwelling hereby approved may not be occupied until such times as the access and car parking provisions shown in drawing PA/02 and PA/04 must be provided in accordance with these drawings and available for use.

Reason: in the interests of highway safety.

C 4. The garage must be laid out as shown in drawing PA/03A.

Reason: to ensure that the garage is of a sufficient size to accommodate a full sized vehicle.

N 1. The applicant is advised of the provisions of the Wildlife Act 1990 which protects nesting and breeding birds.

Reason for approval:

The proposed development is considered to accord with General Policy 2 and Environment 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 PART OF THE DEVELOPMENT IS ON LAND WHICH IS NOT DESIGNATED FOR DEVELOPMENT

THE SITE

1.1 The site is the curtilage of an existing dwelling, Mizpah, which sits on the eastern side of the A7 Ballafesson Road to the south of the corner where the Honna Road meets the A7. To the immediate north of the application site is the residential curtilage of Kimmeragh and to the south, that of The Gables. Kimmeragh is a low profile dormer bungalow with a double Roman tiled roof; The Gables is also a dormer bungalow with timber detailing and flat concrete tiled roof. The existing property on the application site is also a single storey property which sits slightly lower than both adjacent dwellings. The existing dwelling is in poor condition and is plain in form with timber clad and blockwork walling, large windows and a single chimney in the front pitch.

THE PROPOSAL

2.1 Proposed is the replacement of the existing dwelling with a new dwelling. This will be larger and taller than the existing, taller still than Kimmeragh by 500mm. The dwelling will have an asymmetric roof with the longer, shallower pitch on the front with a stepped roof increasing in eaves height towards Kimmeragh with the roof finished in natural grey slates. The walls will be a mix of stone (tier natural cladding in quartz - a prefabricated stone system with a red/brown colour in this case).

2.2 There are to be no first floor windows in either gable and a first floor pitched roofed dormer in the front elevation which matches those in The Gables.

2.3 A lean to garage will be attached to the northern gable with the apex adjacent to the house.

2.4 The rear elevation is less interesting and appears as a two storey house with small roof above due to the asymmetric arrangement of the roof.

2.5 The existing stone wall which fronts the site is to be retained but the existing capping removed to improve sightlines. The existing hedging along the frontage is partly to be removed to facilitate visibility of and for those using the new access.

2.6 The integral garage has an internal length of 4.8m which is less than the 6m recommended in the Manual for Manx Roads.

2.7 Following discussion with the applicant regarding the dimensions of the garage, the plans have been altered internally so that the garage is over 3m wide and 6m long.

2.8 The proposal also involves the extension of the residential curtilage into the field to the rear, by almost 7m, according with the extension approved and implemented for Kimmeragh (see Planning History). The rear boundary will be formed by a planted hawthorn hedge. No justification has been provided for this but it facilitates the introduction of more planting in the form of the hedge and also two specimen silver birch inside the hedgeline.

PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as Residential. The part of the site which extends into the field is not designated for development.

3.2 As such, the following parts of the Strategic Plan are relevant:

General Policy 3 presumes against development in the countryside where land is not designated for development. Environment Policy 1 further clarifies that the countryside is protected for its own sake.

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;

(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;

(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 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.

3.4 Environment Policy 4 protects ecology which is also protected through the provisions of the Wildlife Act 1990.

PLANNING HISTORY

4.1 There are no previous applications for this site. Kimmeragh received permission to extend their curtilage into the field to the rear under 14/00885/C. This was refused by the Planning Committee but the inspector considering the appeal considered that "this change of use would result in any noticeable harm to the character of the countryside; to the locality generally or to residential amenity in this part of Port Erin. Nor would a granting of approval in this case prejudice the future protection of the countryside for its own sake or set a precedent for similar applications elsewhere." He considered that in some cases such extensions can cause significant visual harm whilst others do not adversely affect the countryside and that it is difficult to take a policy stance on the basis of a general concern about the quantum of such applications rather than treating each on its own merits and that in that case the expansion was modest in relation to the size of the dwelling and its curtilage and that of the remaining field. He went on to recommend that Permitted Development rights be removed which would retain control over further development in this part of the site (further extensions were then approved under 15/00622/B).

REPRESENTATIONS

5.1 Rushen Parish Commissioners have no objection to the application (20.07.20).

5.2 Highway Services comment that the proposal raises no significant highway safety or efficiency issues and meets standards for a frontage access onto a primary route, the A7, allowing Highway Services to raise no opposition subject to conditions for access, visibility splays, driveway, hardstanding for parking, and garage for retention to accord with drawing

no: PA/04. Another for an electric vehicle charging point should be considered. An advisory for a s109(A) Highway Agreement is recommended (16.06.20).

5.3 Ecosystems Policy Office refer to the Wildlife Act as it applies to the protection of breeding and nesting birds and in respect of the site clearance (30.07.20).

ASSESSMENT

6.1 The issues in this case are whether the replacement dwelling would accord with the requirements of General Policy 2 and the Residential Design Guidance and secondly, whether an extension of the residential curtilage is acceptable in this instance.

The replacement dwelling

6.2 The works will remove a currently neglected property which is in poor repair (the applicant considers it beyond an economically viable upgrade and restoration) and replace it with a more attractive one, albeit more prominent, taller and larger. There is no control over the demolition of the existing property and as the site is designated for residential use, no objection to the principle of the erection of a new dwelling here. Whilst taller than the neighbour, the properties in this row are already of differing heights and the difference in this case is negligible. The proposed dwelling incorporates features found in the other two properties such as the pitched roofed dormer and subordinate side annex but with a slated, not tiled roof reflecting the materials on some of the older properties elsewhere in the vicinity.

6.3 The appearance of the rear elevation is not attractive but will not be publicly visible.

6.4 The replacement dwelling meets all the other requirements of the Strategic Plan and the Residential Design Guidance: there are no first floor windows to overlook the neighbouring properties and its height is unlikely to affect the outlook from those properties into the application site.

Extension to the residential curtilage

6.5 The extension of the residential curtilage into the field behind is contrary to the land use designation and such extensions are usually discouraged as they are considered contrary to Environment Policy 1 which protects the countryside for its own sake. However, in this case, the neighbouring property has already been allowed to do this (see above) and the proposed extension will not be publicly visible. It would, in fact make the remaining field more easily managed as the edge would be straighter and allow more space for planting which will enhance the site for ecology. The findings of the inspector in the case of the 2014 application for Kimmeragh as just as applicable here, if not more so as Kimmeragh's extended curtilage is visible from the highway due to its position next to the road: that of the application site is hidden behind Kimmeragh and its curtilage.

Other matters

6.6 There is no policy requirement for the provision of electricity charging points and in this case as there is a garage, facilities for charging an electric car will be available there.

6.7 The Wildlife Act makes provision for the protection of wildlife and planning approval is not required for much of the site clearance that could result in disturbance to species protected under this legislation. As such, a condition is not appropriate and a note would be more appropriate should the Ecosystems Policy Office choose not to contact the applicant directly.

Conditions

6.8 Whilst the provisions of the Permitted Development Order were suspended for Kimmeragh's extension of its curtilage, in this case, any further development in the newly extended garden of Mizpah would not be visible due to the presence of Kimmeragh and it is not considered that any especial control should be introduced for the further development of

this property or the introduction of domestic structures such as garden sheds and greenhouses, over and above what is considered appropriate in other residential areas under the PDO.

CONCLUSION

7.1 The proposed development is considered to accord with General Policy 2 and Environment Policy 1 of the Strategic Plan.

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.