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, 19th October 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 5th October 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 those applications where Section 13 Agreements have been concluded in the period 29th September 2020 to 12th October 2020.

8. Any other business

9. Next meeting of the Planning Committee
   Set for 2nd November 2020.
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Item 5.1
Proposal: Change of use from an office (class 2.1) to a residential dwelling (class 3.3)
Site Address: 8 Mount Pleasant
Douglas
Isle Of Man
IM1 2PU
Applicant: Brillig Investments Ltd
Application No.: 20/00873/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

Reason for approval:
This application is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons

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

Owner and occupier 5 Mount Pleasant, Douglas, IM1 2PU
Owner and occupier 9 Mount Pleasant, Douglas, IM1 2PU

as they refer to the relevant issues in accordance with paragraph 2C of the Interested Person Operational Policy 2019 and as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE
The application site is 8 Mount Pleasant, Douglas, a three-storey mid-terraced house located on the north of Mount Pleasant. The property is currently vacant has five offices with a net space of about 96 square metres.

The property is located in an area that is populated with many offices. The area is characterised by a number of terraced houses.

Mount Pleasant is an alley lead from Finch Road, a one-way street running north to south (travel direction is from south to north at the time of the report). There is no on or off-street parking associated with this site, as is the case with all properties on Mount Pleasant and the many properties along Finch Road. There are two major public car parks near the site, which are available for contract hire.

The planning application seeks approval for the change of use from office (class 2.1) to a residential dwelling (Class 3.3).

The proposed dwelling would have a living room and a dining room on the ground floor; two bedrooms and a bathroom on the first floor; a bedroom with storage on the second floor. There is also a kitchen/dining area in the basement.

There is a storage space in the garden leads to Strand Street and can be used for cycling storage.

There is no previous application considered materially relevant to this application.

In terms of the local plan, the site is designated within an area of "Predominately Office" in the Douglas Local Plan 1998. In the Area Plan for the East (adopted but waiting for approval by Tynwald), the site is designated within an area of "Mixed Use (St. George)". The written statement states that "some residential use will also be acceptable."

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

1. General Policy 2:
"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:
(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
(c) does not affect adversely the character of the surrounding landscape or townscape;
(g) does not affect adversely the amenity of local residents or the character of the locality
(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space
(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
(j) can be provided with all necessary services."

Transport Policy 7:
"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards. The current standards are set out in Appendix 7."
Appendix 7.1:
"High levels of car ownership have led to an increase in the level of parking expected for residential development, and outside of town centre locations, these standards should not be relaxed. New-built residential development should be provided with two parking spaces per dwelling, at least one of which should be within the curtilage of the dwelling and behind the front of the dwelling ... the Department will consider reducing this requirement having regard to:
(a) the location of the housing relative to public transport, employment, and public amenities;
(b) the size of the dwelling;
(d) the impact on the character and appearance of the surrounding area."

Appendix 7.1 continues:
"Where new dwellings are created by the conversion of existing buildings, parking space should be formed by the clearance of outbuildings and low-grade annexes or 'outlets' if it is reasonable and practicable so to do. However, in general, the need to find a use for redundant buildings which are in sound condition will outweigh the drawback of any shortfall in parking provision."

Appendix 7.6 states typical residential dwelling should have "1 space for 1 bedroom; 2 spaces for 2 or more bedrooms." For offices, there should be "1 space for every 50 square metres of nett floor space"

Appendix 7.6 also states:
"These standards may be relaxed where development:
(d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on-street parking in the locality."

5.0 REPRESENTATION
5.1 Douglas Borough Council originally raised some concerns regarding bin and cycling storage (21/08/2020). After the applicant supplied additional information, the Council has no objections to this application (24/09/2020).

5.2 DoI Highway Services do no oppose this application (19/08/2020).

5.3 The owner and occupier of 5 and 9 Mount Pleasant have commented in objection of the proposal (21/09/2020). The reason for objection includes a reduction in privacy for clients and customers; greater noise disturbance from residential use; renovation process will generate noise and affect traffic and parking; reduction in security due to potential of changing tenant, potential overshadowing if the front garden is used as storage.

6.0 ASSESSMENT
6.1 The key issues to consider are the principle of the development, the suitability of the location for residential purposes, the residential amenities for future occupiers, parking, and its impact on the neighbouring properties.

Principle of the Development
6.2 The site is located in a central location in Douglas. The Local Plan designated the area as being Predominantly Office. Although this application is a departure from the designated land use, the number of offices would still be dominant within the area if the application is approved. Douglas Borough Council states that the area used to be a former residential area and the Area Plan for the East states that some residential development within the area is acceptable. Therefore, the development is principally acceptable.
Suitability of the Location
6.3 The site is within easy reach of shops, services, amenities, and employment opportunities and is therefore in a sustainable location for residential development. The proposal would make effective use of previously developed land and add to the vitality of the town centre. The location of the site is sustainable and raises no strategic concerns. The site is considered an acceptable location in principle for residential accommodation.

Amenity and Parking
6.4 According to TP7, the office should have two parking spaces and the proposed dwelling would need two parking spaces. Therefore, there is no change in demand for parking spaces.

6.5 There is no specific parking to be allocated for this development. Whilst there is undoubtedly pressure on kerbside parking in the vicinity, Highway Services have confirmed that they have no objection and that the local disc zone permits on-street parking during the evening when occupiers are most likely to be home. In addition, as residents are more likely to require parking space outside instead of during business hours, they are unlikely to in competition on parking spacing with the offices within the area.

Impact of the Development
6.6 All new developments have impacts on their surroundings. This impact is of two stages: the development stage and the usage stage. For the development stage, a certain level of noise and other nuisance is expected. If there is no tolerance for such nuisance, it will be impossible for any redevelopment to take place within or near a built-up area. Therefore, although the hours of renovation is likely to collide with the neighbouring business's operation hours in this case, it is not enough reason by itself to warrant a refusal.

6.7 For the usage stage, In terms of impact generated by different usage, the Strategic Plan has indicated that residential usage generates the minimum level of nuisance among all usages. This can be inferred from subsection (g) of General Policy 2 which states development that "does not affect adversely the amenity of local residents or the character of the locality" will normally be permitted.

6.8 The word choice "local residents" has implied that the focus is the impacts of development on people who "reside" within the area, meaning other developments have more impact on residents than the residents can have on the developments. In other words, this indicates that the baseline impact is that of a residence. Therefore, the impact creates by the new residence is generally acceptable.

Noise, Crime, and Other Nuisance
6.9 The site is off-street and has a unique scene of tranquillity despite located within the town centre. This tranquillity is an attractive amenity for business and residents alike. Since residential development is considered to be with minimum impact to its residents. The noise generated by the proposal is considered acceptable.

6.9 It is a common perception that active occupancy decreases the chance of crime against adjacent properties as disturbance will more likely to be noticed. Mount Pleasant is off-street, poor-lit and lacks natural surveillance created by the public at night, which makes the lane susceptible to anti-social behaviour and other crime. When the proposed residence being occupied, the lane will be in use at night as well and decrease the chances of crime.

6.10 Although concerns of privacy has been raised, the mere observation of who comes and goes towards a front entrance is a reasonable expectation within the town centre and therefore should not be considered as an invasion of privacy.
9 Mount Pleasant is already overshadowed by the St Andrews Church and 6-8 Mount Pleasant, there is no additional overshadowing can be created in the front yard.

7.0 CONCLUSION
7.1 For the reasons that the proposal is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan, it is 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 which the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision-maker must determine:
- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
**Item 5.2**

**Proposal:** Erection of an agricultural building for livestock, stabling and agricultural equipment

**Site Address:** Kionehenin
Dhoon Loop Road
Dhoon
Ramsey
Isle Of Man
IM7 1HP

**Applicant:** Mr Jacques Van Wyngaardt

**Application No.:** 19/01280/B - click to view

**Principal Planner:** Mr Chris Balmer

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R:** Reasons for refusal

**O:** Notes (if any) attached to the reasons

R 1. The evidence provided fails to adequately demonstrate that a barn of this size and scale has essential agricultural need for the conduct of agriculture and therefore it is considered that the application is contrary to part (f) of General Policy 3 and Environment Policy 15 of the Isle of Man Strategic Plan 2016.

R 2. By virtue of its size, scale and location the visual impact of the development is detrimental to the rural landscape of the countryside in which it sits contrary to both Environment Policy 1 and 2 and Environment Policy 15 of the Isle of Man Strategic Plan 2016.

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**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):

- Manx Utilities and the owners/occupiers of Glebe Cottage, Maughold (as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy);

- the owners/occupiers of Thalloo Mitchell, Dhoon Loop Road, Dhoon (as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy); and
the owners/occupiers of (Kaz Ryzner Associates) (as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy).

Planning Officer’s Report

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

1.0 THE APPLICATION SITE
1.1 The application site is the curtilage of Kionehenin, Dhoon Loop Road, Dhoon which is a large single storey detached dwelling set within large grounds, which are surrounded by agricultural fields. Access to the site is via a long private road which runs from the property from the Dhoon Loop Road within the residential curtilage of the site there are a number of outbuildings.

2.0 THE PROPOSAL
2.1 Full planning approval is sought for the erection of an agricultural barn. The barn would be 50m in width, 20m in depth, with a ridge height of 8.4m. It would be solid on all four of its elevations with larger access doors to the north elevation and west elevations. The walls and roof are finished with metal green sheeting. The barn is set into the hillside, accordingly some re-profiling of the land would be required and also retaining walls to the north of the new barn. The barn is proposed to be located to the north of the residential curtilage of the site.

2.3 The applicant advises that the farm has some 120 acres although of this 100 acres is coastal moorland with the steeper land only suitable for sheep grazing. The rest of the land (20 acres) is divided into small paddocks around the homestead. The applicant's agricultural advisor states that they currently have 21 breeding ewes on the farm which needs to be increased to ensure the fields do not become under grazed which would result in scrub encroachment and the loss of biodiversity. It is proposed that the farm will be able to support up to 150 breeding ewes plus 50 replacement ewe lambs.

2.4 They comment that the new barn would be divided into several distinct areas;

- Sheep pens and handling facilities (450sqm) to enable the safety of those working on the property as well as the livestock. Under the welfare code for sheep a pregnant ewes requires a space of 1.2m2. Therefore if all sheep had to be brought into the barn due to adverse weather at least 300m2 would be required to house and feed them, excluding the area already being used for storage of hay. This area will also be used for shearing and essential sheep work.
- Stabling (200sqm) - the existing stable block which is to the south of proposed building would be demolished so parts of the new building will be used to replace the stables;
- Farm implements (400sqm) - this area will be used to ensure all agricultural machinery can be stored under cover and thereby protected from harsh weather conditions. Such machinery includes, a tractor, ATV, mower, topper, hay tender and other agricultural equipment such as sheep feeding troughs, sheep hurdles for penning and other sheep handling equipment will be stored in the area when not used.
- enclosed farm office/toilet/tea room/first aid (50sqm) - essential basic requirements for anyone working with livestock and machinery; & secure store for animal medicines.

2.5 The applicants also advise that the requirements of selling finished lambs on the Island is that the farms must be "Farm Assured" which requires appropriate facilities for the
keeping of animals, medicines, dry bedding, clean conditions adequate lighting and appropriate factices to be able to segregate/isolate animals. There are also standards for DEFA's Welfare Code for Sheep which states:

"The Five Freedoms are -
1. Freedom from hunger and thirst by ready access to fresh water and a diet to maintain full health and vigour;
2. Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area;
3. Freedom from pain injury or disease by prevention or by rapid diagnosis and treatment;
4. Freedom to express most normal behaviour by providing sufficient space, proper facilities and company of an animal's own kind;
5. Freedom from fear and distress by ensuring conditions and treatment to avoid mental suffering."

3.0 PLANNING HISTORY
3.1 The site has been the subject of a number of planning application, however, only the following are considered of material relevance to the determination of the current application:

3.2 Erection of bottling plant shed and water storage tanks - 19/00695/B - pending consideration.

4.0 PLANNING POLICY
4.1 The application site is designated under the IOM Development Plan Order 1982 as High Landscape or Coastal Value and Scenic Significance and therefore no designated for development. The site is not within a Conservation Area.

4.2 The following policies are taken from the IOM Strategic Plan 2016 and are relevant for consideration:

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

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

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

4.6 Environment Policy 15 states: "Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part.

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

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

5.0 REPRESENTATIONS AND CONSULTATIONS

5.1 Garff Commissioners have objected (07.12.2019) to the application:

"The Commission note the size and scope of this proposed barn. Members are concerned about the size and scope of the structure which will be highly prominent in this spectacular coastal location. The structure will have a particular intrusive visual impact from the A2 and the Ballaragh Road at Bulgham. Members are aware of the extensive range of planning policy and guidance which presume against such impact on the countryside, particularly in sensitive locations. The Commission discussed the report obtained by the applicant that had been submitted with the application which makes a case for the need of the barn. It is the view of the Commission that the barn is much too large for the agricultural need indicated. Members also note the refusal of a much smaller barn (18m x 9m x 5.75m) in the vicinity (18/00802/B) which was in a much less prominent location and for which the normal presumption against development in the countryside was not set aside."

5.2 Highway Services do not object (05.12.2019).


5.4 The owners/occupiers of Glebe Cottage, Maughold (30.11.2019); make the following summarised comments; another attempt to make Kionehnin a paying farm I have witnessed quite a few in last 80 years; the proposed barn sited behind the Colt-Cedarwood bungalow on higher ground but seemingly dug-in, where original farmhouse stood; probably best site ; and colour and shade should be applied, ensuring the roof is darker than the sides.
5.5  The owners/occupiers of Thalloo Mitchell, Dhoon Loop Road, Dhoon (09.12.2019); make the following summarised comments objecting to the proposal; contrary to General Policy 3; appreciate the policy does not require a farm to be a fully-fledged in order to be granted permission for such building; however, we would question whether the standard report submitted, which in the main lists some Farm Assured standards/Sheep Welfare Code recommendations that sheep producers should adhere to, provides sufficient "application specific" evidence of the agricultural need for the building to justify setting aside of the policy; building is not essential for the conduct of the proposed agricultural activity; There are a farmers on the Island who are not Farm Assured as it is not viable, financial or otherwise, for them to adhere to these standards; there are also those who do not have the facilities of a barn but who are still able to meet the recommendations of the Welfare Code; There is significant farming activity which can be undertaken without the need for such a building; to the best of our knowledge there has been no commencement of active farming activity only the grazing of horses (can use existing stables); the report does not state how much of the 100 acres are actually suitable for sheep grazing, being predominately steep coastal moorland scrub, covered in gorse, bracken and heather and as such some of the acreage would not be suitable for grazing; it must be questioned whether the curtilage/type of land and the proposed activities are relative to the very large scale/excessive design of the proposed building being 1250sqm, which is more suitable for a large farmyard commercial agricultural building utilised in a fully-fledged mixed farming operation.; even then very few such farmyard buildings would have facilities of a shower, a coffee room, an office and 3 large vehicular access points, together with the requirement for 4 car parking spaces on top of the existing 16 parking facilities; The report indicates the barn would house the sheep during adverse weather conditions and lambing, however, due to the type of land and therefore the nature of the breed of sheep, this is highly unlikely; Regarding farm implements, farmers do not store all their machinery inside or indeed their feed and we would assume that any required heavy agricultural work/sheering would be undertaken by local contractors who service the majority of the farming community within the Parish; We questions the need of the machinery required to be housed; possible the building will be used for alternative uses; Contrary to Environment Polices 1, 2 & 15 and Transport Policy 3; due to location and overbearing size of the proposed building and its isolated setting, we question it can sensitively and unobtrusively integrate into the surrounding rural/coastal landscape and therefore adversely affecting the amenity of the area as a whole; concerns of increase of traffic.

5.6  On behalf of the owners/occupiers of, Kaz Ryzner Associates (09.12.2019); make the following summarised comments objecting to the proposal; submission fails to provide sufficient details to justify the agricultural need for the proposed development and contrary to General Policy 3 and Environment Policy 15; building would cause significant harm to the character and quality of the landscape in a visually sensitive area designated as Area if High Landscape and Scenic Significance, contrary to Environment Policies 1 and 2; recommend the application is refused.

6.0  ASSESSMENT
6.1  The starting point for any development within the countryside (i.e. not zoned for development) is General Policy 3 paragraph F of the Isle of Man Strategic Plan. This policy states that development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of those buildings which are essential for the conduct of agriculture or forestry.

6.2  Environment Policy 15 also needs consideration, as the first paragraph of this policy requires first the Department to be satisfied that there is agricultural or horticultural need for a new building, sufficient to outweigh the general policy against development in the countryside.
6.3 Furthermore, the site is within an area of "countryside" and within Areas of High Landscape or Coastal Value and Scenic Significance the development needs to comply with EP1 & 2 which essentially required the development not to adversely affect the countryside and would not harm the character and quality of the landscape or if it does the location for the development is essential.

6.4 Firstly, in terms of the principle of the development and whether the size of the barn is "essential for the conduct of agricultural". The applicants confirm in their statement that when the application was submitted they had a total of 21 breeding ewes within the holding. However, they seek this to be increased to 150 breeding ewes plus 50 replacement ewe lambs. The floor area of the barn which would accommodate the sheep and hay would be approximately 450sqm in floor area and therefore greater than the 300sqm what the applicants agricultural report indicates as being the area required if all the sheep are brought into the barn due to adverse weather. However, they do mention that hay storage would also be stored in the area and therefore the could be an argument in favour of this section of the barn being this size, once the 150 breeding ewes plus 50 replacement ewe lambs where part of the farm holding.

6.5 However, there are concerns of the floor areas of the remainder of the barn. In terms of the stabling (217sqm) area the agricultural report makes no mention to any horses on the site. The floor plans appear to indicate a total of 8 stables within this area. There is an existing stable on the site which is proposed to be removed (50sqm), but this is much smaller. No justification is given to why such a larger area for the stabling of horses is required and why the existing stables could not be utilised.

6.6 The Farm implements (400sqm) area is sizeable. The applicants indicate various equipment that could be stored in the area; however, researching the size of such equipment, there seems to be a significant over provision for space. It is considered the floor area of each piece of equipment (ATV (quad bike) 1.7sqm, tractor 10sqm, agricultural mower 2sqm, topper 4.8sqm, hay tender 6sqm, results in a total floor area requirement of approximately 24.5sqm. Even if this was doubled (50sqm) to allow better access to each piece of equipment, this is still well below the proposed floor area of 400sqm. The applicants mention other pieces of equipment that could be stored (sheep pens/fences); but again there is significant concern that the proposed floor area is a well over provision.

6.7 There is a section of the barn which is not annotated (135sqm) which appears to connect the three internal areas mention previously to a access door within the southern elevation of the building. However, the three aforementioned areas already have alternative accesses to the north (three separate doors) and to the west (single door). Accordingly, there does not appear to be a need for this area or an additional access.

6.8 Finally, the proposed enclosed farm office/toilet/tea room/first aid (50sqm) appear to be luxuries rather than "essential" or what you would expect on a farm holding, especially when near to the main dwelling house of the holding and the farm is not significant in size. Whilst provision for secure storage of medicines etc are appropriate (i.e. secure cupboard), again the level of accommodation seems to be excessive with no significant justification for the accommodation and certainly not to demonstrate an essential need.

6.9 Due to these concerns the Department made the following comments to the applicants:

"I note we have received objections from the Commissioners, (and neighbours), which raise concern of the need for the size of the building and the visual impact it would have. I share some of their concerns. While I can understand the need of a building, I am not convenience the size is warranted. For example the internal stable section is 217sqm, while the existing stables are 50sqm. No mention is made of the applicants owning horses, but this amount of stabling would seem very large. Further in front of the annotated stable area is a large area
left blank? I presume this is to given access to the three internal areas, but again they already have alternative access, so I am not sure this is a necessary. Mention is made in the agricultural statement that 300sqm is needed for the keeping of the sheep during adverse weather conditions; however, the area shown is 450sqm. I acknowledge food store is required, but again it seems large. Finally the farm implement store again seems very large the storage of a tractor, ATV, topper and a mower and fencing for the sheep penning. I would suggest the majority could be stores in far less space than proposed. Overall, while I understand an agricultural building is needed on the site, and the design, siting and finish of the building is appropriate, I have not been convinced by the information within the application that a building of this size is required to meet this need."

6.10 In response to these comments the applicants agent stated:

"Further to a meeting with the client and his agricultural advisor, it is felt the need for a barn of this size is required, and there is no need to reduce it. The applicant is therefore of the opinion that the application is to progress as it is."

6.11 Accordingly, the significant concerns of the essential need for a barn of this size still exists and therefore the Department is not satisfied that the size/scale of the barn as proposed is required and therefore contrary to EP15 and GP3.

6.12 Due to the size of the barn, the proposal will be noticeable from across the valley (Dhoon Glen), namely from the public vantage points from the A2 and Ballaragh Road both to the south of the site. The impact is reduced partially by essentially digging the building into the hillside which does reduce the potential impacts. The proposal for example will not break the skyline. The proposal is also immediately to the north of the existing dwelling and existing buildings within the site (albeit above them given the sloping nature of site on the hillside). Furthermore, there is mature tree planting within the site (fronting the proposed barn site). However, given the sheer size and scale of the barn, the proposal would adversely affect the countryside and adversely affect the character and the landscape in this location, which is one of the most scenic areas (especially form the public vantages points highlighted) of the IOM. It is key to ensure any development is warranted and does not impact the countryside/landscape in this area. Of course if the barn was considered to be of "essential" need, then this may have overcome the visual impact of the development. However, for the reasons stated earlier in this report, they do not. Accordingly, it is considered the proposal would be contrary to Environment Policy 1 and 2.

6.13 Putting the size/scale and visual impact to one side, in terms of its design/finishes it is accepted that the building is of a relatively uninspiring design but, in the context of agricultural buildings, it is very much "of its type". That the wall elevations being finished in a metal sheeting (condition it should be a dark green or olive colour) and the roof colour (conditioned) would be dark grey or dark green in colour and thus provide a level of camouflage from the open nature of the countryside. Accordingly, the proposal purely in terms of design/finish would comply with the requirements of EP 15.

7.0 CONCLUSION
7.1 The policies of the Strategic Plan are clear that development should not take place in the countryside unless there is a clear justification for that development. The proposed building for this size and scale is not considered to be agriculturally justified, and therefore a recommendation of refusal is made.

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

8.2 The decision maker must determine:
○ whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
○ whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.
Item 5.3

Proposal: Creation of a borehole
Site Address: Land Forming Part Of Golf Course
            Behind Workshop Building
            Derbyhaven Road
            Derbyhaven
            Isle Of Man
Applicant: Castletown Golf Links Limited
Application No.: 19/01283/B - click to view
Principal Planner: Miss S E Corlett

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

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

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

C 2. This approval relates to the introduction of a borehole as shown in the information received on 15th November, 2019 and the introduction of pipework under the highway as described in the information received on 31st May, 2020 and 4th June, 2020. The works also involve the temporary laying of a 20mm hose pipeline on the surface of the ground as shown in the drawing received on 31st May, 2020 although this is not development and planning approval is not required for this.
Reason: To clarify the extent of the approval.

N 1. The applicant should liaise with the Ecosystems Policy Team of DEFA in respect of any licence or permission required for the undertaking of works within an ASSI.
Reason for approval:
The development is considered to comply with Environment Policies 1, 2, 4, 7 and 22 and General Policy 2d of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN
THE SITE
1.1 The site is part of Castletown Golf Links, particularly that part which sits between the shore, Derbyhaven Road and the rear of the residential properties which front onto Fort Island Road. This is a roughly triangular, generally grassed area with clumps of gorse and with a storage building which accommodates vehicles and equipment associated with the golf course. The site also extends to the south west to the site of the existing water storage tanks which are buried beneath the golf course.

THE PROPOSAL
2.1 Proposed is the installation of a borehole which will extend down to as far as 100m with a manhole cover at the surface level. The associated pipe would be 50mm diameter polypipe with appropriate works to seal the hole. This will be laid on top of the ground when it is required to pump additional water from the borehole to the storage tanks and when not needed, the pipework will be removed.

2.2 The borehole will be situated immediately to the south of the existing building.

2.3 The applicant explains that the borehole, if approved, would only be required for a short period each year (if at all) it is not considered necessary for the pipeline from the borehole to the storage tanks to be a permanent installation. It is proposed to be a 20mm diameter pvc hosepipe laid from a tractor-mounted drum, along the edge of the gorse for as short a period as possible, if there is a risk of a spring water shortage to maintain the golf course greens. The borehole water supply to the existing underground storage tanks is only intended to provide a trickle overnight top-up during a spell of little rainfall. To enable ease of doing this it would be necessary to lay a permanent access pipe tunnel no more than 50mm in diameter and 5m long under the roadway that leads to the Langness lighthouse in order to pass the hosepipe through which would be done with the use of a pneumatic mole. The route for the hosepipe would not interfered with any buildings as it would pass them on the sea side of the privately owned road to Langness lighthouse en route from the borehole before crossing under that road. Tractor mounted water bowsers would also carry water from the borehole supply to any of the affected greens. They anticipate that any use of the hose pipeline would not last more than four consecutive weeks in any year, based on previous events.

PLANNING POLICY
3.1 The site lies within an area designated on the Area Plan for the South as not designated for a particular purpose. The route of the pipework lies partly within the Langness, Derbyhaven and Sandwick ASSI.

3.2 The Strategic Plan presumes against development which would have an adverse impact on the character or appearance of the countryside (Environment Policies 1 and 2) but supports development which would harness renewable energy and reduce environmental impact (Development which would adversely affect the quality of the countryside is presumed against with specific guidance on protecting watercourses (Environment Policy 7 and reference is made to The Code of Good Agricultural Practice for the Protection of Water, issued by DAFF, DLGE and the Isle of Man Water Authority (2000)).

3.3 Environment Policy 22 presumes against development which would pollute watercourses and ground water and the guidance on Environmental Impact Assessment requires EIAs in the case of major water management projects for agriculture, including irrigation and land drainage projects (this excludes routine water management projects undertaken by farmers). Environment Policies 4 and 7 protect ecology as does General Policy 2d.

3.4 As the site lies within an ASSI further consent is required for certain works, from the Department if planning approval were granted.

PLANNING HISTORY
4.1 The site has been the subject of applications for the development of a single dwelling which was approved but not implemented and for an estate of houses which was refused. Permission was granted for an extension to the storage shed in 2014.

REPRESENTATIONS
5.1 Malew Parish Commissioners have no objection (04.12.19).

5.2 Highway Services indicate that there will be no highway impact from the development (05.12.20).

5.3 Ecosystems Policy Office have been consulted and after initially expressing concern about the impact of engineering works and the development on ecology, they comment on 24.09.20 as follows:

"Now that is has been ascertained that the pipework is not to be dug into the ASSI apart from the small area that is to go underneath the road and the approximate location of the pipework through the ASSI has been provided, our concerns about the development with the ASSI have mostly been dealt with. However, for the avoidance of doubt, contrary to the applicants email to planning on the 7th January 2020, Appendix II of the Langness, Sandwick and Derbyhaven ASSI designation document lists 'The construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground' as an operation likely to damage the special interest of the site for which the landowner will have to apply to the Ecosystem Policy Team for consent. Therefore, even if this application were to be given Planning approval, the landowner will need to notify the DEFA Ecosystem Policy Team and we will have agree on the exact route of the pipe and issue an ASSI consent prior to the works taking place. If planning approval is given the Ecosystem Policy Team would appreciate it if you could include this requirement as an informative on the approval.

5.4 The Environmental Protection Unit comment on 16.12.19 that there needs to be a hydrogeological assessment to establish any impact on the groundwater.

ASSESSMENT
6.1 The main issues to consider in the assessment of this application are the potential impacts on the environment. In terms of visual implications, most of the works are underground and the only part of the proposal that would be visible would be the raised manhole covers. The visual impact of the borehole is limited and would not adversely impact on the wider landscape.

6.2 In terms of the impact of the borehole on the environment, it is solely the borehole that constitutes development, the abstraction of water itself is not development as defined by the Town and Country Planning Act. Legal advice has been taken in respect of whether abstraction is a material planning consideration given the potential impacts as raised by the Environmental Protection Unit. In neighbouring jurisdictions it is clear that it is not a matter for planning authorities as abstraction is covered by other environmental legislation for which there is an absence on the Island. Nevertheless it is concluded that abstraction levels should not be controlled by planning.

6.3 The proposed borehole itself would not result in any undue adverse impact on the environment and would assist with the operation of the golf course. Whilst there may be a hosepipe type tube lying on the surface for the periods where additional water is required this is not unusual for the maintenance of a golf course where sprinklers and hoses are not uncommon. Where it is not possible for this arrangement to accommodate the crossing of the roadway, a subterranean tube could be introduced with no outward visual impact to accommodate this.
CONCLUSIONS
7.1 Whilst the development is in an area not designated for development, it is not considered that there would be any adverse impact on the character or appearance, or ecology of the countryside and as such, the application is supported.

INTERESTED PERSON STATUS
8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 Article 6(4), the following persons are automatically interested persons:

(a) The applicant, or if there is one, the applicant's agent;
(b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
(c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
(d) Highway Services Division of Department of Infrastructure and
(e) The local authority in whose district the land the subject of the application is situated.

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.4
Proposal: Change of use from tourist accommodation (class 3.6) to residential accommodation (class 3.3)
Site Address: Ballakerkey Cottage
Shore Road
Glen Maye
Isle Of Man
IM5 3BG
Applicant: Mr Andrew & Mrs Kathryn Scarlett
Application No.: 20/00601/C - click to view
Planning Officer: Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

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

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

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

Reason for approval:
When removing the back history of the site including the exceptional circumstances that the property was built under, the property would be suitable of the alteration from tourist to residential and as such there are insufficient grounds in which to warrant refusal.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

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

THE APPLICATION SITE
1.1 The application site is the curtilage of Ballakerkey Cottage which is a tourist unit situated within a cluster of buildings which are used for residential, tourist and agriculture.
THE PROPOSAL

2.1 The current planning application seeks approval for the change of use from tourist accommodation to residential accommodation.

2.2 The applicant's submission states, "In summer, we have operated Ballakerkey Cottage as a self-catering tourist unit for the past 14 years. During this time our children have grown up and left our home and we have both recently retired from work. Since we gained approval in 2006 to develop Ballakerkey Cottage into a self-catering tourist unit, we have worked hard to ensure that our business has been successful. However, we are finding it increasingly difficult to operate and maintain the business as we get older and our personal circumstances have changed. Furthermore the present Covid-19 pandemic has hit our business hard (as it has done to so many)."

THE APPLICATION SITE AND PLANNING HISTORY

3.1 When looking at the location plan given, whilst it is not showing the true extent of the land and buildings within the applicants ownership, it can be seen that several buildings which form part of the Ballakerkey block of buildings were at one time within the applicants ownership and as such it is necessarily to look at the back history of the whole site as well as the application site.

3.2 Ballakerkey Cottage (application site) and Ballakerkey Farmhouse

3.2.1 "Ballakerkey Cottage" was the main property on the site when the current owners bought the property, of which within the Approval for Principle application (PA02/01477/A) for the erection of a replacement dwelling the owners stated the following regarding the condition of "Ballakerkey Cottage," "when purchasing our farm we were aware that the farmhouse required a great deal of restoration work and improvements. We gained advice from structural engineers, damp proof and timber care specialists, plumbers, electricians and general builders. As a result we realised that we had grossly underestimated the extent of the work required and concluded that to build a replacement farmhouse with modern materials would be more economical and practical." He went on to state "The existing house has had various extensions and alterations which has made it look unattractive and far from a traditional Manx cottage. Several of the extensions were poorly constructed and have subsequently caused problems with foul drainage and water penetration".

3.2.2 With the above in mind the planning officer at the time approved the application and the subsequent application, PA03/01933/REM was approved of which whilst there is nothing on the application which states why the application was approved the following condition was put on, "Upon the replacement dwelling becoming available for occupation, the existing dwelling must be demolished and removed from the site in its entirety within two months." It is understood that the application was approved under the provisions of Planning Circular 1/88 'Residential development - houses in the countryside' after the applicant had spoken to specialists (builders, timber care, damp proof specialists and an informal meeting with a structural engineer) that the property was in such a state that it was not worthwhile to renovate and it would be more practical and economical to rebuild a new house using modern techniques.

3.2.3 However, Ballakerkey Cottage was not demolished as required by the conditions (or, indeed, as required by the policy, and instead a subsequent application was put in, PA05/00360/B which was for the "Partial demolition of Farm House and conversion from domestic dwelling to holiday accommodation," the reasoning for this application is that a previous property on the site, Waterfall Barn, was extremely successful and after talks with the Tourist Board the existing farmhouse was looked at again and this time after talking to specialists it was found that the issues with the property was due to the extensions on the property.
3.2.4 The application was initial Refused on the basis that PA03/01933/TEM was only permitted under the provisions of Planning Circular 1/88 'Residential development - houses in the countryside' as stated within the officers report, "This is an area of High Landscape Value and Scenic Significance; the area is not zoned for development and the only reason the replacement dwelling was permitted in the first place was because there was a dwelling on the site which had retained its residential status. To retain the original dwelling would mean that the Planning Committee has granted permission for a new dwelling in the countryside contrary to established planning policies and the zoning in the 1982 Plan."

3.2.5 The application was subsequently approved at appeal with the inspectors conclusion stating, "20. On the face of this proposal, the Planning Committee has been misled when it dealt with the application for the replacement house. However, I have concluded that the facts were essentially as put forward by the Appellant at that time, with the result that this appeal proposal should be looked at on its individual merits without being tainted by considerations of false claims.

21. The old farmhouse, subject of this appeal, taken in its entirety, is in a very poor structural state. This is apparent from an ordinary examination with reasonably experienced eyes, and from the report of structural engineers. I quite believe, as did the Planning Committee, that it would not be a viable proposition to reinstate it as a family home of the sort which was given approval. I therefore believe that the case for the new house was not overstated. However, there is a kernel to the old house, amongst later additions, which it appears to me to have been a small vernacular farmhouse. This has a 'footprint' of about 40% of the whole, and is far less beset with structural problems. It would be a much more economical proposition to bring it into a suitable condition for use as tourist accommodation. Whilst the existing extended farmhouse is of little intrinsic visual merit, properly restored, the original section would, I consider, make a positive contribution to the character of this little enclave of development.

3.2.6 As such the application was approved with Condition 3 which stated, "The new accommodation must be available for bona fide tourists with no individual tenancy exceeding four consecutive weeks in duration, between the months of April and October, and it shall be used for no other purpose including permanent residential accommodation."

3.3 Other buildings on the site.
3.3.1 To the rear of Ballakerkey Cottage is a barn which was subject to a couple of applications firstly PA09/01779/B was for the "Alteration and conversion of redundant farm building into tourist accommodation," which was refused the following reasoning, "The proposed demolition of the existing outbuilding and the erection of a dwelling to be used for tourist use would be tantamount to a new dwelling in the countryside and would be contrary to GP3, EP16, BP11, BP12 and BP14 of the Isle of Man Strategic Plan."

3.3.2 The decision was taken to appeal. Although the Inspector's assessment was finely balanced, his conclusion tallied with that of the Department and, with the Minister accepting the Inspector's view, the original reason for refusal was upheld. The Inspector was clear that while the replacement of the barn with a more attractive building would have clear benefits from a visual point of view, the fact remained that "the proposal would be clearly contrary to the policies of the Strategic Plan whose crucial aim is to protect the countryside from unnecessary development".

3.3.3 He continued: "I share the concern of the Planning Authority that approval in this case could make it difficult to resist the replacement of utilitarian agricultural buildings elsewhere that cumulatively could have serious consequences for the character and appearance of rural areas."
3.3.4 It is interesting to note the difference between the two Inspectors' conclusions on PAs 05/00360/B and 09/01779/B on this site, and which in many ways could be said to contradict one another. While both Inspectors found that the resulting improvement to the visual amenity of the area would be welcome, one (in 2003) felt the improvement would be sufficient to outweigh the presumption against new development in the countryside, while the other (in 2009) found that the resulting visual improvement could not outweigh this presumption. While of course each decision relates to its own situation, the fact remains that these decisions were issued on the same landholding and therefore both are of material relevance to the assessment of any new application here.

3.3.5 Also relevant is Waterfall Barn which is situated to the east of Ballakerkey Cottage which has been subject to several applications, of which PA12/01150/C and PA16/00209/C are relevant. PA12/01150/C was for the "Change of use from tourist accommodation to residential accommodation," which was refused on the basis that the property wasn't redundant from the tourist use. There was then a subsequent application PA16/00209/C which was for "Change of use from tourist accommodation to residential accommodation," and was approved, of which the officer in his conclusion stated, "

PLANNING POLICY
4.1 The site lies within an area zoned as not for Development and an Area of High Landscape or Coastal Value and Scenic Significance.

4.2 Given the nature of the application it is necessary to assess the application against General Policy 3, Environment Policy 1, 2, Housing Policy 4, 11 & 12 and Transport Policy 4 & 7.

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

4.4 Environment Policy 1 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."

4.5 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."

4.6 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:
(a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
(b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
(c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

4.7 Housing Policy 11 of the Isle of Man Strategic Plan 2016 states, "Conversion of existing rural buildings into dwellings may be permitted, but only where:
(a) redundancy for the original use can be established;
(b) the building is substantially intact and structurally capable of renovation;
(c) the building is of architectural, historic, or social interest;
(d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
(e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
(f) the building is or can be provided with satisfactory services without unreasonable public expenditure.
Such conversion must:
(a) where practicable and desirable, re-establish the original appearance of the building; and
(b) use the same materials as those in the existing building.
Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

4.8 Housing Policy 12 of the Isle of Man Strategic Plan 2016 states, "The replacement of an existing dwelling in the countryside will generally be permitted unless:
(a) the existing building has lost its residential use by abandonment; or
(b) the existing dwelling is of architectural or historic interest and is capable of renovation.
In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:
(i) the structural condition of the building;
(ii) the period of non-residential use(2) or non-use in excess of ten years;
(iii) evidence of intervening use; and
(iv) evidence of intention, or otherwise, to abandon."

4.9 Transport Policy 4 of the Isle of Man Strategic Plan 2016 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."

4.10 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 considered the proposal and have no objection (21.01.2019).

5.2 Patrick Commissioners have considered the proposal and have no objection (17.07.20).

ASSESSMENT
6.1 No physical alterations have been proposed as part of the application therefore the application is to be determined based upon the issue of whether the loss of a tourist unit on this site would be acceptable, especially with the back history of "Ballakerkey Cottage." It should be noted that there are no specific planning policies which relate to the change of use of an existing tourist use to a permanent dwelling within the Strategic Plan. Whilst this is the case Housing Policy 11 is the most relevant for this application, as whilst the policy is for the change of existing rural buildings into tourist the same basis can be used for the change of existing rural buildings into residential and is used in this way.

6.2 As a whole the site where "Ballakerkey Cottage" is situated has a very convoluted history which can be seen in part 3 as such it is necessary to assess whether the property is no longer required for the use that it is currently being used for and whether there is a difference with the amenity space given between tourist and residential.

6.3 Whilst the applicants have not stated anywhere within their supporting information that the existing use as tourist is redundant only stating that they are "finding it increasingly difficult to operate and maintain the business as they get older and their personal circumstances have changed," they have supplied additional information in which there is a response from Angela Byrne, the Head of Visit Isle of Man who states, "I have to say that we wouldn't object to your application, so I hope that this gives you some assurance, especially considering this current economic situation."

6.4 As such whilst the use of tourist is not redundant, the Department of Tourism is not motivated to keep the high quality self-catering tourist unit.

6.5 It is then warranted to assess whether there is a difference in the property being used as residential rather than tourist. The property has one to two parking spaces to the east of the property between Ballakerkey Cottage and Waterfall Barn which is the required parking spaces for residential in Appendix 7 of the Isle of Man Strategic Plan.

6.6 The property itself has a front and rear garden, whilst the rear view from the ground floor of the property is of agricultural barns this is to be expected of where the property is situated and both these barns are over 10m away. This view could also be limited with the erection of fencing around the properties perimeter. There is also a suitable distance from Ballakerkey Cottage and Waterfall Barn with Ballakerkey Cottage being used as a permanent dwelling potentially raising fewer issues in terms of noise and disturbance.

6.6 Taking all the above into account it should be noted that whilst the property is within an area which is not designated for development, the property has been in situ for a long time as a tourist unit and the change to residential will not change this and whilst at the time the property would not have been kept due to Planning Policies, these policies are now different.

6.7 On balance, although the history of the site is noted, it is considered that there are not sufficient reasons to warrant refusal of the application.

CONCLUSION
7.1 With removing the back history of the site including the exceptional circumstances that the property has been given by being an additional housing unit on the site due to unfortunate circumstance, the property whilst a retention of unwarranted development within
the countryside would be suitable of the alteration from tourist to residential and as such there are insufficient grounds in which to resist the application.

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

8.2 The decision maker must determine:

- whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.5
Proposal: Erection of a replacement garage with hobby room above
Site Address: Lavender Cottage
Tosaby Road
Eairy
Isle Of Man
IM4 3HW
Applicant: Mr Neil Chadwick
Application No.: 20/00610/B- click to view
Planning Officer: Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

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

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.
Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The garage hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 'Lavender Cottage' as identified on the approved plans and shall not be occupied as an independent dwelling or commercial unit.
Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

N 1. The applicant is to be reminded of the Highway Act 1986 and the Manual for Man Roads, and that separate license may be required from Department of Infrastructure with regards to works within the Highway (S109a).
Reason for approval:
Subject to a condition linking its use to the main dwelling, the proposal is considered to accord with Environment Policy 1, General Policy 2 (b, c, g, h and i) and the principles of Housing Policies 15 and 16 and the Residential Design Guide 2019.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL IS CONTRARY TO THE LAND USE DESIGNATION AND IS RECOMMENDED FOR APPROVAL
1.1 The application site comprises an existing detached garage belonging to Lavender Cottage, Tosaby Road situated just south of the Eairy. The double pitched roof garage is installed with two single garage doors on the gable facing the road and has an overall ridge height of 5m. The 6.1m x 6.3m garage is set back slightly from the road with off road parking for a number of vehicles.

1.2 To the south side of the existing garage is an area of low walled hardstanding which is accessed via an existing gated entrance from the road.

PROPOSAL
2.1 The application seeks approval for the demolition of the existing garage and its replacement on the same footprint with a new 7.6m x 6.6m garage orientated 90 degrees so that the gable and garage door faces into the hardstanding area.

2.2 The pitched roof garage is to be 2.6m to eaves and 6m to central ridge. Its south facing front elevations include a garage door and window above in the gable peak, a window and door on the east facing elevation and the rear and road facing elevations remain blank. The building is to be rendered and finished with a slate roof, there is a single roof light proposed on the east facing roof slope.

PLANNING HISTORY
3.1 There have been a number of applications at the site, most recent being 13/91393/B for the erection of a double garage with living accommodation above to replace existing garage. This was approved by the Minister at appeal subject to conditions. The approval was never implemented and has now expired.

PLANNING POLICY
4.1 The application site is not designated for development on the 1982 Development Plan. In terms of planning policy there are no specific policies that refer to domestic garages on land not zoned, however there are a number of planning policies that acknowledge existing residential dwellings throughout the countryside and being mindful that a domestic garage is not an uncommon structure found within a residential curtilage and the Permitted Development Order also allows for the construction of a domestic garage (subject to conditions), it would not be unreasonable to have regard to Environment Policy 1, Housing Policy 15 and Housing Policy 16 in respect of the visual assessment of the proposal within the streetscene and rural area, along with the general standards towards development as set out in General Policy 2 notably those parts referring to amenity and highway safety (parts b, c, g, h and i).

4.2 Whilst not planning policy, the Department's recently published Residential Design Guidance (2019) section 6.3 is capable of being a material consideration.

4.3 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.

4.4 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).
4.5 Housing Policy 16: The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public.

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

b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
c) does not affect adversely the character of the surrounding landscape or townscape;
g) does not affect adversely the amenity of local residents or the character of the locality;
h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
i) does not have an unacceptable effect on road safety or traffic flows on the local highways;

4.7 Residential Design Guide 2019 (in part):
"6.3.3 ...Proposals which do not result in a net benefit are unlikely to be supported.
6.3.4 Proposals which result in the loss of more than 50% of the existing front lawned/landscaped garden will not normally be supported...
6.3.7 Consideration needs to be given to the movement of people and vehicles entering and leaving the driveway/access..."

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

5.1 Malew Commissioners - no objection 05/08/2020.

5.2 Department of Infrastructure Highway Services - Do not oppose (09.07.2020 and 13.08.2020) - The access should be surfaced in a consolidated and bound material for, at least, the first 5m from the carriageway edge.

5.3 No comments received from neighbouring properties.

ASSESSMENT
6.1 Although not designated for development the proposal would result in the one for one replacement of an existing pitched-roof double garage belonging to existing dwelling 'Lavender Cottage'.

6.2 The proposed garage is to be slightly taller with a slightly larger footprint and would retain the pitched-roof design albeit now orientated 90 degrees compared with the existing garage. Its revised orientation could be considered to increase its prominence along the road edge, but with the roof pitch now sloping away from the road it could be argued to limit its impact, nevertheless the replacement garage is not considered to be an unacceptable development nor is it expected to look out of place given the context of the immediate relevant streetscene.

6.3 The gable garage door is to face into an existing hardstanding area already served by an existing vehicular access. DOI Highway Services do not oppose the application and state in comments that the surface materials of the access should be consolidated in a bound material for at least the first 5m. The application does not seek changes to the existing access nor the hardstanding area, both of which are already in use as part of the main dwelling. A condition in respect of surface materials would go beyond the scope of the application; however a suitably worded note will be added to the application reminding the applicant of their

6.4 Use of the garage has been assessed in association with the main dwellinghouse 'Lavender Cottage' only. A suitably worded condition to this affect linking the garage to the main dwellinghouse will be added to the application for the avoidance of doubt.

CONCLUSION
7.1 On the basis of the above the application is considered to comply with Environment Policy 1 and General Policy 2 (b, c, g, h and i) and the principles of Housing Policies 15 and 16 and the Residential Design Guide and is recommended for approval.

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

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.6
Proposal: Erection of first floor extension and erection of summerhouse
Site Address: 34 Ballatessan Meadow
Peel
Isle Of Man
IM5 1DU
Applicant: Michael Kelly
Application No.: 20/00656/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 summerhouse hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling at 34 Ballatessan Meadow, Peel.

Reason: In the interest of residential amenity.

Reason for approval:
It is considered that the proposed works will not have any adverse impact on the character or appearance of the property nor the living conditions of those in adjacent property and therefore the proposal is considered to accord 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 application site represents the residential curtilage of an existing dwelling, 34 Ballatessan Meadow, Peel. The dwelling is a 2 storey, detached property located within a modern residential development to the west of Glenfaba Road, in the southern outskirts of Peel. There is a timber shed at the southwest end of the rear garden.

1.2 The house is one of a row of four identical houses with slightly different finishes and all with a single garage and parking on a front driveway, although the street scene is characterised by a mix of modern dwelling sizes, styles and finishing.
THE PROPOSAL

2.1 Proposed are the erection of first floor extension and erection of summer house within the rear garden.

2.2 The first floor extension would be a side extension built over a lean to extension on the west elevation of the dwelling. This extension would be 1.8 metres wide by 4.8 metres long. There would be a pitched roof over but the eaves would be at a recessed position when viewed from the front elevation of the dwelling and the roof ridge would be set about 200mm lower than the main roof ridge. The window at the rear would be repositioned to make it central. The external walls would be finished in painted render to match the existing building.

2.3 The other work would involve the erection of a summerhouse at the southern end of the rear garden which overlooks open fields. The summerhouse would measure 5m x 7m and would be 2.6m high at the front elevation and 2.4m high at the rear elevation. Installed on the front elevation which faces towards the rear elevation of the dwelling would be a 5m x 2m bifold doors while a door 1.3m x 2m would be installed on the west elevation which faces the rear garden of No. 28 Ballatessan Meadow. This summerhouse would be of 300mm wide cavity construction finished in painted render to match the existing dwelling on the site.

PLANNING POLICIES

3.1 The application site is located within an area designated as Predominantly Residential Use on the Peel Local Plan 1989. The site is not located within the Peel Conservation Area. The relevant planning policy from the Isle of Man Strategic Plan 2007 is General Policy 2. Paragraph 8.12.1 for extensions to dwellings in built up residential areas is also appropriate.

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;
(j) can be provided with all necessary services;

3.2.1 Paragraph 8.12.1 states:
"As a general policy, in built up areas not controlled by Conservation Area or Registered Building policies, there will be a general presumption in favour of extensions to existing property where such extensions would not have an adverse impact on either adjacent property or the surrounding area in general."

3.3 The Residential Design Guide (2019) is capable of being a material consideration. It states at 1.2.2 that, "This document provides general advice but cannot cover every eventuality. Wherever possible, it sets out generally acceptable approaches. If a proposal does not meet these, the planning application should explain why. All planning applications will be judged on their merits, taking account of the likely effect on neighbouring properties and the character of the building or street".

3.3.1 It states at 3.1.3 that, "The main design elements that should be considered include:

o the relationship to the original part of the building - including materials, design and detailing (such as window materials and proportions);
the relationship with adjoining properties, including the building line, roof line, orientation, and the slope of the site; and

- the pitch, shape and materials of the original roof, including the presence of original dormers and chimneys”.

PLANNING HISTORY

4.1 The previous application is considered material in the assessment of this application:

4.2 Approval was granted for extensions to side and rear elevations of dwelling under PA 11/00924/B. The first floor side extension which is a component of the current application would be erected over the side extension to create a utility room which was approved in August 2011.

REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that there is No Highway Interest’ in a letter dated 15 August 2020.

5.2 There has been no written representation made regarding the current planning application by the Peel Town Commissioners at the time of writing this report, although they were consulted on 8 July 2020.

ASSESSMENT

6.1 Due to the nature of this proposal, the main issues in the assessment of the application are;

i. the visual impact of the proposed development on the character and appearance of the existing dwelling;

ii. the impact on neighbouring properties; and

iii. the impact on the surrounding area in general

6.2 Visual Impact

6.2.1 From the front, the proposed extension would not be considered to have a significant effect on the character of the dwelling as it would be over an existing projection which matches the modern appearance to the dwelling, although at an increased height which rises to a position 200mm lower than the existing roof level. Whilst concern was raised with the applicant regarding the large area of blank wall over the access to the utility on the ground floor front elevation, which can be viewed from the abutting the highway, the applicant did not consider the installation of a window on this wall to be a necessity or of particular interest to the appearance of the dwelling and as such the revised plans excluded this element. This feature (blank wall) is not considered to be a complimentary addition to the front elevation; however, the impact on the appearance of the building is not considered to be sufficient to warrant refusal of the proposed scheme.

6.2.2 The use of the pitched roof would follow the general form and pitch angle of the existing building, with the set back position and lowered ridge providing a visual break; ensuring that it retains the appearance of an extension. Based on the foregoing, it is considered that the side extension would be complimentary to the dwellinghouse and would remain a subordinate addition to the main dwelling; conforming with General Policy 2(b) & (c).

6.2.3 With regard to the summerhouse, it is noted that as with the existing shed within the rear garden, the building would be significantly obstructed from public view from Ballatessan Meadow by the 1.8m timber fence which encloses the rear garden of 32 Ballatessan Meadow,
as well as the orientation of the surrounding buildings situated west of the application site. Whilst the summer house would be flat roofed, its set back position at the rear of the dwelling and the limited views now expected from public vantage points would ensure it does not result in any significant or substantial levels of harm to the main dwelling.

6.3 Impact on neighbouring properties

6.3.1 The works to erect the first floor side extension will increase the impact of the existing property as viewed from number 32 Ballatessan Meadow, since the works would increase the massing of the dwelling when viewed from this neighbouring dwelling. Nonetheless, any impacts on the neighbours would be negligible as the proposed extension will be alongside the rear garden rather than alongside the dwelling itself, in addition to being 2m away from this boundary (with the neighbouring dwelling about 18m away). Given that there are no windows on the front and side of the extension, there will be no impact of overlooking. For these reasons, it is considered that this extension would have no adverse effects on the neighbouring dwelling.

6.3.2 With regard to the summerhouse, it is noted that timber sheds and summerhouses in domestic gardens are not unusual with the PDO allowing for the erection of such structures up to 15sqm. The current proposal seeks to erect a summerhouse with a footprint that is larger given that it would have a footprint of 35sqm but at a position at the southern end of the garden. The proposed summerhouse is not expected to result in any adverse impact on the neighbours as it is situated about 35m from the road and around 14m from the rear conservatory of the nearest neighbour at 36 Ballatessan Meadow. The boundary with this neighbour is also lined with shrubs which would limit the impact of the summerhouse on their rear garden.

6.3.3 It is also considered that the use of the summerhouse would be ancillary to the use of the main dwelling and is not considered to result in a statutory noise nuisance over and above the existing use of the garden / dwellinghouse. Besides, the design of the summerhouse using cavity construction and rendered walls would reduce the levels emanating from the building. As such, it is considered that there would be no adverse impact on the living conditions of adjacent neighbours due to the design of the building and nature of the boundary treatment in accordance with GP2 (g).

6.4 Impact on the surrounding area in general

6.4.1 The summerhouse would not impact on the street scene given that it would only be partly viewable from the highway to the front. Likewise, the side extension is minimal in size and scale and at a set back position; and will therefore have minimal impact on the streetscene. It is noted that the render and finishes on the extension matches the main building and conforms to the appearance of the neighbouring properties on this row of houses within this section of Ballatessan Meadow.

CONCLUSION

7.1 Overall it is concluded that the planning application would have no significant impacts upon public or private amenities and therefore accords with the provisions set out in General Policy 2 of the Isle of Man Strategic Plan 2016 and the Residential Design Guidance and as such the planning application is recommended for approval.

INTERESTED PERSON STATUS

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

8.2 The decision maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed above who should be given Interested Person Status
Item 5.7
Proposal: Additional use of residential dwelling (class 3.3) as a chiropractic clinic
Site Address: 5 Summerland
Ramsey
Isle Of Man
IM8 2EF
Applicant: Mrs Annabelle Westbury
Application No.: 20/00807/C- 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 business use hereby approved is only for the provision of service as a chiropractic clinic and shall only be carried out by Mrs Annabelle Westbury and only whilst resident at 5 Summerland, Ramsey, and no other staff may be employed and/or work at the premises. Upon cessation of occupation by Mrs Annabelle Westbury, the use for the provision of chiropractic clinic hereby permitted shall cease.

Reason: This permission is granted exceptionally and the Department wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby approved.

C 3. No clients of the chiropractic clinic use hereby approved shall remain on the application site outside of the operational hours stipulated in the application.
Operational Hours:
8am - 8pm
Four days a week between Mondays to Fridays.
Saturday, Sunday and selected day between Monday and Friday - Closed

Reason: In the interest of protecting neighbouring living conditions.

C 4. One of the parking areas within the curtilage of the dwelling shall not be used for any other 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 unless otherwise approved in writing by the Department.

Reason: To ensure that sufficient provision is made for off-street parking during the business operational hours in the interest of highway safety.

Reason for approval:
Overall and on balance, it is considered that the proposal complies with Business Policy 1 and Transport Policy 7 of the Strategic Plan 2016, and Policy R/TC/P10 of the Ramsey Local Plan Order 1998.

**Interested Person Status – Additional Persons**

None

**Planning Officer’s Report**

**THE APPLICATION SITE**

1.1 The site is the residential curtilage of 5 Summerland, Ramsey, which is part of a pair of two storey semi-detached properties which are located on the southern side of Summerland and east of the junction with Queens Pier Road. This property is situated about 230m south-west of the town centre.

1.2 The dwelling has its front garden enclosed by a painted rendered dwarf masonry wall which opens up at the pedestrian gate which leads directly to the entrance. The driveway for the dwelling is situated on the north-eastern section of the site. This driveway is 4.05m wide and 17.7m long which implies that it can accommodate two standard sized cars and a medium sized car (in tandem parking). Unrestricted on-street parking is allowed on the southern side of the highway which ends in a cul de sac.

**PROPOSAL**

2.1 The application seeks approval for the additional use of residential dwelling (class 3.3) as a chiropractic clinic. The application does not propose any alterations or modifications to the property.

2.2 The applicant has provided some details pertaining to the proposed use:

i. The applicant seeks to change the use of the dining room on the ground floor to enable additional use as a chiropractic clinic. Access to this space would be from the main hallway inside the front door situated on the left of the entrance. There is no external access and they do not propose any structural changes to make such access;

ii. The clinic will only be run by the applicant as a sole practitioner within this room with dimensions 3.66m x 4.45m (16.26sqm). The use would not be noise generating.

iii. Parking for clients would be on the privately owned driveway alongside the house so there would be no parking issues created for the neighbouring residents;

iv. The applicant's business would accommodate one client at a time and the length of each season would be 20-30mins with a minimum of 30-40 minutes between each client;

v. The clients would enter and exit via the existing front door to the property and the existing door at the rear of the property would be available as an emergency exit;

vi. The property has four WC's at present with the clients having access to the WC on the ground floor if required during visit.

vii. The proposed hours of operation would be between 9am - 8pm, 4 days a week, (Monday to Friday. The clinic will be closed for 1 working day each week. The applicant has stated that this day will be decided by demand once up and running. As well, the applicant intends to only work half days, and as such two days a week would be 'morning clinics'
running between 9am and 2pm, and the remaining two days each week will be 'afternoon/evening clinics', running between 3pm and 8pm.

viii. The business estimates a maximum of 4-6 clients per day (2-3 a day) and each visit would be by appointment only.

PLANNING POLICY
3.1 The site lies within an area designated on the Ramsey Local Plan Order 1998 as being within an area of predominately residential use; and the site is not within Ramsey Conservation Area or a Registered Building.

3.2 The relevant proposals in the Plan are as follows:
3.2.1 Policy R/TC/P10 Parking Standards:
9.25 Town centre parking standards for offices at 1 space per 50 sqm. nett shall be applied to all new development/redevelopment and conversion scheme. If necessary, consideration may be given to acceptance of a lesser standard for development proposals within the designated conservation Area. Elsewhere discretion may be applied if this can be justified by specific site constraints.

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

3.4 Business Policy 1:
The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan.

3.5 General Policy 2 deals with development which is in accordance with the land use zoning. Whilst the proposal does not strictly comply with this, the points set out under General Policy 2 are general principles that a development should consider.

3.5.1 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:
(c) does not affect adversely the character of the surrounding landscape or townscape;
(g) does not affect adversely the amenity of local residents or the character of the locality;
(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space, and
(i) does not have an unacceptable effect on road safety or traffic flows on the local highways.

3.6 Transport Policy 7:
The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.

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

With regard to the parking standards, there are none specifically relating to the use, although for Medical / health services, 3 spaces per consulting room plus staff parking.

3.8 Section 11.4 of Manual for Manx Roads: Allocated and Unallocated Parking
11.4.1 The allocation of spaces to individual dwellings can have an adverse impact upon the efficiency of car parking provision. Allocated parking spaces include any spaces within the
curtilage of a property (e.g. garage or driveway parking) and any spaces in communal areas where the space is reserved for one particular property.

11.4.2 On-street spaces upon public highways are always unallocated. However they can be reserved for a particular purpose such as disabled persons or residents’ parking through the making of relevant Traffic Regulation Orders. The costs associated with making such Orders will need to be funded by the developer.

PLANNING HISTORY
4.1 The previous planning applications for the property are not considered relevant in the assessment and determination of this application.

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in the letter dated 13 August 2020.

5.2 Ramsey Town Commissioners have no objection to this proposal (24 August 2020).

ASSESSMENT
6.1 The key considerations in the assessment of this application are:
   i. The principle of the use
   ii. The impact on neighbours
   iii. The impact on parking

6.2 The principle of the use

   6.2.1 The principle of working from home is generally acceptable and to a certain degree can be carried out under Class 5 of the Town and Country Planning (Change of Use) Order 2019 which allows for the combined use of a dwellinghouse by the householder, so long as the business does not involve persons other than the householder working in or calling at the building. In this case the proposal would see clients or customers visit part of the property as a chiropractic clinic. Working from home and having customers visiting has become a common addition to dwellinghouses over the years and ensures only one customer can be seen at any one time, generally by the resident of the property. In the broadest terms the use is similar in its function to providing for private tuition, hairdressing, accountancy / professional services.

   6.2.2 The site is zoned as 'Predominantly Residential' on the Ramsey Local Plan Order 1998, and sits between dwellings. Since the site is zoned for residential development, with the dwelling lawfully existing on the site, the use would not be at variance with other approvals that have been granted for similar uses on the island. However, the application must be considered on its own merit with the site specific conditions considered vital in its assessment.

   6.2.3 As such, the proposed use is acceptable in principal subject to the considerations below.

6.3 The impact on neighbours

   6.3.1 A key obstacle which often prevents such uses being acceptable in residential areas is the impact on the neighbourhood both via noise or increased activity, as well as increased parking and highways demand. In this case, it is considered that there would be sufficient parking on the site, enough to accommodate the residential use and the proposed business use. As well, there is sufficient on-street parking within the cul de sac, although these are not
allocated. In addition, the dwelling is within a public transport corridor with bus stops within 150m to the dwelling, which the clients could use when visiting the application property, although there is no guarantee the clients would use public transport and there is no means of monitoring the use thereof. It is also considered that the proposed use which is a form of alternative medicine is not noise generating and as such the impact of the proposed use on the vicinity would be minimal.

6.4 Impact on parking

6.4.1 The parking standards in 'The Isle of Man Strategic Plan 2016' require 2 car parking spaces for a dwelling. Additional site parking is also required for the proposed business development. Given that the application site has three parking provisions, it is considered that the parking provisions would meet the required standards and as such, the impact on parking would be acceptable.

CONCLUSION

7.1 In summary, the proposal is considered to have a neutral impact on the appearance and character of the street scene, with acceptable impacts on parking provisions. As well, it is judged that the proposed use would not result in unacceptable noise and disturbance to residents, and it would not impact on road safety and traffic flows within the cul de sac to an unsatisfactory highway safety level. As such, 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 above who should be given Interested Person Status
Item 5.8
Proposal: Erection of new agricultural shed and extension to existing agricultural shed
Site Address: Loughan Farm
Jurby East
Isle Of Man
IM7 3EZ
Applicant: Ballaseyr Limited
Application No.: 20/00832/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 buildings must be used only for agricultural purposes.
Reason: the countryside is protected from development and an exception is being made on the basis of agricultural need. As such the building must be used for the purposes for which it is approved.

C 3. The agricultural buildings hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for agricultural purposes.
Reason: The building has been exceptionally approved solely to meet agricultural need and its subsequent retention would result in an unwarranted intrusion in the countryside.

N1. There is potential for nesting birds in the vegetation to be removed to facilitate the proposed shed extension.

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.

Reason for approval:
Overall, the proposal is considered acceptable in terms of both agricultural need and visual impact and broadly accords with EP15 and GP3 of the IOM Strategic Plan 2016.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THERE IS AN OBJECTION FROM THE LOCAL AUTHORITY AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE
1.1 The application site sits to the south of Bretney Road, Jurby and is situated to the east of a farm lane which leads to the surrounding fields. The immediate area is characterised by a small cluster of farm buildings and traditional farm dwellings on both side of the road. The site contains a large agricultural building which is situated on the south east end of the site. This building is a wide span structure with corrugated sheeted roofing and walls that comprise Yorkshire Boarding on the upper section laid over block work which forms the lower sections of the external wall.

1.2 Situated to the northeast of the site is 'Goldies Loughan' which has a stretch of agricultural land between it and the application site. There is a smaller agricultural building with finishing similar to the agricultural building on the application site situated on the northeast boundary of the application site. Along with the land defined in red, are additional agricultural land which envelopes the entire southern and eastern boundaries of the site, and a similarly large area of land situated north of the site and east of Poly Road (B13) which connects to the A10 which is defined in blue, indicating that it is within the ownership or control of the applicant, extending the field acreage within the control of the applicants.

THE PROPOSAL
2.1 Full planning approval is sought for the erection of new agricultural shed and extension to existing agricultural shed.

2.2 The first part of the proposed works would involve creating an extension to the existing agricultural building. This extension would project from the western elevation and would measure 27.4m x 18.2m matching the length of the existing shed. This shed extension would have the same eave height as the existing shed at 3.96m and would have the same ridge height at 6.5m. The shed would have wall finishing comprising blockwork on the lower section and Yorkshire Boarding on the upper section to match the existing shed. Its roof which would have 12 GPR rooflights installed on the North West roof plane would be finished in natural grey profiled sheeting. There would be a 4m high and 4.5m wide entrance with stock gate installed equidistant from both side ends on north east elevation. This extension would cover a footprint of about 499sqm.
2.3 Also proposed is a pitch roofed shed which would be situated on the north-west boundary of the site and directly positioned on the edge of the existing shed o the boundary. The new shed would be 18.2m long and 9.1m wide and have a height of 4.8m at the eaves and 6.1m from the ground level to the ridge. The total floor area for the new shed would be about 166sqm. The external walls would be finished in Green Plastisol Sheetng while its roof would be finished in Natural Grey Profiled sheeting with 4 GPR rooflights installed on either roof panes respectively.

2.4 Additional works would include the installation of a precast silage effluent storage tank at the rear of the larger shed and extension. This Alpha System' Precast silage unit would be 32m long and 11.5m wide.

2.3 The applicant advises that the extension of the agricultural building and the erection of the new shed are part of a genera farm improvement discussed with the planning committee at the dwelling approval stage for PA 19/00749/B for the erection of a detached agricultural workers dwelling with detached garage and store on part field 214270, which is part of the farm. The applicant indicated that the improvements are part of the scheme to improve farm efficiency and support the farm operations which is considerably substantial farm business during the site visits on 23 September 2020.

2.4 The Background for PA 20/00749/B is presented below:

i. Loughan farm is owned and operated by a larger agricultural operation involving a mix of sheep, equestrian use, arable and cattle farming over 1100 acres of land split across its holdings;
ii. This section of land (Loughan Farm) amounts to 166 acres with an intention for further expansion - and has only been recently purchased.;
iii. The farm is to be developed with a new site farm manager and their family, to establish and control the cattle rearing and husbandry, together with crop growth/management for food crops, under the Islands farm assured system;
iv. Intention to provide further shed/storage buildings within the farm yard area;
v. The Loughan farm venture is for the rearing and husbandry of new cattle rearing/suckling and finishing, running independent of the sheep rearing operation in Andreas which has its own shepherds, stockmen and infrastructure;
vii. The number of initial labour units has been calculated at 1.75 based on 80 acres of cereal crops and pasture care, 100 head cattle/calves, 100 acres reseeding and general farm work;
vii. It is envisaged that the 24/7 farm managers activities require 2 additional staff initially including a top grade cattle man with an additional farm labourer/machinery operator.

PLANNING POLICY
3.1 The site lies within an area of 'white land' - land not zoned for development, on the Town and Country Planning (Development Plan) Order 1982. There is therefore a general presumption against development in this area. This presumption is further outlined and clarified in the Isle of Man Strategic Plan policies below.

3.2 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."

3.3 General Policy 3 sets out a presumption against development in the countryside but includes instances where provision of new housing may be acceptable, including "(f) building
and engineering operations which are essential for the conduct of agriculture or forestry."
Further advice on agricultural development is provided as follows:

3.4 Environment Policy 15: "Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part.

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

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

3.5 Paragraph 7.13.3 is also relevant:

7.13.3 In recent years there has been increasing demand for new development and buildings in the countryside, particularly for new modern agricultural buildings. Such buildings can have, and in a number of areas already have had an adverse effect on the character and appearance of the landscape, particularly when sited in exposed locations away from building groups and on elevated land. It is important that new development should be compatible with the character of the surrounding area, and the need for new buildings in the countryside will be balanced against the harm that development may have on the particular environment within which it is proposed. In terms of new agricultural dwellings, permission will not be granted unless real agricultural need is demonstrated and will in every case be assessed in terms of need, sensitive siting, design, and size, and be subject to an agricultural occupancy condition.

PLANNING HISTORY
4.1 PA 87/00417/B for erection of agricultural building, Part of Field 417, Land at Loughan, Jurby - Approved.

4.2 PA 00/02037/B for erection of agricultural building, Part of Field 417, Land at Loughan, Jurby - Approved.

4.3 PA 19/00749/B for Erection of a detached agricultural workers dwelling with detached garage and store - Approved.

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they do not oppose in the letter dated 13 August 2020.

5.2 DEFA's Ecosystem Policy Officer has made the following comments dated 25 August 2020:
There is potential for nesting birds in the vegetation to be removed to facilitate the proposed shed extension. The Ecosystem Policy Team therefore request that the following advisory note is provided to the applicant:

All birds, their nests, eggs and young are protected by law (Wildlife Act 1990) and it is an offence to:
- intentionally or recklessly kill, injure or take any wild bird
- intentionally or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally or recklessly take or destroy the egg of any wild bird
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine up to 10,000 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.

5.3 Jurby Parish Commissioners have made the following comments dated 27 August 2020:

Having reviewed the plans it was deemed an excessive development for the size of the area and would appear to have an adverse visual impact on the surrounding properties and countryside.

ASSESSMENT
6.1 The fundamental issues to consider in the assessment of this planning application are the essential need for extension to the agricultural building and the new shed, and the impact of the building on the surrounding properties and countryside.

6.2 Need for the Buildings (Agricultural Justification)

6.2.1 The starting point for any development within the countryside (i.e. not zoned for development) is General Policy 3, which allows an exemption for essential agricultural buildings, and Environment Policy 15, as the first paragraph requires first the Planning Authority to be satisfied that there is agricultural or horticultural need for a new building, sufficient to outweigh the general policy against development in the countryside.

6.2.2 The applicant has provided details to confirm they are the farmer/ owner of Loughan Farm where approval was granted under PA 19/00749/B to allow for a new site farm manager and family to live on site, with a land holding totalling 1100 acres of land split across its holdings (this section of their land south of Bretney Road, Jurby amounts to 166 acres). From the supporting information provided in the previous application (PA 19/00749/B) which the applicant refers to, it is clear the farm owns a significant head of cattle, sheep, and arable land that the proposed building and extension would support. It is also noted that the site visit carried out on 25 September 2020 showed that the existing facilities are operating at full capacity, affording limited working space to support increased operations within the facility. As such, it is considered the justification for the building is acceptable and this aspect is deemed to accord with General Policy 3 and Environment Policy 15.

6.3 Impact of the new building and extension
6.3.1 Having considered the justification, we turn to the siting of the building. Environment Policy 15 notes the proximity of the proposal should be sited as close to the farmstead as possible and be appropriate in terms of scale, materials, colour, siting and form to ensure they are in keeping with their surroundings.

6.3.2 With this in mind, the siting and location of the new farm building and extension are two of the most important factors to consider in the context of this application. It is noted from the submission details that the existing farm buildings, as well as neighbouring dwellings and farm buildings are all clustered together in close proximity to the farm house (under construction) and are various shapes and sizes with construction ranging from traditional Manx stone with either slate or corrugated sheeting for roof coverings to large metal framed building, cladded with corrugated metal sheeting. The chosen location is immediately adjacent to an existing building and would not appear out of character in its setting.

6.3.3 It is accepted the building would not easily be visible from the Highway; given the nature of the existing site boundary which would only allows views to the site area when directly in front of the site access, albeit this would be read in the context of the existing farm buildings on the site and surrounding fields; particularly the large green agricultural building to the north-east (on East Loughan) which provides a backdrop to the area.

6.3.4 In considering the design and scale of the building, it is of a proportionate size and form in relation to the existing buildings within the landscape. In terms of the scale, materials, colour, siting and form it is considered that the proposed building and extension would be seamlessly integrated into the existing building structure on the farm without undue impact on the surrounding landscape. As well, the precast silage effluent storage tank would be completely concealed at the rear of the existing building and extension, with the raised mould which rises to about 4m and formed around the southern sections of the site providing additional screening from distant views to the south. It is, therefore, considered that this application would be in accordance with Environment Policy 15 for the reasons stated above.

6.4 Impact on neighbouring properties

6.4.1 With regard to possible impacts on surrounding properties, it is noted that the closest residential property to the proposed facilities with possibility to be impacted would be Goldies Loughan. This building is however situated about 37m away from the closest building which is the new shed to be sited on the north-west corner of the site. Besides, this boundary of the application site has sufficient tree cover and shrubbery which would screen views and provide a buffer from activities going on within the new shed; making any impacts on this neighbouring dwelling negligible.

6.4.2 Whilst the Jurby Parish Commissioners have stated that the scheme would be an excessive development for the size of the area and would appear to have an adverse visual impact on the surrounding properties and countryside, it is noted that these neighbouring buildings which are referred to are within farm clusters with stables, sheds and other outbuildings situated within their curtilage and as such the presence of agricultural buildings within close proximity would not be considered unacceptable as the closest of the proposed buildings would be situated by an existing agricultural building on the neighbouring property with use complimentary to that of the existing building. More so, the separating distance between the proposed scheme and these properties, as well as the existing boundary treatment would soften any impact that results. In addition, none of the owners or occupiers of the neighbouring properties have raised any concerns with the proposed development. It is, therefore considered that the proposed aligns with EP 15 which provides the baseline for assessing developments such as the proposed stating that: "... it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape."
6.4.3 In terms of excessive development of the site, it is also noted that the application site is part of a wider farm area which stretches from the south boundary, covering an area over 160 acres (not counting the fields situated northwest, northeast and southeast of the (B13 Poly Road) and as such would not constitute excessive development when judged within the context of the broader site area which is within the ownership or control of the applicant. Granting the application site boundary has been marked to exclude the broader site area, it is considered that the agricultural buildings would only be situated in the current location and within close proximity to the approved agricultural dwelling which is nearing completion on the north-east boundary of the application site and the existing cluster of buildings in the locality, but would serve the operations of the entire farm which stretches beyond the application site with sufficient farm holdings to suggest that the farm is a substantial agricultural business on the island, requiring such facilities to support its operations.

CONCLUSION
7.1 In summary, the proposal is considered acceptable in terms of both agricultural need and visual impact and broadly accords with the aforementioned policies of the Strategic Plan. The application is therefore recommended for approval.

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

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.9
Proposal: Additional use of the existing hotel for restaurant services
Site Address: Devonian Guest House
4 Sherwood Terrace
Douglas
Isle Of Man
IM2 4EN
Applicant: Mr Kevin & Mrs Gillian Solmon
Application No.: 20/00843/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

Reason for approval:
This application is considered to comply with General Policy 2, Environment Policy 22, Environment Policy 35 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE
1.1 The application site is the commercial curtilage of Devonian Guest House, 4 Sherwood Terrace, Douglas, a four-storey mid-terrace hotel with a sub-basement located on the northeast of Broadway, near its junction with Derby Road.

1.2 Broadway has a mix of hotels and restaurants. There are limited numbers of one-side on-street parking on the road.

1.3 There are an existing dining area and kitchen serving food to its guests.

2.0 THE PROPOSAL
2.1 Proposed is the additional use of the property as a restaurant. No changes are planned to the building elevations. The seating area and kitchen will be on the ground floor.
The kitchen has an existing commercial ventilation system. The bathroom is on the lower ground floor.

2.2 8 tables are seating 20 people. Both walk-in and pre-book customers are accepted. The restaurant will open from Monday to Sunday between 8:00 and 16:00 (including bank holidays). The expecting customer number is 8 during the weekday and 12 during the weekends.

2.3 There are four permanent employees at the moment. Even if the number of customer serves is higher than expected, there is still no plan to hire additional employees.

2.4 The applicants propose to reduce the hour of operation to between 10:00 and 14:00 after border control is relaxed and tourist visit return to typical situations.

3.0 PLANNING HISTORY
3.1 There is no previous application considered materially relevant to this application.

3.2 On a similar nature, 19/01284/C was APPROVED for Additional use of guesthouse as a restaurant at Athol Park Guest House, Athol Park, Port Erin. The guesthouse is set within an area being designated as predominantly residential and a condition was put in to limit meal service to 22:00 to minimise the impact on neighbouring amenities.

4.0 PLANNING POLICY
4.1 In term of local policy, the site is within an area designated as "Predominately Residential Use" in the Douglas Local Plan 1998. The site is within the Douglas Promenade Conservation Area.

4.2 The Isle of Man Strategic Plan 2016 contains a few policies that are considered specifically material to the assessment of the planning application:

4.3 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:
(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;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan"

4.4 Environment Policy 22 states:
"Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:
i) pollution of sea, surface water or groundwater;
ii) emissions of airborne pollutants; and
iii) vibration, odour, noise or light pollution."

4.5 Environmental 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."

5.0 REPRESENTATION
5.1 The Douglas Borough Council has no objection to this application (19/12/2019).
5.2 The DoI Highway Services do not oppose the application (18/12/2019).

6.0 ASSESSMENT
6.1 The key consideration are the principle of the development, the impact of the proposal on the amenity of the surroundings and on the character of the Conservation Area.

Principle of the Development
6.2 The property is within an area designated as Predominantly Residential Use. However, the street already has hotels and restaurants and the proposed designated within the Area Plan for the East is noted. This means the change of use falls within the acceptable uses. As there are existing hotels and restaurant on the street, the impact on neighbouring property is minimal.

Impact on Amenity
6.3 The key difference between the current use and the proposed use is likely to be the comings and goings of customers.

6.4 In terms of hours of operation, the applicants suggest that the restaurant (this application) and takeaway service (separate application) will only open during the daytime. Given that there are no restrictions to the operation of the existing dining service to its guests (whilst acknowledging that the impacts of the new uses may be different to the existing, particularly in terms of comings and goings), that there are other restaurants and takeaways in the same area without planning restrictions on hours and also that the use may to some extent be self-policing (in that if there were issues this may impact on guests and so undermine the applicants own business) it is not considered necessary to restrict the takeaway opening hours.

6.5 In terms of both the above points, when it comes to areas with a mix of uses such as this there can often be a general level of activity that is to be expected, such as traffic, and smells but this should not be so adverse as to cause unacceptable harm to the amenities of the area. Being mindful of the hotels and residential property close to the building, it is not considered necessary to apply a condition restricting the use of or the use of the existing ventilation and flue system.

Traffic and Parking
6.7 Due to the site is located near town centre and it is easily accessible on foot or by public transport, the increased footfall and traffic associated with the site is unlikely to adversely affect the parking and traffic of the area. This argument is also supported by the fact that Highway Services does not object to this application.

Character of the Conservation Area
6.8 The building is within the Douglas Promenade Conservation Area. There is a presumption against development unless they preserve or enhance the character of the area. As there is no change to any elevation, there is no harm to the character of the area.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for approval.

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

8.2 The decision-maker must determine:
o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
o whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.10
Proposal: Additional use of existing hotel for food delivery services
Site Address: Devonian Guest House
4 Sherwood Terrace
Douglas
Isle Of Man
IM2 4EN
Applicant: Mr Kevin & Mrs Gillian Solmon
Application No.: 20/00844/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

Reason for approval:
This application is considered to comply with General Policy 2, Environment Policy 22, Environment Policy 35 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

This application is referred to the Planning Committee as it is recommended for approval but contrary to the provisions of the Development Plan.

1.0 THE SITE
1.1 The application site is the commercial curtilage of Devonian Guest House, 4 Sherwood Terrace, Douglas, a four-storey mid-terrace hotel with a sub-basement located on the northeast of Broadway, near its junction with Derby Road.

1.2 Broadway has a mix of residence, hotels, and restaurants. There are limited numbers of one-side on-street parking on the road. There is also a take away pizza shop on the top of Broadway.

1.3 There is an existing dining service to its guests.

2.0 THE PROPOSAL
2.1 Additional use of the existing hotel for a restaurant is being applied under PA 20/00843/C.
2.2 Proposed is the additional use of the property as a hot-food takeaway. No changes are planned to the building elevations. The kitchen has an existing commercial ventilation system.

2.3 The takeaway service will open from Monday to Sunday between 8:00 and 16:00 (including bank holidays). The expecting customer number is 8 during the weekday and 2-6 during the weekends. The applicants have stated that the service is mostly for a "grab and go" service with food and hot drinks, etc.

2.4 There are four permanent employees at the moment. Even if the number of customer serves is higher than expected, there is still no plan to hire additional employees. The applicants have stated that if delivery service was to be needed they will liaison with a delivery company.

2.5 The applicants propose to reduce the hour of operation to between 10:00 and 14:00 after border control is relaxed and tourist visit return to typical situations.

3.0 PLANNING HISTORY
3.1 There is no previous application considered materially relevant to this application.

4.0 PLANNING POLICY
4.1 In term of local policy, the site is within an area designated as "Predominately Residential Use" in the Douglas Local Plan 1998. In the Area Plan for the East (adopted but waiting for approval by Tynwald), the site is designated within an area of "Mixed Use". The written statement states "uses which are not compatible with residential development will generally not be supported within the areas of mixed use". The site is within the Douglas Promenade Conservation Area.

4.2 The Isle of Man Strategic Plan 2016 contains a few policies that are considered specifically material to the assessment of the planning application:

4.3 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:
(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;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan"

4.4 Environment Policy 22 states:
"Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:
i) pollution of sea, surface water or groundwater;
ii) emissions of airborne pollutants; and
iii) vibration, odour, noise or light pollution."

4.5 Environmental 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."

4.6 Transport Policy 7:
"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

5.0 REPRESENTATION
5.1 The Douglas Borough Council has no objection to this application (21/08/2020).

5.2 The DoI Highway Services does not oppose the application (19/08/2020).

6.0 ASSESSMENT
6.1 The key consideration are the principle of the development, the impact of the proposal on the amenity of the surroundings and on the character of the Conservation Area.

Principle of the Development
6.2 The property is within an area designated as Predominantly Residential Use. However, the street already has hotels and restaurants and the proposed designated within the Area Plan for the East is noted. This means the change of use falls within the acceptable uses. As there are existing hotels and restaurant on the street, the impact on neighbouring property is minimal.

6.3 There is also a take away pizza shop on top of Broadway so the use is considered acceptable.

Impact on Amenity
6.3 Takeaways can result in impacts in terms of traffic (see below), odour and anti-social behaviour (including litter). The response to these issues can be to restrict the hours of operation, and there is an interplay between other regimes and the planning system. The operation of a ventilation system and flue associated with the production of hot food is likely to generate both noise and smell. In this case there, there is an existing system which is used as part of the existing catering provision to hotel guests. However, this impact could potentially increase through the proposed use.

6.4 In terms of hours of operation, the applicants suggest that the restaurant (separate application) and takeaway service (this application) will only open during the daytime. Given that there are no restrictions to the operation of the existing dining service to its guests (whilst acknowledging that the impacts of the new uses may be different to the existing, particularly in terms of comings and goings), that there are other restaurants and takeaways in the same area without planning restrictions on hours and also that the use may to some extent be self-policing (in that if there were issues this may impact on guests and so undermine the applicants own business) it is not considered necessary to restrict the takeaway opening hours.

6.5 In terms of both the above points, when it comes to areas with a mix of uses such as this there can often be a general level of activity that is to be expected, such as traffic, and smells but this should not be so adverse as to cause unacceptable harm to the amenities of the area. Being mindful of the hotels and residential property close to the building, it is not considered necessary to apply a condition restricting the use of or the use of the ventilation and flue system.

Traffic and Parking
6.6 Due to the site is located near town centre and it is easily accessible on foot or by public transport, the increased footfall and traffic associated with the site is unlikely to adversely affect the parking and traffic of the area. This argument is also supported by the fact that Highway Services does not object to this application.
Character of the Conservation Area
6.7 The building is within the Douglas Promenade Conservation Area. There is a presumption against development unless they preserve or enhance the character of the area. As there is no change to any elevation, there is no harm to the character of the area.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Environment Policy 22, Environment Policy 35 and Transport Policy 7 of the Strategic Plan. Therefore, it 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 which the subject of the application is situated; and
   (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision-maker must determine:
   o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
   o whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.11
Proposal: Additional use of car park for siting of food catering van
Site Address: Ginger Hall Hotel
Ballamanagh Road
Sulby
Isle Of Man
IM7 2HB
Applicant: David M Corlett
Application No.: 20/00908/C - click to view
Head of Development Management: Mr S Butler

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal
R: Reasons for refusal
O: Notes (if any) attached to the reasons

R 1. The development is considered unacceptable given the following points considered cumulatively:
- given the location, siting and nature of the proposed van there is negative impact both visually and in terms of highway safety (contrary to General Policy 2 of the Strategic Plan);
- given the service to be provided, the size of the settlement and the limited number of existing provision, has the potential to impact on the vitality and viability of the existing provision (contrary to the intentions of Section 10.8 and Community Policy 4); and
- there is no demonstrable need for the proposal.

Interested Person Status – Additional Persons

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

The owners of the Sulby Glen Hotel

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

Planning Officer’s Report

1.0 THE SITE
1.1 The application forms the curtilage of car park attached to The Ginger Hall Hotel Ballamanaugh Road, Sulby. The site is a hard standing area that is located to the west of the highway and features an in and out access arrangement with an open plan parking arrangement. The car parking area measures approx. 20m deep and 40 m long, or 700m2 in a general trapezoid shape.
1.2 The land to the rear (north and west) on the adjacent boundary is currently laid to grass but benefits from planning approval for the construction of houses (see Planning History below).

2.0 THE PROPOSAL
2.1 Proposed is the parking of a food catering van to the northwest corner of the site. The catering van would occupy a footprint of 5m long and 2.5m wide and would occupy approx. 2 car parking spaces.

2.2 The applicant proposed to "predominantly operate during breakfasts and lunch times, targeting large numbers of passing trade vehicles. It will be operational from 7am-10am; 12pm - 2pm daily. We would also open on a Friday 5pm-8pm".

2.3 The applicant has also stated the trailer would not be here at all times and would be used to cater for external events as required. The applicant also advised; "the landlord of the Ginger Hall used to sell takeaway food from the hatchway at the public house but now the Lemongrass Thai food is served. We feel as they only serve evenings and only Thai there is an opportunity for traditional type food on a Friday and Saturday evening and also breakfasts in the mornings for passing trade".

3.0 PLANNING POLICY
3.1 In terms of local plan policy, the application site is within an area designated as 'Public House' on Sulby Local Area Plan 1998. The site is not within an area as identified as being high risk of flooding when looking on the MUA Indicative flood map 4.

3.2 Within the adopted Strategic Plan 2016, the following policies are considered to be relevant in the determination of this application:
- Spatial Policy 4 indicates that in Sulby development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities
- General Policy 2 (in part) (GP2b, c, g and h) sets out considerations in relation to the site and surroundings, the character of the surrounding area, local amenity, parking and highway safety
- Environment Policy 22 seeks to prevent odour, noise or light pollution
- Business Policy 1 Supports job creation
- Business Policy 9 indicates new retail provision will be provided in existing centres at a scale appropriate to the centre which will not have an impact on adjacent centres, however section 10.6 of the Strategic Plan stresses the importance of small Neighbourhood Centres to give access to facilities on-foot.
Section 10.8 stresses the importance of neighbourhood public houses and Community Policy 4 seeks to protect local shops and public houses from redevelopment unless they are not, and could not be made commercially viable.

4.0 PLANNING HISTORY
4.1 The application site has not been the subject of any previous planning applications that are considered specifically material to the assessment of this current planning application.

4.2 Planning Approval 17/00462/B for the Construction of 7 bungalows and 6 garages, including vehicular access relates to land to the rear/side of the site.

4.3 There have been a number of planning applications over the years for similar catering businesses -

10/01687/B - Operation of a catering business (Retrospective) at B & Q Car Park, Spring Valley Industrial Estate, Douglas - permitted
14/01459/C - Use of site for a catering business (retrospective) at Car Park Adjacent to Pennybridge Stables, Glebe Farm, Main Road, Kirk Michael - approved subject to a condition restricting opening hours. The assessment stated, "The critical issues in this case are whether there are any adverse impacts from the operation of the business in terms of impact on highway safety and that on the amenities of those in adjacent property. Also it is relevant to consider whether the operation of the mobile business would adversely affect the viability of other operations".

15/00333/C - Use of part of car park for the operation of a mobile catering unit at Haldane Fisher Car Park, Isle Of Man Business Park, Douglas - permitted. Assessment stated, "On a number of visits to the site when the van was operational, there were vacant spaces which could be used by patrons of Haldane Fisher and whilst there were vehicles parked on the estate road, these seemed to be associated with the car sales operation on the other side of the road rather than customers of the mobile catering van. It is relevant that there is no objection from the highway authority … It is also relevant that there are no objections to the proposal from other occupants of the estate. There are similar facilities in the Spring Valley industrial estate (within the B&Q car park and alongside Agrimark) which seem to operate without interference with the legitimate use of the rest of the estate".

16/00512/C - Change of use of existing parking space to site a mobile food retail unit at Public Car Parking Space, Douglas Head Road, Douglas Head was refused for two reasons: - The siting of a mobile catering trailer, situated in such a prominent location would create a visually incongruous feature in the street scene which would detract from the character of the area and have a detrimental impact on the character and appearance of the Douglas Head area. As such it would be contrary to General Policy 2 (b), (c) and (g) of the Strategic Plan 2016. - The use of the car parking space to accommodate the mobile trailer and the nature of the hot food business and its position would encourage indiscriminate short-term on-street parking in the turning head at the top of Douglas Head Road to the detriment of highway safety contrary to General Policy 2 (i) of the Strategic Plan 2016.

5.0 REPRESENTATIONS
5.1 Lezayre Parish Commissioners commented on (17/09/20) to object with further commentary; 'We note that this is a third party application. Various concerns were raised. The area is a car park with several recycling bring banks on site, along with other trailers. The area is already unsightly. Allowing this food trailer to remain on site 24/7 will potentially add to this. Will the creation of an entrance and exit reduce the amount of suggested parking spaces. Concerns regarding litter. The Ginger Hall hotel already has take away food facilities using windows from the kitchen. Is there a need to site a food catering van on the site? Although this is only on a small scale is the application against Business Policy 5b? The area to the rear of the proposed site has planning approval for several dwellings. One of which would be behind the proposed siting of the food van'.

5.2 Highways Services have commented (28/08/20) with no objection.

5.3 The owners of the Sulby Glen Hotel (17/09/20) object on the grounds "that this village already has two businesses supplying all that this new business is offering. And more. There already are as I say two businesses I this village offering this service also one burger van and a village shop offering food and snacks too. In the current situation with borders and the lack of tourists due to Covid Pandemic, I feel this would be a massive concern for the already struggling established businesses in the area. This would be different if it was an already established business operating their own mobile catering van in the area not a third party".

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of this planning application are;
- principle of the development;
- need for the development
- impact on local facilities;
- visual impact of the proposed development;
- impact on the local amenity; and
- parking and highway safety.

6.2 Principle
6.2.1 There are no specific policies relating to mobile catering vans within the Strategic Plan, the site is zoned as a Public House use and the proposed use is not for a Public House or an ancillary use. However, some level of service provision within Sulby would be acceptable, and the Strategic Plan is supportive of employment creation. It is noted that there have been other similar application approved on other sites (although focused in some cases on more industrial/commercial sites). It is therefore considered that the principle of the development is capable of being acceptable.

6.3 Need
6.3.1 There is not normally a requirement to demonstrate need for a development. However, if it is considered that there are adverse impacts these can sometimes be outweighed if there is a demonstrable need for the development. Given the existing level of provision of services in the area, the size of the settlement and the policy context it is not considered that it has been demonstrated that there is a need for the development.

6.4 Impact on local facilities
6.4.1 The planning system is not intended to protect individual businesses and opposition to business competition is not a material consideration. The policy framework is intended to provide new opportunities for retail/service development, whilst protecting existing centres. In this case it is considered unlikely that the proposed breakfast service would impact on the other providers, however lunchtime and evening (Friday) provision could. Hours of operation could be controlled by condition (as has been done elsewhere). On balance it is considered that the proposal would undermine the viability of the existing provision and this weighs against the application, although is not sufficient reason for refusal in isolation.

6.5 Visual Impact
6.5.1 The site is visible from the main road and in a residential area. The siting of the proposed catering van would be within the designated car parking area and is subjective whether this would or would not appear out of context within the surrounding area. The local authority have commented with their views regarding the site and its context.

6.5.2 Clearly there is an expectation of vehicles being parked in the area, however a food catering van could equally appear materially different to parked vehicles of customers/staff using the public house. It is noted the applicant would also remove the trailer to cater for external events away from the site so it would not be a permanent 'structure' on site, although it may be there for much/most of the time. It is noted that the fall back position could be that the van could be parked in the car park without being used, although the weight to be attached to this is reduced as it is considered that the van would be unlikely to be parked somewhere that would prevent its use.

6.5.3 The current condition of the site is such that it does not make a positive contribution to the visual amenity of the area, and the proposal is likely to exacerbate the situation. On balance, the visual impact is judged to weigh against the application, although is not sufficient reason for refusal in isolation

6.6 Impact on the local amenity;
6.6.1 The nearest residential dwelling would be 50m to the north which would be the rear elevations of Carrick Park. With regard to the above, whether or not the proposed catering
trailer would cause any material harm to the enjoyment of the adjacent public house or considered to harm the distant neighbouring amenity would be through any statutory nuisance of noise, odour, light pollution and litter. Given the intermediate distances to the nearest dwellinghouse and the active planning consent to the rear, we have to be mindful as to any potential impact that might occur. There could also be an unknown quantity of trade and if successful could manifest into a statutory nuisance through their own success. With this in mind, and the low scale impact at present, it could be appropriate to attach conditions to limit the use of the catering van to a given period, say 12 months to see how the proposed business venture evolves and whether the planning consent to the rear is implemented, as if built, the nearest dwellinghouse would be most disadvantaged by the proposal siting. Conditions could also be imposed to control the opening hours and potentially to require the provision of litter bins to respond to the point raised by the LA. It is therefore considered that although there is the potential for negative impact on local amenity, this could potentially be controlled (both by planning and other regimes) and so neither weighs in favour of or against the application.

6.7 Parking and highway safety
6.7.1 It is noted that the DOI Highways have not objected. Despite the loss of the parking spaces, it is likely that there would still be sufficient parking for the Public House, with the estimated loss of three vehicles taken up by the catering van. If customers of the proposed use make use of the car park, given the existing access and egress provision thecomings and goings of traffic to the site may not be different than if customers were visiting the hotel, although it is perhaps likely that there will be more people visiting for shorter periods and so there may be an overall increase in movements. It is also possible that there would be an increase in the numbers of people parking on the road (if visiting for a short time to pick up food) and, given the nature of the road at this location (in terms of the two bends) this would be undesirable. On balance, the parking provision is judged to weigh neutrally and the highway safety to weigh slightly against this application.

7.0 CONCLUSION
7.1 The application is finely balanced. On the one hand it will create employment opportunities, the principle could be acceptable, it would provide a service and impacts in terms of local amenity and parking could potentially be controlled. On the other hand, given the location, siting and nature of the proposed van there is negative impact both visually and in terms of highway safety (contrary to General Policy 2 of the Strategic Plan) and, given the service to be provided, the size of the settlement and the limited number of existing provision, an impact on the existing provision (contrary to the intentions of Section 10.8 and Community Policy 4) and no demonstrable need for the proposal. On balance it is recommended for refusal.

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

8.2 The decision maker must determine:
whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
whether there are other persons to those listed above who should be given Interested Person Status
Item 5.12
Proposal: Erection of three detached dwellings with integral garage with associated landscaping, drainage and access (amendments to PA 20/00336/B)

Site Address: Field 321270
Park Close
Glen Vine
Isle Of Man

Applicant: Hartford Homes Limited
Application No.: 20/00931/B - click to view

Principal Planner: Miss S E Corlett

RECOMMENDATION: To APPROVE the application

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

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

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

C 2. The dark green hatched area in the northern part of the site shown on drawing 11, shall remain open and no building, structure, material or vehicle shall be constructed or placed upon it without the prior written consent of the Department. The hatched area shall not form part of any dwelling's residential curtilage. The fencing shown and described on this drawing shall be erected as shown and described and retained as such thereafter.

Reason: to safeguard the ecological value of this part of the site.

C 3. The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on the approved plan ITB51616-GA-001 Rev D to an adoptable standard. The visibility splay shall be retained clear of all obstructions for the lifetime of the development. These sight lines shall be retained clear of all obstruction to visibility greater than 1.05m in height above the adjoining carriageway for the lifetime of the development. All vehicle areas, including ‘open’ parking and garages to be laid out in accordance with Drawing 11 and ITB15616-GA-002D.

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

C 4. No dwelling shall be occupied until all areas shown on the approved plans to be used by vehicles including driveways and vehicle parking spaces have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

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

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

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

C 6. Prior to the commencement of the development hereby approved including site clearance, the protective measures detailed in the Tree Protection Plan (drawing TP-4220 r4) and Arboricultural Method Statement, prepared by Manx Roots and submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process.

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

C 7. Prior to the removal of any tree, a survey for the presence of bats or their roosts must be undertaken by a suitably qualified ecologist and appropriate mitigation and compensation measures provided if such should be found. Details of this must be approved in writing by the Department prior to the removal of any tree and the development implemented in full accordance with the approved details.

Reason: to ensure that the development accords with Environment Policy 4 of the Strategic Plan.

N 1. No approval is hereby granted to the erection of any sales board which will be considered under different legislation - the Control of Advertisements Regulations 2013.

N 2. The applicant is recommended to liaise with the Department's Ecosystems Policy Office in respect of compliance with the Wildlife Act 1990 in respect of the protection of breeding birds, protected species and Invasive Species.

Reason for approval:
The development is considered to accord with General Policy 2, Environment Policy 3, Environment Policy 4, Transport Policy 7 and Strategic Policy 1 of the Strategic plan and the provisions of the Residential Design Guidance

______________________________________________________________
Interested Person Status – Additional Persons

None

__________________________________________
Planning Officer’s Report

1.0 THE SITE
1.1 The application site is Field 321270, Glen Vine Park, Glen Vine. The site is almost square and has an area of approximately 0.74 acres. To the northwest of the site is a detached property ("Fieldhead") set within large grounds accessed from Peel Road. This is a two storey dwelling with a hipped roof and a first floor window in the elevation which faces the application site which are only partly screened by the existing boundary vegetation. To
the southwest are the properties Oddfellows Cottage, Vine Cottage, Ballabeg Cottage and Westway. All of these front onto Peel Road. A pedestrian lane runs from the point at which Glen Vine Park terminates down to Peel Road. To the south are nos.16, 17 and 18 Glen Vine Park. To the northeast is no.15 Glen Vine Park.

1.2 Number 15, Glen Vine Park is a dormer bungalow with rooflights in the plane facing towards the application site and a large window which can be seen in the Officer’s Photographs which are on the website. There is substantial vegetation between this property and the application site which is lower: the site falls from north east to south west by 4.5m over 55m although a clearing when the window referred to above has a clear view across the valley to the south west.

1.2 The boundary to the lane contained some established trees although there is a break of 7m or so towards the higher end. The boundary with Fieldhead is formed by a hedge with some trees at the south western end. This is to be reinforced by native planting - blackthorn, hawthorn, field maple, holly, beech, honeysuckle and rose as is the boundary with the residential properties which front onto the Main Road. The first few trees to the south west of the existing access appeared to be dead at the time of the site visit.

2.0 THE PROPOSAL
2.1 Detailed approval was granted for the erection of three dwellings with vehicular accesses from Glen Vine Park under 20/00336/B. What is now proposed differs from that in respect of the raising of the finished floor levels of the proposed dwellings by between 100mm and 450mm and the change in house types for all to have the footprint of that previously approved on plot 3. There is one fewer window in the northwestern elevation of the house proposed on plot 3. Previously planning approval was granted for the principle of two dwellings, the current three are arranged at 90 degrees from the previous two, so that they are facing south west - the rear of the dwellings fronting onto the main road - rather than facing towards the lane as in the most recently approved layout. The same wildlife buffer zone is provided (see Planning History below) although they share the same point of access onto Glen Vine Park.

2.2 The nearest point of the built development to 15, Glen Vine Park is 18m away - 2m closer than the previously approved scheme as the dwellings now proposed have longer garages with accommodation above. There are no windows in the elevation facing 15, Glen Vine Park. Fieldhead will be 15m to the closest point of the nearest proposed house and the properties fronting onto Main Road will be at closest, 36m away.

2.3 The houses are a little unimaginative in that all three are identical in form and layout with the only differentiation being that that in the centre has cladding to the front projecting annex.

2.4 All three houses will be finished in dark grey concrete roof tiles, render and stonework on the walls and black rainwater goods and fascias.

2.5 As with the previous application, trees to be removed are in two categories: those which are needed to be removed to facilitate the development (2) and those which are being removed in the interests of good husbandry (9). Those originally proposed to be removed to facilitate the development sit at the front of the site alongside the lane and are one holly, one ash and three sycamore, all Category C. An Arboricultural Impact Assessment has been prepared by Manx Roots, dated 4th February, 2020 which inspects the trees and makes recommendations for pruning and tree removal in the interests of good arboriculture. The development, including changes of level, have been shown along with protection areas for the retained trees which are outwith any areas for excavation, deposition of earth or building. Tree 3003 (that closest to the cul de sac) is growing into the bank and is unstable and causing shading issues for the owners of number 15 who would prefer to see it removed.
2.6 A transport statement has been provided by i-Transport and dated 20th February, 2020. This describes the highway network and the provision of visibility splays onto the lane of 2.4m by 15m in both directions with visibility of 2.4m by 22m in each direction at the junction of the lane with Glen Vine Park. It also describes the provision of 2 parking spaces per dwelling each space having dimensions of at least 3.25m by 6m. This would enable the proposed integral garages to be converted to additional living accommodation under Class 26 of the Permitted Development Order 2012. It clarifies that refuse collection will occur from the lane as it currently occurs.

2.7 A sales board has been shown on the plans: this will need to be considered under the Control of Advertisements Regulations 2013 not this planning application.

2.8 A Protected Species Report has also been prepared by Manx Wildlife Trust Consultancy Services and dated February 2020, submitted with the earlier application. This refers to the non-statutory Wildlife Site at the Marown Telephone Exchange some 350m away and the Central Valley Phase 2 site with poor connectivity with the site. It identifies the wet ditch along the north eastern boundary as a significant ecological feature as well as a number of parts of some of the trees which could provide potential roost sites for bats.

2.9 It recommends a series of controls and requirements:

1. Any trees to be removed must first be subject to an inspection for bat roosts
2. Any lighting must adhere to best practice to minimise impact on bats that roost, commute or forage in or in close proximity to the site
3. A bat roost feature should be incorporated into each property (now shown on the plans)
4. Shrubs and bushes must be removed outside of the bird breeding season (typically March to August inclusive) and where undertaken within the season, there must be a pre-clearance nest check and any nests safeguarded until young have fledged and independent of the nest.
5. New hedge planting should incorporate native woody species that are matched to soil conditions and beneficial for food, shelter and nest sites for a range of species (hawthorn, rowan, sessile oak, holly, elder, ash and honeysuckle)
6. The 6m habitat strip must be retained.
7. Site clearance should be undertaken outside the frog hibernation period (November to January) and if undertaken within this period the interior of the site should be cleared in the warmer months (April to September) during minimum daytime temperatures of 15 degrees or higher.
8. If any common frogs or lizard are encountered works must stop and advice sought from DEFA.
9. The ditch must be cleared of silts and leaf litter to a new depth of 200-300mm and arisings placed on bank tops to enable invertebrates and frogs to return to the ditch. Such excavation should be undertaken during the low risk period August to September and if this is not possible, the project Ecologist will undertake a pre-works assessment of risk to frogs and recommend a low risk working method and supervise excavation.
10. Encroaching vegetation should be cut back in the winter months to prevent canopy closure and degradation of the open water habitat. This should be periodic and subject to checks.
11. A habitat log pile must be created within the ecology zone for a sheltering habitat (details of this are shown on the proposed site plan).
12. Any fencing to demarcate the ecology zone must have at least 100mm clear access above ground level (this is referred to on the proposed site plan).
13. Bee bricks must be integrated into each new dwelling structure (shown on the proposed elevations as well as a swallow box).
14. Prior to any other clearance, Schedule 8 species must be identified, removed and incinerated.
2.10 The applicant suggests that the development will not result in any net loss to ecology and the reorientation of the houses will result in better living conditions for the occupants.

3.0 PLANNING HISTORY
3.1 In 1988 the erection of 3 loose boxes and tackyard was approved under PA 88/01154/B.

3.2 Two more or less identical applications for two dwellings on the site - 11/00474/A and 15/00224/A).

3.3 More recently planning approval was granted for the detail of three dwellings on this site. 20/00336/B was approved subject to conditions including the following:

2. The dark green hatched area in the northern part of the site shown on drawing 02, shall remain open and no building, structure, material or vehicle shall be constructed or placed upon it without the prior written consent of the Department. The hatched area shall not form part of any dwelling's residential curtilage. This area shall be fenced off using fencing with at least 100mm clear access above ground level.

Reason: to safeguard the ecological value of this part of the site.

This is still relevant other than the plan referred to is now drawing 11.

3. Prior to the commencement of any development, site clearance or removal of trees, the applicant must have approved by the Department further details of the following:

i. the creation of a habitat pile within the protected area at the northern part of the site; and

ii. the incorporation of bee bricks, bat boxes and bird nest boxes within the development.

The development must be carried out in accordance with these approved details.

Reason: to ensure the maximum ecological gain from the development.

These details are now shown in the proposed site plan and elevations.

4. The access hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays shown on the approved plan ITB51616-GA-001C to an adoptable standard. The visibility splays shall be retained clear of all obstructions for the lifetime of the development. These sight lines shall be retained clear of all obstruction to visibility greater than 1.05m in height above the adjoining carriageway for the lifetime of the development.

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

This is still relevant although the plan referred to is now ITB15616-GA-001D.

5. No dwelling shall be occupied until all areas shown on the approved plans to be used by vehicles including driveways and vehicle parking spaces have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

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

This is still relevant.
6. No tree shown to be retained in the drawings and as referred to in condition 8 below, shall be cut down, uprooted or destroyed during the development phase and thereafter within 5 years from the date of the occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars. In the event that the retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

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

This is still relevant although the reference to condition 8 is no longer relevant as the trees to be retained are now shown on the submitted drawings.

7. Prior to the commencement of the development hereby approved including site clearance, the protective measures detailed in the Tree Protection Plan (drawing TP-4220 R2) and Arboricultural Method Statement, prepared by Manx Roots and submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process.

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

This is still relevant although the plan referred to is now TP-422-r4.

8. Notwithstanding the plans approved, trees identified in the submitted Tree Protection Plan and Arboricultural Statement as 3001, 3002 and 3013 must be retained as part of this development.

Reason: to control the unnecessary removal of trees in the interests of maintaining the character and appearance of the area.

This is no longer relevant as the correct trees to be retained are now shown on the drawings.

9. Prior to the removal of any tree, a survey for the presence of bats or their roosts must be undertaken by a suitably qualified ecologist and appropriate mitigation and compensation measures provided if such should be found. Details of this must be approved in writing by the Department prior to the removal of any tree and the development implemented in full accordance with the approved details.

Reason: to ensure that the development accords with Environment Policy 4 of the Strategic Plan.

This is still relevant.

NOTE No approval is hereby granted to the erection of any sales board which will be considered under different legislation - the Control of Advertisements Regulations 2013.

NOTE The applicant is recommended to liaise with the Department's Ecosystems Policy Office in respect of compliance with the Wildlife Act 1990 in respect of the protection of breeding birds, protected species and Invasive Species.

These two notes are still relevant.
4.0 DEVELOPMENT PLAN POLICIES

4.1 The application site is located within an area that is designated by the 1982 Development Order as Existing Residential Use (incorrectly described in the earlier applications as Proposed Residential). On the draft Area Plan for the East the site lies within an area of Existing Predominantly Residential Use.

4.2 Within the Isle of Man Strategic Plan 2016, General Policy 2 is relevant. This provides guidance for the consideration of development proposals on land designated for development. It states in part: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
(c) does not affect adversely the character of the surrounding landscape or townscape;
(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
(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".

4.3 The Residential Design Guidance, 2019 provides advice about the design of new residential development and the means of assessing the impact of this on existing adjacent dwellings. This refers to paragraph 4.3.8 of the Strategic Plan and to local distinctiveness and the need to take into account the characteristics and nature of the surrounding area whilst not stifling new ideas, encouraging new buildings to acknowledge and incorporate the best qualities of existing residential areas. It encourages variety and to avoid the use of the same building types to add interest as well as making the best use of sites which are sustainable and encouraging active travel.

4.4 The RDG also provides advice on how the impact on existing residential properties may be measured, generally recommending that elevations with windows and doors which face directly another property should be at least 20m apart and there is also advice on which windows are more sensitive to impact than others and also in the design of new dwellings, regard should be had to the character of the existing area, to local distinctiveness and that development should "tell a story" of the evolution of the area.

4.5 Strategic Policy 1 encourages sustainable development in terms of location and optimising the use of developable land.

4.6 Environment Policy 3 protects existing woodland.

4.7 Environment Policy 4 protects ecology, particularly protected habitats and species.

4.8 Transport Policy 7 requires the provision of appropriate amounts of car parking with each dwelling requiring two full sized car parking spaces (identified in other documents as 6m by 3.25m).

REPRESENTATIONS
5.1 Highway Services have no objection, considering that the proposal is acceptable in highway terms and Highway Services do not oppose it subject to conditions for access and visibility splays in accordance with Drawing no ITB51616-GA-001 Rev D as well as for vehicle areas, including 'open' parking and garages to be laid out in accordance with Drawing no: 11. An advisory to apply too for a Section 109(A) Highway Agreement.

5.2 Marown Parish Commissioners objected to the previous application, considering that the density exceeded what had been previously approved. They maintain their objection to this current application, noting that "the number of mature trees in fine fettle to be felled is unacceptable" and refer to the site being a wildlife habitat and whilst there is provision in the plans for a habitat area, this may not be sufficient. They refer to 20/00336/B but suggest that there is no planning approval valid for the development of the site for residential purposes but note that the site is designated for residential use. They maintain their view that as two were permitted, anything more than that constitutes an over-development. They are opposed to the style of the development (21.09.20).

5.3 DEFA Arboricultural Officer comments that:

"In terms of the risk to existing trees, the amendments to 20/00336/B presented in this application do not represent significant changes. Regarding conditions to apply in the event that the application is approved, I therefore make the same recommendation as I did for the previous application:

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

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

2) Prior to the commencement of the development hereby approved, the protective measures detailed in the Tree Protection Plan (drawing TP-4220r4) and Arboricultural Method Statement, prepared by Manx Roots and submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process.

Reason: To ensure that trees marked for retention are adequately protected, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated" (11.09.20).

5.4 DEFA Inland Fisheries Officer comments:

"This planning application has been checked by Fisheries Officers. I can confirm that DEFA, Fisheries have no concerns in relation to this development provided that there is no adverse effect on the adjacent watercourse. This is due to the nature of the nearby watercourse (ditch) which is not known to contain fish populations.

As the proposed works are in close proximity to the watercourse, precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the waterway (08.09.20).
5.5 The applicant responded on 09.09.20, stating, "As part of the application we have included for a protective fence to create a 6m wide exclusion zone from the ditch to prevent use. The fence will be retained for the duration of the works and completion replaced with a permanent fence that will prevent access in the future and protect the area as a wildlife zone. The construction activity is also lower than the watercourse so any washings will not flow into the ditch."

5.6 The owners of 15, Glen Vine Park have not submitted comments on this application but previously commented that the Protected Species Report submitted with the application recommends the deepening of the ditch by an excavator which they believe will lead to further erosion of the bank which has previously collapsed in a couple of places and has had to be repaired, at great expense, by them. They explain that at the moment, they clear the ditch once a year or so by hand which is quick and effective. They also don't believe that it would be possible to have an excavator access the ditch without causing substantial damage and destruction of the south side of the ditch, which should be avoided (23.04.20).

ASSESSMENT
6.1 The site is designated for residential use and development and is highly sustainable, being within walking distance of a primary school, public transport, church and shortly not far from a local shop which is under construction (17/00852/B - Crosby). The principle of residential development here is therefore not objectionable and indeed planning approval has been granted for housing here previously.

6.2 The issues are whether the development as now proposed would have any adverse impact on the character and appearance of the area, whether the loss of trees is acceptable, whether the impact on the ecology of the area, on highway safety or on the living conditions of those in nearby residential property are acceptable. There is no policy requirement for affordable housing or public open space due to the low number of dwellings proposed. The fact that this application is very similar to a previous approval recently granted, which is a material consideration, is relevant.

Character and appearance of the area
6.3 Whilst the Commissioners suggest that three dwellings are too many and that this results in overdevelopment because the officer reporting on the previous application considered two dwellings was not out of keeping with the area in terms of density (and other impacts), it does not automatically follow that any change in the number of dwellings will negate that conclusion. There must be evidence of harm through over-development and no evidence to this effect has been provided. Three dwellings with associated and acceptable access, parking and amenity space can clearly be accommodated on the site with similar ratios of buildings to plots, sizes of gardens to the properties immediately to the north east, west and south west.

6.3 The issue of density needs to be balanced against the need for development to make the best use of sites (Strategic Policy 1a and 1b) and increasing the density of development on sites which are sustainable and in settlements, will reduce the eventual need for greenfield land to be used to satisfy future housing need. As such, the density of three dwellings is considered acceptable and the layout of the site as proposed, also acceptable. Three dwellings have already been approved on this site and following the issue of the approval, the local authority did not challenge this to appeal.

6.4 The area is very varied in terms of the style and size of buildings with Glen Vine Park mainly being dormer bungalows in its western part but with larger dwellings to the east and the A1 TT Course largely accommodating two storey dwellings of very differing sizes. The two distinct parts of Glen Vine Park demonstrate the evolution of the area (as referred to in the RDG) and this proposed development would continue this evolution along with the modern tall glazed window in 15, Glen Vine Park which adds a modern element to an otherwise fairly typical dwelling of its time. The proposed dwellings are attractive and will not, it is
considered, have any detrimental impact on the character and appearance of the area, and would be in accordance with General Policy 2 and the Residential Design Guidance.

Loss of trees
6.5 The remaining trees identified as being removed in the Arboricultural Report are so proposed for arboricultural reasons and the Department's Arboricultural Officer had previously no objections to the application.

Ecology
6.6 Whilst the site is designated for development and has previously had approval for a development, albeit of a lower number of units than are now proposed, it is very important that development does not compromise the ecological value of the site and regard should be had to the provisions of the Wildlife Act 1990 which provides protection for a variety of flora and fauna. The development could potentially harm the ecology of the area in a number of ways: the removal of trees which have potential roost sites (unfortunately the Protected Species report does not use the same numbering system as the Tree Protection Report so it is not possible to be precise about which trees are to be removed compared with those which are described to have roost potential, however, it would appear that there is none photographed in the PS Report which is to be removed although 3003 is referred to).

6.7 Ecosystems Policy Office has requested that a survey of the trees to be removed (now only three) is undertaken prior to the determination of the application to ensure that there are no roosts within them. Any approval will be valid for four years before development may start and if a bat roost survey is done prior to determination, and development did not commenced until two or three years later, the results of the survey would be irrelevant. As such, in this case, it is considered more relevant to attach a condition which requires that the survey is undertaken prior to the felling of any of the trees hereby approved which will ensure that the survey is the most up to date and relevant for the purpose.

6.8 Ecosystems Policy Office has also previously requested that the provisions of paragraphs 6.13 to 6.38 of the Protected Species Report are implemented in accordance with the document. This, as with the previous application, includes (6.13) the excavation of the ditch with which the owners of 15, Glen Vine Park take issue for the reasons set out above. It is also relevant that the development will not affect this area of the site and as such, it could be successfully argued that the requirement of the applicant to undertake these works is not related to the development and therefore not acceptable as a condition. In addition, the works to maintain the ditch appear to be being undertaken already by the owner of the neighbouring land and the condition, particularly as it relates to 6.13 would appear to be unnecessary. It is therefore considered that the requirement for the ditch to be deepened by excavator should not be included in any condition, but that the remaining requirements which are not detailed in the submitted plans - the provisions for precautionary method statements for frogs and Schedule 8 species should be referred to in the notice. An advisory note about the provisions of the Wildlife Act 1990, which this refers to other legislation and should properly be dealt with through correspondence with the applicant by the relevant authority which administers the Act, would be helpful in respect of breeding birds and lizards. The development comprises three dwellings and there is no indication that any lighting is proposed which would prove an issue for bats (a diagram is included of the likely style of lighting, illustrating that this should not have an impact on wildlife. Such, if installed would be domestic lighting within each plot which does not usually require planning approval: anything more significant would not be able to be installed under the provisions of the Permitted Development Order 2012 as it would not be erected by or on behalf of a public authority so would require planning approval and would at that time, be assessed on the basis of its impact on ecology.

Highway Safety
6.9 The conclusion of the Department of Infrastructure is that the development is acceptable, subject to conditions which can be attached.

Living conditions of those in adjacent property
6.10 The properties most likely to be affected at Fieldhead and 15, Glen Vine Park and no objection has been received from the owners or occupiers of either property. Indeed, those at 15, Glen Vine Park has commented but confines their concerns to matters relating to the maintenance of the ditch. It is clear from correspondence from the applicant, that they are in continuing discussions with this neighbour about the development.

6.11 Using the guidance in the RDG, the dwellings will be mostly more than the required 20m distance from the nearest point of 15, Glen Vine Park and where they are nearer, there are no windows looking directly towards this property and indeed, the revised house types have fewer windows looking towards both adjacent existing dwellings and the proposed dwellings will still be around 2m lower than the tallest part of 15, Glen Vine Park. The dwellings will have an impact on the view from the south west windows in the existing property but will not be so close as to affect the outlook using the assessments in the RDG.

CONCLUSION
7.1 The development is considered to accord with General Policy 2, Environment Policy 3, Environment Policy 4, Transport Policy 7 and Strategic Policy 1 of the Strategic plan and the provisions of the Residential Design Guidance and is supported.

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

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

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

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.
Item 5.13
Proposal: Extension of residential curtilage and erection of a detached garage
Site Address: Part Field 430890 & Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man
Applicant: Mrs Carole Berry
Application No.: 20/00938/B - click to view
Planning Officer: Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

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

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

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

C 2. Prior to the coming into use of the garage hereby approved, the post and rail fencing and field access gate as shown in drawing numbers CB-20-01 and CB-20-02 shall be fully installed and shall be retained thereafter.

Reason: To ensure the residential curtilage is suitably defined and that access to the adjacent field is maintained.

Reason for approval:
The application does not strictly comply with General Policy 3 or Environment Policy 1, however has been considered to have an acceptable visual impact and on exceptional basis is considered acceptable.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THE SITE
1.1 The site is the residential curtilage of an existing cottage which sits on the western side of the Kerrowkeil Road (B41) which links the Corlea Road (B39) to the Grenaby Road (B40) to the south. The curtilage forms a right angled triangular shape with its point facing northwards, the existing property sits towards the bottom edge with its side gable facing the road, and the boundary is mostly formed by a stone wall and sod banking and hedging northwards.
1.2 Directly south of the house is an existing stone pillared vehicular access into the curtilage, and a further 10m south of this is another stone pillared gate providing access into the adjoining agricultural fields also under ownership of the applicant.

1.3 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal results in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

1.4 The 2019 application was subject to an appeal, a hearing for which was held last month. In the hearing it became clear that there was a difference in opinion on the extent of the residential curtilage which had changed over recent years which was evidenced by the historic and current aerial images for the site.

THE PROPOSAL
2.1 The current application now proposes the relocation of the garage closer to the main house and an extension to the residential curtilage to accommodate its development.

2.2 The proposed garage is to be 5.5m x 5.5m and positioned south west of the existing house and nearest the southern boundary adjacent to the existing field access. The garage is to be 2.6m to under eaves and 5m to central ridge and its south facing roof slope is to be installed with solar panels.

2.3 The garage is to sit within an area approx. 13m x 11m wide providing also a turning space into and out of the garage and additional off road parking, the extension to the curtilage will also include the existing field gate and track for access.

2.4 A post and rail fence is to define the extension to the curtilage and a new field gate is to be installed allowing continued access into the fields.

PLANNING HISTORY
3.1 Approval has recently been granted for an extension to the rear of the dwelling under 18/00478/B. Refused application PA 19/00818/B for the previous garage is still being considered at appeal.

PLANNING POLICY
4.1 The development of a domestic garage for a dwelling can be acceptable, in fact there are levels of development for a garage allowed under the Town and Country Planning (Permitted Development) Order 2012 so long as the proposed garage meets with all of the relevant conditions stipulated under Class 17 and that the garage is located within the curtilage of a dwellinghouse.

4.2 In the case of this application the proposal is for an extension to the curtilage to accommodate a garage which fits with the footprint allowed under the PDO. The site is designated on the Area Plan for the South (2013) as not being for any particular use or purpose. As such, there is a general presumption against development as set out in General Policy 3 and Environment Policy 1.

4.3 General Policy 3:

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

4.4 Environment Policy 1:

"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."

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

5.1 Malew Parish Commissioners - no objections 02/09/2020.

5.2 Highway Services - Do not Oppose (28/08/2020) - although would prefer an increase in the size of the garage to have 6 x 6m internal dimensions to better cater for a wider range and size of vehicles and storage of bicycles and other items. An electric vehicle charging point should be considered.

ASSESSMENT
6.1 There is limited scope within the existing curtilage to build a garage without impacting on existing trees, pipe work, septic tanks or without being located in close proximity to the main road where there would be greater visual impact. Since the refusal of 19/00818/B the applicant and agent have explored a number of different sites for the proposed garage both within and outside of the residential curtilage, and the current proposal is considered to have the least impact.

6.2 It is not normal practice to allow the extension of residential curtilages in the countryside, however the proposed extension in this specific case is not considered to be excessive. The majority of the curtilage is to incorporate the existing field track and given the proposed garage is to be set back from the edge of the road, prominent views will likely be limited although the garage will still be read in conjunction with the main house. The boundary is to be formed in post and rail fence which is typical across the countryside.

6.3 The openness and rural character of the countryside is not expected to be undermined as a result of the proposed curtilage extension or development of the garage

CONCLUSION
7.1 In this particular case there is an absence of practical harm, coupled with a degree of benefit to the application property as a result of the development of a garage, and by reason
of the acceptable visual impact it is considered that the proposal would not offend the objectives of GP3 and EP1 which seek to avoid harm to the countryside and therefore the application is considered 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:
whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.14
Proposal: Change of use of garage for the running of a personal training business

Site Address: 9 The Abbey Woods
Douglas
Isle Of Man
IM2 5PL

Applicant: Mr Jonathan Stott
Application No.: 20/00961/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

C 2. The use hereby approved shall only be undertaken between 08:00 and 20:00 on weekdays and 10:00 and 16:00 on Saturdays and Sundays. The use shall not be undertaken at any time on Public Holidays.

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

C 3. There must be no more than one customer/client using the gym at any one time.

Reason: In the interest of highway safety and residential amenity.

C 4. The area of the building to be used for personal training service shall be limited to that shown on the floor plans forming part of the application and the use hereby permitted shall not extend into any other part of the premises.

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

C 5. The use hereby approved shall only be for the benefit of the applicant while they are resident at 9 The Abbey Woods, Douglas and no staff may be employed and/or work at the premises.

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

C 6. The driveway and access shall be kept available and unobstructed for parking at all times.
Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

Reason for approval:
This application is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE
1.1 The application site is the residential curtilage of 9 The Abbey Woods, Douglas, a two-storey detached property with attached double garage located on the south end of the cul-de-sac of the Abbey Woods.

2.0 THE PROPOSAL
2.1 The proposed work is the additional use of the double garage of the residence (3.3) as a personal training gym (1.2).

2.2 The applicant states that the studio would only take around 5 customers a week. It purposes to operate between 7:00 and 19:00 on weekdays, 9:00 and 2:00 on the weekends. The applicant states that he will be the only person working in the personal training gym.

3.0 PLANNING HISTORY
3.1 There is no previous application considered materially relevant to this application.

3.2 On a similar site and of a nature, PA 17/01295/B was APPROVED for use of part of garage as gym for one to one training sessions/lessons at 124 Fairways Drive, Mount Murray, Douglas. The assessment considers the principle acceptable but does have concerns regarding long operation hours and potential noise level, both of which are limited with condition for the benefit of residential amenities. The same concerns were brought up in the planning committee meeting as well.

4.0 PLANNING POLICY
4.1 In terms of local policy, the site lies within an area designated as Predominantly Residential Use in the Douglas Local Plan 1998.

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

4.3 General Policy 2:
"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:
(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
(c) does not affect adversely the character of the surrounding landscape or townscape;
(g) does not affect adversely the amenity of local residents or the character of the locality;
(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;".

4.5 Transport Policy 7:
"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

5.0 REPRESENTATION
5.1 Douglas Borough Council has not commented at the time of the report (08/10/2020).
5.2 DoI Highway Services does not oppose this application (21/09/2020).

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of the planning application are the principle of the additional use and the potential impacts of the proposal on the wider amenity.

THE PRINCIPLE OF OPERATING A BUSINESS FROM THE SITE
6.2 When looking at the principle of the additional use it should be acknowledged that permission has been approved and refused for the operation of businesses from a residential property, throughout the Island.

6.3 The use class for a personal training service is considered as assembly and leisure (Class 4.4). Although the proposal is only one-to-one training, the use is for people to exercise and it should be considered as a gym regardless of its size.

6.4 The site is within an area designated for 'predominately residential use'. As such, the proposal could be seen as contrary to the land use designation. However, the application site will remain as a dwellinghouse in its majority. The proposed use is connected to the ancillary use of the dwelling and not a use in its own right over the existing use. There is also no external physical alteration proposed to the property, so there will be no visual impact in General Policy 2 of the Isle of Man Strategic Plan 2016 based on the small-scale of its use.

6.5 It should be noted that although the site is not close to a town centre or commercial area, the impact of the proposed change of use is often run with an appointment-based system and it's unlikely to draw away trade from the town or village centre by a materially harmful level.

Operation Hours
6.6 The main concerns for this application relate to the impact upon on-street parking provisions and noise & general disturbances though people coming and going from the site. The applicants are the full-time occupants of the property, living within the dwelling and will be the only person working from this address. The supporting information with the application indicates that the business is to operate seven days a week and will take clients between 7:00 and 19:00 on weekdays, 9:00 and 2:00 on the weekends, with a typical client spent about 1-2 hours within the property and only 5 client a within a week.
6.7 The operation time for PA 17/01295/B is conditioned to between 09:00 and 20:00 Monday to Friday, between 10:00 and 1600 on Saturdays, no Sundays or Bank Holidays. These are the hour of operation considered acceptable in term of impact on the neighbouring properties. This proposal ends before the condition sets for PA 17/01295/B but starts earlier
than it. The proposal also involves working on Sundays. This means new assessment should be conducted for the beginning hours and Sunday Hours.

6.8 In assessment is for the PA 17/01295/B, operation hours were limited to avoid unacceptable over-intensification of the business use within a residential area. As the two applications has a similar setting, it could be considered to apply the same limit on operation hours to maintain the residential amenities of the area. This was discussed with the applicant who requested an 08:00 start on weekdays, and on balance this is considered acceptable and reflected in the condition suggested condition.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES
6.9 In terms of neighbouring properties, due to the nature of the business, with only a single client at a time, it is considered unlikely to be a significant impact on the neighbouring properties.

6.10 There could be concerns about the additional traffic and the parking available on site. The property has more than two parking spaces in the front driveway. This means at least one space could be made available to the client. It is noted that DOI Highways has not objected. Whilst the traffic relates to the property is likely to increase above the existing, the additional traffic is hard to differentiate from that of a general household with frequent visitors, and therefore it is unlikely that the business would be significantly more disruptive than normal domestic activities that would otherwise be acceptable in a dwelling.

6.11 On balance, the proposal is considered to have provided with sufficient parking and thus not expected to result in any adverse highway safety impacts on the area. However, it is considered necessary to include a condition ensuring that the driveway is made available and unobstructed for the parking of vehicles at all times.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Business Policy 10 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for approval.

8.0 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 which the subject of the application is situated; and
(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision-maker must determine:
 o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
 o whether there are other persons to those listed above who should be given Interested Person Status.
Item 5.15
Proposal: Additional use of office (class 1.2) as a residential dwelling (class 3.3)
Site Address: Southgate House
89 Circular Road
Douglas
Isle Of Man
IM1 1AF
Applicant: Trustees Of Boreen Pension Fund
Application No.: 20/00975/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.

Reason for approval:
It is not considered the proposal would have any significant impacts upon public or private amenities, provides an acceptable level of amenity for future occupiers and complies with the relevant planning policies.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

THIS APPLICATION IS REFERRED TO PLANNING COMMITTEE AS THE PROPOSAL IS NOT IN ACCORDANCE WITH LAND USE POLICIES AND IS RECOMMENDED FOR APPROVAL

1.0 APPLICATION SITE
1.1 The application site represents the curtilage of an existing property Southgate House, 89 Circular Road, Douglas, which is a 2 ½ storeys to Circular Road and 3 1/2 storeys to the rear (Drinkwater Lane) due to the ground levels. It is a mid-terraced property located to the southern side of Circular Road. The applicants indicate the property is currently used as an office.

1.2 The properties along Circular Road and which also adjoin Drinkwater Street are mainly residential, with some offices.

2.0 PROPOSAL
2.1 The application seeks approval for the additional use of office (class 1.2) as a residential dwelling (class 3.3).

3.0 PLANNING HISTORY
3.1 There are no previous planning applications which are relevant in the determination of this application.

3.2 A recent planning application (20/00775/C) at 19 Drinkwater Street, Douglas was approved by the Planning Committee for the change of use from office to single dwelling.

4.0 PLANNING POLICIES
4.1 In terms of local plan policy, the application site is within an area of 'Predominantly Office' use under the Douglas Local Plan. The site is not within a Conservation Area. Under the Modified Draft Area Plan for the East the site is designated as Mixed Use.

4.2 The following policies in the Isle of Man Strategic Plan 2016 are considered relevant:

4.3 Housing Policy 4 states [in part]: 'New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans'.

4.4 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'.

While this policy clearly has regard to change of use of buildings to flats the principles of policy can also be applied in this instance as it is the creation of a new dwelling.

4.5 Some of the supporting text to HP17 at paragraph 8.13.4: "In recent years, interest has grown in the development of residential dwellings from redundant commercial space, primarily above shops... The Department generally supports the conversion of redundant storage space above shops (which are often outside of residential areas), into residential development unless the occupants would suffer adverse noise, general disturbance or loss of residential amenity from other land uses."

4.6 Transport Policy 7 is also relevant: 'The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.' The standard in respect of town centre residential development is one car parking space per each one-bedroom flat and two spaces per each two-bedroom flats but this can be relaxed when having regard to:
(a) the location of the housing relative to public transport, employment, and public amenities;
(b) the size of the dwelling;
(c) any restriction on the nature of the occupancy (such as sheltered housing); and
(d) the impact on the character and appearance of the surrounding area

4.7 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:
(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;

5.0 REPRESENTATIONS
5.1 Douglas Corporation raise no objection (23.09.2020).

5.2 Department of Infrastructure Highway Services do not oppose subject to a condition (23.09.2020).

6.0 ASSESSMENT
6.1 The main issues to consider in the assessment of this planning application are contained within the guidance of Housing Policy 17, which requires new dwellings to have a clear outlook, adequate amenity space and car parking where practical and whether the use of the building as a dwelling house would be satisfactory in this location.

USE OF THE BUILDING AS A DWELLING HOUSE IN THIS LOCATION
6.2 In considering the impact of the use, the Central Douglas Master plan, 2015 and Draft Area Plan for East seeks to create a more rounded town centre whereby we move away from a 9 to 5 population; "A mix of uses throughout the town will increase the attraction of the Centre, retaining and increasing footfall and movement across all periods of the day and into the early evening (p.10)". One of the key drivers of this is to "increase the residential population (p.9)". This would indicate a need to attract more uses and to encourage residential back into the town and the utilisation of redundant floors can add to the vibrancy and out of hours use.

6.3 Given that the building is on the edge of an area zoned as Predominantly Office, with the key word being 'predominantly' and opposite a Predominantly Residential area, coupled with the fast that the majority of buildings along this stretch of Circular Road/Drink Water Street are residential the proposal does not raise any significant issues in principle. Further the Draft Area Plan for East has designated the area "Mixed Use" so again the proposal would fall within the land use designation and meet the aims of the plan.

AMENITY STANDARDS
6.4 In terms of whether the dwelling would provide adequate amenity standards in itself, the proposal does not provide a garden area or outdoor amenity space and backs directly onto the existing car parking area. The application building is quite spacious internally and given that the site is within the town centre and within close walking distance to the Douglas Promenade and the beach, it is considered that the lack of garden space, which would not necessarily be a common feature for a town centre house to provide, is not considered so significant to warrant a reason for refusal. Moreover, future occupiers would be aware that the dwelling has no private outdoor space, and would be able to make their decisions as to whether to occupy it in light of that knowledge.

6.5 It is essential that the principal rooms of a dwelling house, or any other residential unit for that matter, have a pleasant and clear outlook. The living room and two bedrooms would all have clear unobstructed views across Circular Road. Accordingly, the principal rooms have a satisfactory urban outlook that is clear.

6.6 It is considered that the conversion of the building to provide a dwelling house would provide acceptable living conditions and as such is considered acceptable in this regard.

PARKING
6.7 The application includes 2 spaces to the rear of the property accessed by a rear lane. Under Appendix A of the Isle of Man Strategic Plan 2016, two off street parking spaces should
be provided with this scheme. There is also existing space for cycle parking should the future occupants wish such provision.

6.8 As a result, it is concluded that the planning application does not conflict with General Policy 2 (g) or (h) and accords with the provisions set out in Housing Policy 14 and Transport Policy 7 of the Isle of Man Strategic Plan 2016 of the Isle of Man Strategic Plan 2016.

7.0 CONCLUSION
7.1 On the basis of the above the application, it is not considered the proposal would have any significant impacts upon public or private amenities and it is recommended that the planning application be approved, subject to conditions.

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

8.2 The decision maker must determine:
  o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
  o whether there are other persons to those listed above who should be given Interested Person Status
Item 5.16
Proposal: Additional use of residential property (class 3.3) as self-catering accommodation (class 3.6)

Site Address: 13 Willow Terrace
Douglas
Isle Of Man
IM1 3HA

Applicant: Mr James Gay
Application No.: 20/00985/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

Reason for approval:
The application is considered to comply with General Policy 2, Environment Policy 35 and Business Policy 13 of the Strategic Plan.

Interested Person Status – Additional Persons
None

Planning Officer’s Report

1.0 THE SITE
1.1 The site is the residential curtilage 13 Willow Terrace, Douglas, an existing two-storey semi-detached dwelling located on the northwest corner of the junction of Hatfield Grove and Willow Terrace.

2.0 THE PROPOSAL
2.1 The current planning application seeks approval for the additional use of the residential dwelling to provide tourist accommodation. The application does not propose any alterations or modifications to the property.

2.2 The property’s internal configuration is a lounge, a dining room and a kitchen on the ground floor; two bedrooms and a bathroom on the first floor.

3.0 PLANNING HISTORY
3.1 There are no previous applications considered materially relevant in this case.

4.0 PLANNING POLICY
4.1 In terms of local plan policy, the application site is within an area recognised as Predominantly Residential Use in the Douglas Local Plan 1998. The site is within the Woodbourne Road Conservation Area.

4.2 In terms of strategic policy, the following policies of the Isle of Man Strategic Plan 2016 are considered relevant in the assessment of the current application:

4.3 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:
(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;

4.4 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."

4.5 Business Policy 13 states: "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."

5.0 REPRESENTATIONS
5.1 Douglas Borough Council has no objection on this application (23/09/2019).

5.2 DoI Highway Services does not oppose to this application (21/09/2019).

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of this planning application, is the impact of the proposal on the neighbours and local amenities.

6.2 It is difficult to assess how an individual person would behave whether they be 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. Both tourist and permanent residents have incentives for organising gatherings, which can easily be carried out till late at night. In general terms, however, the majority of people tend to behave well and raise no concerns. Therefore, it is unlikely for this change of use to have a significant impact on the living conditions of the neighbouring properties.

6.3 The property does not have off-street parking. There is also a lack of on-street parking available as one side of the roads is marked with double yellow lines. This could cause a strain on parking availability. However, there is one on-street parking space available in front of the property. In addition, Highway Services do not oppose this application. This means the development is unlikely to have an impact on traffic flows. In addition, the site is close to Douglas town centre and there are bus stops nearby so a car is not necessary for a tourist who chooses this accommodation to travel around. Therefore, the possibility of impact parking is small and therefore acceptable.
6.4 Although the site is within a Conservation Area, there is no change to the external elevation and therefore there is no impact on the character of the Conservation Area.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2, Environment Policy 35 and Business Policy 13 of the Strategic Plan. Therefore, it is 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 which 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 5.17
Proposal: Additional use of residential ground floor flat (class 3.4) as tourist living accommodation (class 3.6)
Site Address: 2 York Road
             Douglas
             Isle Of Man
             IM2 3BW
Applicant: Mr John & Mrs Mary Cross
Application No.: 20/00993/C - click to view
Planning Officer: Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

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

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

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

Reason for approval:
The application is considered to comply with General Policy 2 and Business Policy 13 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer’s Report

1.0 THE SITE
1.1 The site is the residential curtilage 2 York Road, Douglas, an existing three-storey end-terrace dwelling with a basement located on the southwest of York Road, closing to its junction with Ballaquayle Road.

2.0 THE PROPOSAL
2.1 The current planning application seeks approval for the additional use of the ground floor flat of dwelling to provide tourist accommodation. The application does not propose any alterations or modifications to the property.

2.2 The property's internal configuration is a lounge, a kitchen and a bedroom with en-suite on the ground floor.

3.0 PLANNING HISTORY
3.1 Alterations to and conversion of ground floor to a self-contained flat was APPROVED under PA 03/01596/B.

4.0 PLANNING POLICY
4.1 In terms of local plan policy, the application site is within an area designated as Predominantly Residential Use in the Douglas Local Plan 1998. The site is not within a conservation area but right next to the Ballaquayle Road Conservation Area.

4.2 In terms of strategic policy, the following policies of the Isle of Man Strategic Plan 2016 are considered relevant in the assessment of the current application:

4.3 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:
(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;

4.4 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."

4.5 Business Policy 13 states:
"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."

5.0 REPRESENTATIONS
5.1 Douglas Borough Council has no objection on this application (25/09/2019).

5.2 DoI Highway Services does not oppose to this application (223/09/2019).

6.0 ASSESSMENT
6.1 The fundamental issues to consider in the assessment of this planning application, is the impact of the proposal on the neighbours and local amenities.

6.2 It is difficult to assess how an individual person would behave whether they be 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. Both tourist and permeant residents have incentives for organising gatherings, which can easily be carried out till late at night. In general terms, however, the majority of people tend to behave well and raise no concerns. Therefore, it is unlikely for this change of use to have a significant impact on the living conditions of the neighbouring properties.

6.3 The property does not have off-street parking. There is also a lack of on-street parking available as some parts of the road are marked with double yellow lines. This could cause a strain on parking availability. However, there is one on-street parking space available in front of the property. In addition, Highway Services do not oppose this application. This means the development is unlikely to have an impact on traffic flows. In addition, the site is
close to Douglas town centre and there are bus stops nearby so a car is not necessary for tourists who choose this accommodation to travel around. Therefore, the possibility of impact parking is small and therefore acceptable.

6.4 Although the site is next to a Conservation Area, there is no change to the external elevation and therefore there is no impact on the character of the Conservation Area.

7.0 CONCLUSION
7.1 The proposal is considered to comply with General Policy 2 and Business Policy 13 of the Strategic Plan. Therefore, it is 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 which 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