



**Isle of Man**  
Government

*Reilrys Ellan Vannin*

## **DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

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

#### **Agenda for a meeting of the Planning Committee, 4th January 2022, 10.00am, in the Barrule Suite, Third Floor, Legislative Buildings, Finch Road, Douglas**

Members of the public can observe or participate either electronically (via Teams) or in person.

Please be aware that to facilitate social distancing, this meeting will take place in the Barrule Suite and anyone attending in person is encouraged to wear a face mask if possible and to take a Lateral Flow Test prior to attending. Whilst the Directorate has endeavoured as far as possible to test this new location, it is hoped that all participants will appreciate the venue change and be patient should any unforeseen issues arise.

**For information on how to view or register to speak please see 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://www.gov.im/planningcommittee)**

**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 13<sup>th</sup> December 2021.

**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 that no Section 13 Agreements have been concluded since the last meeting of the Planning Committee.

**8. Any other business**

**9. Next meeting of the Planning Committee**

Set for 17<sup>th</sup> January 2022.

**PLANNING COMMITTEE Meeting, 4th January 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Site To Rear Of Queens Hotel Switzerland  Road Douglas Isle Of Man</p> <p><b>PA21/00847/A</b>  <b>Recommendation : Refused</b></p>	<p>Approval in principal to develop six town houses</p>
<p><b>Item 5.2</b>  Unit 2 Kirby Farm Industrial Estate Vicarage  Road Douglas Isle Of Man IM4 4LA</p> <p><b>PA21/01446/C</b>  <b>Recommendation : Permitted</b></p>	<p>Change of use to allow the sale of motor vehicles.</p>
<p><b>Item 5.3</b>  White Cottage King Edward Road Onchan  Isle Of Man IM3 2JY</p> <p><b>PA21/00728/B</b>  <b>Recommendation : Permitted</b></p>	<p>Alterations, erection of two storey extensions, creation of balcony and extension of existing side balcony</p>

## PLANNING AUTHORITY AGENDA FOR 4th January 2022

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### Item 5.1

**Proposal :** Approval in principal to develop six town houses  
**Site Address :** Site To Rear Of Queens Hotel  
Switzerland Road  
Douglas  
Isle Of Man  
**Applicant :** Elliott Construction  
**Application No. :** 21/00847/A- [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 indicative proposal or any development on this scale on this site and siting above the Registered Buildings Queens Hotel (RB 201) and Erin Brae (RB177) would have a significant negative impact and dramatically adversely affect the setting of the two Registered Buildings and would be contrary to General Policy 2(b),(c) and (g) & Strategic Policy 4 of the IOM Strategic Plan 2016 and Policies CA/2 and RB/5 of the PLANNING POLICY STATEMENT 1/01.

R 2. The indicative plans or similar scheme do not demonstrate how a development for six dwellings of this scale/size on this site would preserve or enhance the character and quality of Conservation Area and therefore contrary to Environment Policy 35 and Section 18 of the Town and Country Planning Act.

R 3. The indicative plans or similar scheme would result in significant adverse impacts upon biodiversity on the site and result in the loss of all trees on site which make a significant contribution to the character and amenities of the area and the Conservation Area and therefore contrary to General Policy 2 (d), (c) & (f) and Environmental Policy 3, 4 and 35 of the IOM Strategic Plan 2016 and the Residential Design Guide 2021.

R 4. The application does not demonstrate that a reduced level of on-site car parking would not have an impact upon existing off-street parking in the area and therefore contrary to General Policy 2 (h) and Transport Policy 7 of the IOM Strategic Plan 2016.

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### **Interested Person Status – Additional Persons**

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

Manx Utilities

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

11 Tromode Close, Douglas  
Apartment 35, Piccadilly Court, Queens Promenade, Douglas  
Apartment 47, Piccadilly Court, Queens Promenade, Douglas

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

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

Villa Ramos, Clay Head Road, Baldrine, Flat 1 Mile End Court, Peel Road, Douglas

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

Chadkirk, Rowan Avenue, Ballaugh (Management Company for Piccadilly Court acting on behalf of 48 apartments)

Ballacallister, 6 Westhill Village, Jurby Road, Ramsey

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; 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.

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### **Planning Officer's Report**

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

#### 0.0 PREAMBLE

0.1 This application was originally presented to committee on the 13.12.21 and was deferred for a site visit to be carried out on the 20<sup>th</sup> December 2021.

#### 1.0 THE APPLICATION SITE

1.1 The site is a parcel of land which sits to the rear of the Queens Hotel on Queen's Promenade in Douglas. The site fronts onto Switzerland Road and has a boundary to it formed of vertical fence posts and further down, a stone wall. Shrubs grow behind the wall along with a few self-seeded trees growing very close to it. Further into the site is a stand of sycamores which are visible from the promenade. The site from the northwest roadside boundary with Switzerland Road slopes downwards in a south-easterly direction significantly.

1.2 Opposite the site is a former small church hall (now used as a dance studio) which sits alongside the bend in Switzerland Road. Switzerland Road then continues upward, becoming narrower until bollards prevent further vehicular access although pedestrian access is still possible to Summerhill Business Park which is accessed off Victoria Road.

#### 2.0 THE PROPOSAL

2.1 The application seeks approval in principle for the erection of 6 dwellings. All matters including; Siting, Internal layout (inside buildings), Drainage, Design, Means of Access, Landscaping and External appearance have all been reserved for future consideration.

2.2 The application does include a number of indicative plans which indicated how the design, size, siting, layout of the dwelling could site within the site.

### 3.0 PLANNING HISTORY

3.1 The following planning application associated with this site is considered relevant in the determination of this application;

3.2 Approval in principle for the construction of a new residential development - 17/00607/A - REFUSED on the following grounds;

"R 1. In the absence of any information demonstrating how and where the access would be created, what the topography of the site is, how and whether existing trees are to be protected, how big and tall the building(s) would need to be to be accessible and with satisfactory outlook and amenity space and whether the site has any ecological interest, it is not possible to assess any of the material impacts of the development as set out in General Policy 2 b, c, d, e, f, g, h, i or k. Whilst the site is designated for residential use, its suitability of actual development depends upon satisfaction of the above criteria - for example, if there are known to be species of ecological interest which depend upon the existing landscape features on the site which would need to be changed to facilitate the development, then it may not be possible to develop the site. There are simply inadequate details to demonstrate that the site is capable of being developed such that it would not detrimentally affect the environment, including the streetscene, the living conditions of those in nearby dwellings, highway safety and ecology. On top of this, being within a Conservation Area, it is not possible to determine whether the development would have an adverse, neutral or positive impact on the Area, contrary to the requirements of Environment Policy 35."

3.3 Planning approval was granted for the erection of a house alongside the site, to the north east although this was not implemented and that approval has now lapsed (06/00122/A and 07/01595/REM).

### 4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site falls within an area designated as "Mixed Use" under the Area Plan for the East 2020. The site is within a Conservation Area. The site is not within a high flood risk zone. Below the site to the southeast are two Registered Buildings "Queens Hotel" and "Erin Brae".

4.2 In relation to the Area Plan for the East the following is material for consideration.

4.3 Area Plan Objectives - "iv. To identify and celebrate the historic urban environment so that it retains an active and productive role in contemporary life."

4.4 Urban Environment Proposal 3 Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area.

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

4.6 Strategic Policy 2 states: "New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and

villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

4.7 Spatial Policy 1 states: "The Douglas urban area will remain the main employment and services centre for the Island."

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

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

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

4.10 Environment Policy 4 states: "Development will not be permitted which would adversely affect:

(a) species and habitats of international importance: (i) protected species of international importance or their habitats; or (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.

(b) species and habitats of national importance: (i) protected species of national importance or their habitats; (1) Wildlife Sites are defined in Appendix 1 41 (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or (iii) Marine Nature Reserves; or (iv) National Trust Land.

(c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats. Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the

Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward."

4.11 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.'

4.12 Housing Policy 4 states: "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: 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."

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

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

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

4.16 Strategic Policy 4 states: "Proposals for development must:

- (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;
- (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
- (c) not cause or lead to unacceptable environmental pollution or disturbance."

4.17 Residential Design Guide 2021.

4.18 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act".

Given that the site is within a Conservation Area the above requirements apply and appropriate consideration will be given below.

## 5.0 REPRESENTATIONS

5.1 Douglas Borough Council (05.08.2021 & 13.09.2021) have no objection, but seek any future details application provide an increase level of detail to mitigate the loss of trees, and information for bin, recycling and bicycle storage.

5.2 Highway Services make the following comments (20.07.2021)

"The site is accessible and well connected albeit that it is on a hillside. The proposal includes bicycle parking and electric vehicle charging points should be considered.

The concept proposal would create a lengthy connection to the public road to form six vehicular crossings on removal of the boundary wall. A build out is shown at south to ensure adequate visibility for Plot 1 retaining a 4.5m road width which is suitable for car, van and bicycle or pedestrian to pass each other, but would require a larger vehicle to wait should there be on-coming traffic .

The proposed vehicular crossings are suitable in geometric terms. All lines of sight from the access points are acceptable too at 2 x 23m for a 20mph speed limit, although actual speeds are likely to be slower. These will need to be retained clear of obstruction at a height not exceeding 1m for the lifetime of the development. One access point would be preferred as this would reduce the amount of road space taken up with accesses and allow some on-street parking to continue.

The works to the highway would require a separate technical approval and s109(A) Highway Agreement after grant of consent for a reserved matters or full planning application. Highway licences and traffic managements are likely to be necessary for construction matters.

Internally, the indicative layout includes six driveways to serve as parking spaces of 4.6m width and ranging from 6.2m to 8.6. A wrap around path with steps leads to the rear where there are bicycle stores with the gardens. Space is to be provided for waste bin storage.

The driveways exceed dimensions for a parking space adjacent the boundary at 5.5 x 3.4m where shared as the pedestrian entrance. The driveways would need to be formed in a consolidated and bound surface either of permeable material or have surface water drained into the site. To access the bicycle store would require use of steps. A runnel should be considered or the storage relocated to the front. Stores should be able to accommodate four bicycles to meet one space per bedroom.

Six parking spaces are to be provided in total at one per unit. This is in keeping with a relaxation of the IOM Strategic Plan minimum car parking standards given the location and provision of suitable bicycle parking facilities. Yet, the units are to be four bedroomed and additional car parking space should be considered, such as by way of an integral garage. Allowance for two visitor parking spaces at 0.25 spaces per unit should be considered too given that on-street space would be lost on construction. Such arrangements would more in keeping with the current version of Manual for Manx Roads.

Whilst Switzerland Road narrows at its lower end and has on-street parking, it is not a through route to Victoria Road for cars, vans and lorries being closed off with bollards with limited development to the north of the site. As long as car parking is accommodated on site there should not be a negative material impact.

The proposal does not raise significant road safety or highway network efficiency issues allowing Highway Services not to oppose this proposal subject to a condition for additional details in the form of scaled plans and / or written specifications at reserve matters stage or under a full planning application to include:

- i. Pedestrian and Vehicle Access Arrangements
- ii. Visibility splays
- iii. Internal layout for any driveways, paths and
- iv. Car parking to adopted standards
- v. Bicycle parking storage to accommodate one space per bedroom



vi. Electric vehicle charging points. The applicant is advised of the need for a s109(A) Highway Agreement and potentially highway licences and traffic management once details are formalised at reserve matters or on a full application.

Recommendation: DNOC"

5.3 Manx Utilities raise no objection (26.07.2021) but seek foul and surface water drainage be shown on any reserved matters application.

5.4 The Ecosystem Policy Team (DEFA) have objected to the application which can be summarised as (13.08.2021); consider the Preliminary Ecological Appraisal is not of a suitable level; seems to a big disparity between what is stated in the plans and what is stated in the PEA; though the report is correct in stating that the PEA found that the site had a low level of nature conservation interest, this is not the same as saying it has no nature conservation interest and therefore mitigation for ecological features currently present on site is still required; Development at the scale that is proposed, will undoubtedly lead to net loss for biodiversity which would be contrary to Strategic Policy 4 of the Isle of Man Strategic Plan and Habitat loss Action 21 of the Isle of Man Biodiversity Strategy 2015; Without a significant reduction in size of the proposed development and incorporation of proportionate ecological mitigation measures, including retention of as much existing habitat as possible, replacement native planting, incorporation of features for wildlife across the site such as lizard hibernacula, bat and bird boxes etc., the Ecosystem Policy Team believe that the development proposals are unacceptable and we therefore object to this application.

5.5 The Senior Arboricultural Officer (DEFA) objects to the application which can be summarised as (11.08.2021): During pre-application discussions I suggested to the applicant/agent that some development on the south side of the site might be acceptable, as this would only involve the removal of 3 tree (3851-3853); The proposed presented here, however, includes construction across the whole site and, correspondingly, the wholesale removal of all the trees on the site. Although individually the trees may only be category C specimens, as a group they are visible from Douglas Bay and provide a green back drop to what is a heavily built up area; they therefore make a significant contribution to the character and amenities of the area; The arboricultural impact assessment (AIA) submitted in support of the application has identified an area of canopy cover on adjacent land sufficient to make this removal seem insignificant without providing any justification for the validity of this assessment; the proposed development would result in the loss of 100% of the existing tree cover on the site; and in addition, the density of the proposed development would not leave any room for replanting to mitigate the amenity and biodiversity impact of the proposed tree removal.

5.6 Manx National Heritage comment (03.07.2021) that this proposal will result in the loss of a substantial number of young trees and bushes which form part of the arboreal wildlife corridor in this area of the town; impacts upon birds and if the application is successful we would like to see more opportunities for wildlife incorporated into this development.

5.7 A number of private representations have been received objecting to this application which are:

- o Villa Ramos, Clay Head Road, Baldrine;
- o 11 Tromode Close, Douglas - owner of the adjoining site (towards the north-east) (04.10.2021);
- o Flat 1 Mile End Court, Peel Road, Douglas ((10.08.2021);
- o Ballacallister, 6 Westhill Village, Jurby Road, Ramsey (owner of 2 Piccadilly Court) (10.09.2021);
- o Apartment 47, Piccadilly Court, Queens Promenade, Douglas (16.08.2021);
- o Apartment 35, Piccadilly Court, Queens Promenade, Douglas (02.08.2021);

o Chadkirk, Rowan Avenue, Ballaugh (Management Company for Piccadilly Court acting on behalf of 48 apartments) (09.09.2021).

5.8 Comments of these parties can all be viewed in full online via the planning website. In summary the following comments are material when considering the application;

- o I would like to register an interest in the application to ensure that any proposals on land behind the Queens do not have a negative impact on the stability of my land and boundary wall and to ensure that any proposals are capable of being constructed without any such impact;
- o The proposed development will have significant impact on my right to quiet enjoyment of my home, through noise and construction vehicles;
- o Little Switzerland is a steep, narrow road unsuited to construction traffic and to increased residential traffic;
- o The junction with Queen Promenade is hazardous;
- o my property will be overlooked by the proposed development;
- o Run-off of rainwater from the site, increased by tree and shrub loss will potentially affect properties on Queens Promenade, including the car park at rear of my own property;
- o Building development works for the greedy developers is rampaging throughout our Island at the cost of trees, hedgerows and woodland;
- o These trees (some 14 sycamore) behind the Queens hotel should be looked after;
- o We are going to lose the majority of the ash trees on the island and have already lost a huge amount of elms;
- o If we are a UNESCO BIO-SPHERE we should be aiming to preserve our trees not destroy them;
- o This building is not of sufficient aesthetic appeal or even needed to warrant the destruction of these mature trees;
- o Plus the old sea wall could be adversely affected by the traffic and building work;
- o Increased potential for land slip;
- o Changes to the flow of ground water;
- o Stress or damage to the 40ft high retaining wall which is shared with site.

5.9 A single private representation has been received supporting to this application which are:

- o Villa Ramos, Clay Head Road, Baldrine; I support the principle of building town houses over apartments in Douglas

## 6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- (a) principle of development;
- (b) potential impacts upon the conservation area and neighbouring registered buildings
- (c) potential impact upon neighbouring amenities;
- (d) potential impact upon highway safety/parking provision;
- (e) potential drainage/flooding issues.

## PRINCIPLE OF DEVELOPMENT

6.2 The first and main issue relating to this application is the principle of residential development on this site. As outlined within the planning policy section of this report, site is shown as a "Mixed Use" site under the Area Plan for the East 2020. Accordingly, the site is designated for development. It is noted that the site wasn't specifically assessed during the area plan process, rather the area has been washed over in "mixed use" designation. Notwithstanding this, the site is designated and within the settlement boundaries of Douglas, therefore the principle of development is acceptable. However, this is not an automatic reason

to approve the application as the other matters outlined in paragraph 6.1 of this report still need to be considered.

#### POTENTIAL IMPACTS UPON THE STREET SCENE, CONSERVATION AREA AND NEIGHBOURING REGISTERED BUILDINGS

6.3 As outlined there are a number of considerations and given the drawings submitted are indicative only, it is difficult for the department to fully assess the impact of the development in terms of visual impact upon the street scene (Switzerland Road), impacts upon the character and appearance of the Conservation Area and the potential impact upon the two Registered Buildings which are set below the site.

6.4 In relation to the potential visual impact the starting point is General Policy 2 which seeks development must respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and does not affect adversely the character of the surrounding landscape or townscape.

6.5 Further, the Planning Department has a duty to determine whether such proposals are in keeping with not only the individual building, but the special character and quality of the area as a whole. With this in mind it is very relevant to consider Environment Policy 35 of the Isle of Man Strategic Plan (adopted June 2016). Environment Policy 35 indicates that development within Conservation Areas will only be permitted if they 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.

6.6 Further, a statutory test (Section 18(4) of the TCPA) is also will the proposal preserve or enhance the character of the overall Conservation area, and if not is the negative impact sufficient within the context of the Conservation Area as whole to warrant refusal, irrespective of any planning balance with the effect of S.16/18 creates a presumption against approving any development which would conflict with the above and should be afforded considerable weight.

6.7 Strategic Policy 4 also requires the protection of the fabric and setting of Registered Buildings and Conservation Areas.

6.8 On this matter the Assistant Registered Buildings Officer has made the following comments;

"I object to the application for approval in principle to erect 6 town houses on the site to the rear of The Queens Hotel. Both the principle of development on this site, as well as the indicative proposed design, would have a significant negative impact on the setting of the Queens Hotel (RB 201) and Erin Brae (RB177), and the appearance of the Conservation Area. The cliff face and trees behind provide an important backdrop to both the Conservation Area and the two protected (Registered) buildings, and the development of this site would be detrimental to the setting of all three. The boundary of the Conservation Area has clearly been drawn up to include this specific site, and it is clear that the vacant site forms part of the Conservation Area's character and setting.

In terms of specific policies, I am of the view that he proposal does not comply with the following:-

#### TOWN AND COUNTRY PLANNING ACT 1999 - Section 18

The application fails to preserve or enhance the character of the Conservation Area. It is important to note that section 18 of the Act expressly mentions 'building or other land', and therefore it could be viewed that preserving the character of the Conservation Area by preventing vacant land from inappropriate development is a statutory duty within the Act.

National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

The principle of developing the site is contrary to General Policy 2(b),(c) and (g) as the proposal fails to respect the site and surroundings, has an adverse effect on the character of the surrounding townscape, and adversely effects the character of the locality.

The proposed development is also contrary to Strategic Policy 4 as it does not protect or enhance the setting of two registered buildings and the Conservation Area, and by the same measure should be refused given that Environment Policy 35 states that the Department will only permit development which would preserve or enhance the character or appearance of the Area.

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

PPS 1/01 policy CA/2 states that the impact of proposals upon the special character of the area will be a material consideration when assessing the application. In addition, policy RB/5 states that in considering whether to grant planning approval for development, the Department shall have special regard to the desirability of preserving the building or its setting.

Both the principle of development on the site, and the indicative design provided, would have a negative impact on the special character of the conservation area, and fail to preserve the setting of both registered buildings (The Queens Hotel and Erin Brae). On this basis the proposals would be contrary to both policy CA/2 and RB/5."

6.9 Without repeating the comments made by the Assistant Registered Buildings Officer, there is total agreement with these. While the proposed plans are indicative, the Department is not comfortable that 6 dwellings on this site could be undertaken without having significant adverse impacts upon the character and quality of the Conservation Area and upon the two Registered Buildings which would also be significant impacted by any development above for the reasons outlined.

6.10 The main area of concern is when stood along the Queens Promenade/beach looking towards the two registered building with the application site above. Six dwellings on this site from these views would result in built development appearing to "float" above the registered buildings; whether they be single or four & half storey as shown, which would detract from their importance in these locations. Currently, the rear bank/trees act as a natural backdrop which ensures the two buildings remain as the key elements. As mentioned, the Conservation Area includes the site, even though there was no built development on it when the Conservation Areas were adopted. This demonstrates the sites importance within the Conservation Area. Furthermore the area immediately to the north/west isn't designated within the Conservation Area. Also it is important to note that previously the application site formed gardens to dwellings which are now demolished to allow the car park to the rear of the neighbouring apartment building along the Promenade.

6.11 The proposal or any development on this scale; on this site, would significant and dramatically adversely affect the landscape, setting and the registered buildings themselves for the reasons given and would be contrary to General Policy 2(b),(c) and (g) & Strategic Policy 4 of the IOM Strategic Plan 2016 and Policies CA/2 and RB/5 of the PLANNING POLICY STATEMENT 1/01.

6.12 Furthermore, it is clear from the submission the potential impacts would be significant and would not preserve or enhance the character and quality of Conservation Area contrary to Environment Policy 35 and Section 18 of the Town and Country Planning Act. It should also be

noted the department is not comfortable that any significant level of development on this site would be acceptable.

#### POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.13 At this stage with all drawings indicative the Department cannot make a full assessment at this stage. Impacts upon neighbouring amenities (overlooking, overbearing impacts upon outlooks and loss of light) would all be considered at any future reserved matters application.

6.14 While concerns of construction traffic to neighbours properties are understandable, these are not material planning matters which can be taken into account.

#### POTENTIAL IMPACT UPON HIGHWAY SAFETY & PARKING PROVISION

6.15 As outlined by Highway Services any future Reserved Matters application would need to provide a substantial level of detail; albeit no objecting has been received. Highway Services also indicate a reduce level of parking (one per unit) would be acceptable. However, the Department does have concerns of the submission that two off road parking spaces would not be provided or potentially would result in the frontage of all the properties having two off road parking spaces which would be detrimental to the street scene, contrary to General Policy 2 & Environment Policy 35. While a relaxation in the parking standards can be given, there is concern relaxing these standards to dwellings would could have four/five bedrooms (as shown on submitted plans inc study) is not acceptable. Further the proposal to create the access would result in the loss of a number of existing on street parking spaces. For a relaxation there needs to be evidence that demonstrates the development would not have an impact upon existing on street parking in the area. There is no evidence provided. The proposal is therefor considered contrary to Transport Policy 7.

#### POTENTIAL ECOLOGY IMPACTS / LOSS OF TREES

6.16 In terms of ecology impacts the applicants have provided a Preliminary Ecological Appraisal (PEA). However, the Ecosystem Policy Team (DEFA) state it is not of a suitable level and that there seems to a big disparity between what is stated in the plans and what is stated in the PEA. Further they indicate that the scale of the development will undoubtedly lead to net loss for biodiversity which would be contrary to Strategic Policy 4 of the Isle of Man Strategic Plan and Habitat loss Action 21 of the Isle of Man Biodiversity Strategy 2015. The Ecosystem Policy Team indicates that without a significant reduction in size of the proposed development to allow mitigation/retention of existing habitats the development is unacceptable. It is not considered that from the information provided that there is little, if any scope to reduce the level of development on this site to allow six dwellings. Therefore as outlined by the comments by the Ecosystem Policy Team and Manx National heritage the proposal would have a significant impact upon the biodiversity on the site and therefore contrary to Environment Policy 4, General Policy 2 (d) and Residential Design Guide (section 2.5) which seeks development achieve an overall net gain in biodiversity.

6.17 In relation to the loss of trees on the site the Senior Arboricultural Officer (DEFA) comments that the proposals as indicated would result in all trees on the site being removed and while individually the trees may only be category C specimens, as a group they are visible from Douglas Bay and provide a green back drop to what is a heavily built up area; they therefore make a significant contribution to the character and amenities of the area. Further, the level of development indicated would not allow for any replanting to mitigate the amenity and biodiversity impact of the proposed tree removal.

6.18 Accordingly, due to reason outlined the proposal would result in significant adverse impacts upon biodiversity on the site and result in the loss of all trees on site which make a significant contribution to the character and amenities of the area and the Conservation Area. The proposals is therefore contrary to General Policy 2 (d), (c) & (f) and Environmental Policy 3, 4 and 35 of the IOM Strategic Plan 2016 and the Residential Design Guide 2021.

## OTHER MATTERS

6.19 In relation to structural issues while this may be a understandable concern, especially given significantly level of civil engineering would be required to undertake the proposal (or similar works), this matter would be a Building Control matter. In relation to drainage (foul/surface water) it is noted Manx Utilities have raised no principle objections; albeit more details information at any future Reserved Matters application stage.

## 7.0 CONCLUSION

7.1 Overall, while the site is within the settlement of Douglas and designated for development, it is considered the potential impacts of six dwelling on this site would have a significant and adverse impacts upon the character and quality of the Conservation Area, an adverse visual impacts upon the two Registered Building (The Queens Public House & Erin Brea) including the settings of these buildings and would result in a net loss of biodiversity and a total loss of trees on the site which contribution to the character and amenities of the area and the Conservation Area. Further, the application does not demonstrate that a reduce level of on-site car parking would not have an impact upon existing off-street parking in the area. Accordingly, the proposal contrary to General Policy 2 (d), (c) & (f), Strategic Policy 4 , Transport Policy 7, Environmental Policy 3, 4 and 35 of the IOM Strategic Plan 2016, Section 18 of the Town and Country Planning Act, Policies CA/2 and RB/5 of the PLANNING POLICY STATEMENT 1/01 and the Residential Design Guide 2021.

7.2 The application is recommended for a 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:

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

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

## PLANNING AUTHORITY AGENDA FOR 4th January 2022

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### Item 5.2

**Proposal :** Change of use to allow the sale of motor vehicles.  
**Site Address :** Unit 2  
Kirby Farm Industrial Estate  
Vicarage Road  
Douglas  
Isle Of Man  
IM4 4LA  
**Applicant :** Mr Kulwarn Dhadwal  
**Application No. :** 21/01446/C- [click to view](#)  
**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

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

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

C 2. Prior to the operation of the care sales business hereby approved the nine parking spaces as shown on the "Proposed Site Plan" shall be fully set out and retained as such thereafter.

Reason: To ensure adequate parking is provided within the site.

Reason for approval:

As it has been demonstrated, there are many examples of car sales garages located in industrial areas and as such it is considered that what is proposed, whilst not in full accordance with the Development Plan, would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses or not detract from the vitality and viability of the appropriate town centre shopping area.

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### **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE BECAUSE THE PROPOSED USE IS CONTRARY TO THE LAND USE ZONING FOR THE SITE.

1.0 THE APPLICATION SITE

1.1 The site is Unit 2 within Kirby Farm Industrial Estate which lies to the north west of the Saddle/Vicarage Road roundabout and to the south west of Kirk Braddan car park and the open land to the west which accommodates a settlement site of archaeological interest. An overgrown road runs between the church grounds and the estate and onward to the agricultural fields.

1.2 The estate is made up of a group of agricultural buildings which lie closest to Vicarage Road with new industrial units which are further into the site with a separate internal access. The units are all similar in appearance, with a variety of sizes with parking spaces in and around them. The units are used for a range of activities - car repair, storage, light industry and planning approval has been granted for use of one of the units as a gym (PA 12/00964/C). The newest units in the south western corner of the site were approved under PA 10/01336/B and more recently approval for an industrial building to the northeast corner of the site (16/00139/B).

1.3 The estate began life as a farm with some of the agricultural units being approved for conversion to industrial under 06/01170/C and five further units (10-14) being approved under PA 08/02311/B. The units are generally screened from public view by existing trees and the topography of the site.

## 2.0 THE PROPOSAL

2.1 The application seeks planning approval for change of use to allow the sale of motor vehicles. No physical alterations are proposed and the existing small admin office toilet and kitchen/waiting room shall remain as they are. There would be two staff (including the applicant) and the garage shall be open Monday to Friday between 0900hrs and 1730hrs, Saturday 0900hrs and 1600hrs and Sundays/bank holiday by appointment only. The closing time on occasion may be slightly longer if the sales person is in the middle of negotiations with a customer.

2.2 The Town and Country Planning (Use Classes) Order (2019) indicates that the sale, display or washing of motor vehicles is not included within any specific use class, in other words it is Sui Generis.

## 3.0 PLANNING HISTORY

3.1 There are no planning applications associated with this site which are considered relevant in the determination of this application.

## 4.0 PLANNING POLICY

4.1 The site is within an area designated as 'Industrial Use' under the Area Plan for the East 2020. The site is not within a Conservation Area.

4.2 Business Policy 5 states: "On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

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

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

4.3 It is worth noting that other car retail garages on the Island are situated within areas designated for "industrial" and a number can be found at Cooil Road, Balthane, Snugbrough etc. Most industrial estates throughout the Island accommodate such car sales garages.

## 5.0 REPRESENTATIONS



5.1 Highway Services comment (13.12.2021);

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking subject to acceptance on policy grounds. The Applicant is advised to consider cycle parking and electric vehicle charging points for sustainability reasons on landlord's agreement"

5.2 Braddan Commissioners do not object (06.12.2021).

## 6.0 ASSESSMENT

6.1 Whilst the site is not designated for car sale, the proposed use does not fit into an established Use Class and indeed the existing and approved car sales on the Island are found in a variety of areas including industrial.

6.2 The Strategic Plan indicates that retail development within industrial sites/out of town can only be acceptable when the goods being sold are bulky. It is accepted car sales would fit with this definition and therefore the development would comply with Business Policy 5.

6.3 In terms of parking there would be nine space set out (current they are not) plus the space within the industrial building itself which measure a total of 512sqm in floor area (including toilets/office etc). For a light industrial use the building would require 17 spaces and general industry require 10 spaces. There is no parking standard for car sales within the IOM Strategic Plan. However, nine external spaces as well as the parking available within the garage would likely be sufficient for the development. Highway Service have considered the application and have raise no objection.

## 7.0 CONCLUSION

7.1 As it has been demonstrated, there are many examples of car sales garages located in industrial areas and as such it is considered that what is proposed, whilst not in full accordance with the Development Plan, would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses or not detract from the vitality and viability of the appropriate town centre shopping area. It is recommended that the planning application be approved.

## 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 4th January 2022

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### Item 5.3

**Proposal :** Alterations, erection of two storey extensions, creation of balcony and extension of existing side balcony

**Site Address :** White Cottage  
King Edward Road  
Onchan  
Isle Of Man  
IM3 2JY

**Applicant :** Mr & Mrs Michael McGovern

**Application No. :** 21/00728/B- [click to view](#)

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

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

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

C 2. The garage hereby approved must at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use thereafter.

Reason: To ensure adequate off-street parking is available for the dwelling.

Reason for approval:

The proposal complies with Housing Policy 15 and although over the 50% threshold the proposal is considered to be of suitable and acceptable design as have no adverse visual impact on the countryside in line with Housing Policy 15 and Environment Policy 1.

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### **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 considered not 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):

Groudle Glen House, King Edward Road and as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

It is recommended that the owners/occupiers of the following properties should 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):

Glenholme, King Edward Road and as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT IS FOR AN EXTENSION TO A DWELLING IN THE COUNTRYSIDE WHICH WOULD RESULT IN AN INCREASE IN FLOOR AREA OF MORE THAN 50% AND IS RECOMMENDED FOR APPROVAL.

#### THE APPLICATION SITE

1.1 The application site is within the residential curtilage of White Cottage, King Edward Road, Onchan which is a two storey from the front, three storey from the rear traditional cottage situated to the North of King Edward Road within a cluster of three properties.

1.2 To the south of the property is Groudle Glen which is situated significantly below the ground level of the property.

1.3 Currently the property has a single garage and a parking area, approved under PA17/01157/B which is suitable for two parking spaces.

#### PROPOSAL

2.1 The current planning application seeks approval for but not limited to;

- o the removal of the existing garage and the replacement of a two storey extension
- o the removal of the existing rear conservatory and the erection of rear two storey extension
- o increasing the size of the balcony to the west elevation
- o enlargement of the existing front porch

#### PLANNING HISTORY

3.1 There are a number of previous planning applications associated with the property of which PA17/01157/B is the most recent and was for the "creation of parking area and retrospective permission for decking," which was approved with the following condition attached;

"The rear/side decking hereby approved is required to be kept either as a nature unpainted finish or painted a dark brown/green colour or stained and retained thereafter unless otherwise agreed in writing with the Department.

Reason: In the interests of the visual amenities of the countryside/Glen."

#### PLANNING POLICY

4.1 The site lies within an area zoned as "not for development" on the Area Plan for the East, Map 6, Onchan. The site is not within a Conservation Area nor a Flood Risk Zone.

4.2 Given the nature of the application and the land designation Housing Policy 15 is the key policy and seeks that extensions or alterations to traditionally styled properties in the countryside will only be approved where they 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.

4.3 There are a number of other relevant policies specific to this application, Strategic Policy 5 which seeks that new development should make a positive contribution to the environment of the Island, General Policy 2 sets out general development control standards in connection with the Residential Design Guidance, General Policy 3 states that development will not be permitted

outside of those areas which are zoned for development on the appropriate Area Plan other than a number of stated exceptions, which do not include the extension of existing dwellings, Environment Policy 1 seeks to prevent development which would adversely affect the side other than in exceptional circumstances and Transport Policy 7 seeks that in all new development, parking provisions must be in accordance with the Department's current standards.

4.4 Furthermore consideration shall also be given to Community Policies 7 and 11 in respect of reducing outbreak of fire and preventing criminal activity and Infrastructure Policy 5 in respect of water conservation.

4.5 Other material considerations for this application is the Residential Design Guidance (2021) which, although focused on dwellings within settlements, does offer advice in relation to the impact on neighbours and also Planning Policy Statement 3/91 which provides guidance on the design of residential development in the countryside.

## REPRESENTATIONS

5.1 The following representations can be seen online in full;

5.2 Highway Services have considered the application and do not oppose. (16.07.21, 09.09.21, 10.11.21)

5.3 Onchan Commissioners have considered the application and state approved for planning purposes only. (28.07.21, 22.09.21)

5.4 The owner/occupier of Glenholme have written in to object to the proposal on firstly (23.07.21) the proposed extension which would intrude on their privacy and secondly (20.09.21) on the basis that the fence between the properties will put their garden in shade all year round.

5.5 The owner/occupier of Groudle Glen House have written in to object to the proposal firstly (03.08.21) on the basis of drainage and secondly (31.08.21) on the basis of the proposal exacerbating existing issues with the drainage.

## ASSESSMENT

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

- principle of design / impact
- impact on highways
- impact on neighbours
- other matters

### 6.2 PRINCIPLE OF DESIGN/IMPACT

6.2.1 The site is not designated for development, nor does the proposal meet the expectation criteria in General Policy 3. However, Housing Policy 15 and its supporting text clearly allows for residential extensions in the countryside where they would not detract from the countryside, in the case of the extension of traditionally styled properties this means that they must respect the proportion, form and appearance of the existing property.

6.2.2 Over time it can be seen that the existing dwelling has already been subject to previous extensions and alterations, as such it is important to ensure that any further extensions do not result in any harm to the traditional character of the original dwelling which is ultimately to be preserved through Housing Policy 15.

6.2.3 In terms of floorspace, the existing dwelling is approximately 276sq m with the proposed extensions and garage adding an additional 105.93sq m. Whilst this undoubtedly is more than 50% of the original property the proposed two storey extension, porch extension and garage do

not detract from the character of the original dwelling. The property remains traditional in character and appearance with the works given their size, scale and design matching the already existing dwelling which overall lessens any impact the proposed works would have on the streetscene.

6.2.4 The rear of the property which faces Groudle Glen has several mature trees and the Glen is situated at a much lower level than "White Cottage" as such the likelihood of viewing the works from this part of the site is minimal. The works proposed to the rear whilst more modern in design due to the proposed flat roofed extension and the wood panelling is unlikely to be seen from a very public vantage point and as such will not result in such a significant or adverse harm on the character and appearance of the existing dwelling to refuse the application.

### 6.3 HIGHWAYS

6.3.1 The proposal whilst taking away a single garage, will be adding a double garage within the existing car parking area. The double garage will be the only parking available on the site and as the two spaces within the garage will satisfy Transport Policy 7, a condition should be attached to state that the garage must be used for parking only.

### 6.4 IMPACT ON NEIGHBOURS

6.4.1 The proposed works are mainly situated to the Eastern end of the property with the balcony to the West being extended up towards the boundary with "Glenholme." The owners of "Glenholme" have written in to object on two grounds first the addition of a balcony, which was removed and additional drawings received and secondly with regards to the erection of fencing. Having looked at all the drawings available, it is unsure on which fencing the owners/occupiers of "Glenholme" are objecting to, as the fencing does not change throughout the drawings and is already in place.

6.4.2 Whilst the proposal is to increase the balcony situated to the East, this should not increase any overlooking to "Glenholme" than what is already available due to the existing structure of the parking area of "Glenholme" providing a buffer from the balcony to "Glenholme's" rear garden.

### 6.5 OTHER MATTERS

6.5.1 The proposed works are extensions and alterations to an already existing dwelling, as such the proposal is not expected to create any changes or new issues in respect of criminal activity or spread of fire. The proposal whilst increasing the floor area it is expected that any water run-off will be dealt with as per the existing arrangement of the main dwelling.

6.5.2 An objection to the application has been raised with regards to the drainage on site, whilst drainage is an aspect that is in the realm of Building Control, the proposal whilst creating bigger spaces is not increasing the amount of toilets or water usage of the dwelling and therefore there are no new issues in this respect with regards to Planning.

### CONCLUSION

7.1 The proposed extension is acceptable and complies with Housing Policy 15 of the IOM Strategic Plan 2016 and is recommended for approval.

### INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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