



Isle of Man
Government

Reiltys 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, 17th January 2022, 10.00am, in the Barrool 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

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 4th January 2022.

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 Wednesday 2nd February, 2022.

PLANNING COMMITTEE Meeting, 17th January 2022
Schedule of planning applications

<p>Item 5.1 Flat 1 8 Fort William Head Road Douglas Isle Of Man IM1 5BQ</p> <p>PA21/00918/B Recommendation : Permitted</p>	<p>Construction of decking (retrospective)</p>
<p>Item 5.2 Field 321821 Ballanicholas Garth Crosby Isle Of Man</p> <p>PA21/01050/C Recommendation : Permitted</p>	<p>Change of use of land from agricultural to dog walking field</p>
<p>Item 5.3 The Close Bernahara Road Andreas Isle Of Man IM7 2EL</p> <p>PA21/01139/B Recommendation : Permitted</p>	<p>Alterations and erection of an extension to dwelling and creation of integral garage</p>
<p>Item 5.4 Plots 2 - 6, 14 - 17 & 19 Land Adjoining Auldyn Way, Auldyn Walk And Gardeners Lane Ramsey IM10 1MM</p> <p>PA21/01326/B Recommendation : Approve subject to Legal Agreement</p>	<p>Erection of 10 dwellings (change of dwelling designs from approved PA 20/01367/B)</p>
<p>Item 5.5 9 Sycamore Close Onchan Isle Of Man IM3 3HW</p> <p>PA21/01437/C Recommendation : Permitted</p>	<p>Change of use to undertake sports massage therapy</p>

PLANNING AUTHORITY AGENDA FOR 17th January 2022

Item 5.1

Proposal : Construction of decking (retrospective)
Site Address : Flat 1
8 Fort William
Head Road
Douglas
Isle Of Man
IM1 5BQ
Applicant : Mr Alan Davies
Application No. : [21/00918/B](#)- [click to view](#)
Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. Within one month of this decision becoming final a scaled drawing (1:50) shall be submitted in writing to the Department for approval which shows the reinstatement of the former front boundary wall topping and this approved scheme is required to be completed within 3 months of the approval of such works and retained thereafter.

Reason: In the visual amenities of the individual property.

Reason for approval:

It is considered the proposal would not have a significant impact upon public or private amenities and therefore complies with General Policy 2 of the Isle of Man Strategic Plan 2016, Area Plan for the East and Residential Design Guide 2021.

Interested Person Status – Additional Persons

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

The owners/occupiers of 9 Fort William, Douglas as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2018).

The owners/occupiers of 8 Fort William, 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):

The owners/occupiers of 11 Fort William, Douglas (1 Windsor Terrace, Douglas) as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them

and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Owners/occupiers of 6 & 7 Fort William, Douglas (M & P Legal) 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 Isle of Man Natural History and Antiquarian Society
The Isle of Man Victorian Society

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

Planning Officer's Report

THE 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 within the residential curtilage of Flat 1, 8 Fort William, Head Road, Douglas which is a flat within 8 Fort William, a late 19th Century Town House. The flat encompasses all of the lower ground level and basement when viewed from Douglas Head Road. When viewed from the front elevation which faces North East the flat encompasses ground floor and basement level.

1.2 The red line of the application site includes the front garden area of the property and also the pedestrian footpath /section of land to north of pedestrian footpath. The footpath runs from the site (appears to also be shared with other Fort William properties) downwards to South Quay.

2.0 THE PROPOSAL

2.1 This application seeks approval for the construction of decking (retrospective) to the front (north) of the existing front garden of the property. The decking would sit beyond the existing front boundary wall of the property and sit above the pedestrian footpath which fronts the property. The decking would measure 3.4m in depth, a width of 6.8m and would have a 1.1m balustrades around the edge of the decking.

3.0 PLANNING HISTORY

3.1 The site of 8 Fort William has had several applications on it over the years, of which Flat 1 does not have any specifically. With regards to relevant applications PA96/00936/B is the most relevant and was for "Alterations to upgrade existing flats" and was Permitted.

4.0 PLANNING POLICY

4.1 The site lies within an area zoned as "Predominantly Residential" on the Area Plan for the East, Map 4, Douglas. The property isn't within a Conservation Area, Flood Zone nor an area zoned as High Landscape or Coastal Value and Scenic Significance.

4.2 In terms of the Strategic Plan (2016), General Policy 2 (GP2) is the most relevant and 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;

(e) does not affect adversely public views of the sea;

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

4.3 7.22.2 It may be necessary for a developer to undertake a specialist investigation and assessment to identify any remedial measures required to deal with ground instability. It may also be appropriate to carry out monitoring after the development has taken place. Ultimately it is the responsibility of the developer to ensure that land is safe and suitable for development. Whilst the Department will try to ensure that a development will not be put at unacceptable risk, the subsequent liability for safe development and secure occupancy of a site rests with the developer and / or landowner.

4.3.1 Environment Policy 28: Development which would be at risk from ground instability or which would increase the risk from ground instability elsewhere will not be permitted unless appropriate precautions have been taken

4.4 Residential Design Guide 2021

5.0 REPRESENTATIONS

5.1 Douglas Borough Council have considered the application and have no objections. (08.10.2021)

5.2 Highway Services have considered the application and stated (06.08.2021);

"The path at rear is private and likely to form part of the communal facilities rather than being within the demise of Flat 1 and mitigation may be necessary to provide alternative pedestrian access at the rear and fencing to secure and protect the decking. In part, this is a matter of the lease and the freeholder's permission may be necessary to undertake the work. Additionally, the appropriateness of using decking as a retaining structure for the bank is questioned and building control may wish to make comment.

Recommendation: N/A."

5.2.1 Highway Services also comment (28.09.2021):

"Highways Development Control notes the amendments uploads on 24 and 27 September 2021 and reiterate that the proposal obstructs the existing communal pathway and is likely to cause / has caused destabilising of the bank. The latter should be verified."

5.3 The owners/occupiers of 11 Fort William, Douglas (1 Windsor Terrace, Douglas) objects to the application which can be summarised as (31.08.2021): The proposed decking is somewhat intrusive and impinges on the Victorian integrity of the terrace; It is regrettable that the original capping of the garden wall has been destroyed and appears to be about to be replaced with a modern inappropriate design; The interruption of the footpath by a step up to timber decking is visually uncomfortable quite apart from the interruption to an access easement; and a limited extension might be considered acceptable if at the same level as the existing footpath.

5.4 The owners/occupiers of 9 Fort William, Douglas objects to the application which can be summarised as (25.08.2021): impact our living conditions including adversely impacting the outlook and visual amenity; loss of the privacy at the front of the property facing the harbour; will have a prejudicial effect on our property as set out in both the Strategic Plan and the Area Plan; Context is outlined in letter and how the properties evolved including shared pedestrian footpaths to the north of the properties which remains today; The 15 residential terraced properties constituting Fort William dominate and are highly visible from Douglas Harbour and all traffic using it as well as from the harbour area of town; contrary to Environment Policy 28, Urban Environment Proposal 3, Tourism Proposal 8; Though still incomplete the deck is highly visible and intrusive; Most of the extension is cantilevered out and unsupported resting solely on a small steel beam which is supported on several concrete block piles newly constructed on the bank; bushes including large rhododendrons on the bank have been cut down and partially removed leading to some soil destabilisation and risk of erosion; The decking may also block surface runoff from the communal pathway; The decking also covers the route of the main underground sewer serving Nos 7 - 13 running under the communal pathway and draining to the west towards No 6 thus hampering access in the event of blockage; The partially completed decking is plainly visible from the far side of Douglas Harbour including from Walpole Avenue, Lord Street, Parade Street and the Sea Terminal as well as from the Lifting Bridge and South Quay; It is inconsistent with the terrace constituting an eyesore and adversely impacting and grossly intruding upon the overall visual appearance of the terrace front elevation and associated landscaping; The creation of a very large (23 -24 m²) deck adversely impacts the visual amenity and the privacy of the garden and front ground floor of No 9; contrary to Residential Design Guide 2021; and Cabinet Office is at present conducting a consultation to whether the area should be proposed to be a Conservation Area.

5.4.1 Following amended plans the owners/occupiers of 9 Fort William, Douglas continue to object to the application on the following summarised grounds (19.10.2021): We do not believe that the amended plans address any of the concerns raised in our letter of 25 August which is herewith restated; The drawings are schematics and imply that the deck extension beyond the existing common path is mostly located on solid ground. This is incorrect; the creation of a raised deck and its proposed overhang has the potential to provide shelter to and further encourage rodents.

5.5 M & P Legal on behalf of the owners/occupiers of 6 & 7 Fort William, Douglas objects to the application which can be summarised as (20.08.2021); why is this application retrospective; plans are not accurate and not factually correct; has destroyed part of part wall and part of front wall; has little to no regard for the right of way over the pathway from South Quay to number 7; destruction of wildlife due to removal of bushes between March and August (bird nesting season); a tree has been removed without our clients permission; and proposal does not include any engineers or groundwork's as to the stabilising of the bank.

5.5.1 M & P Legal on behalf of the owners/occupiers of 6 & 7 Fort William, Douglas continue to objects to the application which can be summarised as (22.10.2021): The submitted amended plans are still incorrect/insufficient; ownership concerns by claiming land of Nr 7; the decking crosses a right of way and therefore the users of the right of way are at risk; Building Control approval should be sought; why is it retrospective; use of glass surrounding is not in keeping with the surrounding properties; do not overcome our concerns of destruction to wildlife; and proposal does not include any engineers or groundwork's as to the stabilising of the bank.

5.6 The Isle of Man Natural History and Antiquarian Society object making the following summarised comments (15.11.2021); Society would wish to see this considered in the context of the street scene of Fort William as a whole site being within the recently consulted upon possibility of a Conservation Area for Douglas Head; The Society notes that the proposal is on

the harbour side of Fort William and thus, particularly if vegetation is cut down, is very open to view from the harbour and quay areas of Douglas; it would appear totally out of context in the street scene and would set a precedent for other similar development on this side of Fort William which as two terraces are a strong visual focal point; and contrary to Isle of Man Strategic Plan General Policy 2b and 2c and the first part of Environment Policy 43 as well potentially Environment Policies 35 and 36, Planning Circular 1/01 Policy CA/1 and Section 18 subsection (4) of the Town & Country Planning Act. The proposal does not preserve or enhance the street scene / area.

5.7 The Isle Of Man Victorian Society object making the following summarised comments (24.11.2021); ownership issues; in planning terms we would aver that the proposals are totally out of keeping with the adjoining Redact Victorian properties in the use of timber and glass and if approved would form a dangerous precedent; The Douglas Head area is currently under consideration as being a Conservation Area and this should be taken in to consideration. The proposals do not preserve or enhance the street scene and in fact are detrimental to the ambience of the area and affect the enjoyment of other property owners.

6.0 ASSESSMENT

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

- character and appearance (GP2 b &c)
- neighbouring amenity (GP2 e, g)

CHARACTER AND APPEARANCE

6.2 The proposed decking fronting the property is arguably unusual; in that the majority of terraced properties in towns would have a public footpath fronting them and therefore the owners of the property do not own the land in question/wouldn't get permission from DOI. This site is unusual, in that the pedestrian footpath which fronts the properties is private (not a public highway) and presumably is shared by the owners of Fort William. However, ownership is not a material planning consideration and is not for consideration. If it transpired the works were constructed on the private footpath not owned by the applicants, then this is a civil matter between the relevant parties.

6.3 In this case the decking is not especially apparent from public views, which are from distance views and not highly prominent. The decking in its very nature is a low level form of development and with the balustrading made up of glass; this would reduce the visual impact further; being unnoticeable and certainly not have a prominent feature from public perspectives.

6.4 Overall, it is considered the proposal would be acceptable in this respect.

NEIGHBOURING AMENITY

6.5 The proposed decking does increase the amount of external amenities to the occupiers of Flat 1 and therefore there could be concerns of impact (overlooking) to neighbouring properties. However, it is noted there is already a significant level of mutual overlooking given the front gardens of the properties along Fort William are fairly open in nature and therefore little in the way of privacy already. Further, the decking level is set below that of the finished floor level of the neighbouring dwellings. Therefore views into the dwellings are limited. Accordingly, it is not considered the proposed decking would have a significantly greater impact to neighbouring amenities to warrant a refusal.

Other Issues

6.6 It is noted there are concerns of ownership; however, as outlined in paragraph 6.2 of this report this is a civil matter between the relevant parties. For information, the decking would not prevent any person crossing over it (single step) to cross from one side to another; albeit it

was noted when visiting the site there is a 'dead end' to the west of decking as the path to from Nr 8 to Nr 7 has been blocked (blockwork wall) a number of years ago.

6.7 In terms of cliff stabilisation, this is generally a Building Control matter. However, in discussion with the Departments Head of Building Control they have confirmed that their permission wouldn't be required, given the scale of the development. As outlined in Environment Policy 28 where there would be at risk from ground instability or which would increase the risk from ground instability elsewhere permission will not be granted. Currently, there is no evidence to indicate the proposal would/has an impact upon ground instability. Furthermore, as outlined by paragraph 7.22.2 it is; "Ultimately it is the responsibility of the developer to ensure that land is safe and suitable for development" and "Whilst the Department will try to ensure that a development will not be put at unacceptable risk, the subsequent liability for safe development and secure occupancy of a site rests with the developer and / or landowner". Accordingly, the Department considers without any evidence at this stage that there is any ground instability issues and as Building Control do not consider a Building Regulations application is needed, the Department is satisfied that the works in this respect are acceptable.

6.8 The removal of any hedgerows do not require planning approval. Impacts upon nesting birds are matters for the Wildlife Act 1999 and the Departments Ecology Team would be able to assist further on this matter.

7.0 CONCLUSION

7.1 For the above reasons the proposal is considered the proposal would not have a significant impact upon public or private amenities and therefore complies with General Policy 2 of the Isle of Man Strategic Plan 2016, Area Plan for the East and Residential Design Guide 2021. The application 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 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 17th January 2022

Item 5.2

Proposal : Change of use of land from agricultural to dog walking field
Site Address : Field 321821
Ballanicholas
Garth
Crosby
Isle Of Man
Applicant : Animal Ark Ltd
Application No. : 21/01050/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 approval does not in any way permit the creation of dog care facilities on the site or the erection of structures on the site.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 3. The field may only be used as a dog walking field with provision for one parking space in support of the dog care business by Animal Ark Ltd.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and any alternative uses for the field other than the approved use or agricultural use will require further consideration.

C 4. The dog walking use of the field, hereby approved, shall only be operational between the hours of 0900 and 1700 hrs Monday to Friday. No dogs shall be kept onsite overnight. The dogs brought here for exercise shall always be returned to the Onchan site at the end of the day.

Reason: In the interests of the amenity of neighbouring residents in accordance with Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

C 5. The use hereby approved is only for the provision of dog walking field and shall only be carried out by Animal Ark Ltd and only whilst operating their dog care business. Upon the cessation of the dog care business, the use of the field for provision of a dog walking field 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 permitted.

Reason for approval:

The proposal is considered to broadly accord with the principles advocated by General Policy 3 and Environment Policy 22 of the IOM Strategic Plan. No unacceptable adverse impact has been identified as likely with respect of the character and appearance of the surrounding landscape or the residential amenity of the neighbours.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site comprises Field 321821, Ballanicholas, Garth, located on the eastern side of Garth Road, Garth and about 447m west of the St. Marks Road/Clanna Road junction. The application site also includes the track which serves the field, connecting it to the Ballacallin Riding School Building which has access to Garth Road (B35) to the west, and Foxdale Road (A24) to the east. The field, excluding the track serving the site measures approximately 3.11 acres (12,618.4m). The north-western boundary of the site comprises sod hedging and a thick cluster of trees that run along the entire stretch of this boundary and the western side of the track serving the field, while the northeast and south east boundaries comprise sod hedging, only opening up at the field access.

2.0 THE PROPOSAL

2.1 The application seeks approval for change of use of land from agricultural to dog walking field. The scheme does not involve the erection of any structures on site or changes to the physical appearance of the site area, although it proposes to create one parking space within the field.

2.2 The applicants state that the scheme would involve a change of use of land from agricultural to dog walking field. They state that they look after dogs from their business premises in Onchan and are looking for somewhere perfect and secure to let the dogs within their care enjoy the outdoors, with the place offering somewhere safe for the dogs to exercise. They further state that they would take the dogs to the area in their company vehicle, exercise the dogs, and then return the dogs to the business premises in Onchan.

2.2 Additional information provided on the form and Cover letter states the following:

- i. Animal Ark Ltd has been open for just short of 5 years. Since opening it has been a complete dream to acquire some land in order to take dogs out safely. Somewhere completely secure so as to not inconvenience anyone.
- ii. Having somewhere outdoors will not only massively improve the wellbeing of the dogs, but will also improve the wellbeing of the staff whom will be able to enjoy more time outdoors for longer periods of time than they are currently.

- iii. The site would be used as a Dog walking field/business use.
- iv. Dog fouling will be taken back to my premises in Onchan to be disposed of.
- v. There will be one company vehicle being driven to the field during working hours (Monday to Friday, 9am to 5pm).

3.0 PLANNING POLICY

3.1 The site lies within an area designated as not being for any particular use or purpose on the Area Plan for the East and within Landscape Character Area D10. The site is not within a Conservation Area, or prone to flood risks, although the entire northwest boundary is susceptible to surface water flood risks. The site is not within a Registered Tree Area, and there are no protected trees on site.

3.2 The Area Plan for the East landscape character Assessment for the Area (Braaid D10) states the following:

3.2.1 Landscape Strategy:

Conserve and enhance:

- a) the character, quality and distinctiveness of the area, with its open large pastoral fields;
- b) its Manx hedges;
- c) its scattered farm houses fringed by trees;
- d) its sunken and enclosed rural road network and its numerous archaeological features.

3.2.2 Key Views:

Extensive uninterrupted panoramic views from higher points over large open fields and Greeba Valley and the northern Uplands and eastwards to the built-up edge of Douglas. Some glimpsed views over fields from most sections of roads, which are enclosed by high grassed Manx hedgerows for the most part."

3.3 Given the above, there is a general presumption against development here as set out within the IOM Strategic Plan (Environment Policy 1 and General Policy 3). However the same plan also makes provisions for development which would be required for the interpretation of the countryside, its wild life or heritage.

3.4 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:

- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

3.5 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.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 In addition to the policy situation set out in section 3 above, the care of animals is generally something that may need to happen away from built up areas due not only to the noise nuisance which could arise but also due to the size of premises required and ideally some outdoor exercise space. Examples given in 5.0 below illustrate the range and types of locations where this type of facility can be considered acceptable.

5.0 PLANNING HISTORY

5.1 The application property has not been the subject of any previous planning applications. However, there have been a number of dog day care facilities approved in recent times, most of which have been within existing Industrial Estates although there have been a number across the Islands countryside:

- o 19/00533/C - Douglas Head Industrial estate
- o 18/01299/C - Hills Meadow industrial estate
- o 18/00799/B and 18/00127/B Balthane Industrial estate
- o 18/00338/C - Strenaby, Onchan (Site is in the countryside)
- o 18/00011/B - industrial unit, Demesne Road, Douglas
- o 17/00842/C - Viking Works industrial area, Peel
- o 17/00364/B - Ballabblack Farm, Arbory (Site is in the countryside)
- o 16/00911/C - Snugborough industrial estate
- o 16/00817/C - Main Road, Onchan

5.2 There have also been a number of refused dog day care facilities including:

- o 19/00646/C - Lapwings, East Foxdale Road, Eairy - Whilst the location was considered suitable, the access and visibility was of concern and the proposed operation would result in the harmful impact on highway safety.
- o 16/00381/C - proposed the change of use from forestry buildings to a dog day care facility at The Tanyard in Santon and this was refused for reasons relating to the poor visibility for and of those emerging from the site and also for the considerable noise nuisance which could be experienced by the dwelling on the other side of the road.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in the letter dated 22 September 2021.

6.2 Marown Parish Commissioners who had previously asked that decision on the application be deferred until a later date in their correspondence dated 14 October 2021, have stated that they have no objection to the application (21 October 2021).

6.3 No comments received from neighbouring properties.

7.0 ASSESSMENT

7.1 The issues here are whether the principle of the development would be acceptable for the site, and if there would be any impacts on the residential amenity of neighbours.

7.2 The principle of the development

7.2.1 As the site is not designated for development, the main issue in this case is whether the proposal complies with the provisions of General Policy 3 and if not, whether there are any material considerations which would justify a departure from the policy which presumes against development in the countryside. In addition to this major consideration, it is also relevant to consider the detailed impact of the proposal on highway safety, visual impact and environmental effect.

7.2.2 In determining whether to permit the use of the agricultural field as a dog walking field, there is a requirement to balance the need to protect rural areas for their own sake (EP1) whilst also having regard to the importance that the Manx countryside has as a recreational asset. In some exceptional cases the countryside may be able to accommodate low impact uses which

provide the opportunity for members of the public to experience the Island without adversely affecting its character.

7.2.3 General Policy 3 sets out the exceptions to the presumption against development in the countryside and the pertinent section which may give rise to support for this application is GP3 (h) which deals with buildings or works required for interpretation of the countryside, its wildlife or heritage. In the case of the current scheme, no buildings would be introduced on site, although a parking space would be created to ensure that the dogs and staff could safely be brought to and removed from the site at the end of the day, with the proposed use involving significant levels of interaction with the natural environment via hikes and dog runs which would offer opportunities to explore the natural environment. These interactions are not considered to be significantly different from hiking and sightseeing which are a key form of tourism on the island, although in this case, it relates to dogs. It would, however, be vital to note here that dog walking is also an established leisure activity on the Island; particularly along hiking trails, footpaths and sites in the countryside. Besides, the scheme would provide opportunities for the dogs and their carers to understand and enjoy the countryside around them.

7.2.4 Additionally, the nature of the proposed use is such that requires space and a degree of isolation to ensure the care of the animals and to limit harm to residential amenity; conditions which the proposed use would facilitate, given that the dogs and carers would have access to about 3.11 acres of field with the separating distance between the field and neighbouring dwellings ensuring that there are no detrimental impacts unlike sites in built up areas.

7.2.5 Based on the forgoing, it is considered that the broad principle of the proposed use would be acceptable, and the additional use would not be unsuitable for the site or the wider rural area.

7.3 Residential Amenity

7.3.1 Environment Policy 22 requires that development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties. In this case, noise and dog fouling are likely to be the main concern, as the other issues identified in EP 22 would not be applicable to the proposal.

7.3.2 With regard to noise generated by the dogs, it is considered that this would notably increase within the site area. Albeit, any barking or noise associated with dog walking would not be unusual or unsuitable for this countryside location, given the issues that have already been assessed in 7.2 above regarding dog walking activities now common in countryside locations. Besides, the closest residential property, which is within the Coit Y Kelly Ballahowin Farm is situated about 234.7m away from the site. As such, it is not considered that any noise impacts would be significant.

7.3.3 In terms of fouling from the dogs, it is noted that agricultural fields are usually associated with animal fouling as this is common in grazing fields. In this case, the applicants have stated that the fouling would be taken back to their premises in Onchan to be disposed of.

7.3.4 Overall, it is considered that the proposal would not adversely impact on the residential amenity currently enjoyed by the occupants of the neighbouring properties, as required by EP 22 of the IOMSP.

7.4 Other Matters

7.4.1 It is not considered, in the absence of any objection from Highways, and as the proposal would not significantly intensify the use of the site that there would be any unacceptable highway safety or capacity impacts resulting from the scheme.

8.0 CONCLUSION

8.1 Overall, it is considered that the proposed development is considered to be of a scale and nature which would not have an unacceptable impact upon the environment and surrounding countryside. The proposal is, therefore, regarded as acceptable and recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 17th January 2022

Item 5.3

Proposal : Alterations and erection of an extension to dwelling and creation of integral garage

Site Address : The Close
Bernahara Road
Andreas
Isle Of Man
IM7 2EL

Applicant : Mr Andrew Gambell

Application No. : [21/01139/B- click to view](#)

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

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

C 3. The garage hereby approved shall only be used in association with the main dwelling house "The Close" and for purposes incidental to the use of main dwelling house "The Close" as a single dwelling, for no commercial purposes and only in accordance with the internal layout shown on plan 2 of 2 received on the 06.10.2021.

Reason: The dwelling is within a single residential plot within an area of similar developments. The application does not propose to create separate units of accommodation within the site and has not been considered as such.

Reason for approval:

It is considered the proposal wouldn't not have any significant impacts upon public or private amenities, would not adversely affect the countryside and would result in a betterment in terms of quality and design over the existing dwelling and would therefore comply with Environment Policy 1 and Housing Policy 16 of the Isle Of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site forms the residential curtilage of The Close, Bernahara Road, Andreas, which is, located to the western side of Bernahara Road and to the southeast of St Judes Crossroad. The property appears as a modern single storey detached bungalow, painted white render and grey roof tiles/slates. The roadside boundary of the site consist of a bank with planting on top and a recently planted hedgerow (griselinia or similar) set behind within the site.

2.0 THE PROPOSAL

2.1 The application seeks approval for the alterations and erection of an extension to dwelling and creation of integral garage. Whereas the current footprint of the dwelling is rectangular in shape, the proposed extension namely the garage extension would result in a "L shaped" footprint and will increase the roadside frontage of the dwelling. The application also includes the installation of two pitched roofed flush dormers to the side elevation (roadside).

2.2 The applicants have explained the extensions and the reason below:

"The Southern extension along with internal changes would create a large open plan living area for the family. This extension would be approximately 27m² in size and be finished off with materials to match the existing dwelling. The end wall would have aesthetically pleasing bi fold doors and apex glazing to maximise natural light penetration into the dwelling.

The porch would be located to the Eastern elevation fronting the highway. It will be approximately 9m² housing both a WC and cupboard space for clothing and footwear. The existing front elevation facing the Highway is very non-descript as the current main entrance is to the Southern elevation, a long way from the drive way area which is not functional for the family. It is taken up predominantly with a large garage door but no other features. The porch will be finished with stone cladding to give a nice traditional feel to the property alongside the smooth painted render.

The garage extension will be located to the North Eastern side of the dwelling. It will front onto the Highway as per the existing to make use of the driveway area. It will be less visible from the Highway than the existing as it will be passed the open entrance area and hidden by the boundary hedging.

The garage will be approximately 102m² in size but will still be subservient to the main dwelling. It will be finished with roof tiles to match the existing and smooth painted render to match the existing walls. It will have a lower roof pitch to the existing which means its final height is lower than what exists currently.

The applicant is an avid vehicle enthusiast and spends a lot of time in the current garage working on their vehicles. These are generally more classic in age and require internal storage. The current garage is unfortunately not big enough for functional, regular use on their vehicles. The proposed garage would allow for the multiple owned vehicles to be housed indoors which is important given the age of some of them and worked on in close proximity to the main dwelling.

The direct internal access allows for both garage and house time to work succinctly together. This is important to the applicant as a detached garage would not allow for this to happen."

3.0 PLANNING HISTORY

3.1 There are no previous planning applications which are considered of material relevance to the determination of the current application.

4.0 DEVELOPMENT PLAN POLICIES

4.1 The application site is within an area recognised not designated for development under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area.

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

4.3 Housing Policy 16 states: "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."

5.0 REPRESENTATIONS

5.1 DOI Highways Services have no objection (07.12.2021).

5.2 Andreas Parish Commissioner raise no objection (04.11.2021).

6.0 ASSESSMENT

6.1 The main issues to consider in the assessment of the application is whether there any potential adverse visual impacts upon the countryside by the proposed works.

6.2 The proposal would significantly increase the footprint and mass of the existing dwelling when view from the adjacent public highway (Bernahara Road). The existing dwelling has a floor area of 166 square metre. The proposed works (140sqm) would result in the dwelling have a total floor area of 306 square metres. This equates to a percentage increase of 91%. It should be noted that the proposed extension (i.e. living accommodation - porch/dining room) equates to 36sqm. The significant increase in floor are result from the proposed attached twin double garage which has a floor area of 104sqm.

6.3 HP 16 indicates that the extension of non-traditional dwellings (application site) will not generally be permitted where this would increase the impact of the building as viewed by the public. Accordingly, the application could be considered to fail this policy and therefore a refusal can be made. A counter argument is the purpose of HP16 is to prevent non-traditional dwellings or those of poor or inappropriate form being further extended to make the situation/impact worse. The Department has allowed extensions to such properties around the Island, but only when there is perhaps changes to the whole property to ensure the overall design is improvement, albeit results in a larger dwelling.

6.4 The porched extension, conversion of the exiting integral garage, installation of dormers and dining room extension, which are all apparent from public views would significant improve the appearance of the property which currently is architecturally challenged with little interest. The side elevation (east) which current faces the public highway and is most apparent, is a double garage door which is not centred within the gable wall, which isn't especially of interest

or attractive. The works proposed would result in the existing gable end elevation becoming the main front elevation of the dwelling facing the road, which would be well proportioned and well designed and adding much more interest of the dwelling when viewed from public views. Of course, as mentioned previously these works would increase the mass and size of the dwelling and therefore potential contrary to HP16; however, it is considered these aspect of the works would be a betterment to the existing dwelling and the visual appearance of the area/countryside. If the proposed works continues the same form/design of the existing dwelling on a similar scale, then it is likely objections would be made.

6.5 In terms of the larger aspect of works, the proposed attached twin double garage (104sqm) is the largest extension to the property and which increases the mass of the property the most from public views. As mentioned there is the potential that a double garage (6m x 6m) could be erected in a similar position to the proposed garage under Permitted Development (PD). However, this garage is larger measuring 12m x 8m in size. However, the Department has approved garages in the countryside which are larger than the PD allows. The applicants have outlined the need for the garage which is given they own a collection of classic cars which need to be kept inside and which require works to them. The garden associated with the property is also large and therefor it is likely general garden/domestic storage etc. would also be required.

6.6 Overall, while the proposed garage extension would increase the mass of the property, when considering the scheme as a whole for the reasons outlined, the works would result in a dwelling of a better design and sit well within the site and along this section of Bernahara Road. It is noted that this dwellings forms part of a small group of five dwellings located along this immediate section of the Bernahara Road and sits within the middle of this group. Accordingly, in terms of Environment Policy 1 which seeks to protected the countryside for its own sake and prevent any development which would adversely affect the countryside, it is not considered the works would have an adverse impact, being contained within the existing built up development of this area of the countryside.

OTHER MATTERS

6.7 The dining room extension and installation of dormer windows has the potential to increase overlooking to the neighbouring property to the southeast; however, given the orientation between the two properties and existing landscaping between, the potential of overlooking would not be so significant to warrant a refusal.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal wouldn't not have any significant impacts upon public or private amenities, would not adversely affect the countryside and would result in a betterment in terms of quality and design over the existing dwelling and would therefore comply with Environment Policy 1 and Housing Policy 16 of the Isle Of Man Strategic Plan 2016.

7.2 It is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 17th January 2022

Item 5.4

Proposal : **Erection of 10 dwellings (change of dwelling designs from approved PA 20/01367/B)**

Site Address : **Plots 2 - 6, 14 - 17 & 19**
Land Adjoining Auldyn Way, Auldyn
Walk And Gardeners Lane
Ramsey
IM10 1MM

Applicant : **Dandara Homes Limited**

Application No. : **21/01326/B- [click to view](#)**

Principal Planner : **Mr Chris Balmer**

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

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

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

C 2. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 3. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new planting (including tree planting) showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works include footpaths and hard surfacing materials. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

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

Reason for approval:

It is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 2, Spatial Policy 2, General Policy 2, Housing Policy 4, 5 & 6, Recreation Policy 3, Transport Policy 4, 6, & 7 and EP 5 of

the IOM Strategic Plan 2016, West Ramsey Development Plan 2004 and the Residential Design Guide 2019.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT IS FOR OVER 8 HOUSES AND A SECTION 13 LEGAL AGREEMENT (DEED OF VARIATION) IS REQUIRED

1.0 THE APPLICATION SITE

1.1 The application site comprises Plots 2 - 6, 14 - 17 & 19 which are within a parcel of flat land (approx 0.55 hectare) located on the western side of Gardeners Lane and south and west of Auldyn Walk all in the Poylldooey area of the Ramsey. To the south and west of the site is the Auldyn Walk housing development which was completed a number of years ago and to the east (across Gardeners Lane) is further housing development (Auldyn Meadow) most of which is completed but some works are still taking place.

2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of 10 dwellings (change of dwelling designs from approved PA 20/01367/B). The proposed development effectively constitutes the revision of the 10 dwellings of the previously approved 19 dwellings on the same plots under previous planning application 20/01367/B. The retail unit (class 1.1), children's nursery (class 4.2) and remaining 9 dwellings approved under 20/01367/B are unaffected by this development.

3.0 PLANNING HISTORY

3.1 The application site and surrounding land has been the subject of a number of previous planning applications, the following of which are considered specifically material to the assessment of this current planning application:

20/01367/B - Development of 19 dwellings (class 3.3), retail unit (class 1.1), children's nursery (class 4.2), and associated drainage and highway services APPROVED on 26.08.2021

03/00790/B - Residential estate development comprising of roads, plots, sewers, flood protection measures, drainage, public open space and layout for 26 semi detached dwellings, 69 terraced dwellings, 42 apartments and 38 self build plots - East Of Gardeners Lane Between Greenlands Park And Poylldooey Nature Reserve, Off Gardeners Lane, Poylldooey, Ramsey - APPROVED 10th April 2006.

03/01846/B - Residential estate development comprising of roads, plots, sewers and layout for 26 semi detached dwellings, 14 terraced dwellings, 10 apartments, 1 children's nursery, 1 public house with managers accommodation and 2 lock up retail units - Land North Of Ramsey Power Station And West Of Gardeners Lane Off Gardeners Lane, Ramsey - APPROVED

91/01487/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping land at Poylldooey, Ramsey - Land At Poylldooey, Gardeners Lane, Ramsey - APPROVED

91/00575/A - Approval in principle for mixed residential scheme, business/industrial park & landscaping, land at Poylldooey, Ramsey - REFUSED

4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site is within a wider area of land that is designated as proposed residential use under the Ramsey Local Plan Order 1998. The site is not within a high risk flood zone. In accordance with the local plan the West Ramsey Development Framework (WRDF) was written to provide an overall development framework for the development of the application site and surrounding land. Under this document the site is within an area designated as "Neighbourhood Centre 4", this states:

"Between Gardeners Lane and Glen Auldyn River (as notated "4" on the key diagram) the land should be developed for a neighbourhood centre to service the needs of the overall development of West Ramsey. The neighbourhood centre could include uses such shops, nursery/crèche facilities, meeting hall, public house. During the consultation process interest in the provision of new community facilities for churches within Ramsey has been highlighted. Land within this area that is not needed for neighbourhood centres uses should be developed for medium/high density housing (15-30 dwellings per hectare)."

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

4.3 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."

4.4 Spatial Policy 2 states: "Outside Douglas development will be concentrated on the following Service Centres to provide regeneration and choice of location for housing, employment and services

- Ramsey
- Peel
- Port Erin
- Castletown
- Onchan

Area Plans will define the development boundaries of such centres so as to provide a range of housing and employment opportunities at a scale appropriate to the settlement."

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

- (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."

4.6 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."

4.7 Housing Policy 5 states: "In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."

4.8 Housing Policy 6 states: "Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive."

4.9 Recreation Policy 3 states: "Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. New residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan."

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

4.11 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."

4.12 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."

4.13 Energy Policy 5 states: "The Department will prepare a Planning Policy Statement on Energy Efficiency. Pending the preparation and adoption of that PPS the Department will require proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment."

4.14 RESIDENTIAL DESIGN GUIDE 2021

5.0 REPRESENTATIONS

5.1 Ramsey Town Commissioners have no objection to the application (20.12.2021).

5.2 Highway Services have no objection (09.12.2021).

6.0 ASSESSMENT

6.1 The main considered is whether the proposals would be acceptable upon the visual amenities of the street scene, whether the proposals would impact upon neighbouring amenities and parking provision.

Impact upon the visual amenities of the street scene

6.2 The proposal would result in a very minor alteration which will have no visual impact from public views.

Impact upon neighbouring amenities

6.3 The house type alterations will have no significant impact upon any neighbouring properties namely Nrs 2, 4 & 15 Auldyn Walk which are potentially most affected, albeit the impact is the same as previously approved.

Parking Provision

6.4 It is considered the proposal would comply with TP7 as each dwelling has two parking spaces associate with it.

AFFORDABLE HOUSING PROVISION

6.5 Housing Policy 5 of the Strategic Plan indicates that the Planning Authority will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more. Given submission proposed 10 dwellings, albeit they are only proposing a change of house types, the fact remains this applications is giving a fresh approval for these 10 dwellings. Therefore a Deed of variation of the original Section 13 Legal Agreement needs to be undertaken. What will result is that the previously accepted S13 will be slightly updated and will ensure the previous acceptable affordable housing of 4 dwellings (25% of 19 dwellings) provided on the site whilst the balance of the 25% (0.75 units) will be paid by Commuted Sum. This is acceptable to the Public Estates & Housing Division.

OPEN SPACE PROVISION

6.6 As with the Affordable Housing the original S13 Agreement will need to potentially cross reference this current applications. In terms of an update the members will be aware of a recent application (21/01122/B) which was deferred by the Planning Committee due to concerns of access to the proposed play area. This is still being considered by the applicants; however, this play area relates back to approved application 20/01367/B (19 dwellings, retail and nursery). Accordingly the Deed of Variation will still need to include the open space provision, which essentially outlines that the applicants will submit a separate planning application for the new children play area within a set timescale (has been done) and for the applicants to carry out the works once approved (again, within a timescale). If the application were for some reason to be refused then the agreement would instead require an agreed commuted sum to be paid to Ramsey Town Commissioners.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 2, Spatial Policy 2, General Policy 2, Housing Policy 4, 5 & 6, Business Policy 9 & 10, Recreation Policy 3, Community Policy 1 & 2, Transport Policy 4, 6, & 7 and Energy Policy 4 & 5 of the IOM Strategic Plan 2016, West Ramsey Development Plan 2004 and the Residential Design Guide 2019. It is recommended that the planning application be approved for the reasons given and subject to the Section 13 Legal Agreement (Deed of Variation) been signed and the conditions listed.

8.0 SECTION 13 LEGAL AGREEMENT

8.1 As outlined a Deed of variation of the original Section 13 Legal Agreement needs to be undertaken. What will result is that the previously accepted S13 will be slightly updated and will

ensure the previous acceptable affordable housing of 4 dwellings (25% of 19 dwellings) provided on the site whilst the balance of the 25% (0.75 units) will be paid by Commuted Sum (£16,125). The Deed of Variation will still need to include the open space provision, which essentially outlines that the applicants will submit a separate planning application for the new children play area (see paragraph 6.6).

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

Item 5.5

Proposal : Change of use to undertake sports massage therapy
Site Address : 9 Sycamore Close
Onchan
Isle Of Man
IM3 3HW
Applicant : Mrs Joanne Tumblety
Application No. : 21/01437/C- click to view
Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No clients of the sports massage therapy use hereby approved shall remain on the application site outside of the following hours: 0800hrs till 2000hrs.

Reason: In the interest of protecting neighbouring living conditions.

C 3. The use hereby approved shall only be for the benefit of Mrs Joanne Tumblety while she is resident at 9 Sycamore Close, Onchan and no staff may be employed and/or work at the premises.

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

Reason for approval:

It is concluded that the planning application would have no significant impacts upon public or private amenities and is in accordance with the General Policy 2 of the Isle of Man Strategic Plan 2016.

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 4(2):

Nr 5 Sycamore Close, Onchan
Nr 8 Sycamore Close, Onchan
Nr 10 Sycamore Close, Onchan

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 (or improve) 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 AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND THE LOCAL AUTHORITY HAVE OBJECTED BUT IT IS RECOMMENDED FOR APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site is the residential property 9 Sycamore Close, Onchan which is - detached property located to the eastern side of Sycamore Close which forms part of a residential cul-de-sac.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for the change of use of two rooms (conservatory & dining room) within the existing dwelling to undertake sports massage therapy. They have proposed two rooms and the Department initially sought to ask why this was the case. The applicant advised;

"One of the rooms is the conservatory and in the summer it will be nice but not so much in the winter. It will be only myself practicing however I have an inversion table that I will be using for some of my clients and I will have it the 2nd room as it's quite large and hard to manoeuvre."

2.2 The applicant has advised that the proposal is a new business and they proposed to operate 8am till 8pm 7 days a week as they are unsure what time would be best for their clients. They proposed they would only have a single client at a time and would stagger the appointments. They indicate there are current 3 existing car parking spaces on the front driveway (also an integral garage).

3.0 PLANNING HISTORY

3.1 There are no previous planning applications which are considered relevant in the assessment and determination of this application.

4.0 PLANNING POLICY

4.1 The Area Plan for the East identifies the area as being 'predominantly residential use'. The site is not within a Conservation Area.

4.2 General Policy 2 of the Isle of Man Strategic Plan 2016 states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;

- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.3 Strategic Policy 9 states: "All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park(1) location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8."

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

5.0 REPRESENTATIONS

5.1 DOI Highway Services have made the following comments (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."

5.2 Onchan Commissioners refused the application on the following ground (15.12.2021); "They are not in agreement with the stated operating hours and days"

5.3 The owners/occupiers Nr 5 Sycamore Close, Onchan of object to the application which can be summarised as (09.12.2021 & 23.12.2021); Site is within a small quiet cul de sac; Parking is limited and because of the use by parents of dropping off their children at Ashley Hill Primary school can be quite congested at School Times; Yellow lines are in place to avoid the blocking of residents drives because of this use; restrictive covenant applying to all the properties in Sycamore Close.

5.4 The owners/occupiers of Nr 10 & 8 Sycamore Close, Onchan have written to support the application (15.12.2021 & 23.12.2021) which can be summarised as; small business should be encouraged to operate from homes where it isn't detrimental to the surround residents, which this application certainly isn't; for a start-up it is crucial to save the money on running separate premises and it also reduces traffic on the roads and parking in the towns and anyone prepared to try to improve their economic wellbeing and provide a service to members of the community should be encouraged wholeheartedly.

6.0 ASSESSMENT

6.1 The main considerations when determining the application are the principle of operating a business from the site; the potential impacts upon neighbouring amenities; and the potential impact upon on-street parking in the area.

THE PRINCIPLE OF OPERATING A BUSINESS FROM THE SITE

6.2 When considering whether the principle of operating a business from a home and not within a town centre for example, it is important to acknowledge that permission has been approved and refused for the operation of businesses (i.e. beauty treatments, hairdressers & tutoring) from a residential property, throughout the IOM. In fact the Departments Permitted Development Order permits a number of business operation to be run from a dwelling, these including child minding (up to 6 children), Bed and Breakfast (up to 3 bedrooms) and an occupant of a dwelling can operate any business from home (no visitors/staff allowed) via a home office within the property. Accordingly, whilst the proposed use does not comply with the land use designation; this is not an automatic reason to refusal the application. Other material considerations as listed in paragraph 6.1 of this report need to be considered.

6.3 A further issue in terms of the principle is the impacts on the nearby town centre. It is generally presumed that new commercial uses will be directed towards existing commercial areas. However, the impact of a single employee operating in this location is unlikely to draw materially harmful levels of trade away from the town centre. Moreover, such small businesses could enable the growth of a business that would eventually achieve a sufficient turnover as to encourage its moving into larger, more attractive and more appropriate commercial premises in that town centre in due course.

THE POTENTIAL IMPACTS UPON NEIGHBOURING AMENITIES

6.4 With this type of development there can be concerns relating to the impact upon on-street parking provision; this issue will be dealt within in due course. In terms of potential other aspect i.e. noise & general disturbances through people coming and going from the site. The location of properties can heighten the impacts of people coming and going from a property, for instance in a quiet residential cul-de-sac having potential numerous persons over the course of a day, can have a much greater impact to residential amenities than to a property along on a busy active highway, where there is already a high degree of traffic/passers-by. The former being the case of the application site along Sycamore Close which is a residential cul-de-sac. It is noted the property is detached and the owner would not have any employees and would have only one client at a time. The proposal would also operate between 8am and 8pm 7 days a week, which has raised concerns with the Local Authority. However, it is not considered these hours are "anti-social" hours or hours which could give rise to significant impacts upon neighbouring amenities to warrant a refusal. Of course, should Planning Committee Members feel concerned, they could reduce these hours.

6.5 Discussions with the applicants have taken place to whether the hours indicated could be reduced and they have advised that the following hours would be acceptable to them;

Mon - Fri - 8.30am - 6.30pm

Saturday - 9am to 5pm

Sunday- 11am - 4pm

Accordingly, while it is considered the original hours of operation are appropriate, Members may wish to amend the condition to the times listed above. The applicants would always have the opportunity to submit a further applications to amend the hours of operation in the future.

6.6 Overall, in terms of general disturbances by person/s coming and going from the site, it is considered given the small scale nature of the business, the business is on an appointment basis only and the hours of operation proposed, it is considered the sports massage therapy business at the application site would not result in an significant impact upon neighbouring amenities to warrant a refusal. Accordingly, the proposal would comply with General Policy 2 of the Isle of Man Strategic Plan 2016.

THE POTENTIAL IMPACT UPON ON-STREET PARKING IN THE AREA

6.7 The applicant has advised that they can accommodate three parked vehicles on their existing driveway and photographs included in the submission do demonstrate this. There is a

further space within the garage. Highway Services have raised no objection. While a concern of on street parking in the area during school drop off and pick up has been raised, it is noted there is sufficient parking on the site for the dwelling and the clients. Accordingly, it is not considered the proposal would have an adverse impact upon on street parking to warrant a refusal.

OTHER MATTERS

6.8 It is noted that there may be a restrictive covenant on the property being used for operating a business; however, covenants are not material planning considerations that can be taken into account when determining the applications. These are separate legal matters between the relevant parties.

7.0 RECOMMENDATION

7.1 Overall, it is concluded that the planning application would have no significant impacts upon public or private amenities and is in accordance with aforementioned policies of the Isle of Man Strategic Plan 2016 and is recommended for approval subject to the conditions listed.

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.