



Isle of Man
Government

Reillys 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, 2nd February 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 17th 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 those applications where Section 13 Agreements have been concluded in the period **11th to 26th January 2022.**

8. Any other business

9. Next meeting of the Planning Committee

Set for 21st February 2022.

**PLANNING COMMITTEE Meeting, 2nd February 2022
Schedule of planning applications**

<p>Item 5.1 Plot 4 Ballagarey Nurseries Greeba Avenue Glen Vine Isle Of Man IM4 4ED</p> <p>PA21/01388/B Recommendation : Permitted</p>	<p>Detached dwelling and integral garage (amendments to PA19/01396/B)</p>
<p>Item 5.2 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 5.3 Garage Adjacent To 4 Windsor Terrace Douglas Isle Of Man IM1 3LU</p> <p>PA21/01343/C Recommendation : Permitted</p>	<p>Change of use of garage to a gym business</p>
<p>Item 5.4 Recycling And Storage Compound Richmond Hill Douglas Isle Of Man IM4 1JH</p> <p>PA21/00731/B Recommendation : Permitted</p>	<p>Creation of Civic Amenity Site</p>
<p>Item 5.5 Field 310653 And 310651 Staarvey Road Peel Isle Of Man</p> <p>PA21/01061/B Recommendation : Permitted</p>	<p>Erection of two cattle shelters and two silage pits</p>
<p>Item 5.6 Field No. 331996 To The Rear Of Ballahutchin Beg Main Road Dalby IM5 3BR</p> <p>PA21/01170/B Recommendation : Permitted</p>	<p>Erection of new stable block with associated access, fencing and landscaping</p>
<p>Item 5.7 Yn Thie My Chree 36 Mines Road Laxey Isle Of Man IM4 7NH</p> <p>PA21/00986/B Recommendation : Permitted</p>	<p>Increase of residential curtilage</p>

<p>Item 5.8 Lower Playing Field Nobles Park Adjacent To St Ninians Road Douglas Isle Of Man</p> <p>PA21/00961/B Recommendation : Refused</p>	<p>Creation of a vehicular access</p>
<p>Item 5.9 Ballavarvane Farm And Fields 435406, 434589 Braaid Road St Marks Ballasalla Isle Of Man IM9 3AP</p> <p>PA21/01289/B Recommendation : Approve subject to Legal Agreement</p>	<p>Alteration and alignment of 2 existing farm access points to provide improved access to Farm and farmland, that straddles the A26 Braaid Road, St Marks. A farm track is included in the proposal to access the main farm buildings/area</p>
<p>Item 5.10 Plot South Of Shandrum And Adjacent To Existing Stables / Agricultural Building Glen Auldyn Ramsey Isle Of Man IM7 2AF</p> <p>PA21/00858/B Recommendation : Permitted</p>	<p>Erection of a detached dwelling with integral garage</p>
<p>Item 5.11 Ballatiki Shore Road Ballaugh Isle Of Man IM7 5AZ</p> <p>PA21/01234/A Recommendation : Permitted</p>	<p>Approval in principle for the erection of a dwelling to replace former dwelling addressing means of access</p>
<p>Item 5.12 TT Timing Hut Grandstand Glencrutchery Road Douglas Isle Of Man IM2 6DA</p> <p>PA21/01454/B Recommendation : Permitted</p>	<p>Erection of a 2 storey structure.</p>
<p>Item 5.13 Phase 2 Royal Park The Vollan Ramsey Isle Of Man</p> <p>PA21/01465/B Recommendation : Approve subject to Legal Agreement</p>	<p>Creation of public open space</p>
<p>Item 5.14 Cool Ny Cronk Ballure Ramsey Isle Of Man IM7 1AD</p> <p>PA21/01549/B Recommendation : Permitted</p>	<p>Alterations and erection of extensions to provide Car Port and additional living accommodation to dwelling</p>

PLANNING AUTHORITY AGENDA FOR 2nd February 2022

Item 5.1

Proposal : Detached dwelling and integral garage (amendments to PA19/01396/B)
Site Address : Plot 4
Ballagarey Nurseries
Greeba Avenue
Glen Vine
Isle Of Man
IM4 4ED
Applicant : Hartford Homes
Application No. : 21/01388/B- [click to view](#)
Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of the development hereby approved, the protection measures detailed in drawing number 33 Rev A shall be fully installed and implemented and retained for the duration of the construction process, unless stated otherwise. The fencing shall be erected to a specification which accords with the recommendations of Section 6.2.2 of British Standard 5837:2012. Within the Construction Exclusion Zone implemented in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without prior written consent of the Department.

Reason: to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality.

C 3. All planting shall be carried out in accordance with drawing 33 Rev A in the first planting season following the completion or occupation of any part of the development. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

Reason: to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

C 4. Prior to the first occupation of the dwelling hereby approved the car parking as detailed in drawing 33 Rev A shall be provided in full, and retained available for parking at all times.

Reason: to minimise on-street car parking that could be detrimental to the operation of the highway.

C 5. The proposed ecological measures (Bat box, Bee brick, Sparrow box) as shown on drawing number 34 shall be implemented, retained, maintained and kept available for those specific uses.

Reason: In the interest of ecology and biodiversity.

Reason for approval:

Subject to a number of conditions relating to tree protection, landscape planting, driveway parking and integration of ecological bee, bird and bat boxes, the proposal is considered to comply with General Policy 2 (b, c, g, h and i) Isle of Man Strategic Plan 2016 and with the general principles set out in the Residential Design Guide 2021.

Interested Person Status – Additional Persons

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

The owners of Jesswin, 11 Greeba Avenue, Glen Vine - as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

Planning Officer's Report

THE APPLICATION RELATES TO PROPERTY OWNED BY A CLOSE RELATIVE OF AN EMPLOYEE OF THE PLANNING AND BUILDING CONTROL DIRECTORATE AND SO SHALL BE DETERMINED BY THE PLANNING COMMITTEE IN STATED IN PART 2(H) OF THE PLANNING COMMITTEE STANDING ORDERS 2021/04.

1.0 THE SITE

1.1 The application site relates to Plot 4 located within the recently approved cluster of dwellings at Ballagarey Nurseries, Greeba Avenue, Glen Vine under PA 19/01396/B. Since the original approval there have been two subsequent applications seeking some minor changes to driveway length and sizes, and changes to plot positions and house types under PA's 20/01021/MCH and PA 21/00837/B.

1.2 Plot 4 is currently approved for a large bungalow situated on the southern end of the plot, with notable garden space between it and Plot 3 to the north.

2.0 THE PROPOSAL

2.1 Proposed is a house type amendment of Plot 4 from a bungalow to a two storey dwelling finished in a style and design matching those dwellings on plots 1, 2, and 3. The proposal also seeks to re-position the proposed dwelling to the northern end of the site and nearest to Plot 3, leaving the southern end of the plot as garden space.

2.2 The proposed dwelling is to have a pitched tiled roof and integrated garaging across the front elevation. The rear elevation facing the rear of those dwelling forming part of Greeba Avenue is mostly blank with only a single bathroom window at first floor and a single back door at ground floor.

2.3 The side elevation facing southwards and over the garden area is to be installed with 4 large bi-folding doors across the ground floor and a number of smaller windows above.

2.4 Included within the submission is detail relating to tree protection and new planting, and the integration of bee, bird and bat boxes within the scheme.

3.0 PLANNING HISTORY

3.1 Aforementioned the site has been subject to a number of previous applications, most relevant in this case being the original approval under PA 19/01396/B, and subsequent changes made under PA's 20/01021/MCH and PA 21/00837/B. These application were approved with a number of conditions throughout relating to tree protection, landscape planting, detail of ecological bee, bird and bat boxes, and driveway car parking.

4.0 PLANNING POLICY

4.1 The site lies within an area designated on the Area Plan for the East 2020 as 'predominantly residential', minded of the extant approvals at the site, the most relevant policy in the assessment of the current proposal would be General Policy 2 (b, c, g, h and i) in assessing the detailed design of the new proposed dwelling, along with consideration to the general design principles set out in the Residential Design Guidance 2021 in respect of local distinctiveness, new dwellings and good neighbourliness.

5.0 REPRESENTATIONS

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

5.1 Marown Commissioners - no objections (20/12/2021).

5.2 Department of Infrastructure Highway Services - Do not oppose (13/12/2021).

5.3 The owner of Jesswin, 11 Greeba Avenue - Objection (16/01/2022) summarised as follows:

- o two storey dwelling will be situated directly in front of my home;
- o its size will result in loss of light;
- o its massing will cause it to be overbearing;
- o there will now be overlooking and loss of privacy particularly on rear elevation and rear garden;
- o very upset that current view will be lost and will now be looking at rear of someone else's house;
- o question is raised in respect of land ownership and an area shaded on plan annotated "Area shaded may form part of no.9 Greeba Avenue residential curtilage" and whether this results in any discrepancy in the submitted information;
- o question is also raised as to whether a new environmental impact assessment is required now the proposal is for a bigger house;
- o question is raised as to whether the proposal would affect the traffic assessment in area.

6.0 ASSESSMENT

6.1 The proposed two storey dwelling is of a size, style and design that is in keeping with the adjacent dwellings and overall streetscene. Compared with extant approvals of the

bungalow which was to sit moreso towards the rear of No. 9 Greeba Avenue, the proposed two storey dwelling is to move further north and behind the rear of No. 11 Greeba Avenue. The proposed two storey dwelling will of course introduce a new taller building where previously there was a gap between properties and a lower level bungalow approved and this will undoubtedly alter the outlook from the rear of those dwellings in Greeba Avenue including No. 11. But as referenced in those comments received from No. 11 there is no right to a view and given the distances between the dwellings measuring between 23m - 28m (elevation to elevation) and coupled with the established trees and vegetation between the dwellings helps to limit any impacts to a level which is considered to be acceptable and not to result in any outlook, overbearing or amenity impacts so as to unacceptably harm the general living conditions of No. 11 or any other dwelling along Greeba Avenue.

6.2 The distances between the dwellings being in excess of the general 20m rule of thumb as set out in the Residential Design Guidance 2021, being mindful of existing boundary vegetation, and that the rear elevation arrangement of the proposed dwelling comprises only a single bathroom window at first floor and a single back door at ground level it is not considered that the proposed dwelling will result in any unacceptable or adverse impacts in terms of overlooking or privacy on the neighbours as to cause concern or to impact their living conditions.

6.3 With the proposed dwelling moving further north within the plot it leaves a fairly large area to the house of the plot for garden space. Part of this garden space is partially hatched in grey annotated as land which may form part of 9 Greeba Avenue. From discussions with the agent it is understood that there is an on-going legal matter to determine who owns this part of the land which is a matter outside of the planning process. In terms of plot size and amenity levels the garden, either with or without the grey hatched area, is considered to be acceptable and to provide sufficient amenity space and not to harm the general characteristics of the streetscene or residential area.

6.4 The proposed dwelling is similarly large just as the extant bungalow, albeit the proposed dwelling comprises 5 bedrooms compared to the bungalow's 3 bedrooms. The proposed dwelling is now to be provided with a notably larger driveway measuring 10m long x 7m wide as well as an integrated garage. This situation offers at least 2 off road car parking spaces off the road just as the bungalow did and so formally complies with the general parking standards of the Strategic Plan and is acceptable. Although in reality, the integral garage and driveway of the proposed dwelling could likely accommodate more than 2 vehicles off the road especially if these vehicles are parked well, and so this would only help to further provide off road parking at the site and more off road parking compared with the previous bungalow. The proposal is therefore acceptable and not considered to result in any new or adverse traffic or highway safety impacts compared with the extant approvals on the site.

6.5 Further to those comments raised by the neighbour, the proposal does not meet any of the requirements so as to require an Environmental Impact Assessment, nevertheless the proposal has been assessed in terms of its visual and amenity impacts on the neighbours and streetscene as concluded above and deemed to be acceptable. Furthermore, detail on plan has set out suitable tree protection, indicated new planting and also the inclusion of bee, bird and bat boxes for the dwelling and so in this respect is considered to have an acceptable environmental impact and to contribute to the ecology at the site.

7.0 CONCLUSION

7.1 Given the size, distance from neighbouring properties and extant vegetation and trees along the boundaries the proposed revised house type is considered to have no significant adverse impact upon any neighbouring properties to the sides or rears of the sites and is therefore considered to comply with General Policy 2 (b, c and g) and the general principles

of the Residential Design Guide 2021. The proposal is also provided with sufficient off road parking to satisfy General Policy 2 (h and i).

7.2 Subject to a number of conditions relating to tree protection, landscape planting, driveway parking and integration of ecological bee, bird and bat boxes to ensure their provision and so as to marry with those applications approved before it, the proposal is considered to be acceptable and to comply with General Policy 2 (b, c, g, h and i) Isle of Man Strategic Plan 2016 and to meet with the general principles of the Residential Design Guide 2021 and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 2nd February 2022

Item 5.2

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 (matching neighbouring property Nr 9) 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.

C 2. Prior to the occupation of the decked area the front facing steel (harbour side - currently painted red) work below the decking area shall be painted/coloured a dark green colour and retained thereafter.

Reason: in the interest for visual amenities.

C 3. Prior to the occupation of the decked area the plinth/sides of base platform shall be painted/coloured a dark colour 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

A Mr M Watson (address unknown)

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

0.0 PREAMBLE

0.1 This application was considered at the previous meeting and was deferred for a site visit.

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 zones 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.

5.8 A Mr M Watson (address unknown) comments (14.01.2022); the deck is created it should be at the same level as the path as I feel that the step up is visually disruptive. Indeed rather than a deck a terrace is to be preferred with appropriate quality paving and a retaining wall of quality material. What is proposed is rather mean and does not sit well with the substantial nature of an attractive Victorian terrace.

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 Department's 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 Department's 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 2nd February 2022

Item 5.3

Proposal : Change of use of garage to a gym business
Site Address : Garage Adjacent To 4 Windsor Terrace
Douglas
Isle Of Man
IM1 3LU
Applicant : Mr Roger Davies
Application No. : 21/01343/C- [click to view](#)
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use hereby approved shall only be undertaken between 08:00 and 16:30 from Monday to Friday. The use shall not be undertaken at any time on Saturdays, Sundays and Public Holidays.

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

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

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

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

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

C 5. The use hereby approved shall only be for the benefit of the applicant while they are resident at 2 Windsor Terrace, Douglas and no staff may be employed and/or work at the premises.

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

C 6. The driveway and access shall be kept available and unobstructed for parking at all times.

Reason: To ensure a satisfactory access and in the interests of highway safety.

Reason for approval:

The proposed gym would only be used by one operator and one customer at any session and the impact on the neighbouring amenities is not considered to be greater than the applicant using the space by himself. In addition, the parking standard has been relaxed due to its location and proximity to public transport.

Interested Person Status – Additional Persons

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

Owners/Occupiers of 4 Windsor Terrace, Douglas
Owners/Occupiers of 5 Windsor Terrace, Douglas
Owners/Occupiers of 6 Windsor Terrace, Douglas

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

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

Owners/Occupiers of 1 Windsor Terrace, Douglas

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the curtilage of garage adjacent to 4 Windsor Terrace, Douglas, a single-storey flat roof garage located on the west of Windsor Terrace. The ownership of the garage is linked to 2 Windsor Terrace.

1.2 The garage currently can park two cars in tandem, one in the garage and one on the driveway. The area of the garage is approx. 21 square metres.

2.0 THE PROPOSAL

2.1 The proposed is the change of use from a garage (Use Class 3.3 as it is currently for the enjoyment of 2 Windsor Terrace) to a gym (Use Class 4.4).

2.2 The applicant states that the gym is proposed to operate 8:00-16:30 on Monday to Friday. The sessions would be 1-to-1 only as the applicant is the sole person working in the gym.

3.0 Planning History

3.1 Erection of garage with external hardstanding to front was APPROVED under PA 16/00919/B. Condition 2 states that: "The garage hereby approved shall at all times be used only for domestic storage including car parking, associated with No. 2 Windsor Terrace and/or purposes ancillary to the residential use of the main dwelling No. 2 Windsor Terrace and may not be used for commercial purposes." The reason is to "ensure that the garage is not used for purposes which could adversely affect the use of the adjacent garaging and parking area and to protect the amenity of the area in general."

4.0 Planning Policy

Site Specific

4.1 The site is within an area designated as Predominantly Residential in the Area Plan for the East.

4.2 The site is within the Windsor Road Conservation Area.

Strategic Policy

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

Principles of Developments

4.4 Strategic Policy 2 and Spatial Policy 3 echoes each other, stating that new development should be located primarily within existing defined settlements or sustainable urban extensions.

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (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;
- (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."

Visual Design

4.6 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."

Business

4.7 Business Policy 1 states:

"The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan."

Parking

4.8 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."

4.9 Appendix 7.6 states that for residential terraces, there should be "2 spaces per unit, if not within curtilage then located as close to units as possible without compromising residential amenity. Parking spaces should not be provided in front of the dwellings where this would result in a poor outlook for residents and would detract from the amenity of the area."

4.10 For Assembly and leisure use, there should be one space for every 15 square metres of gross floor space.

Others

4.11 Community Policy 7, 10 and 11 state that the design of new development must, as far as is reasonable and practicable, pay due regards to existing best practise such as to prevent criminal and anti-social behaviour and outbreak and spread of fire. In addition, development should also provide proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes."

4.12 Infrastructure Policy 5 particularly states that "Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources."

PPS and NPD

4.13 Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man is the only adopted PPS at the moment. It provides supplementary policy on developments within any conservation area.

4.14 POLICY CA/1 Identification of the Special Character states that "It is the quality and interest of areas, rather than that of individual buildings which should be the prime consideration in identifying conservation areas." It also lists some features that are likely to make a major contribution to the overall interest of an area.

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

5.1 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".

Strategy and Guidance

5.2 There is no relevant strategy or guidance that directly applies to this application.

Other Material Considerations

5.3 There is no other material consideration considered relevant to this application.

6.0 REPRESENTATION

This section provides a summary of all representations received. Full details are available on the government website.

6.1 Douglas Borough Council has no objection to this application (19.11.2021).

6.2 DoI Highway Services does not oppose this application (19.11.2021). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 The owners/occupiers of No. 1, 4, 5 and 6 Windsor Terrace have written in to object this application (22.11.2021 - 25.11.2021). The representations which include material planning considerations can be summarised (in no particular order) as the following:

- o contrary to condition 2 of the approved PA 16/00698/B;
- o does not maintain the amenity or character of the Conservation Area;
- o too much increase to on-street parking demand
- o inadequate off-street parking provision;
- o noise, including loud music, from the gym sessions and travelling of the customers;
- o lack of amenities for the proposal;
- o disturbance of the peace
- o setting precedent; and
- o appeal related to other applications close to the site.

6.4 The points made from the above representations which would not be a material consideration in planning terms can be summarised (in no particular order) as the following:

- o breaching of an existing planning approval;
- o creeping commercialisation/commercial encroachment; while not a material planning consideration the impacts of such a development would be and are considered below the assessment;
- o enforcement action taken to the site;
- o conditions set for other planning approvals; and
- o appeal related action for a previous application on the site.

6.5 The applicant wrote in response to the comments received (06.12.2021). The arguments that relate to material considerations can be summarised as the following:

- o Session will be 1-to-1 instead of 1-to 2;
- o parking shortage is unlikely as there will only be one customer at a time;
- o no music louder than speaking volume would be played;
- o the garage door would be closed during all sessions to reduce the noise;
- o there are no changes to the appearance of the garage, meaning there is no impact on the character or appearance of the area.

6.6 The owners/occupiers of No. 5 and 6 wrote in further objection after the response from the application (07.12.2021 - 08.12.2021). There is no additional material consideration raised but they do reiterate the ones from the previous objections. Their arguments also relate to concern about a breach of health and safety regulations.

7.0 ASSESSMENT

Conservation Area Statutory Test

7.1 There is no external alteration to the property. Therefore, there is no impact on the character or appearance of the conservation area. Therefore, it is considered that the proposal would preserve the character of the Conservation Area and pass the test.

7.2 TCPA states that Conservation Areas are designated for special architectural or historic interest. It is reasonable to deduce that this means the focus of a Conservation Area is on the

appearance and physical existence of architecture. This being said, Policy CA/1 of PPS 1/01 does include "a particular mix or variety of uses" as a key feature of a Conservation area. However, the area around the proposed site are designed as "Predominantly Residential" and the existing use are majority residential. Therefore, it is considered that the land use of the site and its surroundings is not a character of the Conservation Area.

Elements of Assessment

7.3 The key considerations in the determination of the application are the principle of development, its impact on the character and appearance of the conservation area, on parking provision and on the amenities of the neighbours.

Principle of the Development

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

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

7.6 The site is within an area designated as Predominantly Residential (predominantly Class 3.3). As such, the proposal could be seen as contrary to the land use designation. Hence it is being submitted to the planning committee.

7.7 Condition 2 of PA 16/00919/B has specially excluded commercial use for the garage. The reason for this condition was not only to protect neighbouring amenities but also to clarify the scope of the approval.

7.8 The application was for a domestic garage, the information was provided accordingly and the assessment was conducted for such use. In other words, there was no mention of commercial use so commercial use was not assessed. Commercial uses may be argued to potentially have a greater impact on neighbouring amenities in nature. Therefore, the condition was also meant as a message to the applicant that any change of use should go through the planning system, which is the purpose of this application.

7.9 It should be noted that the site is within a town centre, albeit within a predominantly residential area. The proposal is of small scale in size and in running an appointment-based system. Therefore, if the impact is considered acceptable after the full assessment, the proposal would not change the predominantly residential land use of the area and is considered principally acceptable.

7.10 As mentioned in 7.7-7.9, the same reason and argument can be made for the use limit condition attached to other garages on the same road.

Character and Appearance of the Conservation Area

7.10 As mentioned in 7.1, there is no change to the external elevations. Therefore, the proposal has no impact on the character and appearance of the Conservation Area.

Parking Provision

7.11 According to TP7, 2 Windsor Terrace would require two parking spaces and the proposed gym would require one to two parking spaces. As the owner of the dwelling is also the sole operator of the gym, it is considered that there should be three parking spaces for the dwelling and gym together.

7.12 The proposed gym removes one parking space. This means there is only one off-street parking space after the proposal. As there is a two-space shortage, it is considered that the proposal fails to meet the parking standard and would increase the demand for on-street parking within the vicinity. However, given its town centre location, and the close access to public transport, which is a reason to relax parking standard according to Appendix 7.6 of the Strategic Plan. Since there is no objection from highway, it is considered that the parking provision is acceptable.

Neighbouring Amenities

7.13 The proposal is for 1-to-1 training sessions. It is believed that two people working out together would not generate more noise than the applicant using the garage as a gym for himself, which is ancillary to the use of the dwelling and not controlled by planning. Therefore, the potential noise and disturbance created is not enough reason to recommend a refusal.

7.14 The proposal would attract more traffic to Windsor Terrace from the travelling of clients, which would be one or two cars per hour during opening times. It is considered that the increase would not create an unreasonable level of noise than that of someone who has frequent visitors and is considered acceptable.

Other Material Planning Considerations

7.15 The gym is only for two people at any given time (one operator and one customer). It is considered that the proposal is too small for the lack of any amenities to have a material impact on the area.

7.16 Each application is considered within its own merit. In this case, it will be regardless of how close other proposals would be if this application was to be approved. There is no "precedent" unless one proposal has all the identical elements of another, including the exact location of a proposal.

7.17 Although the proposal is considered principally acceptable, this does not mean all commercial use is acceptable within the area. The assessment is conducted for the use of a 1-to-1 personal training gym. Any commercial proposal within the area will have its impact assessed along with the impact created with the application. Since at that time, the impact of this application would be considered a part of the site conditions.

Non-material Planning Considerations

7.18 The planning breach that took place on the site and the enforcement action followed cannot be used as a reason for refusal as it is not to do with the impact of the proposal on its surroundings. The impact of the usage, however, has been assessed in this application as it is similar to the current proposal.

7.19 Applicants action or inaction toward the decision of and the conditions set for the previous planning approval is not related to planning as planning is about places and their interaction.

7.20 Health and Safety Regulations are outside of the responsibility of the planning officer and cannot be considered by themselves in a planning application. However, this does not mean any planning decision would override such a requirement.

Planning Balance Assessment

7.21 The proposed use has similar impacts to the use of the garage as the gym by the applicant alone and a house with frequent visitors, both events are considered domestic and

would not require planning approval. Although there is a reduction in parking, there is no evidence of parking shortage. Therefore, the proposal is considered to be acceptable.

7.22 As the assessment is conducted according to the operation details provided by the applicant. These details will be conditioned to ensure the impact on neighbouring amenities is minimised.

8.0 CONCLUSION

8.1 The proposed gym would only be used by one operator and one customer at any session and the impact on the neighbouring amenities would be no more than the applicant use the space by himself. In addition, the parking standard has been relaxed due to its proximity to public transport. Therefore, it is recommended for an approval.

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

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 2nd February 2022

Item 5.4

Proposal : Creation of Civic Amenity Site
Site Address : Recycling And Storage Compound
Richmond Hill
Douglas
Isle Of Man
IM4 1JH
Applicant : Dandara Contracting Limited
Application No. : 21/00731/B- [click to view](#)
Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. That the development must be carried out strictly in accordance with the particulars contained in the application, the plans and Environmental Impact Assessment accompanying (as amended) subject to conditions covering matters below.

Reason: For the avoidance doubt and to ensure that the development is carried out in accordance with the submitted details.

C 3. No processing, sorting or composting shall take place on the site.

Reason: For the avoidance of doubt and the application has been assessed on basis of information a para 4.6.1 of the Environmental Statement dated June 2021.

C 4. Prior to the commencement of the development hereby approved (including site clearance), a Site Environmental Management Plan (SEMP) which details how adverse impacts on the wildlife on site (particularly regarding hydrological links from direct and indirect pollutants such as concrete, fuels and lubricants) will be avoided and/or minimised to insignificant levels on the environment and surrounding area, during the construction and operational phases of the development, particularly from direct and indirect pollutants.

Reason: To avoid, minimise or mitigate effects on the environment and surrounding area during the construction project and once the amenity site is operational.

C 5. The development hereby approved shall not be commenced until details of a 'Construction Management Plan', which details the necessary mitigation measures to be taken during construction, have been submitted to and approved in writing by the Department.

The CMP shall include, but not necessarily be limited to, the following.

- o Risk assessment of potentially damaging construction activities.
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works on site.
- o Responsible persons and lines of communication.
- o Use of protective fences, exclusion barriers and warning signs.
- o Any necessary mitigation measures other than those listed above to be carried out during the construction.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CMP.

Reason: To ensure that there are no adverse impacts resulting from the construction works and to ensure the development accords with the provisions set out at 2.5.12 of the Environmental Impact Assessment.

C 6. Prior to the commencement of the development hereby approved, a Lighting Plan shall be submitted to and approved in writing by the Department. The lighting of the site will be designed utilising inward directed led lighting columns to provide required site illumination without creating undue light pollution. The development shall not be carried out other than in accordance with the approved plan.

Reason: To provide adequate safeguards for the ecological species existing on the site and ensure that the mitigation set out at 5.1 of the PEAR which accompanied the Environmental Impact Assessment is implemented.

C 7. The development hereby approved shall be carried out in strict accordance with the submitted mitigation scheme detailed in Section 5.1 of the Manx Wildlife Trust's PEAR dated March 2021 to provide appropriate mitigation for Common Lizards, Common Frogs, and birds within the site and immediate locality.

Reason: To safeguard a statutorily protected species.

C 8. Prior to the commencement of the development hereby permitted, details of the proposed planting and landscaping shown on Drawing No. A_PL_001 Rev H dated stamped received 18 August 2021 shall be submitted to and approved in writing by the Department.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for any landscape features to be retained, if required.
- c) The location of new trees, shrubs, hedges, lanwned areas and wildflower areas.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density, where appropriate.
- e) A programme for the implementation, completion and subsequent management of the proposed landscaping, not including the wildflower planting which is covered by condition 7 in relation to (e).

All proposals shall be carried out in accordance with the approved planting scheme and any management programme.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Department is dying, being severely damaged or becoming seriously

diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

C 9. Within three months of the commencement of the development hereby approved, the scheme to create the Wildflower meadow shown on Drawing No. A_PL_001 date stamped as having been received 18 August 2021 shall commence.

With regards to the wildflower planting, the scheme shall be implemented and maintained in accordance with the measures detailed in section 5.2-5.6 of the PEAR which accompanied the Environmental Impact Assessment.

Reason: To ensure that a native and sustainable wildlife meadow area is created and maintained.

C 10. Prior to the commencement of the works hereby approved, details for the designated quarantine area for non-conforming waste on the site shall be submitted to and approved in writing by the department. The quarantine area shall be provided in accordance with the approved details, and shall thereafter be retained as such.

Reason: To ensure that provision is made for the separation and removal of non-conforming wastes from the site.

C 11. No development in connection with the development hereby approved shall be occupied/brought into use unless the proposed foul sewage and surface water drainage system[s] have been provided in accordance with the approved plans A_PL_005 Rev B dated 19.08.21. The foul and surface water drainage system[s] shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area and to ensure the development accords with the provisions set out at 4.3.1 - 4.3.3 of the Environmental Impact Assessment.

C 12. Prior to the commencement of the development hereby permitted, a queue management strategy shall be submitted to and approved in writing by the Department. The strategy shall include details of both staff parking and any work vehicles. The strategy shall be implemented and thereafter retained.

Reason: To ensure that the development will not compromise the free flow of traffic or highway safety during the operational phase of the development.

C 13. Prior to the use of the development hereby approved, the Drainage strategy shown on (Drw. No. A_PL_005 rev D), incorporated within the proposed development to ensure flood risk within the site or surrounding area is not increased, shall be provided in accordance with the approved plans and shall be permanently retained thereafter.

Reason: To ensure that the mitigation set out at 4.9.5 of the Environmental Impact Assessment is implemented and to ensure flood risk within the Site or surrounding area is not increased as a consequence of the development.

C 14. The timing of works during the construction phase of the development shall only be as per paragraphs 4.7.1 of the Environmental Impact Assessment received on 24.06.2021.

Reason: In the interests of local amenity and to ensure that the stipulated timing of works in the Environmental Impact Assessment is implemented.

C 15. The development hereby approved shall not be in operation outside the following times:

Summer Hours (commencing the first Saturday in April until the last Sunday of September):

- o Monday to Saturday 08:00 - 19:00
- o Sundays and Bank Holidays 08:00 - 16:00

Winter Hours:

- o Daily 08:00 - 16:00

The Site will be closed on Christmas Day, Boxing Day, New Year's Day and Tynwald Day.

Reason: In order to maintain the amenities of the area.

C 16. No development shall commence until a scheme for the provision of the bird and bat boxes shown in Appendix 4 of the Request for a Scoping Opinion received 24 June 2021, has been submitted to the Department for approval. The details shall include a plan showing their location on site, and the buildings, structures or features they are to be attached to. The works to install the bird/bat boxes shall take place strictly in accordance with the approved details and shall be completed before the first occupation of the development. The bird/bat boxes shall be permanently retained in accordance with the approved details.

Reason: To safeguard a statutorily protected species.

C 17. No part of the development hereby approved shall be occupied / brought into use until the proposed energy strategy set out in the Energy Impact Assessment/Statement (Appendix 1) of the Planning Statement received 24 June 2021, and is installed and fully operational. These measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the energy efficiency requirements of the Strategic Plan and to future proof the development.

C 18. The development hereby approved shall not be occupied or operated until the access, pedestrian and vehicle layout have been provided to accord with the Revised Proposed Site Plan Drawing No: AL _PL_ 001 Rev H date stamped and received 19 August 2021. Such areas shall not be used for any purpose other than pedestrian movements and the access, parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: In the interests of highway safety.

C 19. Prior to the erection of the proposed gate cabin details of its design, location, colour, materials shall be submitted to and approved in writing by the Department. Once provided/constructed the cabin shall thereafter be retained as per the approved details.

Reason: For the avoidance of doubt and to ensure the design is appropriate and in the interests of the visual amenity of the area.

C 20. The recycling store shown on Drawing No. A_PL_001 Rev H shall only be used for the purposes of drop of and pick up of items, no recycling shall take place.

Reason: For the avoidance of doubt.

C 21. No works in connection with the development hereby approved shall commence until details of the proposed retaining walls, including as a minimum height and materials as shown on Drawing No. A_PL_001 Rev have been submitted to and approved in writing by the Department.

The retaining walls shall be carried out in accordance with the approved scheme and thereafter retained.

Reason: To ensure the implementation and management of a satisfactory scheme and in the interests of the visual amenity of the area.

C 22. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 or any order amending, revoking or re-enacting that Order no means of enclosure or fences, walls and gates, other than that shown on Drawing No. A_PL_001 Rev H and approved under condition 21 shall be erected on the site under the terms of Class 39 of Schedule 1 to that Order without an express grant of planning approval from the Department.

Reason: In the interests of the character and appearance of the development.

C 23. Notwithstanding the information shown on the approved drawings all fencing should be paladin fencing.

To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

C 24. Prior to the commencement of the development details of the final colour of the proposed building and skips to be agreed in writing by the Department. Once erected and/or installed the building and skips shall thereafter be permanently retained in accordance with the approved details.

To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

C 25. Prior to the commencement of the development hereby approved, details of Staff Cycle storage and changing facilities, and EV Charging points shall be submitted to and approved in writing by the Department. The Staff Cycle storage and changing facilities, and EV Charging points shall be provided strictly in accordance with the details, and thereafter retained as such.

Reason: to ensure this development complies with the energy efficiency requirements of the Strategic Plan and to future proof the development.

Reason for approval:

On balance, and for the reasons set out in this report, it is considered the proposal would comply with the relevant policies as indicated within the Isle of Man Strategic Plan and would align with the principles of the Isle of Man Waste Policy and Strategy and the Area Plan for the East, and is not considered to have so great an impact on the surrounding area and its residents to justify a refusal. The proposal is considered worthy of support and is recommended for approval subject to conditions which have been referred to in the report.

Interested Person Status – Additional Persons

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

Cronkbane House, Oak Hill, Port Soderick
The Lodge, Oakhill, Port Soderick

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2021).

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

Langdale, Ellenbrook Avenue, Douglas, 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 BROUGHT BEFORE THE COMMITTEE AS THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT

1.0 THE SITE

1.1 The site is the Recycling and Storage Compound, Richmond Hill situated adjacent to hazardous waste transfer facility and animal waste processing plant. The site is also situated about 80m southeast of the energy from waste facility in the Richmond Hill area of Braddan. Access to the application site is via the Kewaigue Road (A6).

1.2 The site which currently includes areas of grass and gravel, has wire fencing along its boundary with a metal gate providing access into the site. There are no trees on site to be impacted by the development. The site slopes steeply towards the south-west boundary, although the site access and frontage are at the level of the abutting highway. The site is around 1.4 hectares in area.

1.3 The nature of the topography of the immediate vicinity is such that there are no views towards the fields situated northeast given the raised nature of the lands northeast of the site which rises above 5m.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for the creation of Civic Amenity Site for the collection, storage and transfer of domestic waste by the general public.

2.2 The proposed works on site would include:

2.2.1 Erection of large industrial building to serve as the recycling drop off and storage/equipment store/site office and welfare facility building. This building would be 47.6m long, 11m wide and 4.5m to the roof ridge (3.8m to the eaves). This portal frame building would have its external walls clad in dark grey powder-coated pressed metal cladding trims &

flashings, while its roof would be finished in kingspan ks1000rw insulated roofing panels with 22 integral polycarbonate rooflights on its roof plane. Five roller shutter doors 5m x 3m, a pedestrian access door and window will be installed on the front elevation (north-east), a pedestrian door on the rear elevation (south-west), while a roller shutter door 2.4m x 3m and a pedestrian door would be installed on the north-west side elevation. No fenestrations would be created on the south-east side elevation.

2.2.2 Erection of a gantry that would be 54.5m long, 6m wide and set 2.1m below the level of the parking area, carriage way and drop off and storage building. This gantry would be a galvanized steel structure with mesh flooring & 1.1m high weldmesh fence on tubular galvanized steel balustrade. There would be a 2.4m high weldmesh fence on tubular, galvanized steel frame on the northeast elevation. 14 Bays would be created within the gantry.

2.3 Other works proposed would involve:

- i. Levelling of the site to create three levels:
- ii. Creating parking areas on the site that would provide for 14 parking spaces south of the main building, 13 parking spaces (with two disabled parking spaces) directly north of the building, and 9 parking spaces by the north boundary of the site, flanked by the fridge/tv area and recycling bins (36 total).
- iii. Creating a fridge/tv area 5.6m long, 3.3m wide, with wall 2m high closing up the sides and the rear which backs unto the new concrete retaining wall by the recycling area.
- iv. Installation of a weighing bridge on the southern end of the site.
- v. Creation of a new access on the southwest end of the site frontage. The site entrance would be 6.7m wide where it meets the highway and 4m wide on the boundary. The existing access would be closed up, although the outer sections would be retained.
- vi. 17 new trees are proposed to be planted within the site area.
- vii. Creating a green verge around the entire south boundary with the larger areas created on the north, east and southern sections.

2.4 Additional information provided on the application from states the following:

- i. It is estimated that approximately 8700m³ of subsoil will be removed from the site, which will used to fill ground depressions at Middle Farm (i.e. will not be transported on the public highway) and will form the subject of a separate planning application. It could also, if necessary, be taken to a commercial facility for disposal.
- ii. The surface water which drains from the site would be collected via a surface water system (with fuel/oil separators) on the site. Foul sewage will be disposed of to a bio-disc plant on site.

2.5 The applicant's supporting statement indicates that:

- i. It is intended that this facility would replace the Eastern Civic Amenity Site (ECAS) which currently operates within Douglas at the Middle River industrial estate.
- ii. The site is currently used for the recycling and storage of construction waste (such as stone, soil, demolition rubble).
- iii. The site will:
 - o provide a public facility for the disposal of domestic waste;
 - o provide a facility for residents to dispose of waste materials for recycling;
 - o promote recycling and reuse of waste materials; and
 - o reduce the amount of waste passing directly to the Energy from Waste Plant.

2.6 An Environmental Impact Assessment was carried out for the scheme and Environmental Statement has been provided. The EIA includes a Non-Technical Summary which indicates the following:

2.6.1 Scope of EIA:

2.6.1.1 The following topic areas have been considered within this EIA, and are included as technical chapters within this ES:

- o Transport; and
- o Landscape and Visual Impact Assessment.

2.6.1.2 The following topics were scoped out of the ES given the location of the site, the existing baseline conditions, and the site history:

- o Ecology;
- o Ground Conditions;
- o Air Quality;
- o Noise and Vibration;
- o Water Environment; and
- o Archaeology and Cultural Heritage.

2.6.1.3 The applicants sought advice from DOI Flood Risk Management to ascertain if a flood risk assessment would be required so that this element of the scheme would be adequately scoped within the EIA. In response to queries raised by the applicants, DOI Flood Risk Management advised that there were no real concerns of the proposed in relation to flood risk. The also stated that the site does not lie within a high flood risk zone, and that there were no record of the site having flooded previously (Correspondence dated 27 April 2021).

2.6.1.4 Further assessments have been undertaken in relation to the historic and proposed use of the site and are included as standalone technical reports within the planning application:

- o Preliminary Ecological Appraisal Report (undertaken by Manx Wildlife Trust Consultancy, February 2021);
 - The findings of the Preliminary Ecological Appraisal indicate that the site is of low ecological value with extensive areas regularly devoid of vegetation, leading to limited opportunities for the fauna that could be supported.
- o Ground Conditions Investigation Report (undertaken by the Dandara Group);
 - The findings of the Ground Conditions Investigation identified no significant risk to construction workers or future end users of the site from ground contamination.
- o Drainage Report, including a drainage layout and associated calculations (undertaken by the Dandara Group).
 - As there are no concerns for flooding at the site, a FRA is not deemed to be required and has been scoped out of the EIA. This approach has been agreed with Gemma Rodger of the Flood Management Division, Department of Infrastructure, in correspondence dated 27th April 2021, included within Appendix 2.4.

2.6.2 The proposed hours of the operation of the facility are as follows:

Summer Hours (commencing the first Saturday in April until the last Sunday of September):

- o Monday to Saturday 08:00 - 19:00
- o Sundays and Bank Holidays 08:00 - 16:00

Winter Hours:

- o Daily 08:00 - 16:00

The Site will be closed on Christmas Day, Boxing Day, New Year's Day and Tynwald Day.

2.6.3 Construction activities will take place between 07:00 - 18:00 Monday - Friday, and 07:30 - 13:00 Saturdays. No works will take place on Sundays.

2.6.4 Consideration of alternatives:

Alternative site locations have been considered by the Joint Eastern Civic Amenity Site Committee, and an additional eight possible site locations were investigated. These were

discounted in favour of the Site described within this proposal due to its position adjacent to the Energy from Waste Facility, and location within an area zoned for 'Industrial' waste purposes.

2.6.5 Transport:

2.6.5.1 The proposed development is estimated to generate an additional 1,166 vehicle movements each day by 2031. During the weekday morning peak traffic period (between 08.00 and 09.00) when flows of traffic in the area are at their highest, the proposed development is forecast to generate an additional 84 vehicle movements of which four will be heavy goods vehicles (HGVs). During the weekday afternoon peak traffic period (between 16.00 and 17.00) the proposed development is forecast to generate an additional 46 vehicle movements, of which four will be HGVs.

2.6.5.2 It is estimated that the greatest increase in traffic flows will be the industrial access road to Middle Park and the Former A6, which will see an increase in traffic of 104% and 79% respectively. As both of these roads are considered to have a low sensitivity, the effect of this traffic increase is judged to be minor.

2.6.5.3 All other highway links investigated are predicted to result in traffic increases of less than 10%. As such, the effect of the proposed development on these links is negligible.

2.6.5.4 An analysis on the capacity of junctions with the additional traffic flows resulting from the proposed development were analysed. All junctions were found to be operating within their capacity, and as such the impacts of the proposed Civic Amenity Site are negligible.

2.6.5.5 The environmental impact of the proposed development upon the capacity, safety, and amenity of users of the highway network was therefore considered to be negligible at all links and junctions. No mitigation has been recommended.

2.6.5.6 The trips which they are likely to generate can be accommodated on the local highway network without detriment to the safety or convenience of its users.

2.6.6 Landscape and Visual Impact

2.6.6.1 The LVIA focusses on the area within a 2km radius of the location of the proposed development, with a particular focus on a 1km radius. This radius was chosen as the area with the potential to be impacted by the proposed Re-use building. Given the height of this building, it is considered unlikely that there would be any significant effects beyond this.

2.6.6.2 No valued areas or sensitive receptors such as statutory landscape designations are located within the 2km boundary of this study area.

2.6.6.3 The proposed development would not have a significant effect on the character of the landscape or surrounding features, due to the location of the proposal within the Industrial Park - close to the adjacent Energy from Waste Facility and other waste management facilities. These structures around the site are significantly larger than the proposals and consist of visually dominant features, such as the incinerator stack associated with the adjacent Energy from Waste Facility.

2.6.6.4 The effects of the proposal would not extend far beyond the immediate setting of the site, effects would be confined to within 1km of the site as existing vegetation, the rolling landscape, and industrial surroundings screen the site from view. The effect on the landscape of the proposed development has therefore been considered not significant.

2.6.6.5 Overall, the proposed Civic Amenity Site would not result in any significant effects. Furthermore, any non-significant effects would reduce over time once the proposed additional vegetation is established to provide further screening.

2.6.7 Cumulative Effects:

2.6.7.1 The EIA has not identified any development projects in proximity to the site requiring consideration within the study. As such, cumulative effects of the proposed development in combination with other nearby developments have not been assessed.

2.6.7.2 As neither the transport nor landscape assessments outlined above found there to be any significant effects, it is concluded that there are no cumulative effects arising from a combination of environmental impacts.

2.7 The EIA indicates that they have consulted with various bodies including DEFA, Department of Infrastructure, Braddan Parish Commissioner (via Joint ECAS Committee), Manx National Heritage and the Manx Wildlife Trust.

2.8 A document stating the Rationale for Site Relocation prepared by the Douglas Borough Council and provided by the applicant. This document concludes that the proposed Eastern Civic Amenity Site is designed to WRAP (Waste & Resources Action Programme) specifications and designed to accommodate the ever growing population in the East of the Isle of Man, highlighted by the increase in areas zoned for housing in the Eastern Area Plan. The document states that the current Eastern Civic Amenity Site is currently operating at maximum capacity and in certain times in excess of its capacity. This has necessitated the relocation of the Eastern Civic Amenity Site to the proposed Middle Farm site.

2.9 An Energy Impact Assessment/Statement was provided as additional information in support of the development to comply with the requirements of Energy Policy 5. This provides details of the action that would be taken within the development to ensure energy conservation. The suggested actions include:

- i. Fabric of the building designed to reduce thermal bridging.
- ii. Use of Insulated Doors
- iii. Heating power limited to 25W/m².
- iv. All burglar security lighting is Max. 150w & fitted with movement detecting & daylight shut-off devices.
- v. Use of Energy Efficient fixed fittings (A rated washing machines, and B rated washer driers and tumble driers).
- vi. Installation of 6/4 dual flush toilet.
- vii. Installation of Flow reducing / aerating taps throughout to reduce water consumption.
- viii. Building materials sourced locally where feasible.
- ix. Materials from recycled sources used for construction

3.0 PLANNING POLICIES

3.1 The site is within an area zoned as Special Industry (Including EFW, AWPP & HWTF) on the Area Plan for the East Map 4 and the site is not within a Conservation Area. The site does not lie within a high flood risk zone, there are no Registered trees on the site, and the site is also not within a Registered Tree Area.

3.2 The Character Appraisal within the Area Plan for the East states thus concerning the area:

"Landscape Character Area: Douglas Head (D12)

3.2.1 Landscape Strategy

Conserve and enhance:

- a) the character, quality and distinctiveness of the area, with its open and panoramic views over large rectilinear fields;
- b) its steep winding small lanes enclosed by grassed Manx hedges;
- c) its scattered hill farms fringed by trees.

3.2.2 Key Views

Open and expansive views from most of the area out to sea, along the coast, over Douglas Bay and inland over the incised inland plateau up to the northern Uplands.

Telecommunications tower on hill top forms highly visible landmark in surrounding areas.

3.3.3 The following policy within the Area Plan is also considered relevant:

3.3.3.1 Employment Proposal 5:

"Part of Site BE010g at Middle Farm, Braddan, measuring some 6.9ha, and lying immediately to the east of the existing waste management complex at Richmond Hill, is allocated for special industrial use, particularly the management processing, recycling and storage of waste".

3.3.3.2 Development Brief 1.

"No planning approval will be granted for the development of any part of this site until a Masterplan for the whole of the 6.9ha site has been submitted to and approved by the planning authority. The Masterplan must show all proposed spatial elements, including areas intended for buildings; open work areas; structural landscaping areas; and circulation and parking arrangements. The Masterplan must show how these elements will be phased.

2. There must be no net qualitative loss of biodiversity as a result of the development of this site,

3. An Environmental Impact Assessment will be needed for any development proposed on this site.

4. A Travel Plan must be submitted as part of any planning application which sets out a strategy for the delivery of sustainable transport objectives, and demonstrates how these are to be achieved and updated over time.

5. Consideration should be given to the provision of cycle parking and changing facilities as part of any development proposal.

3.3.3.3 Employment Proposal 6:

"Within the Waste Infrastructure Consultation Zone at Richmond Hill, there will be a presumption against development for purposes in which vulnerable members of the public would be present, including housing, and educational and medical establishments".

3.4 Due to the site location, zoning and the type of proposal, the following policies are relevant for consideration:

3.4.1 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;
- (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;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption".

3.4.2 Waste Policy 1: Waste management installations, including landfill sites, civic amenity sites and facilities for the bulking up, separation, recycling, or recovery of materials from waste will be permitted provided that:

- (a) there is an acknowledged need for the proposal in accordance with the approved Waste Management Strategy;
- (b) there is no unacceptable adverse impact on local residents in terms of visual amenity, dust, noise, or vibration or as a result of the traffic generated thereby;
- (c) there would be no unacceptable adverse effect on:
 - i. landscapes, geology/geomorphology and features of special interest or attraction;
 - ii. Ancient Monuments or their settings;
 - iii. Registered Buildings or their settings, or features of architectural importance;
 - iv. the character and appearance of Conservation Areas;
 - v. sites of archaeological interest;
 - vi. sites containing species or habitats of international, national or local importance;
 - vii. land drainage and water resources;
 - viii. areas of woodland or the Island's timber resources; or
 - ix. designated National Heritage Areas.
- (d) the proposal is acceptable in terms of access arrangements and highway safety;
- (e) in the case of landfill sites working shall be in accordance with a phased scheme of restoration and landscaping;
- (f) the proposal does not sterilize other significant mineral deposits; and that
- (g) the proposal will not have an unacceptable adverse impact on airport safety by, for example, increasing the risk of bird strike.

Landfill will only be permitted where it can be demonstrated that there is no alternative method for managing that waste. An application involving the installations or facilities referred to in this Policy

3.4.3 Strategic Policy 4:

- (b) - protects the nature conservation value of urban and rural areas
- (c) - indicates development must not cause or lead to unacceptable environmental pollution or disturbance

3.4.4 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.4.5 Environment Policy 22 deals with vibration, odour, noise and light pollution in relation to nearby properties.

3.4.6 Environment Policy 24: Development which is likely to have a significant effect on the environment will be required:

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and
- ii) to be accompanied by suitable supporting environmental information in all other cases.

3.4.7 Paragraph 7.18.2

"For some types of development, EIA's will be required in every case, whilst other development will only require an EIA if the particular project is judged likely to give rise to significant environmental effects. Where development does not fall within these categories, but still has a significant effect on the environment, the Department will require suitable supporting environmental information. The main criteria for judging significance are as follows:

- i. major developments which are of more than local importance;
- ii. developments which are proposed in particularly environmentally sensitive or vulnerable locations;
- iii. developments with unusually complex and potentially hazardous environmental effects".

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

3.4.9 Strategic Policy 10 - new development should not adversely affect highway safety for all users and encourage pedestrian movement.

3.4.10 Transport Policy 1:

"New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes."

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

3.4.11.1 Appendix 7:

It is essential therefore that any applications for industrial development can demonstrate that there is sufficient off street parking provided within the application. A general policy of one space per 50 square metres of nett will be required with additional space for manoeuvring where larger vehicles may be using the site, although an increased standard may be needed for uses which generate a high level of traffic, including light industrial and research and development businesses.

3.4.12 Transport Policy 8:

"The Department will require all applications for major development to be accompanied by a Transport Assessment."

3.5 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Waste Policy and Strategy 2012 - 2022:

4.1.1 It was adopted in 2012 and is intended to be applicable until 2022. This refers to a general strategy where waste is ultimately reduced to zero through a series of reduction, reusing, recycling and ultimately disposal. The Vision towards zero waste will involve the provision of the necessary waste infrastructure, continuing to be guided by the appropriate principles, applying proportionate legislation and increasing the efficiency and effectiveness of our waste resources, taking into consideration the financial constraints facing the Island. This goes on to explain that the success and delivery of this approach will be measured by two high level performance targets - to recycle 70% of the Island's waste across sectors and secondly the commit to reduce waste to landfill to 5%. This is to be achieved by 2022 (page 4).

4.1.2 Policy 4 - Waste Infrastructure:

It states that we will ensure that the Island has access to an adequate network of waste storage, processing, treatment and disposal facilities developed in accordance with the principles of self-sufficiency, proximity and cost, whilst complying with the appropriate legislation.

4.1.3 Strategy - Key Proposals:

It seeks to "work with all partners to ensure resources deployed to street-based "waste" activities are optimised" and "work with Planning to provide clear standards to Local Authorities and developers relating to the size, space requirements and other constraints for waste and recycling containment and handling systems" (page 6).

4.14 The recycling targets stated are - household - 30%, construction and demolition - 90% and commercial and industrial - 50%. It also refers to increasing the rates of recycling of plastics, textiles and non-ferrous metals and identifying opportunities for the recycling of commercial waste including a commercial waste subsidy scheme which should be reviewed and maintained and the identification of new sites for "recycling on the go".

4.15 A key economical policy is to ensure that operational costs to Government are matched by income therefrom and that the cost of waste activities is neutral to Government, to promote greater regionalisation for household waste collection regimes to ensure resources are optimised, reducing the amount of refuse collection vehicle trips to the EFWP which are at less than 90% gross vehicle weight and increase where appropriate the level of waste treated on-Island to reduce waste costs to industry as well as identifying joint procurement opportunities for the Island's Civic Amenity Sites.

4.16 There is nothing within the Strategy which specifically identifies the need for new or increased recycling sites.

4.17 Appendix 1 (Waste Management 2010/11):

The Strategy also identifies that 50% of the Island's waste is related to construction and demolition; 23% comes from household generated waste which is taken to recycling banks, kerbside recycling, street litter and 22% comes from the Island's commercial and industrial activities. The final stage in the management process is composting, recycling or landfill.

4.2 The Isle of Man's Biodiversity Strategy (2015 - 2025)

4.2.1 "Species conservation

To effectively conserve rare species requires evidence-based policies and measures, which in turn need data from studies undertaken on the Island or in comparable places. Conservation measures may include law enforcement or incentives to land managers for habitat management such as grazing or control of non-native species.

The Isle of Man Delivery Plan will identify species and habitats requiring action (Biodiversity Action Plans). Work on the plans and conserving some plants and animals has already begun. For example bee orchid, basking shark and red-billed chough are subject to dedicated programmes of research and conservation. Key species and priority habitats will be identified and plans drawn up".

4.3 Minerals Act 1986

4.3.1 Minerals act 1986 states in Part 2 - Miscellaneous; paragraph 29 states; "that over 200m² of excavation requires a mineral license from the Department of Enterprise.

5.0 PLANNING HISTORY

5.1 The site has been the subject of a previous planning application for the relocation of existing stone recycling area and creation of industrial starter units under PA 10/00155/B. This was refused by the Planning Committee in July 2010, but approved at appeal. There is, however, currently no structure on site besides a shipping container used as an office and materials placed at various sections of the site.

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division have made the following comment regarding the application in a letter dated 25 August 2021:

- o The turns are a little tight for larger vehicles on entry and exit requiring the full width of Middle Park and the access way, but this is typical for such uses and does not pose undue risk.
- o After entry where the outer line is overhanging the green space, there should be a clearance margin without larger plantings.
- o Noise will emanate on operation. Hours of use by day of week may require control for amenity reasons.
- o They raise no opposition subject to conditions to cover access, pedestrian and vehicle layout to accord with the Revised Proposed Site Plan Drawing No: AL _PL_ 001 Rev H and any amenity issues be addressed by a restriction on operating hours.

6.2 DOI Waste Management have written in to retract their previous submission on the application and advise that they should be contacted if further information or clarification is sought (10 November 2021).

6.3 DOI Flood Risk Management have stated that they do not oppose the application (12 November 2021).

6.4 Braddan commissioner have stated that they have no objection to the application (23.7.21/14.09.21)

6.4 As the site is situated outwith the boundary of BE010g (which is allocated for special industrial use, particularly the management processing, recycling and storage of waste within the Area Plan for the East), and within the broader area of Special industrial use, advice was sought from Planning Policy to ascertain if the proposed Civic Amenity is a departure from the Plan.

6.4.1 The advice from the Head of Planning Policy in an email dated 1 December 2021 states thus:

"It has been observed that PA 21/00731/B is not within the boundary of BE010g and so one could question the full relevance of Employment Proposal 5.

The site does fall within in a purple industrial area outlined by yellow - the yellow indicating 'special industry (including EFW, AWPP, HWTF)' - see Key on Map. Whilst there is no definition of special industry, it is my view that it could be interpreted as 'special industrial' as defined in the Use Classes Order 2019 which is identical to that of the Strategic Plan when it refers to 'special industrial building'.

What the key could (perhaps) have helpfully said is 'special industry and waste (including EFW.....etc.)' but it did not. Could an argument be put forward that a waste use would be contrary to the land allocation? Perhaps; but it should be noted that CABO used the Inspector's terms/refs as set out in his Report, being satisfied that there was reasoned justification for doing so. When it comes to waste uses on the site, the following points are also relevant:

- o That the area specifically defines uses on the site as Energy from Waste facility, the Animal Waste Processing Plant and the Hazardous Waste Transfer Facility (all waste related);
- o The area falls within the Waste Infrastructure Consultation Zone (Emp. Prop 6);
- o Site BE010 refers to the management processing, recycling and storage of waste;
- o There are existing approvals on the site for recycling and storage of waste and commercial and domestic recyclables; and
- o The site of the application was site BE024 in the plan process which was mentioned in the Inspector's report ..."There is a dedicated waste site adjacent to the Energy from Waste facility (BE024), which is an existing site for a specialist use outside the existing settlement boundary." "In my view, there would be considerable advantage in concentrating waste management and other 'bad neighbour' uses adjacent to the existing complex around the EFW Plant."

It seems to me to possible to put a reasonable argument together to suggest this general area is recognised as a suitable location for additional facilities for the disposal of waste and facilities involving waste.

In hindsight, I can see the potential difficulties of the reference to 'waste' in Employment Proposal 5 as being related to 'special industrial use' when they are in 2 separate use classes but the intention of the policy was clearly to define an area which recognised the existing uses including and alongside the EFW facility, and the potential for additional waste uses and other bad neighbour uses. The Inspector noted in his report at paragraph 129 that "In my view, there would be considerable advantage in concentrating waste management and other 'bad neighbour' uses adjacent to the existing complex around the EFW Plant."

Whether a Civic Amenity site would be appropriate in this area would from a planning policy perspective come down to the appropriateness of having members of the public regularly frequenting this area and any other material considerations DEFA considers relevant to the specific application".

6.5 Consultation from DEFA Ecosystem Policy Team (26 July 2021):

- o They confirm that a suitable level of assessment has been undertaken and that they are satisfied with the findings of the Preliminary Ecological Appraisal Report (PEAR).
- o They request that request that all of the mitigation measures detailed in Section 5.1 of the Manx Wildlife Trust's PEAR dated March 2021, should be included as a condition of approval.
- o They request that the provision of a Site Environmental Management Plan (SEMP) be secured with a condition.
- o They request that plans showing the site lighting design, are provided to planning for written approval prior to the start of works.
- o They request that request that the measures detailed in section 5.2-5.6 of the PEAR are included as a condition, to ensure that a native and sustainable wildlife meadow area is created and maintained.

6.6 DEFA Environmental Protection Units Consultations:

6.6.1 Consultation received 13 October 2021:

- o They state that the Waste containment arrangements appear acceptable for current intended collections.

- o They request that a condition be added to ensure that a quarantine area is added to the site facilities.
- o They note that Additional bays for segregation are likely to be required.
- o They note that current operations have not demonstrated a need for covered skips.
- o They state that dust, odour and noise will be regulated within the Waste Disposal Licence, and the operator could be required to use the best available technology to eliminate issues if they arise.
- o They made comments relating to parking, queuing traffic, fire safety and emergency vehicles. However, these matters are the subject of highway consultations.
- o They made other comments related to waste disposal licence, discharge licence, and use of subsoil off-site. These are, however, the subject of other legislation.

6.6.1 Consultation received 25 January 2022:

- o The above planning application has been reviewed in terms of its operational requirements in order to fulfil the needs of a waste disposal licence. It is felt that a licence application should be considered in conjunction with the planning application.
- o The site will require a waste disposal licence from the Environmental Protection Unit, including a working plan for the site.
- o The site will need to demonstrate that it poses no environmental risk, prior to a licence being progressed.
- o Additionally, it is worth noting that a waste disposal licence cannot be given for operations or wastes that are not approved on the planning approval. At this stage without the working plan it is not possible to comment on whether the operations and waste management will be in line with the planning approval and appropriate for environmental protection.
- o A draft working plan and waste disposal licence application should be submitted as soon as possible in order to allow the full site waste requirements to be reviewed.
- o A previous issue regarding clarification on the sewage treatment plant has been adequately addressed.

6.7 The owners of the following properties have made written representations regarding the application:

6.7.1 Cronkbane House, Oak Hill, Port Soderick (14.7.21/19.7.21/24.8.21):

- o Visual impact
 - They request tree planting around facility to reduce visual impact.
 - They request colour of building to be green to reduce visual impact.
- o Noise - within periods outside the 9am to 5pm operational times and on bank holidays.
 - They note that other site users are only allowed to operate until 13.15 on a Saturday and nothing on a Sunday.
 - They request operating hours be reduced from 8am to 5pm (Monday to Saturday) and closed Sundays and Bank holidays.
- o Parking of vehicles around sites during non-operational times.
 - They suggest that a condition stating that vehicles left on the site outside operational hours should be parked on the northern side of the buildings be imposed.

6.7.2 Langdale, Ellenbrook Avenue, Douglas (22.07.21):

- o They state the development would potentially reduce the value of their property.

6.7.3 The Lodge, Oakhill, Port Soderick (18.11.21):

- o Visual impacts (on outlook) - they request that consideration be given to vegetative screening of site.
- o Noise impact - They request that serious consideration is given to the operating hours of the site to avoid noise disturbance outside of working hours and over weekends.

7.0 ASSESSMENT

7.1 There are a number of issues which need to be considered with this proposal. It is considered that the main issues are:

- i. Principle of Development (StP1, SP4, GP3, EP1, TAPE);
- ii. Need for EIA (EP24 and Section 7.18);
- iii. Landscape/Visual Impact (GP2, EP2) and Trees (GP2, EP3);
- iv. Local Amenity (Noise, Smell, Light) (GP2, EP22);
- v. Highway Impact (GP2. TP 1, TP7 & TP 8);
- vi. Flood Risk (GP2, EP10 and 13);
- vii. Ecology (GP2 and EP4); and
- viii. Excavation on site (Minerals act 1986)

7.2 The issues which are controlled by the waste disposal licence and discharge licence are not matters for planning control as they are the subject of other regulatory controls. Therefore, these matters would be better addressed via the appropriate instruments and as such would not be assessed as part of this application.

7.3 PRINCIPLE OF DEVELOPMENT (STP1, GP2, WP1, POLICY 4 OF WASTE POLICY & STRATEGY 2012 - 2022, The Area Plan for the East)

7.3.1 The site is designated for development under Special Industrial use, and although the site is outwith the boundary of BE010g which refers to the management processing, recycling and storage of waste within the Area Plan, the site is currently has an extant approval (PA 10/00155/B) for use as site for recycling and storage of waste and commercial and domestic recyclables. More so, Planning Policy has provided advise which suggests this general area is recognised as a suitable location for additional facilities for the disposal of waste and facilities involving waste.

7.3.2 It is also vital to note that the development of this site which was previously used for the storage of recyclable waste in a poorly arranged setup where waste was stored in the open and in shipping containers with a structured facility as replacement for the existing Eastern Civic Amenity Site (ECAS) at Middle River industrial estate, with improved operating capacity which is more effective will have a better net impact on this land which is surrounding by waste uses.

7.3.3 The applicants EIA includes Consideration of Alternatives in relation to the 'Do Nothing Scenario' (5.2), Alternative Site Locations (5.3) and alternative designs (5.4).

7.3.3.1 The applicant's project strategy states that the 'do nothing' option which is referred to as the 'business as usual' is discounted. While it is noted that this option would eliminate any potential adverse environmental impacts arising from the proposed development, with the current Civic Amenity site retained, the rationale for site relocation provided by Douglas Borough Council for the Joint Eastern Civic Amenity Site Committee, identifies the location and scale of the present Civic Amenity Site in Middle River industrial estate as inadequate. It also notes that the current Civic Amenity Site is accessed through Middle River industrial estate, which can be accessed from Douglas town centre and through a main traffic artery from the south of the Island; an area noted for frequent congestion with commuter traffic, further aggravated by Civic Amenity site traffic. Additionally, the current Civic Amenity site has been recognised as operating at maximum capacity, and at times in excess of its capacity. Given the associated traffic and "capacity constraints of the present site, it is considered that the need for a new Civic Amenity site has been demonstrated, and it is deemed that the 'do nothing' scenario can be discounted".

7.3.3.2 In terms of alternative site locations, the rationale for site relocation provided by Douglas Borough Council also provides justification for the selection of the site over eight

alternative sites which was guided by the Joint Eastern Civic Amenity Site Committee's investigation of alternative sites and why the redevelopment of the site is the most appropriate solution, given its position adjacent to the Energy from Waste Plant and within an area zoned for 'Industrial' waste purposes, as identified within the Area Plan for the East (2020).

7.3.3.3 With regard to the consideration of alternative design, the ES notes that consideration was given to the nature of the site and the surrounding area during the design process (which limits the options for alternatives), and that the proposed development has been through an iterative design process to reduce the potential environmental effects to the lowest practical level; and enhance the potential benefits of the scheme. Consideration was given to ecology, flood risk and drainage requirements, and transport in the design of the scheme.

7.3.4 Given the above, it is considered that the proposal complies with Waste Policy 1(a), General Policy 2 (a), and Strategic Policy 1 (a & c) of the Strategic Plan, and the Area Plan for the East (TAPE).

7.4 NEED FOR EIA (EP24, SECTION 7.18 & APPENDIX 5)

7.4.1 In ascertaining the need for the EIA, it is noted that the proposed development falls under part (j) Other projects within the category of developments would require EIA in every case. The fact that the development also has the potential to have a significant effect on the environment, given the scope in relation to transport and the landscape character, also makes the requirement for the EIA appropriate.

7.4.2 Given the above, the applicant has provided an Environmental Impact Assessment following an initial Request for a Scoping Opinion which determined the scope of the accompanying Environmental Statement.

7.5 LANDSCAPE/VISUAL IMPACT (GP2, WP1)

7.5.1 Chapter 7 of the applicant's EIA considers Landscape and Visual Impact Assessment.

7.5.2 Paragraph 7.1.2 of the ES states that Chapter 7 "(and its associated figures and appendices) is not intended to be read as a standalone assessment and reference should be made to the front end of this Environmental Statement (ES) (Chapters 1 - 5), as well as the final chapter, 'Summary of Residual and Cumulative Effects' (Chapter 8).

7.5.3 In terms of the potential impacts upon the landscape character areas during construction, paragraph 7.5.3 states that: "The construction phase would result in some short term / temporary adverse effects for the duration of the works, which would be approximately 36 weeks. It is not anticipated that these effects would be significant due to the existing use of the site and its context within Middle Park Industrial Estate".

7.5.4 With regard to potential impacts upon the landscape character of the completed development, two issues are considered. These are;

- i. The potential impacts upon the character of the site; and
- ii. The Potential impacts upon the character of the setting (locality).

7.5.4.1 In relation to the impact on the character of the application site, paragraphs 7.5.4 - 7.5.5 states, "Following the criteria set out in Table 2 of Appendix 7.1, the site is considered to be of low value as it is in poor condition, with low importance, scenic quality and rarity and due to existing industrial related uses which would be suitable for "recovery" in the future. The susceptibility of the site to the proposed change is considered to be low as the development would introduce industrial buildings and ancillary structures, but in the context

of the existing industrial activity at the site. The site is therefore considered to be of low sensitivity to the proposed development.

The magnitude of the impact on the site would be low due to the existing use and cluttered appearance of the site and the presence of the adjacent waste management facilities. The overall effect of the development upon the landscape character of the site would be slight adverse (not significant)".

7.5.4.2 In terms of the potential impacts upon the character of the setting (locality), paragraphs 7.5.6 - 7.5.8 states, " Though at odds with the pastureland within the study area, the proposed civic amenity site would be in keeping with the existing industrial land use within the site and the surrounding industrial estate. The buildings would be smaller than the existing adjacent buildings and situated within the context of the surrounding structures.

The surrounding area is considered to be of medium value as there is some scenic quality which is likely to be valued locally. The area is considered to be of medium to low susceptibility to the proposed change as the development would introduce industrial buildings in the context of the existing industrial activity at the site. Therefore, the sensitivity of the surrounding area to the proposed development is also medium.

The scale (footprint, massing, and height) of the proposed development would mean that the buildings have the potential to be seen predominantly in the immediate area and to some extent within 1km of the site, although these would be in the context of the existing buildings and industrial uses on site. The variation in ZTV (Zone of Theoretical Visibility) coverage and additional screening from overlying vegetation cover when allied to the existing industrial use of the site would mean that the magnitude of the impacts of the proposed development would be low. Overall effects would therefore be slight to moderate adverse (not significant) and would reduce with distance from the site".

7.5.5 In assessing the visual effects (impacts) the issues considered were (i) the potential visual impacts during construction, as well as (ii) the Potential visual Impacts during operation. Paragraph 7.6.1 states that the approach to assessing these impacts were based on the a desk-based study, a and a series of field investigations which verified the main settlements, communities, roads, railways, footpaths, and cycle routes (visual receptors) from which the site can be seen within the study area. It further states that the focuses on those within 1km of the site as it is considered that, due to distance and the intervening topography, development and vegetation, any views of the proposals from receptors beyond 1km would not be significant. The representative viewpoints are illustrated on the ZTV (Figure 7.1). Photographs were taken in April 2021 and are provided as Figures 7.2 to 7.7. The impacts detailed using the ZTV (Figure 7.1) and knowledge of the site.

7.5.6 In terms of the Potential visual effects during construction, paragraph 7.6.3 of the ES notes that Table 7.1 of the ES identifies possible construction impacts. It states that, "For the receptors that would experience visual effects during operation, all the impacts are assumed to be adverse during the construction phase, but the level of these adverse impacts would be reduced by the short duration of operations. A condition has therefore been attached to this to ensure that the construction work is carried out within the stipulated construction time in 4.7.1 of the ES to ensure that the observed impacts are not exacerbated during the course of the construction phase. As well, a condition requiring a 'Construction Management Plan', which details the necessary mitigation measures to be taken during construction, has also been imposed.

7.5.7 In terms of the potential visual during the operation of the facility, 7.6.4 states, "The ZTV (Figure 7.1) indicates that the site and its ancillary structures would in theory be visible

from within much of the land within the 2km study area. However, the surrounding tree clumps, fragmented woodlands along field boundaries and other topographical undulations suggest there is limited visibility of the proposal within the ZTV. In addition, the current development (which consists of the Energy from Waste disposal facility and stack and other industrial units) would further obscure the site from view".

7.5.8 The visual impact during operation is further assessed on key receptors such as residential receptors, transport network, and recreational receptors and access links.

7.5.8.1 In relation to the visual impact on residential receptors, paragraph 7.6.5 states that none of the individual properties, communities and settlements, all of which are considered high sensitivity receptors have been assessed as having significant visual effects from the proposed development. Paragraph 7.6.6 further states, "...as it was not possible to enter the curtilage of private residential properties, the assessment erred on the side of caution and took a worst-case scenario from each property. The most noticeable effects would be experienced by the residents of the following properties:

- o Slight to moderate adverse (not significant) effects on the overall visual amenity of the unnamed property northwest of Cronkbane Farm, 540m to the south-west, where the proposed development would be intermittently visible in the context of the existing site and screening vegetation around the property, the view would be similar to Viewpoint 3.
- o Slight adverse (not significant) effects on the overall visual amenity of Cronkbane Farm, (similar to Viewpoint 3) 570m to the south-southwest, where there may be glimpses of the proposed development between intervening vegetation".

7.5.8.1 In relation to the visual impact on transport network, paragraph 7.6.7 states, "...Potential views vary greatly across the transport network and in typical would comprise either glimpsed, oblique views with some disruption from intervening tree cover or boundary features, or closer partial views of the development in the existing industrial context with existing roadside screen planting. Effects from the proposed development upon the visual amenity of transport links within the study area have been assessed as being not significant".

7.5.8.2 With regard to the visual impact on recreational receptors and access links, paragraph 7.6.8 states, "Of the recreational receptors identified within the study area and the ZTV, it has been assessed that, due in principle to the context of the proposed development within the site coupled with the intervening screening by vegetation and/or buildings, none would experience effects on visual amenity which would be significant. Of the 3 rights of way within the ZTV, only one offers any views that are not fully screened, footpath 226 from Richmond Hill to Oakhill (Viewpoints 3 and 6). Users at this path would experience middle distant views of the development within the context of the wider waste management facilities. Effects would not exceed slight to moderate adverse (not significant)".

7.5.9 Given the identified landscape and visual impacts, which are not considered to be significant (but adverse in some cases), the various mitigation set out in paragraphs 7.7.1 - 7.7.2 of the ES states, "Mitigation measures are required in order to avoid, reduce, remedy or compensate for any adverse effects of the development. The principle of mitigation commences with the design of the development and is an iterative process, in that measures are taken, wherever possible, to adjust the design to minimise adverse effects. This has already been undertaken by locating the proposed development within an area of existing industrial and waste management development.

Additional mitigation has been incorporated into the design of the development as shown on Drawing A_PL_001 Rev G (included in Appendix 4.1), the existing boundary vegetation would be retained and reinforced to provide some screening of the development". Conditions could be attached in relation to these, although some level of impact is unavoidable.

7.5.10 The occupants of Cronkbane House, Oak Hill, Port Soderick suggest that the colour of building be green to reduce visual impact. Paragraphs 7.4.21 states thus regarding colour of buildings, "The colours of the landscape in the vicinity of the proposed development site are dominated by the soft greens and browns of the farmland and the contrasting darker tree belts and plantations and lighter large scale industrial development". This is reinforced by paragraph 7.8.1 which states, "Because the mitigation for the potential landscape and visual effects of the development has been incorporated into the design of the development (including colour and finish of the proposed stack and buildings), the assessment of effects above has already presented the residual effects after mitigation and therefore there are no further effects to assess".

7.5.11 In response to the comments received, the applicants have provided a revised site plan with additional plantings integrated on site as part of the development to ameliorate the visual/landscape impacts of the scheme. Based on the foregoing, it is considered that the visual and landscape impacts would be negligible. Conditions could be attached in relation to some of the mitigation identified, although some level of impact is unavoidable.

7.6 LOCAL AMENITY (NOISE, SMELL, LIGHT) (GP2, EP22)

7.6.1 These were excluded during the scoping phase of the EIA for the following reasons which were presented in the Request for Scoping Opinion (submitted as part of the application documents).

7.6.2 With regard to air quality, paragraph 4.9.7 of the Request for Scoping Opinion states, "The proposed development site does not fall within an Air Quality Management Area (AQMA) as air quality in the region currently satisfies defined air quality standards.

7.6.3 Mitigation is, however, considered for both the construction phase and operational phase. In terms of the mitigation during the construction phase, paragraph 4.8.11 of the Request for Scoping Opinion received 24 June 2021 states, "It is anticipated that a Construction Environmental Management Plan (CEMP) will be required prior to construction works commencing on site, providing details of any necessary mitigation measures". Conditions could be attached to ensure these measures are implemented.

7.6.4 In terms of impacts on air quality during the operational phase, paragraphs 4.9.11 - 4.9.14 of the Request for Scoping Opinion states the following:

"Once the site is operational, potential odours from the site will be minimised by the regular emptying of skips and by good hygiene and cleaning controls. During dry weather, dust could become a problem on site during the operational phase, however all steps practicable will be taken to reduce the effect of dust. These measures may include:

- o Regular sweeping of the roads and gantry areas.
- o Wetting down of the roads
- o Wetting down of the skips
- o Reduced compaction of the skipped material
- o Covering skips where possible to prevent wind borne dust
- o Excluding the public from downwind areas when moving or compacting skips.

Given the location of the proposed development, its distance from sensitive receptors and the mitigation measures that will be implemented above, it is considered that there will be no significant effects on Air Quality as a result of the development proposals, and this topic will be scoped out of the ES". It is therefore considered that no specific planning conditions are required.

7.6.5 In terms of the noise impacts associated with the proposal, paragraph 4.10.5 provides the reasons for its exclusion from the ES. It states, "Given the location of the proposed development within an area already operating waste management facilities, the distance from sensitive receptors and the mitigation measures outlined above, it is considered that there will be no significant noise and vibration impacts as a result of the development proposals, and this topic will be scoped out of the ES.

7.6.6 In terms of appropriate mitigation for any noise impacts, paragraph 4.10.3 notes that the CEMP to be provided by the applicants would serve as the main mitigation tool during the construction phase. With regard to the operational phase, paragraph 4.10.4 of the Request for Scoping Opinion states, "During the operational phase, activities on site will be managed in such a way as to minimise the potential impact of noise and vibration from the site. Such measures may include the careful handling of skips to minimise impact noise, the considered use of the waste compactor, and the avoidance of shouting by site operatives etc. Conditions could be attached to ensure these measures are implemented.

7.6.7 The impacts on amenity related to light pollution was excluded from the proposed scheme as it was assessed as part of ecological impacts. This was excluded from the ES as a detailed PEAR which accompanied the Request for Scoping Opinion assessed the light impacts and provided the appropriate mitigation measures. Table 7.1 of the ES which summarises the potential effects of elements of the development deals with lighting and states, "Minimal lighting would be installed along the main areas of the site. The most noticeable lighting would be required during the darker operating hours in winter (summer operational hours would be 08:00-19:00 Monday to Saturday and 08:00-16:00 on Sundays and bank holidays, winter operational hours would be 08:00- 16:00 daily). All lighting would be designed to minimise light pollution and the site and surrounding industrial and waste management uses are currently lit; therefore, it is not anticipated that lighting would not result in additional significant effects". Conditions could be attached to ensure these measures are implemented.

7.6.8 It should, however, be noted here that issues related to dust, odour and noise, that arise during the operational phase of the development would be regulated within the Waste Disposal Licence. It is, therefore, considered that no specific planning conditions are required to control these.

7.7 HIGHWAY IMPACT (GP2, TP 1, TP7 & TP 8)

7.7.1 Chapter 6 of the applicant's EIA considers Transport (which encompasses highway impacts).

7.7.2 This chapter considers the reports on the likely significant effects of the proposed development in terms of transport in the context of the site and surrounding area, with particular focus on the likely significant effects of development generated vehicular and non-vehicular movements. However, paragraph 6.1.2 of the EIA indicates that, "This Chapter (and its associated figures and appendices) is not intended to be read as a standalone assessment and reference should be made to the front end of this ES (Chapters 1 - 5), as well as the final chapter, 'Summary of Residual and Cumulative Effects' (Chapter 8)".

7.7.3 Within this EIA, consideration is given to the impact of the development on driver delay (in paragraph 6.5.10 and states, "The modelling shows there will be an increase in driver delay however these increases in delays and the receptors classification and identified magnitude of effects, the effect of driver delay to road users is considered to be a permanent negligible adverse effect".

7.7.4 In terms of impacts on severance and pedestrian delay, paragraph 6.5.11 concludes that, "Middle Park and Former A6 do not sever development and on the basis of the identified

traffic changes and the IEA 'Guidelines for the Environmental Assessment of Road Traffic' thresholds, the effect of the Proposed Scheme will be a permanent negligible adverse effect on pedestrian delay".

7.7.5 With regard to impacts on accidents and safety, paragraph 6.5.15 notes that, "Due to no underlying road safety concerns on the highways/at the junctions identified within the TA scope, it is considered that the additional development generated traffic can be safely and efficiently accommodated on the local and strategic highway network. It is considered therefore that there will be permanent negligible adverse effects to road safety and all of its users".

7.7.6 In terms of providing mitigation for any impacts upon the capacity, safety, and amenity of users of the highway networks linked to the development the EIA considers that the impacts are negligible at all junctions (Paragraph 6.6.1 of ES). It thus, concludes that, "No further mitigation is considered necessary". It is considered that appropriate conditions can be added to address issues related to driver delays in relation to the operations of the development.

7.7.8 In assessing the residual effect of the development on transport (Those effects of a development that cannot be mitigated following implementation of mitigation proposals), a summary of the assessment is provided in section 6.9 of the ES. It concludes at paragraphs 6.9.4 and 6.9.5 that, "The environmental effects of the vehicle movements likely to be generated during the construction and operational period will be negligible. The proposed mitigation measures within the site will result in a neutral environmental effect in terms of the effect of the transportation effects of the proposed development".

7.7.9 The Transport Assessment which accompanies the EIA an open which the highway assessment were based provides summary/conclusions within section 6.0. Paragraphs 6.8 and 6.9 makes the following conclusions regarding the proposed development:

"6.8 It has been shown the application site is accessible to public transport facilities and routes and is accessible to a wide catchment area for travel by bicycle, that is proportionate to the nature of the proposed use that will predominantly be car borne trips delivering household waste. The application proposals therefore offer opportunities for employees/visitors to walk, cycle or use public transport in accordance with Transport Policies 1 and 2 of the Strategic Plan and the aims and objectives of the Active Travel Strategy and the Net Zero Emissions by 2050 Action Plan.

6.9 It is therefore concluded that vehicular and non-vehicular access to the scheme accord with the policies of the Isle of Man Strategic Plan, 2016 and guidance in Manual for Manx Roads. Hence the trips which they are likely to generate can be accommodated on the local highway network without detriment to the safety or convenience of its users".

7.7.10 DOI (Highways have made the following comments):

- o They note that the new site layout and provisions regarding access, parking, electric charging points, pedestrian movements, and manoeuvring for car and lorry are acceptable.
- o It should be noted that turns are a little tight for larger vehicles on entry and exit requiring the full width of Middle Park and the access way, but this is typical for such uses and does not pose undue risk.
- o Additionally, after entry where the outer line is overhanging the green space, there should be a clearance margin without larger plantings.
- o We consider still that most users will come from Douglas and Onchan and have a longer drive, but this has been accepted by the commissioning party.
- o Noted too is that noise will emanate on operation. Hours of use by day of week may require control for amenity reasons.

o Accordingly, we raise no opposition subject to conditions to cover access, pedestrian and vehicle layout to accord with the Revised Proposed Site Plan Drawing No: AL _PL_ 001 Rev H and any amenity issues be addressed by a restriction on operating hours.

7.7.11 It is noted that DOI Highways are relied upon and, on that basis, it is considered that there is no unacceptable impact. Conditions could be attached to ensure the recommended measures are implemented.

7.8 FLOODING (GP2, EP10 AND 13)

7.8.1 The assessment of flood impacts was excluded from the Environmental Impact Assessment. Following consultations with Planning via the Request for scoping opinion, attention was drawn to the possibility of flood impacts becoming a concern given that the site is in close proximity to a flood prone area (which slopes towards the site). Given the above, the applicants consulted DOI Flood Risk Management to determine if a Flood Risk Assessment would be required and if there were concerns in respect of flood risk (The correspondence dated 14 April 2021 is provided as a supporting information for the application).

7.8.2 In response to the request for guidance regarding FRA and inclusion of flood assessments in the EIA, DOI Flood Risk Management (Appendix 2 - Correspondence with Department of Infrastructure, 27.04.21) made the following comments in relation to flood risk, "We have reviewed and conclude that there are no real concerns of the proposed in relation to flood risk. Waste management facilities for hazardous waste can be classed as more vulnerable land uses in flood risk management. However, the site does not lie within a high flood risk zone. Nor do we have record of the site having flooded previously. The area to the north of the site you mention indicates where ponding of surface water might occur".

7.8.3 The reasoning behind the exclusion has been clearly articulated in paragraph 2.5.11 of the ES. The ES, however, noted that the works could result in an increased risk to flooding and as such Table 4.1 (within Paragraph 4.9.5 of the ES) states, "The reduction in permeable area as a result of the Proposed Development, however, could lead to an increased risk of flooding".

7.8.4 Within Table 4.1 (Paragraph 4.9.5) of the ES, mitigation for increased impact is provided and the ES states thus regarding mitigation: "A drainage strategy (including Sustainable Drainage Systems (SuDS)) is incorporated within the proposed development to ensure flood risk within the Site or surrounding area is not increased. The mitigation has been designed to accommodate potential extreme flood events as a result of climate change". Conditions could be attached to ensure these measures are implemented.

7.9 ECOLOGY (GP2 & EP4)

7.9.1 Whilst Ecology was scoped out of the EIA, Section 4.8 of the EIA considers Ecology.

7.9.2 This section of the ES provides the basis for the exclusion of Ecology from the EIA and states the following regarding ecology (Paragraph 4.8.2, 4.8.3: "A desk study was used to identify ecological features within an appropriate radius of the site, and an extended Phase 1 habitat walkover survey was undertaken to categorise habitat features and assess habitat suitability for protected species".

7.9.3 Further advise regarding the reason for exclusion from the ES during scoping in paragraph 4.8.3 states, "The present use of the site as a storage yard for recycling and building materials offers little suitable habitat for wildlife. The site is of low ecological value with extensive areas regularly devoid of vegetation leading to limited opportunities for the fauna that this can support. The site is set within the context of a heavily built up and

fragmented environment where connectivity to other habitats of ecological value are heavily restricted".

7.9.4 It concludes at 4.8.6 that, "Based on the above, it is considered that no significant ecological impacts will result as a consequence of the proposed development and that Ecology can be scoped out of the ES".

7.9.5 The ES, however, provided details of mitigation that have been provided by the PEAR (The Preliminary Ecological Appraisal) which has been submitted as a standalone report together with the Planning Application.

7.9.6 Paragraph 4.8.3 provides details of the mitigation in relation to ecology and states, "The development proposals will seek to retain the existing vegetated embankment in the south-west of the site and will incorporate new native shrub planting and wildflower meadow, offering greater opportunity for biodiversity. The proposed lighting of the site will be designed utilising inward directed led lighting columns to provide required site illumination without creating undue light pollution".

7.9.7 Paragraphs 4.8.4 and 4.8.5 also references mitigation measures offered by the PEAR to avoid potential adverse impacts on ecology and states, "These include adopting a proportionate cautionary approach during development and implementing measures to avoid the potential for pollutants (e.g. fuels and lubricants) to enter the watercourse at the base of the western embankment. The proposed soft landscaping of grassland and native shrubs present an important opportunity to enhance the site for ecological benefit, whilst the built structures can provide artificial bat roost niches and nesting opportunities for birds". To the extent that the above points relate to the planning applications, it is considered that suitable conditions could be attached.

7.10 OTHER MATTERS

7.10.1 Excavation on site (Minerals act 1986)

Within the application, there would be a degree of excavation shown on the sectional drawings and in the supporting information provided by the applicant. It is estimated that approximately 8700m³ of subsoil will be removed from the site. Given that the proposed volume of excavation would be over 200cu.m of material, the proposal would require a mineral license to enable the excavation. Dave Roberts to be consulted on mineral licence. It is, therefore, considered that no specific planning conditions are required.

7.10.2 No other concerns have been noted.

8.0 CONCLUSION

8.1 The principle of the development is welcomed, as it reuses an existing site and will increase the effectiveness of a vital element of infrastructure whilst also, once in operation, reduce the potential for wider environmental/amenity impacts. There are some areas where further detail is required and it is considered that these can be addressed by conditions.

8.2 On balance, it is considered that the application should be supported (subject to conditions), given that the identified impacts are acceptable, with the mitigation proposed within the scheme to deal with associated impacts considered to be appropriate.

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

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

Item 5.5

Proposal : **Erection of two cattle shelters and two silage pits**
Site Address : **Field 310653 And 310651**
 Staarvey Road
 Peel
 Isle Of Man
Applicant : **Mr Paul Corteen**
Application No. : **21/01061/B- click to view**
Head of **Mr S Butler**
 Development
 Management :

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. All external sheeting of the proposed buildings shall be a dark green or olive green colour.

Reason: to minimise the visual and landscape impact of the buildings.

C 2. The buildings and the site shall be used only for agricultural purposes.

Reason: the proposal has been approved only due to being required for agricultural purposes in accordance with General Policy 3 of the Strategic Plan (2016).

C 3. The proposed buildings must be fitted with open protected roof ridges to provide suitable ventilation for livestock and the silage pits provided with a non permeable base to prevent contamination of the adjacent water course.

Reason: to protect the wider environment in accordance with Environment Policy 22 of the Strategic Plan (2016).

C 4. Within 1 month of this decision becoming final, and prior to any further work taking place on the site, details shall be submitted to and approved in writing by the Department which set out measures for a viviparous lizard and common frog mitigation and enhancement plan. The plan shall be created by a suitable qualified ecological consultancy and include details of replacement habitat features appropriate for frogs and lizards and a timescale for implementation. The plan shall be implemented in accordance with the approved details.

Reason: in order to mitigate for the loss of habitat and comply with General Policy 2(d) and Environment Policies 4 and 5 of the Strategic Plan (2016).

Reason for approval:

It is considered that the proposal complies with General Policy 3 and Environment Policy 15 of the Strategic Plan and no material issues have been identified which would justify refusal, subject to the imposition of conditions.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER (ENFORCEMENT).

1.0 THE SITE

1.1 The site is a parcel of land situated on the western side of the Staarvey Road - the highway which runs north-south between the A4 coast road and the A3 TT course. There is an existing agricultural building, which is to be retained. The site slopes downward from east to west and is served by an existing access from the Staarvey Road. A public footpath runs to the north and east of the site, almost on the boundary of the northern part of the development area. The access road goes past a cottage.

2.0 THE PROPOSAL

2.1 The proposal is similar to a previous application (12/01594/B) not commenced, but works started in 2021 (once expired). Current application responds to enforcement and seeks regularisation.

2.2 The works comprise:

- two cattle-shelters (Roof: Green fibre cement corrugated sheets with rooflights of polycarbonate sheets; Walls: Cast-insitu concrete lower walls with hit and miss treated timber boarding above; Floors: Insitu concrete; Rainwater goods: Green colour-coated steel;
- Yard hardstanding (Compacted stone chippings to give a permeable surface);
- two silage pits (cast-insitu concrete walls and floors); and
- a vehicle link to the existing farm (created through the existing bank, and will be stoned up to provide a permeable road access. The main access on Staarvey Road will continue to be the vehicular access for the farm)

2.3 The location Plan shows the site and access to road, with substantial land holding in blue. The site plan shows existing barn and hardstanding, proposed sheds (2 no. with 6m wide apron around buildings) side-by-side with proposed silage bays to North. A gas pipe corridor is shown running through the south of the site. It indicates a new surface water drain shown to terminate. No landscaping is proposed.

2.4 The application form indicates that full approval is sought for Erect Two Cattle Shelters and Two Silage Pits. The existing and proposed use is agriculture.

2.5 The site is not within a Conservation or flood risk area (although some small surface water drainage areas are noted on edge of site according to latest flooding maps). No changes to access are proposed and no parking spaces are existing or proposed.

2.6 The proposal does indicate a change in site levels, but states there will be no import or export of fill. The proposal does require new electricity and water services. Rainwater is to be collected and discarded to the field. Foul Sewage is marked as "N/A". No trees or hedgerows within 15m of site or water course within 9 m.

PLANNING STATEMENT

2.7 The Planning Statement indicates c400 head of cattle and shelter space for c220, therefore needs addition 200 for winter months - which is beneficial for both the cattle and wider environment. The statement highlights the following points.

- Site location chosen as: 1. The farm already has an established cattle-shelter; 2. The farm has an established and suitable vehicle access; 3. The farm is remote and the selected site is not visible from the nearby road; and 4. The site can be developed without harm to the local ecology and habitat; and without nuisance to neighbours

- The following measures are proposed regarding the protection of water: roof over the cattle feed/bedding areas; o collect all roof rainwater through sealed gulleys and discharge to the field, as agreed with IOMWASA Land Drainage; o enclose and cover the silage pits; o collect cattle waste/bedding regularly, store it safely and when appropriate, spread it on his fields; and o make up the yard area in stone giving a permeable surface, reducing run off.

- Statement includes, "Surface water drains will collect the rainwater and discharge to the field. This has been agreed with Mr Chris Lally of IOMWASA Land Drainage" which is verbatim as per 2012 application so not clear if fresh agreement or reference to previous agreement.

- Protection of Ecology is to be achieved by preventing run-off entering any of the nearby watercourse (as described under 2.07); siting the proposed development away from the field boundaries, ditches and Manx bank/hedgerows; and working with the Senior Biodiversity Officer, DEFA to address any concern that may arise due to the presence of frogs or lizards

2.8 Applicants notes similar applications such as 04/01472/B erection of an agricultural shed and creation of an access road onto Staarvey Road, was Approved on Review on 25th February 2005.

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Town and Country Planning (Development Plan) Order 1982 as High Landscape Value and Scenic Significance. There are a number of Strategic Plan policies that are relevant, in particular:

General Policy 3 states that, "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of: ... f) building and engineering operations which are essential for the conduct of agriculture or forestry";

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

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

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

3.2 The following policies are also relevant:

- General Policy 2 - Development Control considerations, including landscape impact and protecting wildlife;
- Environment Policy 1 - protection of countryside;
- Environment Policy 2 - protection of landscape;
- Environment Policies 4 and 5 - protection of ecology;
- Environment Policy 7 - protection of watercourses;
- Environment Policy 8 - "Agricultural buildings will not be permitted on sites where their existence and associated discharges would result in a breach of the "Code of Good Agricultural Practice for the Protection of Water";
- Environment Policy 21 states, "Buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose; in particular, cavity-wall construction should not be used";
- Environment Policy 22 - prevention of pollution;
- Community Policy 11 - prevention of outbreak and spread of fire; and
- Infrastructure Policy 5 - water conservation and management measures.

4.0 PLANNING HISTORY

4.1 This application is a resubmission of 12/01594/B which was for Erection of two cattle shelters and two silage pits with associated hard standing and surface water drainage. The key differences between the previous application and the current are:

- Ground level shown as +156.5 (proposed is now +157)
- Height (just under roof) as 7249 (proposed now is 6839)
- 45x23m wide (proposed 49x20)

4.2 The Officers Report for the previous application stated,
 "6.1 The proposed buildings will be sited alongside an existing agricultural building which is in accordance with the guidance in the Strategic Plan, rather than having isolated structures which could be undermining the character of the Manx countryside. In addition, the location of the existing and proposed buildings below the level of the road assists in the mitigation of visual impact of the new structures from this view, although the buildings will be clearly visible from the public footpath which runs around the periphery of the site. Bearing in mind the existing visual impact it is not considered that the proposed additional buildings and structures will result in such an additional impact as to warrant refusal of the application for that reason.

6.2 Animal welfare is important and if animals are to be wintered here it is important that there are appropriate facilities to accommodate them. This part of the Island is particularly susceptible to snow and can be inaccessible in severe weather which makes the need for indoor facilities more pressing.

6.3 The site clearly forms part of a rotation arrangement where the animals are moved from site to site throughout the year, allowing the sites to recover. Whilst it is noted that the Agricultural Adviser suggests that "the proposed buildings at Bwoaillicowlie are likely to be excessive for the unit should it every be operated in isolation from the other units", the buildings are unlikely to be useful for any other purpose bearing in mind their design, position and particularly the access to the site.

6.4 The evidence from the Isle of Man Fat Stock would indicate that the operation is important for local beef production and the information from the Agricultural Adviser concludes that the buildings are justified in agricultural terms and as such, whilst the justification comes from the aggregation of three different sites rather than one large unit, it is no more likely that parts of the holding will cease to be associated with the remainder, than

if in the case of one large holding, parts of it could be sold off. As such, it is considered that the proposal complies with the provisions of GP 3 and EP 15 and is recommended for approval".

4.3 The following conditions were attached:

- C 1. The development hereby permitted shall commence before the expiration of four years from the date of this notice.
- C 2. This permission relates to the erection of two agricultural buildings and silage pits and associated drainage all as shown in drawings P01A, P02 and P03 all received on 30th November, 2013.
- C 3. All external sheeting of the proposed buildings shall be a dark green or olive green colour.
- C 4. The buildings and the site shall be used only for agricultural purposes.
- C 5. Prior to the commencement of any works, including excavation, the applicant must have undertaken by a suitably qualified body and approved by the Planning Authority, a survey of the site for lizards and frogs together with recommendations for protection or mitigation of any species or habitats found. The development must thereafter be undertaken in accordance with the approved protection/mitigation scheme.
- C 6. The proposed buildings must be fitted with open protected roof ridges to provide suitable ventilation for livestock and the silage pits provided with a non permeable base to prevent contamination of the adjacent water course.

N.B. Conditions akin to C2 no longer applied be default

5.0 REPRESENTATIONS

5.1 German Parish Commissioners (08.10.21) - No response

5.2 Manx Utilities Consulted (08.10.21) - No response

5.3 DOI Highways (20.10.21) - No Highways Interest

5.4 DEFA (Biodiversity) originally raised concerns (03.11.21) and then indicated that they would be satisfied with a condition (17.11.21),

"The Ecosystem Policy Team have now received more information that clearly shows that the land where the silage pits and cattle sheds are to be built has already been significantly altered, including excavation and soil stripping, and no lizard and frog survey has been undertaken. This is in breach of planning condition No 5. of the previous application for this site (PA 12/01594/B) which stated the following: Prior to the commencement of any works, including excavation, the applicant must have undertaken by a suitably qualified body and approved by the Planning Authority, a survey of the site for lizards and frogs together with recommendations for protection or mitigation of any species or habitats found. The development must thereafter be undertaken in accordance with the approved protection/mitigation scheme. We therefore request that a condition is secured for a viviparous lizard and common frog mitigation and enhancement plan be created by a suitable qualified ecological consultancy, including details of replacement habitat features appropriate for frogs and lizards, in order to mitigate for the loss of habitat. The plan must be submitted to planning for written approval prior to further works taking place and the works must thereafter be undertaken in accordance with the approved plan".

5.5 The Agent e-mailed to confirm they would be happy with a condition as suggested.

6.0 ASSESSMENT

6.1 Noting the planning history for the site, previous assessment, limited differences between previously proposed and now approved and no identified policy changes it is considered that the current application should be approved with the same conditions as previous, updated as necessary.

7.0 CONCLUSION

7.1 It is considered that the proposal complies with General Policy 3 and Environment Policy 15 of the Strategic Plan and no material issues have been identified which would justify refusal, subject to the imposition of conditions.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 2nd February 2022

Item 5.6

Proposal : **Erection of new stable block with associated access, fencing and landscaping**

Site Address : **Field No. 331996 To The Rear Of
Ballahutchin Beg
Main Road
Dalby
IM5 3BR**

Applicant : **Mr Michael & Mrs Carly Stratton**

Application No. : **21/01170/B- [click to view](#)**

Planning Officer : **Miss Lucy Kinrade**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The stable hereby approved must be used only for equestrian purposes in association with the residential dwelling 'Ballahutchin Beg', Main Road, Dalby and not for any commercial use.

Reason: The access to the highway is not sufficient to accommodate the traffic that may be generated by commercial use.

C 3. In the event that it is no longer used or required for the stabling of agricultural animals and storage of associated equipment the building hereby approved shall be removed and the ground restored to its former condition, within 6 months of the date the use ceased.

Reason: The building has been exceptionally approved solely to meet the specific use based on the information provided, and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The stable building hereby approved shall be finished in a dark green coloured roof and retained as such thereafter.

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

C 5. All planting, seeding, banking or turfing comprised in the approved details of landscaping as shown on drawing number P-02 and P03 must be carried out in the first planting and seeding seasons following the completion of the development or the first use of the stables, whichever is the sooner. Any trees, plants or banks which within a period of five years from the completion of the development die, are removed, or become seriously

damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 6. Prior to the undertaking of any other work hereby approved the entrance including visibility splays shall be formed in accordance with drawing numbers P-02 and P-03 and retained as such thereafter.

Reason: to ensure that the development has a safe means of access.

Reason for approval:

Subject to a number of conditions relating to landscaping, access, use, material finish and the buildings removal in the even it is no longer needed, the application is considered to have an acceptable principle, visual impact, amenity impact and highway safety impact so as to comply with Environment Policies 1, 2, 19, 20 and 21 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE RECOMMENDATION TO APPROVE MAY BE CONSIDERED CONTRARY TO VIEWS RECEIVED FROM THE LOCAL COMMISSIONERS.

THE APPLICATION SITE

1.1 The application site forms part of field 331996 located directly behind the dwellings and St James Chapelry on the western side of A27 Dalby Road.

1.2 The site forms part of a much larger 16 acre landholding stretching down towards the Niarbyl coastline. The applicant also owns Ballahutchin Beg and its Manx stone outbuilding which is the nearest dwelling sitting along the road. Between the dwelling and barn is the gate access to the fields.

THE PROPOSAL

2.1 Proposed is the erection of a low roof level, 'U' shaped stable block. The building is to measure approx. 24m along its longest edge and 9m on the southern side and 13m on the northern side. The depth of the 'U' shaped building is 3.6m wide and is to sit on a concrete base @ 63.0 above datum and providing a central horse yard area.

2.2 The stable is to measure 2.4m to eaves and 3.1m to central ridge. There is to be a roof overhang within the internal courtyard area. Internally there is to be 4 horse stables, 2 pony stables, a tack room, hay room and wash room.

2.3 The building is to be positioned around 30m from the rear of the Church and Ballahutchin Beg (the existing Manx stone barn recently been approved for conversion and extension under 21/00256/B).

2.4 Access to the stables is to be via the access between the dwelling and barn. This access was approved as part of 21/00256/B for alterations and widening. The current stable application duplicates the same access works as part of this proposal.

2.5 Additional planting and hedge screening is proposed around the building and re-enforcing the existing hedging nearest the church and stone barn.

PLANNING HISTORY

3.1 The Manx stone barn and access works were recently approved under 21/00256/B, the access works were also conditioned so as to ensure that they were undertaken prior to any other works starting on site. The only other application for the site relates to the main dwelling where in 2014 it was approved for an extension and decking although not considered relevant in this case.

PLANNING POLICY

4.1 The site is not designated not for any particular use or purpose on the 1982 Development Plan but is recognised as being an Area of High Landscape Value and Scenic Significance. The site is not within a Conservation Area nor is it recognised as being at any risk of flood.

4.2 There is a general presumption against any kind of development across the countryside and in AHLV as outlined in established policies within the IOM Strategic Plan 2016 (Environment Policies 1 and 2, and General Policy 3), however the same plan also contains a number of paragraphs and policies that specifically relate to and offer support to the development of new equestrian-related development (Paragraph 7.15.1 and Environment Policies 19, 20 and 21) so long as they do not result in the loss of any high quality agricultural land, harm highway safety or by reason of their design detriment the character, appearance and quality of the countryside. These policies also state that cavity wall construction should not be used and that there will be a presumption against large scale equestrian development including new buildings and external arena's in AHLV unless there are exceptional circumstances.

4.3 Environment Policy 1:

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

4.4 Environment Policy 2:

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

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

4.5 Paragraph 7.15.1 states:

"Equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. These activities can generally take place only on open, rural land, and

often represent a useful way of diversifying traditional farming. The use of land as grazing land falls within the definition of agriculture (section 45 of the 1999 Town and Country Planning Act), and does not therefore involve development, but the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. Whilst horses should be well housed, it will seldom be appropriate to use cavity-wall construction for stables, since such buildings may too easily be adapted for residential uses, so thwarting other policies of this Plan. Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose."

4.6 Environment Policy 19 states:

"Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the local highway network can satisfactorily accommodate any increase in traffic"

4.7 Environment Policy 20:

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

4.8 Environment Policy 21 states:

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

REPRESENTATIONS

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

5.1 Patrick Commissioners - Object (12/11/2021) - the commissioners state the building is unacceptable being in or close to an AHLV, and that the IOM Strategic Plan states a presumption against large scale equestrian development in the open countryside and would appear much larger than what would appear necessary from the Planning Statement.

5.2 DOI Highway Services - Do not Oppose (20/10/2021) - access to the proposed stable will be via the access approved under 21/00256/B. This will have suitable access and egress and adequate visibility splays. The field gates are set back from the edge of the highway and the access is suitable for shared use with the dwelling. The use of the access for the proposal will not remove any of the dwellings parking spaces and there is turning and passing places towards the rear. There is tarmac proposed at the road access and sufficient hardstanding nearest the stable for parking and turning of vehicles.

5.3 DEFA Ecosystems Policy Officer - Do not oppose subject to condition (29/10/2021) - content with proposed plans including planting scheme, so long as a condition is added to ensure the landscaping is undertaken in accordance with the detailed on the Site Plan and Proposed Plans and Elevations (DWG P-01). It is also recommended that vegetation removal to facilitate the new access is undertaken outside of bird nesting season, or if this is not possible that thorough bird checks should be made minded of the Wildlife Act 1990 which makes it an offence to cause harm to nesting and breeding birds.

5.3 The agent for the application provided a response (18/11/2021) to the objections made by the Commissioners, these are online in full and summarised as follows:

- o The proposal is for a single stable building which is sized according to horse welfare standards. The units are pre-fabricated and feed, tack and wash bays have been incorporated into the design;
- o The fields are already used for grazing the family horses and the stables will allow existing horses, new horses and retiring horses to be stabled on site;
- o The proposal is a private small scale family stable, and not a large scale development. The Applicants are happy for a condition preventing any commercial use;
- o The AHLV designation is accepted and addressed in the supporting statement. It is considered the proposal meets with the Dalby landscape assessment in the IOM Landscape Character Assessment and will comply with EP2 by reason of its i) siting close to existing development and not particularly visible from public areas or from the road; ii) maintains existing field patterns and introduces new hedging and planting; iii) the stables will be of a typical timber design and positioned so to respect the existing ground contours to reduce need for dig and fill; iv) will not result in loss of any high quality agricultural land;
- o Reference is made to other similar scale stables approved in the Dalby area and further Island wide between 1988 - 2021. Some of these being prior to the introduction of the IOM SP.

ASSESSMENT

6.1 It is considered that the key issues in the assessment of the application are the visual impacts of development on the character and appearance of the countryside and AHLV, whether there are any amenity impacts on the neighbours and the proposals effect on highway safety.

Visual Impact on Countryside and AHLV

6.2 Environment Policies 1 and 2 makes it clear that the countryside should be protected for its own sake and that in AHLVs the protection of the landscape's character should be the most important consideration. 22. The building would not be prominent when travelling along the main road given its reasonable size, height, layout and its siting and position behind the existing development lining the road edge. Upper parts of the building may be visible in fleeting or between gaps, but the buildings low level design and green coloured external roof finish coupled with existing and proposed landscaping planting and hedging will help it to merge and assimilate into the landscape.

6.3 Environment Policy 20 indicates a presumption against large-scale equestrian developments in AHLVs unless there are exceptional circumstances to override such a policy. The Commissioners raise concern in this respect. However, "large-scale" is not defined. In this particular case, the proposal is for a single stable building and its siting in close proximity to the existing buildings along the main road, its low level design, green roof finish and timber cladding and its existing and proposed landscaping works all amount to a circumstance in this specific case which is considered to be exceptionable so as to not result in any adverse visual impacts on the AHLV. The development would not be harmful to the character and quality of the AHLV, in accordance with Environment Policy 2.

Amenity Impacts

6.4 The submission indicates that the field is already used for grazing by the applicant's family horses and the proposed stable shelter is to be conducive to that. The nearest two properties are owned by the applicant and their family and thus it is not expected that the proposal will result in any unacceptable amenity harm given this situation. Beyond these two properties are a church and other residential properties however the distances between these and the proposed stable will limit any amenity impacts to an acceptable level so as to not harm any general living conditions or day-to-day operations.

Highway Safety

6.5 There is an existing vehicular access serving the dwellings and field which was approved under PA 21/00256/B. The current application duplicates these access improvement works with the access being 5m wide and improved visibility splays in either direction along the main road. The gates are set back and open inwards allowing vehicles to pull off the road and being of suitable design to accommodate the shared use between the main house and stables. The proposal is for private use only and a suitably worded condition should be added in this respect. The proposal is not expected to result in any new, increased or adverse highway safety impacts and is therefore considered acceptable.

CONCLUSION

7.1 There is a presumption against development here set out in General Policy 3 and Environment Policies 1 and 2, however Environment Policies 19, 20 and 21 make it clear that equestrian related development can be considered acceptable subject to certain conditions and ensuring that its style, design and finish of the building is appropriate for its use and does not harm any AHLV.

7.2 The proposal in this case would not result in the loss of high quality agricultural land (zoned as Class 3/2) and could be argued not to be a large scale equestrian development as referred to in EP20. Nevertheless the overall the size, scale and positioning of the stable in proximity to and behind existing building is considered exceptional enough so out to outweigh EP 20 and the proposal is not considered to have an acceptable visual impact so as to not adversely harm the character and appearance of the AHLV or wider countryside.

7.3 It is considered that the proposal would meet with the tests of Environment Policies 1, 2, 19, 20 and 21.

7.4 Suitably worded conditions shall be added to the application covering the need for landscaping and highway access works being carried out in accordance with the detailed drawings, the stable roof being finished in dark green, the building's removal should it no longer be required and control of its use for private only and no commercial use.

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 2nd February 2022

Item 5.7

Proposal : Increase of residential curtilage
Site Address : Yn Thie My Chree
36 Mines Road
Laxey
Isle Of Man
IM4 7NH
Applicant : Mr David & Mrs Karen Conway & Mr C & Mrs B Sullivan
Application No. : 21/00986/B- [click to view](#)
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposed application would broadly comply with those Planning Policies, namely; Environment Policy 1,3 and 35 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None.

The comments received from 33 Ard Reayrt on 05/01/22, are on behalf of the applicant in support of the application.

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE PROPOSAL IS CONTRARY TO THE AREA PLAN LAND DESIGNATION AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site is a parcel of land located to the north of a dwelling house called "Yn Thie My Chree" / aka 36 Mines Road, Laxey. The current dwelling house is in a poor state of repair and appears derelict and not occupied since 2003 as noted by the applicant. The land that is to be considered is general woodland with mature trees and slopes steeply from west to east. The land to the further north is identified as field 614288 and to the west 614289.

1.2 The existing property that sits set back from the highway and is characterised as a two storey cottage with a pitch slate roof and bookended with chimney stacks and bound by a Manx stone wall to the front. The vernacular is usual of this type of property with the front door central and flanked by slight bay windows with three windows to the first floor. The site sits within the Laxey Conservation area.

2.0 THE PROPOSAL

2.1 Proposed is the increase of residential curtilage to the land to the north of 36 Mines road. The parcel of land would measure, approx. 0.15 Acre and has two small outbuildings on site noted as a derelict coal bunker and outside toilet (sizes). The site is broadly over grown with a road side frontage of approx.23m when measured from the north-east corner of No.36 Mines Road and extends to the west for approx.27m (approx. 621m²).

2.2 The application has provided a plan indicating the extent of the proposed area to be considered and supporting narrative that covers the length of time the property has been vacant and how when the zoning for TAPE, the site was overlooked as there was no ownership at that time to put forward a representation. They draw attention to the two existing outbuildings on site, one an outside toilet and the other a coal bunker. They also note they have liaised with the neighbours to fully understand the land ownership and the history of the site.

2.3 Also submitted are existing photos of the dwelling house, outbuildings, the site, Deeds, registration certificate and a boundary plan.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, On the Area Plan for the East, Map 7 (Laxey) identifies the application site as being within an area recognised as 'white land' or not zoned or any particular purpose. The dwelling house No.36 is within an area of pre-dominantly residential. The site is within Laxey Conservation area and is not identified as being at flood risk.

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

3.3 Strategic Policy 4 (in part)

Proposals for development must:

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

3.4 Spatial Policy 3 (in part)

The following villages are identified as Service Villages o Laxey...

Area Plans will define the development boundaries of such villages so as to maintain and where appropriate increase employment opportunities. Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing.

3.5 General Policy 3

Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current

- situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
 - (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
 - (f) building and engineering operations which are essential for the conduct of agriculture or forestry;
 - (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
 - (h) buildings or works required for interpretation of the countryside, its wildlife or heritage

3.6 Environment Policy 1

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

3.7 Environment Policy 3

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

3.8 Environment Policy 35

Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.

3.9 Environment Policy 42

New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans.

3.10 "Infill development(1)" (in the sense of filling a small gap in an otherwise built-up frontage) may be acceptable in built up areas, but the value of spaces between buildings should not be underestimated, even in small settlements.

3.11 Town and Country Planning Act 1999.

S18 Designation of conservation areas;

(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.

3.12 PLANNING POLICY STATEMENT 1/01

POLICY CA/2 SPECIAL PLANNING CONSIDERATIONS

When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application.

4.0 PLANNING HISTORY

4.1 The application site has no planning history that is considered relevant to this application.

5.0 REPRESENTATIONS (in brief, full reps available online)

5.1 Garff Commissioners has no objection (06/09/21)

5.2 Highways Services do not object (No Highways Interest) 26.08.21

5.3 Registered Building Officers (22/12/21) does not object but has reservations about any potential impact in the future.

5.4 DEFA Arboriculture Officer (10/01/22) does not object, but has commented that they, "have recently issued a licence to remove 2 of the largest trees on the site of the extended curtilage under the Tree Preservation Act 1993: a pine and a sycamore. To help maintain tree canopy cover in the area and mitigate the visual impact of this approved work there is a replanting condition on this licence to plant 1 oak tree and 2 other trees (species not specified) within the site". In addition to this they also comment on examples for the change of use of land and pressures put on trees and their risks. But equally the success of tree cover in residential gardens. Any future tree removal will be subject to licenses under the Tree preservation Act 1993 and assessed separately in accordance with the Directorates tree protection policy.

5.5 33, Ard Reayrt, Laxey, (05/01/22) commented in support of the application, noted the license to remove two trees and replant with new species; the general health of those trees on site and the history of the site, mainly as the tenant of the application site.

6.0 ASSESSMENT

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

- (i) Principle (SP3, Gp3, Ep42)
- (ii) Visual impact on the area (EP1, EP35, PPS101, S.18TCPA)
- (iii) Impact on Trees and Bio-diversity (EP3, Sp4b)

(i) Principle

6.1 As outlined above, the application site is not within an area designated for development and therefore there is a presumption against any development in the countryside. There are exceptions to this within General Policy 3, although the proposed works to extend the residential curtilage would not fall within this list. Accordingly, the application could be refused on these grounds alone.

6.2 To fully understand the historical context of the site it would be prudent to review the previous land designation and refer to the former Laxey and Lonan Plan 2000 which designate this site as 'open space' / not necessarily zoned for any particular purpose and much of the surrounding agricultural lands are the same designation. Also on the 1982 development plan, the site and areas is broadly categorised as was within woodland and AHLV. It is clear that the previous land designations and that of the TAPE has not altered and based on the current area plan assessments no reasons at the time of assessment why it should be altered either, particularly noting the site sits within an important conservation area since being designated as such in 1990.

6.3 The application is not proposing any works to the site or materially altering in how it appears, the fact the site is literally just outside of the 'Laxey settlement boundary' as noted in TAPE and Laxey is broadly identified as a service village through SP3 and that it is flanked by residential use. In addition, the proposal would not be seeing a loss of agricultural land or introducing a use that is considered out of character with the surroundings. However, reflecting of EP42 and the definition of 'infill' (addressed regarding its visual impact below)

and the green gaps between 'development' are an important consideration and one that should be retained that is supported through EP35 to preserve or enhance.

(ii) Visual Impact

6.4 When considering the visual impact on the character of the area, there are two considerations here, that of the character of the street scene and that on the conservation area from a perspective to preserve or enhance.

6.5 In terms of visual impact on the street scene, the site is very noticeable from the highway and it is important to consider extensions to existing residential curtilages can bring with them adverse impacts where open countryside can become eroded by expansions of gardens with accompanying domestic paraphernalia. There is generally no clear indication of any consequential losses due to the demand for space and light likely to arise from the reasonable wish of occupants for gardens and recreation. However in other cases, the change is less noticeable at all and many applications for this sort of development have been approved throughout the Island, including approvals granted on appeal.

6.6 The openness and rural character of the countryside is not expected to be undermined as a result of the proposed curtilage extension, however there could be pressure to develop in the future or seek to have buildings or structures on the site. Being in a conservation area there is no Permitted Development Rights, meaning planning consent would be required for 'development' i.e. sheds & garages. The erosion of the green spaces (infill development) between No.36 mines road and that of the neighbouring property to the north could be eroded but this would involve the loss of trees (their removal is not 'development') for which a felling license would be required and could alter the character of this part of the street scene if they were all to be removed. The green space offers a natural end point to development of the built up terraces that leads from the Junction of the A2 (Douglas Road) and a natural buffer up towards Ballacregga Tea Rooms and the residential development along this upper section of Mines Road. On balance the proposal as it stands would not be considered to adversely affect the countryside and would be in accordance with Ep1.

6.7 In terms of visual impact upon a Conservation Area, the comments from the registered buildings officer whom have responsibilities for Conservation Areas are helpful in understanding any adverse impact and the policy emphasis on preserving and enhancing the character of the area. It is noted from their comments, that the proposal as it stands is not judged to have a negative impact on the areas character, however future development may have an impact if the appearance is altered and could fail EP35.

(iii) Trees and Bio-diversity

6.8 The site in its natural state, as is, could offer a wealth of bio-diversity and ecology benefits to the area. Domestication of this part of the land could inevitably put pressure on the natural habitat and those of the existing trees, leading to a reduction and inadvertently altering the visual amenity here through tree loss. The application does not propose any such alterations to the site, although the safest way to protect these elements is to withstand any future development here and allow the site to remain in accordance with the current land designation.

6.9 The comments from the forestry directive offer some clarity on this as noted in para 5.4, and those initial concerns regarding impact to the existing trees are better put into context noting the applicant has already been issued with a tree license to remove 2 of the largest trees on site (pine and Sycamore). It is noted the forestry directorate have no objections at this stage as the proposal do not involve and tree removal and tree / root damage. It is noted as part of the tree removal the forestry directive seek the replanting of

an oak tree and 2 other species (not specified) to be planted to offset the loss. Any future tree removal would be subject to their controls.

6.10 As a side and reflecting on previous planning applications the department has received noting previous examples of the conflicting use of woodland areas and aspirations of increased curtilages is highlighted in a recent inspectors report that noted the adverse impact of any development on trees and their root structure where the inspector in PA- 20/01004/A (erection of a dwelling and driveway) noted in their reason for refusal; "the proposed development would result in an unacceptable level of tree loss resulting in an unacceptable impact upon biodiversity in this urban site". Similarly, the same could be said for this site, where the potential loss of trees would impinge directly upon the wildlife habitat and biodiversity value of this site, where many species of birds, mammals and reptile could be present. However, in considering any such impacts here, it is not proposed to alter the appearance or introduce any such "development" or built structures that would be considered to impact upon any trees and their root structures or bio-diversity here. This would ensure the proposal does not have any adverse impact and would be in accordance with EP3, Sp4b.

7.0 CONCLUSION

7.1 For the above reasons, and striking a balance on this application, it is considered the principle for increasing the residential curtilage would be acceptable without being detrimental to the countryside (EP1) and the potential for any material harm by domestication of the land to the existing trees and bio-diversity is minimal at this stage, (EP3,Sp4b)is minimal which would not be considered to have an adverse impact upon the Laxey conservation area (EP35).

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 2nd February 2022

Item 5.8

Proposal : Creation of a vehicular access
Site Address : Lower Playing Field Nobles Park Adjacent To
St Ninians Road
Douglas
Isle Of Man
Applicant : Department For Enterprise, Motorsport Team
Application No. : 21/00961/B- [click to view](#)
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. There is no national over-riding need or rational reason demonstrated within the submission to warrant the creation of something 'temporary' which would not be introducing an element of harm (noted below thematically) to the area on a permanent basis. When cross referenced against Recreational Policy 2 of the Strategic Plan (2016), whilst the loss of open space is minimal, there has been not alternative provision explored or community benefit explored, it could be argued that it could create 'better accessibility'. However it is only for a seasonal use and not necessarily by the community on a continual basis. Also judging by the number of objections received there is little in the way of community gain. As such the proposal would not comply with Recreational Policy 2 as the principle cannot be justified and would equally fail the test of General Policy 2(a), as the land is not zoned for development and would prejudice the use of the open space that General Policy 2(k) seeks to protect.

R 2. The size of the proposed entrance gates and its bell mouth with macadam finish and concrete kerbs is not sympathetic to a park land setting or the character of the area and is considered over development with an adverse impact that affects the character of the setting, contrary to General Policy 2(b&c) of the Strategic Plan (2016).

R 3. The access would be introducing an element of development and use where presently there is none and would be considered to be read at odds with General Policy 2(g) of the Strategic Plan (2016) where the entrance use would affect adversely the amenity of local residents through the comings and goings of vehicles.

R 4. The use of the proposed entrance in a safe and appropriate manner would create an adverse impact on the existing highway or upon those users entering and or exiting the site contrary to the principles of General Policy 2(h&i) and Transport Policy 4 of the Strategic Plan (2016).

R 5. The proposed loss of trees would adversely affect the character and would detrimentally affect the public amenity value of this collection of trees where the proposals do not enhance or protect the landscape quality and nature conservation value to this site and hence the proposal is contrary to General Policy 2(c), Environment Policy 3 and Strategic Policy 4(b) of the Strategic Plan (2016).

Interested Person Status – Additional Persons

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

- o 116 Woodbourne Road (08/09/21)
- o 310 Queens Court (14/10/21)
- o 30 Tynwald Road (15/10/21)
- o 116 Woodbourne Road (08/09/21)
- o Eyreton Quarterbridge Road (13/09/21)
- o 10 Cronk Drean (13/09/21)
- o 53 Woodbourne Road (13/09/21)
- o 1 Upper Dukes Road (13/09/21 & 01/10/21 & 14/10/21)
- o 6 Berkeley Street (17/09/21)
- o 18 Alexander Drive (12/10/21)
- o Greeba House, Ballafletcher Road (13/10/21)

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is a small section of the road side walling to the south of Nobles Park and north of St.Ninians Road. This section is characterised by residential dwellings to the south of the highway and to the north (the application site) is a Manx stone boundary wall approx. 70m in length with a pedestrian gate to the western boundary and to the east a more formal pillared entrance into Nobles Park and the Pavilion. The levels inside the boundary here fall from north to south with the land to the north of the boundary wall and trees laid as grass and used as playing fields with football nets and exercise equipment.

1.2 Behind the Manx stone wall are a number of very mature trees whose canopies interlink and overhang the roadway. It is noted these trees are registered, as a group referenced; RA2051 that extends parallel to the road and continues to the east and west of the site.

1.3 Those residential dwellings opposite are noted as Park View; Ballaquayle; Wyndways. The former two are detached dormer bungalows in a traditional 70's style pitch tiled roofs, with ornamental gardens to the front behind a boundary wall. Parking is to the front of the dwellings on the highway. The latter (Wyndways) is a corner plot with a larger property that is two stories high with hipped tiled roofs and mature planting on its boundary with the highway.

1.4 The Character of the highway here is a 30mph speed limit, and on both side of the road here is double yellow lines along the eastern part of the highway lading to the existing entrance to the site. Adjacent to the Manx stone wall is a public footpath that runs the length of St.Ninians Road, on both sides and links from Nobles Park to the west to the junction with Ballaquayle Road in front of St.Ninians High School.

2.0 THE PROPOSAL

2.1 Proposed is the creation of a vehicle access. On the application form the works are described as; "Create a new junction on St Ninian's Road adjacent to Nobles Park to enhance the facilities in and around the park area and serve to improve the visitor experience for the TT and Manx Grand Prix /Classic TT".

2.2 The scope of works would see the removal of approx. 8m section of wall and the removal of one of the mature tree (Elm) to create the proposed entranceway. The end of the walls would be formed to make pillars and bi-fold metal gates finished in dark green and would be installed across the width of the entranceway between the newly formed pillars.

2.3 Part of the entrance would see the installation of hardstanding bellmouth, 6.5m wide x 8.0m long into the site from existing kerb and kerbed with 125mm facing kerbs both sides and finished with DBM / Dense Bitumum Macadam or black Tarmac. Below this it is proposed to use Wrekin 'ProtectaWeb', within root protection zone areas.

2.4 The applicant notes the following; that the proposed exit would only be used during the TT and MGP/CTT events and it would be closed/locked for the rest of the year and only when there is a traffic management plan in place, with stewards are on site directing vehicles and temporary fencing is erected. This means that vehicles will not be able to deviate from the intended path. This proposed exit is intended for vehicles using the car park only. As large vehicles i.e. HGV's will not be using the exit, there will be no need for extensive pruning of adjacent trees to provide significant height clearance. This design was arrived at through liaison with BB Consulting and Manx Roots. This alignment is thought to be the option with the least impact as it only results in the removal of one tree whereas other alignments required additional trees to be removed. The Department are happy to commit to plant ten trees as an offset for the tree to be removed.

2.5 Also included is a Tree protection plan and a 13 page Arboricultural Impact Assessment with accompanying Tree Constraints and Tree Impact drawings, identifying the requirement to remove 1no category C wych elm (T09) in order to form the new entranceway. The removal of T09 and the potential premature loss of T08 and T10 should be mitigated with a considered tree planting proposal, this is as a result of the excavation within the root protection areas (RPAs) of 1no category B sycamore (T08) and 1no category B horse chestnut (T10) in order to achieve suitable levels between the existing highway and the open grassed area to the north.

T08 - Sycamore

T09 - Elm

T10 - Beech

2.6 The proposed replanting is 5No. Himalayan birch approx. 3.5m tall and 5No. Sweet gum 2.5m tall. The planting is intended to be clustered in the south west corner of the site in a mostly disused area of grass that would provide an open woodland feel as well provide a net canopy cover increase.

3.0 PLANNING POLICY

LOCAL PLAN POLICY,

3.1 the land use designation is Open Space with the notation 'P' which corresponds to 'Park' in the Legend on Map 4 Douglas on the Area Plan for the East. The constraints map identifies the area also within an area containing registered trees.

3.2 Within the written statement the broader application site is mentioned on page 93 where it notes;

"Tourism Proposal 5 - The use of Nobles Park to support TT and Manx Grand Prix related uses will normally be supported, while applying the appropriate protection measures to open space and associated leisure and recreational facilities".

3.3 The site is not identified as being at risk of flooding, or is it identified or adjacent to a designation Conservation Area.

3.4 The site is within an area of Registered Tree Groups referenced; RA2051.

THE ISLE OF MAN STRATEGIC PLAN 2016

3.5 The following policies are considered specifically material to the assessment of this application;

3.6 Strategic Policy 4 (in part) Proposals for development must:

(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;

3.7 General Policy 2 (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:

(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;

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

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;

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

3.8 Environment Policy 3

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

3.9 Recreation Policy 2

Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

(a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and

(b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.

3.10 Transport Policy 4

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.

4.0 PLANNING HISTORY

4.1 The application site has been the subject of one previous planning application that is considered specifically material to the assessment of this current planning application.

4.2 06/01995/B - Creation of vehicular access and laying of turf reinforcement mesh to provide temporary car park, to be used during major events. Lower Playing Field Nobles Park Adjacent To St Ninian's Road, Douglas. REFUSED.

4.3 This application was refused at officer level and further refused at appeal and the refusal recommendation upheld by the then Minister. The Minister inspector concluded; "The Minister has also noted that some of the proposed works have already been undertaken. In these circumstances, he has directed that, within three months of the date of this letter, the access must be closed off, the boundary wall must be reinstated to match the existing, and the parkland repaired and re-seeded. Failure to comply with this direction will result in consideration being given to enforcement action under part 4 of the Town and Country Planning Act 1999".

4.4 The appeal inspector in their report dated 19th July 2007 noted the main issues are (a) the principle of development, (b) the visual impact, and (c) highway safety, and concluded within their reports at;

(i) paragraph 26; "I conclude that the car park use would be contrary to the principle of the use of the land as public open space".

(ii) Paragraph 27; "I conclude that the loss by the public of the informal green recreational area by traffic passing over it and through the access gateway would be contrary to its use as public open space".

(iii) Paragraph 28; "the parking of cars and movement of cars across this area directly in front of dwellings and within an informal recreation area would be visually unacceptable, even on a temporary basis".

(iv) Paragraph 29; " I consider that the position of the access is unacceptable".

4.5 20/01394/B - Creation of grass-crete roadway and pathway. Nobles Park, Douglas. Approved. The scope of works was mainly contained to north of the Nobles Park and connects onto Glencrutchery Road and internal pathways.

4.6 13/91530/B - Erection of a temporary 240 bed hotel and marquee for a two week period (Practice and TT Race weeks) on a permanent basis. Approved with conditions limiting the use;

"The hotel hereby approved shall not operate for more than 14 days each year and shall not be operated unless in connection with the annual TT event. The hotel building and marquee shall not be erected more than 21 days before the first day that the hotel operates, and shall be dismantled within 10 days of the last day of the hotel's operation. The site shall be restored to its former condition within 1 month of the hotel building and marquee being removed".

4.7 07/02247/B - Creation of car park (refused at appeal), paving of roads and paths, formation of new pedestrian entrance, rebuilding of stone entrance piers and erection of metalwork arch (Split decision - partially APPROVED at appeal).

4.8 09/01606/R - Retention of tarmacked area (retrospective). Land Adjacent To Nobles Park Pavilion. Refused at appeal and upheld by the minister on 21 April 2010. Where the minister agreed with the inspector and also noted the removal of the hardcore and aggregate base and the tarmac surface and returned to grass.

5.0 REPRESENTATIONS (in brief - full reps can be read online)

STATUTORY CONSULTEES

5.1 Douglas Borough Council commented (03/09/21) & (05/10/21) to support the application "subject to the applicant submitting an updated tree survey and additional information demonstrating that the proposed work will be carried out in line with the recommendations made by DEFA".

5.2 Highways Services have commented (01/09/21 & 30/09/21) with no objection.

5.3 DoI Highways Drainage Response Team have commented (30/09/21) seeking that no run off surface water run-off from the fields above drains on to the highway causing a concern for flooding. A form of private drainage would be required.

5.4 DEFA Eco-Systems Policy officer Commented (15/09/21) on the benefit of urban trees, the multiple inconsistencies between the supporting drawings and details contained within the tree survey and report. The need for an Arboricultural Impact Assessment and Tree Protection plan needs submitting. The loss of the trees would need a native replanting proposals to comply with Strategic Policy 4. Also there is evidence of bats in the surrounding area so there is potential for them to use the trees on site for either feeding or roosting. A bat survey would be needed.

5.5 DEFA Arboricultural Officer commented (04/10/21) to object; the inconsistencies between the drawings for tree removal; an up to date and correct AIA and TPP are required; With the removal of one tree, the surrounding trees roots would suffer damage as a result of excavation, compaction and disturbance; The trees either side of the removed tree would need extensive pruning to provide height clearance for vehicles; Concerns for the removal of ANY tree as they form an important visual feature in the streetscene and character of the area; the two veteran beech trees would be at risk of the bell mouth design and its proximity and should be afforded the highest level of protection. The cell web as proposed with its installation would not comply with the guidelines of best practice. Concerns on the level of tree removal, no replacement planting proposed. The existing AiA is wrong and flawed as the RPA have not been offset, Questions the validity of the categorisation of the trees; Tree 16 is not a cat B but needs reviewing. Strongly Objects.

On amended information commented further (10/09/21);

(i) Drawings 2 and 10 now correspond to the AIA. Drawing 20 does not correspond with the Outline TPP; the use of ProtectaWeb or alike needs to abut the footway.

(ii) The AIA recognised the damage to (t8 and t10), potential for the trees either side dying from pathogens entering the wounds, creating a large gap in the row of trees if not managed correctly during construction.

(iii) The drawings show how the trees could be protected but a detailed AMS and site management would be required prior to commencement. The tree protection would protect the trees during construction but not when the access is in operation.

(iv) Concerns on the Bell mouth and potential for impact on future use of the temporary road on veteran trees t19 and t20 and the RPA would not be sufficient given current research for

impact upon the trees roots, recommends a precautionary 20m radius of root protection is adopted.

(v) issues regarding any potential temporary road could lead to adverse pressure on the existing trees and their root protection area within the vicinity of the site which could be damaging.

NEIGHBOUR REPRESENTATIONS (in brief)

5.6 There are a number of comments that have been received, who OBJECT to the proposals;

- o 116 Woodbourne Road (08/09/21)
- o 310 Queens Court (14/10/21)
- o 30 Tynwald Road (15/10/21)
- o 116 Woodbourne Road (08/09/21)
- o Eyreton Quarterbridge Road (13/09/21)
- o 10 Cronk Dreaan (13/09/21)
- o 53 Woodbourne Road (13/09/21)
- o 1 Upper Dukes Road (13/09/21 & 01/10/21 & 14/10/21)
- o 6 Berkeley Street (17/09/21)
- o 18 Alexander Drive (12/10/21)
- o Greeba House, Ballafletcher Road (13/10/21)

who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o There is already 3 existing access points
- o Destruction to the park for the sake of the TT
- o No justification for another entrance
- o Should not be used as a commercial venue
- o Land is Public open space
- o 4 weeks use a year at the expense of mature trees
- o Green spaces need more protection for local residents
- o Children use the park which would be in conflict with the uses
- o Existing accesses are sufficient
- o Site was left for Douglas residents not commercial venture
- o North of the site is already being eroded for commercial venture
- o Don't exploit the green park lands
- o Legacy of damage left following previous events in the park
- o Placement of the yellow notice
- o Previous access from St.Ninians Church was unsuitable
- o Grass crete not visually appealing
- o Not a motorsports facility
- o Erosion of public open space
- o Proposed gates not in keeping with the character of the area
- o Loss of stone walling

Trees;

- o Abundant with wildlife
- o Popular for conkers
- o Contrary to the Island climate emergency
- o Detrimental to existing wildlife
- o Why destroy healthy trees
- o 18 cat c trees for removal is not

- o Long term damage to existing trees
- o Damage to roots
- o Volume of soil excavation
- o No replacement trees proposed
- o Contrary to our biosphere status

Highway Safety;

- o Protecta web would be slippery when wet and dangerous
- o No protection measures for elderly and vulnerable using the site as pedestrians
- o Proposed access arrangements onto the highway
- o Conflict of users of the access
- o Visibility when joining the highway
- o Parking in the area and a net reduction in spaces
- o Visibility splays and ghosting area reduces parking
- o Dependency on vehicle users
- o Reduction in car parking spaces
- o Previous planning history for refusal in the area for road safety issues
- o No mention of ground reinforcement for HGV's in the area
- o Access would be used year round not just for TT
- o Existing access through the church grounds
- o New access off Glencrutchery road

6.0 ASSESSMENT

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

- (i) Principle of development; (RP2; GP2a,k)
- (ii) Visual impact (GP2b,c,f)
- (iii) Impact on neighbouring amenity (GP2g)
- (iii) Highway Safety (GP2h,i; TP4)
- (iv) Trees and Bio Diversity (EP3, SP4b, GP2c)

(i) Principle

6.2 The starting point here is the land use designation, which is designated as open space / parkland for the benefit of the public to enjoy and appreciate. The proposal would only be limited to a small localised area to the south west aspect of the overall site whilst the remaining would remain unaffected and is not proposing a change in how it is used throughout the year.

6.3 The applicants have expressed that the proposed access would only be used for a temporary period that is specifically limited to correspond to those motorised events during TT and MGP in a calendar year, as an exit only and defined; "to improve the visitor experience".

6.4 It is noted from the previous planning application noted in para 4.2-4.4 of this report, this application was broadly similar which proposed the creation of a vehicle entrance and only 5.2m wide. This application is proposing an 8m wide entrance. In this case the case officer and the inspector could not support the application and this was refused. Since 2007 when this application was determined the same materially relevant policies within the strategic plan remain the same and the land use designation has not altered. The inspector could not justify any principle of development.

6.5 In considering this proposal there is no national over-riding need or rational reason demonstrated within the submission to warrant the creation of something 'temporary' which would not be introducing an element of harm (noted below thematically) to the area on a permanent basis. When cross referenced against RP2, whilst the loss of open space is

minimal, there has been not alternative provision explored or community benefit explored, it could be argued that it could create 'better accessibility'. However it is only for a seasonal use and not necessarily by the community on a continual basis. Also judging by the number of objections received there is little in the way of community gain. As such the proposal would not comply with RP2 as the principle cannot be justified and would equally fail the test of Gp2a, as the land is not zoned for development and would prejudice the use of the open space that GP2k seeks to protect.

(ii) Visual impact

6.6 The entrance to the park of this highway is legibly at the corner or bend in the road and allows access and egress for all user of the 'park' year round. The proposal (if approved) would undoubtedly alter the character and appearance of the area by introducing an 8.0m gate way where there is presently none and the loss of a mature trees on site which may or may not include the reduction of a tree canopy. This loss of Manx stone walling, whilst small in scale of the overall perimeter wall that runs around Nobles park would be would be considered a detrimental loss to the character and setting of the area. The size of the proposed entrance gates and its bell mouth with macadam finish and concrete kerbs is not sympathetic to a park land setting or the character of the area and is considered over development with an adverse impact that affects the character of the setting, contrary to GP2b,c.

(iii) Impact on neighbouring amenity

6.7 The proposal, whilst only considered temporary in its use (limited to TT and MGP) would be introducing a vehicle entrance opposite those houses when this is otherwise a quiet leafy green area, irrespective of how often they use the access. The access would be introducing an element of development and use where presently there is none and would be considered to be read at odds with GP2g where the entrance use would affect adversely the amenity of local residents through the comings and goings of vehicles during the day but equally at night (when headlights are on) would be an unwarranted intrusion into the private enjoyment of those dwellings opposite. As it is the proposal would be contrary with GP2g.

6.8 Highway safety

Highway Services have considered the merits of the proposed access to and from the application site from the highway and assessed the radius for vehicle tracking. As the transport professionals their comments are heavily relied upon and it is noted they do not object to this application when assessed against their design criteria.

6.9 Part of the proposal would see the extension of the existing double yellow lines for approx. 30m (average car length is noted as 6m in the PDO Class 14(g) which could equate to five on street car parking spaces being lost, which is not ideal. Nevertheless, the are no internal tracks or roadways shown / indicated connecting onto this entrance so it is assumed this "roadway" would be provided by temporary access or roadway to provide a stable road access to avoid scaring of the land.

6.10 It is further noted the proposal is only for car access, however the vehicle tracking drawing (05) shows the tacking of a 16.4m articulated vehicle, which raises queries as to how the access would be used and without a full traffic management and parking strategy leaves us only to assume matters. If the access is only for cars (size wise) the width of the entrance could be significantly less in width. Given the above, it is debateable as to the use and full impact of the proposal on the highway and those using both the highway and proposed access to fully understand the use and its overall impact. Also to be considered is the pavements are used by school children commuting to and from the nearby school, and whilst there are pavements both sides and the proposed use would coincide with school holiday there is an impact upon pedestrian users that is not addressed within the submission.

6.11 Having considered the highways safety aspect and the use of the proposed entrance in a safe and appropriate manner, it would be considered to have an element of doubt, in that it could create an adverse impact on the existing highway or upon those users entering and or exiting the site, from a planning perspective as is proposed. As such the proposal would be considered to conflict with the principles of Gp2 h&I and TP4.

6.12 Trees and Bio Diversity

The proposal, as indicated on the drawings (ref; Tree Impact) would see the removal of three Elm trees ref; T07,T09,T12. T07 and T12 are Elm trees of a category 'U' and of poor structural and physiological health. Also excavation within the root protection areas of T08 (Sycamore) and T10 (Horse chestnut). The Arboricultural impact assessment notes in their summary; "the requirement to remove 1no category C tree (T09) in order to facilitate the proposed development. There will also be a requirement to excavate within the rooting areas of 2no category B trees and carry out minor pruning to the crowns of 2no category B trees (T08 & T10). A cellular confinement system (geocell) system will be required to protect the rooting environments of 2no category B trees." The report further identifies with the removal of T09, there could be sub sequential loss of T08 and T10 (those flanking trees of T09) which should be mitigated. The report identifies the current health of the primary tree (T09) to be removed as category 'C' and T08 and T10 category 'B'. The report does highlight best practice methods to mitigate any further damage to the existing trees

6.13 The AIA demonstrates that there would be an immediate loss of 3 trees within the registered woodland and that additional compensatory planting could be provided to mitigate against losses to enhance peripheral tree screening, with some benefit to the management of the woodland would remain. However, there are concerns regarding not only the initial tree loss but the pruning of those tree canopies and the potential impact during and after construction upon the neighbouring trees root structure and the level of excavation required for the construction of the access which would inevitably cause root damage to nearby trees as noted in the AiA. There is also the potential for further damage to the adjacent trees in future which needs to be considered. These competing issues has raised further queries and considerable doubt with the department's Arboricultural officer as noted in their response to the amended plans in para 5.5.

6.14 The current number of trees on site could currently support a wide variety of biodiversity uses that could include roosting, feeding, and commuting bats, breeding and feeding birds, invertebrates and other wildlife, in this urban environment. These trees provide an intrinsic benefit to the area and there is significant prospect that the loss of trees within this protected woodland would substantially exceed that predicted by the AIA in both the immediate and the longer term. The loss of any tree here would impinge directly upon the wildlife habitat and biodiversity value of this site / registered tree area.

6.15 The safest way to protect the current trees and biodiversity is to resist any future development that would impact upon the integrity of the trees in this small woodland area of public amenity and bio-diversity. The foregoing uncertainty regarding tree loss leads to equivalent doubt concerning the effect on ecology and there is no assurance that there would be no qualitative loss of biodiversity.

6.16 Whilst it is proposed some planting to replace these trees, the loss would undoubtedly alter the character of this row of mature trees for which there is significant concerns (addressed above) that does not seek to offset their loss. As such the proposal would adversely affect the character here (GP2c) and would detrimentally affect the public amenity value (Ep3) of this collection of trees where the proposal do not enhance or protect the landscape quality and nature conservation value (Sp4b) to this site.

7.0 CONCLUSION

7.1 For the above reasons, the application cannot be supported and is recommended for refusal for five reasons.

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 2nd February 2022

Item 5.9

Proposal : Alteration and alignment of 2 existing farm access points to provide improved access to Farm and farmland, that straddles the A26 Braaid Road, St Marks. A farm track is included in the proposal to access the main farm buildings/area

Site Address : Ballavarvane Farm And Fields 435406, 434589
Braaid Road
St Marks
Ballasalla
Isle Of Man
IM9 3AP

Applicant : Wide Acre Limited

Application No. : 21/01289/B- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

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. Prior to the commencement of works on site, a 'development within 9 meters of a watercourse form' noting the mitigation measures to protect the water course from debris entering, should be submitted to and approved in writing by the Department. All works in the vicinity of the water course shall be carried out in accordance with the approved details.

Reason; To ensure adequate protection of the River, associated bio-diversity and fish within.

C 3. All planting and seeding comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons (November - March) prior to the use of the proposed entrances. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 4. There shall be no external lighting of the proposed roadway or entrances hereby approved.

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

C 5. The visibility splay(s) identified on drawing referenced; 12 - Site entrances Visibility Splays, shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1.05m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 6. The existing access to field 434589 located to the south of the highway that is to be relocated, shall be infilled and landscaped (as shown on drawing 11) in accordance with the approved plans within 3 months of the new accesses being constructed.

REASON: To ensure development is carried out in accordance with the approved plans to avoid accumulation of sub-standard entrances.

C 7. No site clearance, preparatory work or development shall take place until a tree planting schedule in accordance with drawing (referenced; MP-251021 - Tree Planting Plan) is submitted to and agreed in writing by the Department. Where applicable the schedule shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include the following details:

- (a) the exact, species, nursery specification and planting specification of each tree (or group of trees) to be planted. Where groups or larger areas are to be planted please state the area and planting density.
- (b) the approximate date when they are to be planted
- (c) how they will be maintained until successfully established.

The tree planting shall take place as agreed and any trees which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: to ensure an appropriate standard of visual amenity in the local area and that the development is appropriately landscaped to sit comfortably and acceptably in its location

N1. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 02.02.22. The issue of the decision notice has been triggered by the Section 13 agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposal would be in accordance with General Policy 3f, General Policy 2, Transport Policy 4, Environmental Policy 1, 3 and 14, Spatial Policy 4b of the 2016 Strategic Plan.

Interested Person Status – Additional Persons

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

Riverside Lodge, Lower Foxdale
11 Summerhill, 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 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.

Manx National Heritage should be afforded Interested Person Status as they have made comment on material planning issues.

Planning Officer's Report

Pre amble.

This planning application has arose as a result of a legal challenge to a previous planning application (ref; 20/01215/B - Creation of new vehicular access) where after consultation it was agreed the application would not be implemented or progressed but the applicant would submit a new planning application for an alternative entrance that would have less impact upon the existing trees and Elm tree Corridor and would be subject to a legal agreement to ensure the previous permission is replaced and superseded.

1.0 THE SITE

1.1 The application site is the agricultural fields associated with, Ballavarvane Farm, Braaid Road St Marks and are concerned with those fields numbers referenced; 435406 (9.5 Acres), 434589 (9.5 Acres). The farm is an arable farm and those fields in question are mainly laid to grass. The existing access currently used is 400m to the north east of the proposed access.

1.2 Ballavarvane Farm is on the outskirts of St Mark's village and is bisected diagonally by the A26. The farm consists of approximately 185 acres, of which around 110 acres together with all the farm buildings and dwellings are on the northwest side of the road and 75 acres on the south-eastern side. The south-eastern part of the farm fronts the A26 continuously for about 850 metres and the north-western part for about a little less, the difference being made up by the road frontage of the property known as the Old Mill which is in third party ownership unconnected with the farm.

1.3 To the west of this site (outside of the application site) adjacent to the highway, are a number of registered trees areas referenced; RA0211; RA0206; RA0210. These trees form part of the Elm tree corridor.

1.4 For clarification this application is not proposing any works to these registered trees or the Elm tree corridor.

2.0 THE PROPOSAL

2.1 The aim is to provide safer use on entry and exit for residents, visitors and farm operations and whilst also separating movements to and from the farm. The scope of works would see the creation of a new farm access road approx.3m wide and for a length of 360 m adjacent to the northern boundary of field ref;435406. The proposed accesses would see the alteration of an existing farm access gate to widen to 6m with a pull in area of 8m deep and splaying of earth embankment either side. Also (opposite this proposed entrance) is the relocation of an existing access to form a new access opposite, with visibility splays to align

both entrances opposite each other across the A26 Braaid road. Both entrances have been designed to mirror one another in appearance.

2.4 The application is accompanied with a comprehensive Arboricultural Impact Assessment with accompanying drawings, which has identified the requirement to remove 15no category C trees (Elms) in order to construct the new entranceways and achieve the required visibility splays. There is also a requirement to remove 1no middle-aged category B tree group (G3) comprising 8no significant stems, and 1no middle-age and 1no early-mature category C tree groups (G2, G5), each comprising 5no significant stems. A further 1no category U tree has been recommended for removal irrespective of the development due to their declining health.

2.5 Also included in the application documentation is a Stage 1 Road Safety Audit which identifies five problem areas with the layout which are resolved as set out in the Designer's response and submitted layout with vegetation within the visibility splays requiring regular maintenance and drainage further approvals.

2.6 As a mitigation measure the proposal also includes the tree planting proposal and creation of a wildlife corridor that notes the planting of a mixture of hedgerows and Trees.

2.7 A bat survey has also been included which finds that there were no visible Potential Roost Features (PRFs) for bats in the trees that are to be felled.

3.0 PLANNING POLICY

3.1 LOCAL PLANNING POLICY

In terms of land use designation, the application site is identified on the Area Plan for the south as open countryside. The site is not within a conservation area but sits 350m to the north east of the St. Marks Conservation Area.

3.2 The written statement refers to St.Marks generally and the 'Landscape Strategies and Key Views for the South' on page 15/16 (in part);
"Ballamodha, Earystane and St Marks (D14) The overall strategy is to conserve and enhance the character, quality and distinctiveness of the area.

3.3 THE ISLE OF MAN STRATEGIC PLAN 2016,

The following policies that are considered specifically material to the assessment of this application;

3.4 Strategic Policy 4b: protection of the countryside

3.5 Strategic Policy 5: Design and visual impact

3.6 Spatial Policy 5: building in defined settlements or GP3

3.7 General Policy 3f: exceptions to development in the countryside

3.8 General Policy 2 b,c,d,f,h,i : General development control principles

3.9 Environment Policy 1: Protection of the countryside

3.10 Environment Policy 3: Protection of Trees and woodland

3.11 Environment Policy 14: Loss of versatile agricultural land

3.12 Transport Policy 4: Highway safety

4.0 PLANNING HISTORY

4.1 The application site has not been subject of any previous planning history other than as noted in the pre-amble.

5.0 REPRESENTATIONS (in brief - full reps can be read online)

5.1 Malew Parish Commissioners commented 19 January 2022 with no objections.

5.2 DoI Highways Services, have commented (24/11/21) (22/10/21) with no objection subject to conditioning the drawings and the requirement for a s109(A) highways agreement.

5.3 DEFA Fisheries commented (06/12/21) with no objection subject to precautions being taken to ensure no harmful materials enter the nearby water course and to contact them prior to works commencing.

5.4 Defa Forestry commented (10/12/21) with no objection but noted; "the removal of 16 individual trees and 3 small tree groups but the majority of these are small or low-quality trees. The exception is the small group identified as G3 which has been assigned a Category B status. This proposal is a vast improvement on the former approval (20/01215/B) and the replanting proposed is beyond what would be required to mitigate the removal proposed and, if all trees successfully establish, will result in a net gain in tree cover in the area in the long term. Moreover, this replanting will increase the resilience of the local tree population by introducing other species which are not susceptible to tree diseases which are currently prevalent in the area". If approval is recommended a condition is placed that requires the implementation of the proposed replanting within the first planting season (November - March) following the removal of the roadside trees (required to create the access).

5.5 DEFA Eco-systems commented (17/12/21 & 22/12/21) with no objection but noted; there is no proposal for any lighting of the new entrance, the submitted bat assessment does not identify any potential roosts but as there evidence of nearby brown long eared bat roosts 'careful consideration should be given before any removal or alteration to any trees or other vegetation that could interrupt the continuous tree corridor'. Equally there should be no lighting on site and conditioned as such. The felling of these trees would be less impactful than the previous application and we also believe that the impact upon bats has been avoided/mitigated by the following measures: provisions of a small triangle wet area of grassland in field 435406 and the proposed re-planting of trees along the new access tack". They recommends a few native oaks to be planted to increase the value of invertebrates and a condition for an updated planting plan prior to works commencing showing the oaks. They also echo the request for a condition for the implementation of the proposed replanting within the first planting season (November - March) following the removal of the roadside trees (required to create the access), in order to give the trees a longer time to establish.

5.6 Manx National Heritage commented (24/11/21) on the tree removal, whether consideration is given to a pedestrian crossing, or raised bumps to slow traffic. Comments on the wildlife Act 1990 regarding any nesting birds and work should not be undertaken to the trees and scrub outside the nesting season, 1st April to 31st August.

5.7 Riverside Lodge, Lower Foxdale commented (22/11/21) on the protection of the elm trees is important given Dutch Elm disease is killing off so many, comments on the Elm Arch and no trees to be felled.

5.8 11 Summerhill, Douglas commented (08/12/21) compares this application to the former approval, sad at the loss of 15 Elms, general comments on farming on Iom and houses, the DoI assessment, speeding, accidents and does not object.

5.9 DOI Drainage commentd (20/12/21) regarding run off water entering onto the highway.

6.0 ASSESSMENT

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

- (i) Principle (SP5; GP3f)
- (ii) Visual impact (Ep1, STP5, GP2b,c,f,)
- (iii) Highway Safety (GP2 h&i, TP4)
- (iv) Trees and Bio Diversity (EP3; GP2d;SP4b)
- (v) Loss of agricultural land (EP14)
- (vi) Legal Agreement

(i) Principle

6.1 The starting point here is the land designation within the area plan which designates the site as land not zoned for development. SP5 directs development to defined settlements with the exception to this only being in accordance with General Policy 3. In this instance exemption can be found in Gp3(f) which allows for building and engineering works that are a deemed essential for the conduct of agriculture. On balance the principle of the creation of a farm track and alterations to the entrances could be an acceptable form of development subject to the further assessment below.

(ii) Visual Impact

6.2 As an exception can be found it is relevant to give weight to Environment Policies 1 which protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. STP 5 broadly seeks that development should make a positive contribution to the environment and this further echoed through the general principles contained with specific categories of GP2 (as noted) offer guidance that specifically addresses those issues affecting the physical works on site that would be general development control principles.

6.3 The proposed farm track with its planting would not be apparent when viewed from the highway given the utilisation of the existing topography, the height of the roadside hedging and the existing planting along this section of the highway. Any views of the new road would be off the proposed planting corridor and would be appropriate against the backdrop of the boundary hedge to the north of the proposed road, as such this aspect is deemed acceptable in that there would be no visual intrusion that would be contrary to Ep1.

6.4 The proposed entrance to the north of the highway would have a more formal appearance being set back from the edge of the highway and the formation of stone pillars either side of the two farm style gates approx. 6m wide opening. The splayed entrance would be formed of earth banking with hedgerows planted atop to match into the existing fronting the highway. Whilst the proposed would be more formal than the existing basic farm gateway in a hedge, its appearance would not be detrimental to the overall appearance of the countryside given the existing entrances already in existence along this length of highway up to the St. Marks Crossroads. The formality from its creation would be considered to have a neutral impact that balances the need for a revised entrance whilst offering a safe access and egress (further assessed below) to the farm and safeguarding the Elm Corridor.

6.5 The access to the south of the highway would mirror that of the aforementioned but is less formal without the stone pillars and uses posts and farm style gates of approx. 6.0m

wide that are set back. Equally for the same reasons noted above this aspect would echo that opposite and would have a neutral impact.

6.6 On balance this aspect of the proposal has been designed to suit the specific parameters of the site where it has incorporated the existing topography to avoid having any adverse impact on the character of the landscape which ensures the wider countryside is not adversely affected in accordance with Gp2b,c,f & STP5 and Ep1.

(iii) Highway Safety

6.7 Highway Services have considered the merits of the revised entrance dimensions and access to and from the site from the highway noting the visibility splays (2.4m x 120m). As the transport professionals their comments are heavily relied upon and it is noted they do not objecting to this application. The concerns raised by DoI drainage are already addressed in the the Road safety Audit and will be diverted to an existing culvert.

6.8 Having considered these arrangements and access within the site, the highways safety aspect for use of the proposed entrances in a safe and appropriate manner, and the proposed drainage on the site to prevent run-off water entering the highway, would not be considered to have any adverse impact on the existing highway or upon those users entering, exiting or manoeuvring within the site. The transport assessment noted in the Stage 1 Road Safety Audit and designers responses, has clearly identified the risk and mitigation measures to overcome these to ensure safe usage whilst balancing the competing needs for visual impact. As such the proposal would be considered to align with the principles of Gp2 h&I and TP4.

(iv) Trees and Bio Diversity

6.9 The application is accompanied with tree survey data, plans and an Arboricultural impact report that has highlighted those trees to be removed in order to construct the new entrance ways. Whilst the loss of any tree is unfortunate, their classification is noted in the reports as being of no great significance, namely either 'C' or multi stem trees or 'U' and being road side frontage are not great examples. The AiA, notes that it's unlikely for any further impact on the retained trees given the distances involved. In terms of visual impact and their amenity, the report notes their loss as moderate as the trees are not large and do not form a continuous feature as the Elm tree corridor to the west. Their Arboricultural value is noted as moderate to low due to the number of trees being removed and are generally of low value and are under-mature. For clarity, the Elm tree corridor is not being affected by the proposals. It is to the west of the site where there exist a higher-quality trees that flanking the road which provide significant canopy cover.

6.10 The proposed replanting on site would be seen to mitigate any loss of canopy cover and proposes a double row of planting using the planting of 'hawthorns' at 1m in height at a quantity of 180 of (*Crataegus monogyna*) and interpalced is 180 of 'Blackthorn' at 1m high (*Prunus spinose*) which both flower white petals and one gives red berries and the other purple berries. In addition to this is the planting of 11 Hornbeam trees at 3.5m high and 11 hornbeam trees at 2.5m high to give a semi mature appearance to the proposed entrance. The comments from the bio-diversity officer requesting some Oak trees to be planted is not unreasonable and can be addressed through an appropriatley worded condition.

6.11 The proposed trees and the creation of wetland grass area would further support a wide variety of biodiversity uses that could include roosting, feeding, and commuting bats that have been identified in the bat survey, and also breeding and feeding birds, invertebrates and other wildlife, in this rural environment. The proposed trees would be seen to offer additional areas that would provide an intrinsic benefit to this part of the countryside and would directly benefit the wildlife habitat and biodiversity value of this site / registered tree area.

6.12 As such the proposal would be seen to positively benefit the character here (GP2c) and would work towards improving the existing public amenity value (Ep3) of this collection of trees which would enhance the landscape quality and nature conservation value (Sp4b) to this site, which is supported.

(v) Agricultural land

6.13 With regard to the proposal and EP19 and the potential loss of agricultural land, the IoM soils maps (Figure 4) gives a broad indication of the areas and soil classification. The application site is defined within an area as being (light brown in colour on the map) and referred to as A11 and of a class of 3 quality. Within the written statement accompanying the maps, the references of A11 is noted in the Summary of Manx agricultural Types on page 18 as; "A11 - Peaty valley soils (Clycur) These peaty valley or "Garey" soils overlie stoney silty and clays. They tend to be poorly to badly drained and support willow scrub, with gorse and healthier in drier areas. These soils are particularly common in blocks of 2-10 hectares in the south-central part of the island. Some have been successfully drained and reclaimed, particularly where the peat is shallow. However, the economic feasibility and long term benefit of drainage and reclamation is questionable". It is further noted in the planting proposal report submitted as part of this proposal, the ground assessment is good agricultural soil conditions for new planting with a soil texture of sandy-clay loam and moderate draining.

6.14 This description of the soil quality of the natural land goes some way to understand the limitations of agricultural usage. Nevertheless, the proposed road, entrance and planting areas would only occupy a small footprint on the land and whether the adjoining fields are to be used for grazing in association with the farm or for planted crops, the land is to some degree still capable of being utilised for agricultural use without being disadvantaged by the proposals and would not prejudice EP19 and the loss of agricultural land.

(vi) Legal agreement

6.15 As noted in the pre-ambule, a legal agreement would be required to address the issue of the former approval (ref; 20/01215/B - Creation of new vehicular access) to ensure it cannot be implemented in any capacity to ensure protection of the Elm Tree Corridor. Any approval would be subject to a Section 13 legal agreement.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposals would comply with the aforementioned planning policies of the Isle of Man Strategic Plan 2016, and is recommended for approval subject to a legal agreement as set out at 6.15.

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 2nd February 2022

Item 5.10

Proposal : **Erection of a detached dwelling with integral garage**
Site Address : **Plot South Of Shandrum And Adjacent To Existing Stables /
Agricultural Building
Glen Auldyn
Ramsey
Isle Of Man
IM7 2AF**

Applicant : **Mr Anthony White**
Application No. : **21/00858/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. 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. Prior to the occupation of the dwelling hereby approved, the visibility splay(s) identified on drawings SM20/516/3 and 01 REV A; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. For the avoidance of doubt no approval is hereby given for the installation of a foul drain along the northern boundary of the site as shown in drawing 2009i/01/REV B, unless otherwise agreed in writing with the Department.

Reason: ensure the protection of mature trees along the northern boundary of the site.

Reason for approval:

Overall, it is considered that the development contained within the proposal is appropriate and in keeping with the character of the street scene and neighbouring dwellings, with suitably limited impact on the neighbouring properties. As such the proposal does not

adversely affect public or private amenity. It is therefore in accordance with the IOM Development Plan Order 1982 and the relevant policies of the IOM Strategic Plan.

Interested Person Status – Additional Persons

It is recommended that the following organisation should be given Interested Person Status on the basis that they have made written submissions these do relate to planning considerations:

Manx National Heritage

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 SITE

1.1 The application relates to a parcel of land within Glen Auldyn, which currently forms part of an agricultural/equestrian holding, albeit now appears redundant. The site currently accommodates a lunging ring (circular in footprint) and is adjacent to an agricultural barn to the west of the application site and beyond two detached buildings (brick building and Manx stone) which are used as stables for horses. The application site is south of the residential dwelling Shandrum and north of the residential dwelling Hazelmere.

1.2 The site is access via an existing entrance directly onto the Glen Auldyn Road. The entrance and access lane serves the existing stable buildings/modern barns, but also the application site which is to the rear of these buildings and also a private lane which provides access to the underground reservoir to the east of the site above Glen Auldyn.

2.0 PLANNING POLICIES

2.1 The Isle of Man Development Scheme (Development Plan) Order 1982 identifies the site as being for Low Density Housing in Parkland. The site is not within a Conservation Area. The site is not within a High Flood Risk Zone (Tidal or River).

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

2.3 Housing Policy 4 states: 'New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14.'

2.4 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; 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.'

2.5 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.'

2.6 Circular 8/89 'low density housing in parkland' is relevant. For this site the relevant aspects are that; All trees within areas designated "low density housing in parkland" are deemed to be Registered and areas proposed for development as Low Density Housing in Parkland may be developed in accordance with the following criteria:-

- buildings must be substantial, and designed and finished to the highest quality; and
- each dwelling must be sited, in at least 1 acre (0.4 ha) of its own grounds, such as to sit comfortably and naturally in a landscaped setting which acknowledges existing ground contours and existing trees.

3.0 PLANNING HISTORY

3.1 There are no previous planning applications on this site which are relevant in the determination of this application. There are two applications to a site to the south of the site which are relevant for consideration as these where:

3.2 Erection of a dwelling (relating to PA 13/91036/A) - 14/01030/B - APPROVED

3.3 Approval in principle for erection of a dwelling - 13/91036/A - APPROVED

4.0 PROPOSAL

4.1 The application seeks approval for the erection of a detached dwelling, part single, part two storey with integral garage. The proposed dwelling would be 'L-shaped' having a maximum width of 22 metres, a maximum depth of 14.5 metres and a ridge height of between 4.3m and 7.5m. The dwelling would be finished in a painted render finish, including sections of untreated Cedar or similar timber boarding with dark grey interlock tiles to roof. The dwelling includes large section of glazing especially to the front elevation (south west elevation).

4.2 Widening and lowering of the front boundary stone wall are also proposed to improve visibility from the existing access.

4.3 The submission also includes the demolition of part of the existing adjacent agricultural barn and the repair of parts of the remaining agricultural barn to improve the environment for the occupants of the new dwelling.

5.0 REPRESENTATIONS

5.1 Full details of all representations can be viewed online via the planning website. Accordingly, the below comments are brief summaries of comment made.

5.2 Lezayre Parish Commissioners have no objection (received on 12.11.2021).

5.2 Highway Services have no objection subject to conditions for visibility and the internal pedestrian and vehicle layout, including parking to Planning Drawing No: SM20/516/2 and for these elements to be retained for the lifetime of the development (26.10.2021).

5.3 Manx Nation Heritage do not object but comment on potential for nesting birds within trees proposed to be removed and works should be carried out during the summer months from the beginning of April to the end of August (03.08.2021).

5.4 Agriculture & Lands Directorate (Forestry) initially commented (05.08.2021):
"Four trees have been marked for removal at the site, all are relatively minor trees and are growing in conflict with existing property, the Directorate would have no objection to their removal. The footprint of the proposed development is immediately surrounded by trees to the north, east and south. This development would likely result in increased pressure to remove these trees. The majority of the trees immediately surrounding the footprint are, however, in poor physiological condition. The potential future impact upon these trees is therefore not of considerable concern. To the west of the proposed footprint are several mature broadleaf trees, these have been underrepresented on the submitted plan 'APL Measured Survey A2'. These trees are of significant size, maturity, and landscape value. Prior to the continuation of this application, I would recommend you request a tree constraints plan be provided to determine the full constraints of the existing trees and the feasibility of the current proposed location of the foul drain in relation to the trees."

5.4.1 Following these comments the applicants have undertaken a cctv survey of the drains in the site and noted the Manx Utilities a few years ago have installed a large surface water pipe beneath the trees indicated above, along the northern boundary of the site. The applicants have also amended the scheme so a new drainage pipe along the boundary is no longer proposed. What is proposed is the installation of a biodisc within the application site which has a outfall from it to the existing Manx Utilities (surface water).

6.0 ASSESSMENT

6.1 There are considered to be the following matter for consideration:

- o Principle of the development;
- o Visual impact upon the area;
- o Potential impact upon neighbouring amenities;
- o Potential impact upon trees/ecology; and
- o Potential highway safety issues/parking.

PRINCIPLE OF THE DEVELOPMENT

6.2 The initial consideration is whether the principle of development is acceptable. It is noted that the site is designated for low density housing in parkland.

6.3 As outlined by the policy any should dwelling should be within 1 acre of land and be "substantial" in size and be designed and finished to the highest quality. The site is below 1 acre, being approximately 0.5 acre in size. Further, while the dwelling is not small (4 bedrooms), it is probably not regarded as "substantial" as per the aim of the Policy, which essential seeks very large dwellings. The design and quality generally is acceptable for most residential sites, albeit again difficult to argue the finishes are of the "highest quality" with use of painted render, Cedral weatherboard cladding and concrete tiles and white uPVC windows. Examples of the highest quality finished (a variety of materials) are traditional laid Manx stone, natural slate roof, timber windows, carved stone etc.

6.4 These points are particularly relevant for two reasons. Firstly, as noted by the previous application, the acreage is less than the 0.4 ha (1 acre) stipulated by the Circular 8/89. Secondly, the Circular also requires proposals in areas zoned for low density housing in parkland to be "substantial" and designed to the highest quality. Whilst the proposed dwelling is not unattractive or of poor form, it is not considered that it would meet the requirements of Circular 8/89 for the reasons indicated in paragraph 6.3.

6.5 However, while a refusal could be made for this reason, it is perhaps important to consider the character of the area and whether such type of development on this site would be appropriate. Firstly, the site is an existing built up site (albeit not defined as previously development land as defined by the IOMSP as it is agricultural buildings) within existing built development, rather than an undeveloped parcel of land in the open countryside. It is also noted that the dwellings to the north of the site Shandrum and Tethers End appear to have been constructed under the "Low Density Housing" policy, being large modern bungalows in 1 acres of land. However, immediately to the south of the application site are dwelling Hazelmere, Drumalla & Yew Tree, the latter two being a pair of semi-detached properties and Hazelmere being a modest detached dwelling. These properties were not approved under the "Low Density Housing" policy being more modest in size and not within 1 acre of land. Accordingly, the application site is on the on the cusp of land zoned for low density housing in parkland and existing housing in the 1982 Plan. Accordingly, given the character of the area/street scene it is considered the principle of a dwelling of this size on this site arguable is more appropriate than a more "substantial" dwelling and would fit well in relation to neighbouring properties (impact on neighbours will be considered later in this report).

VISUAL IMPACT UPON THE AREA

6.6 In terms of the visual impact, given its location behind the existing agricultural barns/stable buildings and roadside landscaping, it is likely the dwelling will not be apparent from public views. Having said this the proposal which is mainly single storey, with a section being two storey is well designed and finished and would fit well within the street scene / area which is made up given properties along Glen Auldyn have been development over a considerable period of time (over hundred years) which has been continually been added to over the decades. What results is a variety of different building sizes, designs and finishes ranging from Manx traditional properties, Victorian properties, 1930's though to 1970's styled properties and more recently more modern and contemporary properties with large amounts of glazing similar to what is proposed by this proposal under consideration.

POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.7 The two properties mostly likely to be potential impacted by the development are Hazelmere to the south of the site and Shandrum to the north. In relation to Shandrum, given the distance located away from the neighbouring property and the proposed dwelling, orientation of the two properties with each other and the substantial level of landscaping between the two properties it is not considered the proposal would have a significant impact in terms of loss of light or overbearing impacts to warrant a refusal. Arguably, the main issue related to whether the proposed four first floor windows facing towards Shandrum would

result in an unacceptable level of overlooking (loss of privacy). However, again, given the existing landscaping in place (majority to be retained), the four rooms serve bedrooms, study and ensuite which are not primary habitable rooms (living room/dining kitchen etc.), distance from the windows to neighbouring property and none of the windows would have direct views into the neighbouring dwelling, the impact is not considered to be so significant to warrant a refusal.

6.8 Regarding the impact upon the neighbouring property Hazelmere, again given the distance between the proposal and existing neighbouring property, the significant levels of landscaping between the two sites and the orientation of the two properties to each other; the impacts would not be so significant to warrant a refusal.

POTENTIAL IMPACT UPON TREES/ECOLOGY

6.9 As outlined, there was an initial concern of the potential impacts of the mature trees to the northern boundary of the site due to the installation of a new foul drain. However, after investigation (see paragraph 5.4.1) and the proposal to install a biodisc this issues appears to have been resolved as it is no longer proposed to install a new foul drain along the northern boundary of the site.

POTENTIAL HIGHWAY SAFETY ISSUES/PARKING

6.10 As outlined by Highway Services comments, the proposal to lower the boundary wall to the north, but also slightly on the south, will improve visibility from the existing access which is currently used for equestrian purposes on a daily basis but also access to the underground reservoir by Manx Utilities. These parties will benefit from the improvement to the access as well as the potential new occupants of the dwelling under consideration. Highway Services have considered the proposals and have raised no high safety concerns.

6.11 The new dwelling would have at least two off road spaces and turning facilities within the site and therefore complies with GP2 and TP 7.

7.0 CONCLUSION

7.1 Overall, it is considered that the development contained within the proposal is appropriate and in keeping with the character of the street scene and neighbouring dwellings, with suitably limited impact on the neighbouring properties. As such the proposal does not adversely affect public or private amenity. It is therefore in accordance with the IOM Development Plan Order 1982 and the relevant policies of the IOM Strategic Plan. It is recommended for an approval.

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land 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 2nd February 2022

Item 5.11

Proposal : Approval in principle for the erection of a dwelling to replace former dwelling addressing means of access

Site Address : Ballatiki
Shore Road
Ballaugh
Isle Of Man
IM7 5AZ

Applicant : Mr Julian Michael Wood

Application No. : [21/01234/A](#) - 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 either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019

C 2. Approval of the details of siting, design, drainage, external appearance of the building[s], internal layout, landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced.

Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

C 3. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To avoid the accumulation of unimplemented planning approvals.

C 4. The new dwelling shall be:

- the same as the previous dwelling (Ballatiki) in terms of siting, size and footprint, unless changes of siting or size would result in an overall environmental improvement;
- not more than 50% of greater than the floor area of the previous dwelling (Ballatiki) (floor areas should be measured externally and should not include attic space or outbuildings); and
- designed to either be in accordance with Policies 2- 7 of Planning Circular 3/91 or of an innovative, modern design which is of high quality and does not result in adverse visual impact.

Reason: In the interest of the visual amenities of the area and as any new/replacement dwelling on land not designated for development is required to comply with Housing Policy 14.

C 5. The dwelling hereby approved shall be no taller than 1.5 storey in height as set out in the e-mail of 21.01.22.

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

C 6. Before the dwelling hereby approved is occupied, the visibility splay of 2m x 25m in both directions shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

Reason for approval:

It is considered whilst the demolition of the original dwelling last year was unfortunate from a planning policy standpoint (as the applicant did not understand the planning implications of doing this), it is considered given the relative short period between the demolition and the application being made (few months) and as the dwelling was not of architectural interest it is considered the proposal could be considered to comply with GP3 and HP4 and therefore the principle of a single dwelling on this site is acceptable. The proposed access arrangement are again acceptable and comply with GP2 and TP 7.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site was until recently the residential curtilage of Ballatiki which was a single storey detached dwelling located on the north-eastern side of Shore Road and northwest of The Cronk. Shore Road consists of a variety of dwellings to its eastern side. The Shore Road is a dead end leading to Ballaugh Beach.

1.2 The neighbouring property Ballakinnag House to the east of the application site, which is a two storey detached dwelling, is within the same ownership

2.0 THE PROPOSAL

2.1 The current planning application seeks approval in principle for the erection of a dwelling to replace former dwelling addressing means of access. It should be noted the access is not for the former dwelling as its access is still in place. The access is as previously approved under PA20/00648/B for the detached garage to the rear of Ballakinnag House. The driveway servicing this runs between the two dwellings (former Ballatiki & Ballakinnag House). No other matters are for consideration at this stage.

3.0 PLANNING HISTORY

3.1 A number of planning applications are associated with this site and neighbouring site (Ballakinnag House); however, only the following applications are considered relevant in the determination of the application;

3.2 The previous planning application PA20/00648/B and the subsequent Minor Changes application PA21/00193/MCH are the most relevant and were for the "erection of detached garage/ workshop with associated driveway and new vehicular access" and "Minor Changes application to PA20/00648/B involving relocation of approved garage (retrospective)."

3.3 It should be noted that between June and September 2021 the dwelling on the application site (Ballatiki) was demolished and the site was cleared. On this matter the applicants state:

"1.4 Ballatiki was demolished between June and September, 2021 in accordance with 21/00011/BCD and the site is essentially part of the curtilage of Ballakinnag House (see below for the most recent application on the site for the replacement of Ballatiki with a summer house). Planning approval was granted for the garage/shed under 20/00648/B but this did not necessitate the demolition of Ballatiki. The dwelling was demolished on the basis that the application for the proposed outbuilding showed the access to the new building very close to the side of Ballatiki which required a landscaping scheme to protect the living conditions of both properties from the impacts of the use of the driveway. A re-built, repositioned dwelling could provide better levels of amenity for both its occupants and those in Ballakinnag House.

1.5 It was the applicant's intention to upgrade Ballatiki to modern standards of thermal and energy efficient however, on looking into this more closely, it appeared that to do that, it would be beneficial economically, visually and energy wise, to replace the bungalow rather than refurbish it. The applicant then considered replacing the bungalow with a summer house/garden room which was the subject of 21/00712/B. This application was withdrawn before it was determined after the applicant changed his mind and decided that the best arrangement for their family was to redevelop Ballatiki as a dwelling in which his son could live on moving back to the Island. The dwelling, Ballatiki was demolished in anticipation of either its replacement with a new dwelling or its replacement with the summer house. The applicant was not aware of the planning implications of removing the dwelling before gaining planning approval for a replacement dwelling."

4.0 PLANNING POLICY

4.1 The site lies within an area of High Landscape Value and Scenic Significance not designated for development on the Isle of Man Development Order 1982, North Map. The property is not within a Conservation Area nor a Flood Risk Zone.

4.2 There are a number of other relevant policies within the Isle of Man Strategic Plan 2016, as summarised below.

- General Policy 2 sets out general 'Development Control' considerations which are arguably relevant even where a proposal is not in accordance with the land-use designation including design (respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them), wider impact (the amenity of local residents or the character of the locality) and parking/access/highway safety.
- General Policy 3 indicates 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 exception, which do not include the extension of existing dwellings.
- Environment Policy 1 seeks to prevent development which would adversely affect the site other than in exceptional circumstances.
- Environment Policy 2 seeks to protect Areas of High Landscape or Coastal Value and Scenic Significance from development which would harm the character and quality of the landscape.

- Housing Policy 4 outlines that new housing will be located primarily within our existing towns and villages and new housing in the countryside will only be approved 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.

- Transport Policy 7 relates to parking (standards are set out in Appendix 7).

4.3 The Department has published the Residential Design Guide (2021) which, although focused on dwellings within settlements, does offer advice in relation to impact on neighbours.

5.0 REPRESENTATIONS

5.1 Highway Services have considered the application and conclude (02.11.2021);

"The proposal raises no significant highway safety or network functionality issues. Accordingly, no opposition is raised to this proposal subject to conditions for access, visibility splays, the access lane to Drawing no 04 A, and to provide details prior to commencement of the internal vehicle and pedestrian layout, bicycle and car parking, plus waste bin storage. The Applicant to note that a s109(A) Highway Agreement applies for the access works."

6.0 ASSESSMENT

6.1 The main issues are the principle of a new dwelling on the site; the potential visual impact of the development upon the landscape/countryside; potential impacts upon neighbouring amenities and Access/highway safety.

Principle of a new dwelling on the site

6.2 As outlined by GP3 and HP4 new dwellings on land which is not designated for development is not acceptable, unless the building is replacing an existing dwelling, conversion of an existing rural building or if essential need for an agricultural dwelling is justified.

6.3 Strictly speaking the dwelling that was on this site has been demolished and it could be considered the proposal is contrary to the Development Plan. However, perhaps a more reasonable view is that a dwelling (Ballatiki) until recently (last year) existed on this site and therefore, while it is no longer in place, the site for a number of decades has accommodated a dwelling and still has evidence with its existing access and residential curtilage in place. Perhaps if the dwelling had been demolished a number of decades ago, then this view may carry less weight. However, in this case it is consider the principle of a dwelling on this site is acceptable.

Potential visual impact of the development upon the landscape and countryside

6.4 As the application is only AIP and no reserved matters (except means of access) are for consideration now. No indicative plans are submitted either. Therefore it is not possible to judge the impact of the development to the site, landscape or countryside setting. It is noted that the previous dwelling on the site was a single storey detached bungalow. The property included flat roofed extensions to side, rear and front elevations. The demolition of the dwelling from an architectural point of view is not a loss. If the principle of the application is approved; any reserved matters application will be considered against Housing Policy 14. The Planning Committee may also wish to attach a condition to limit the dwelling to a single storey/dormer or a one and half storey property rather than a full two storey dwelling. The applicants have submitted photographs of possible replacement dwelling which shows single storey/dormer and one & half storey dwelling. The applicants have confirmed they would have no objection to a condition restricting the height of the new dwelling to one & half storey dwelling.

6.5 Overall, it is considered the site is large enough and that an appropriately sized dwelling in line with HP14 could be accommodated on the site which would fit well within the landscaping/countryside setting.

Potential impacts upon neighbouring amenities

6.6 As outlined previously, as there are no details plans provided of the new dwelling, it is not possible to consider the impact upon neighbouring amenities at this stage. Any future reserved matters application would consider this.

Access/highway safety

6.7 The proposed new access this is as previously approved under PA20/00648/B for the detached garage to the rear of Ballakinnag House. This is proposed again with the adequate visibility splays (2m x 25m in both directions). This again has been considered by highway services, who have raised no objection to the access from a highway safety standpoint. It is noted the access for Ballatiki and Ballakinnag House would remain as existing and no changes are proposed.

6.8 Although not shown on any indicative plans the site also large enough to accommodate two off road parking spaces and turning faculties.

7.0 CONCLUSION

7.1 Overall, whilst the demolition of the original dwelling last year was unfortunate from a planning policy standpoint (as the applicant didn't understand the planning implications of doing this), it is considered given the relative short period between the demolition and the application being made (few months) and as the dwelling was not of architectural interest it is considered the proposal could be considered to comply with GP3 and HP4 and therefore the principle of a single dwelling on this site is acceptable. The proposed access arrangement are again acceptable and comply with GP2 and TP 7.

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 2nd February 2022

Item 5.12

Proposal : **Erection of a 2 storey structure.**
Site Address : **TT Timing Hut**
 Grandstand
 Glencrutchery Road
 Douglas
 Isle Of Man
 IM2 6DA
Applicant : **Department For Enterprise**
Application No. : **21/01454/B- click to view**
Principal Planner : **Mr Chris Balmer**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

Reason for approval:

It is considered the use of the time keepers' hut on this site is well established over a number of decades and therefore the principles acceptable for such development on this site. Furthermore the size, scale, siting, design and finish of the hut is a significant improvement of previous huts on this site and would be appropriate for the site and the street scene, which in this location is of racing features/buildings. The proposal would also have no significant adverse impacts upon public or private amenities. Accordingly it is considered the proposal would comply with General Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site represents the curtilage of the Scouts and Timekeepers Cabins at the TT Grandstand, Glencrutchery Road, Douglas. The cabins are located on the north side of Glencrutchery Road, near to the start/finish area of the TT course. The two cabins are pre-fabricated, temporary buildings with one stacked on top of the other. The lower cabin is 8.5 metres long and the upper is 7.3 metres long. They are both 2.6 metres high. The upper cabin is used by the timekeepers and the lower unit is used as a welfare and storage area for the Scouts who operated the Scoreboards (have recently been removed but potentially will be replaced). The cabins are linked internally by a stairwell.

1.2 The buildings are not used on a daily basis, but are used during major motorsport events and for a maximum of 8 weeks per year between May and September.

2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of a 2 storey structure. The building is a purpose built building (not portacabins etc) constructed of timber frame and timber cladding which include;

- o Flat roof finished in light grey, Cromar system oea
- o External Walls finished in horizontally laid timber - dark charcoal
- o Windows & external doors to be light grey uPVC
- o Rain water goods to be light grey uPVC#
- o Fascias & soffits to be light grey
- o Footway to be extended in Bitmac to give 1.2m access around building perimeter

2.2 The applicants outline the following;

"In early 2018, an independent structural survey of the TT Scoreboards and Timekeeper's Huts was commissioned. The Curtins Ltd survey stated that the condition of the existing structures was such that they could not be used after the Festival of Motorcycling in September 2020. This conclusion ultimately led to the TT Scoreboards being removed in 2020, with the Timekeepers Huts left in place whilst options were progressed.

Three different options were assessed for the timekeeper's huts; repair of the existing huts, replacement of the existing huts and removal of the huts. The third option, removal of the huts, was ruled out due to the fact the timekeeper's play a crucial part in the TT.

Option two, repair of the existing huts, was assessed and found to be cost prohibitive. As the Curtins Ltd survey states, the huts had come to the end of their useful life cycle and so it was such that considerable work would need to be done in order for the huts to be brought up to a well maintained, safe, habitable condition.

With option three being the only viable solution, it has been thoroughly assessed and developed. The replacement hut will be required to have panoramic views of the pitlane/Glencrutchery Road so that the timekeepers can maintain visual line of sight of the riders and TT race officials, space for timekeeping officials to work, room for timekeeping equipment and in line with the Equality Act 2017 the hut must be DDA compliant.

The proposed design of the timekeeper's hut aims to encompass the TT heritage whilst also being of a modern construction sympathetic to the local surroundings. The proposed hut is a timber log cabin painted a dark grey with contrasting lighter grey windows and soffits. The aim of painting the structure dark grey is to minimise dirt and staining from Glencrutchery

Road traffic but also to ensure the hut ties in with the colour scheme of any possible future scoreboard replacement."

3.0 PLANNING HISTORY

3.1 The following planning applications are considered relevant in the determine of this application:

3.2 11/00305/B - Permitted by CoMIN - Replacement of two cabins (currently in place) - Approved for 3 years.

3.3 87/00271/B - Permitted- Temporary siting of 2 portakabins to form timekeepers' accommodation.

4.0 PLANNING POLICY

4.1 The site isn't designated for any particular development forming part of the highway under the Area Plan for the East 2020. The site is not within a Conservation Area.

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

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

- (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."

5.0 REPRESENTATIONS

5.1 Douglas Borough Council support the application and make the following comments (20.01.2022);

"In supporting the application the Council would kindly ask that consideration be given to the fitting of external lighting should it be established that the new building has any detrimental effects on the efficiency of the existing lighting."

5.2 DOI Highway Services comment (22.12.21);

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The alteration to

the footway will require interdepartmental agreement in lieu of a s109(A) Highway Agreement."

5.3 No further comments have been received at the time of writing this report.

6.0 ASSESSMENT

6.1 It is considered that the main issues are: principle of development; potential impact upon visual amenities of the area and access/highway safety.

Principle of development

6.2 The area is not designated for any development under the Area Plan for the East. However, the site has clearly been used for a Timekeepers hut associated with the motorsports event for a number of decades. Accordingly, while the site is not specifically designated, the site lawful use is for the purposes proposed. Therefore the principle of the development is acceptable.

The effect of the proposal upon the character and appearance of the area

6.3 A previous concern of the current buildings was the design/construction of the buildings which are cabins attached to each other. It was felt that such structures did not give a good impression for the TT races, being located in one of the more prominent locations (start/finish line) of the race course. The Inspector commented:

"However, the cabins are a key part of the TT infrastructure and therefore essential to the national interest of tourism. If, as appears to be the case, there are currently insufficient financial resources available to resolve the issues through an adequately funded proposal, the Government as planning authority has little alternative but to grant temporary approval for the current scheme."

6.4 Accordingly, while approval was granted on the basis of the need for them, the Council of Ministers only approved the application on a temporary 3 year period (expired 26th July 2014).

6.5 The new is not a temporary building constructed of porta cabin style buildings. The building on the site has a number of constraints, these being the highway, footpath to rear, cemetery wall and needing to be in this position for functional reasons associated with the race course. Accordingly, any building on this site is likely to have to be a tall narrow building due to these reason. The building proposed is considered to be a vast improvement of the existing situation. The building would be finished in timber in a dark charcoal colour, and windows, doors, fascias, soffits and water goods all to be a light grey in colour. The proposal given its functional needs, site constraints and its overall design and colour/finish are considered appropriate and would fit within the streets scene.

Access/highway safety

6.8 Highway Services have considered the scheme and raise no objection.

7.0 CONCLUSION

7.1 Overall, it is considered the use of the time keepers hut on this site is well established over a number of decades and therefore the principles acceptable for such development on this site. Furthermore the size, scale, siting, design and finish of the hut is a significant improvement of previous huts on this site and would be appropriate for the site and the street scene, which in this location is of racing features/buildings. The proposal would also have no significant adverse impacts upon public or private amenities. Accordingly it is considered the proposal would comply with General Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020. 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.

Item 5.13

Proposal : Creation of public open space
Site Address : Phase 2 Royal Park
The Vollan
Ramsey
Isle Of Man
Applicant : Hartford Homes Ltd
Application No. : [21/01465/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.

Reason for approval:

it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan and the Ramsey Local Plan and have no adverse impacts upon public or private amenities.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT (DEED OF VARIATION) IS REQUIRED

1.0 SITE

1.1 The site is a parcel of land which was approved for Public Open Space in association with the housing development to the south of the site. The site is to the North of the Royal Park housing development which is partially complete.

2.0 PROPOSAL

2.1 The application seeks approval for the creation of public open space to the land to the northern part of Royal Park housing development. The site would include a Micro Forest. The same site (location and size) has previously been approved under PA 16/00232/B as Public Open Space. This application proposes an amended scheme to that with different layout, new position of footpath, introduction of seating area and a new micro forestry. The scheme as a whole would increase biodiversity on the site.

2.2 The applicants comment:

"The reason for varying the layout is to try to maximise the ecological benefit of the new area, with the aim of offsetting climate change by increasing the carbon sequestration potential of the land, whilst balancing this with the need to provide usable open space for the public.

The revised layout is very similar to that previously approved, with the difference being in the form of construction and choice of planting being used to maximise on ecological potential."

2.3 Further they state;

"The redesigned layout will include;

- o A 'Micro Forest' area - a dense, fast-growing native urban woodland bursting with biodiversity and which can thrive in areas as small as a tennis court. The trees grow more rapidly, storing CO2 and keep the air clean.
- o Landscaped public green areas including seating
- o Native wildflower borders, which potentially have deeper root systems to aid carbon sequestration, when compared to standard utility grass.
- o Dense boundary hedge planting that will provide habitat for small animals and birds
- o Realigned footpath to aid access through the new area"

2.4 The works have been produced in conjunction with the Manx Wildlife Trust.

3.0 PLANNING POLICIES

3.1 The application sites are within an area recognised as being an area of "Proposed Residential" under the Ramsey Local Plan. The site is not within a Conservation Area.

3.2 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

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

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

- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.0 PLANNING HISTORY

4.1 The following previous planning application is considered relevant in the assessment and determination of this application:

4.2 Erection of a residential development of 81 dwellings with associated hard and soft landscaping and on site infrastructure - 16/00232/B - APPROVED at Appeal. This included a condition which directly related to this site:

"C 4. The last dwelling of the development hereby approved shall not be occupied until the areas of public open space referred as "Amenity Area" shown on drawing 01 REV E have been turfed with grass, including the footpaths and landscaped as proposed and all made available for recreational use. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: to ensure adequate Public Open Space provision is provided."

5.0 REPRESENTATIONS

5.1 The Ramsey Commissioners have no objection (21.01.2022).

5.2 Department of Infrastructure Highways Services do not object (22.12.2021).

5.3 Ecosystem Policy Officer (DEFA) supports the application commenting the proposals will increase biodiversity value of the public open space (31.12.2021).

6.0 ASSESSMENT

6.1 The main considered is whether the proposals would be acceptable upon the visual amenities of the street scene and appropriate Public Open Space.

Impact upon the visual amenities of the street scene

6.2 The proposal which essential increase the amount of tree planting, creates a seating area and alters the position of the public footpath slightly are all consider to be acceptable in terms of the visual impact. It is considered the proposed changes would have a positive impact upon the street scenes from this respect.

Appropriate Public Open Space

6.3 The area of Public Open (POS) space remains the same, albeit the planting proposed and footpaths have been altered. It is considered the proposed POS would be a pleasant place to be and use, while offering an improvement to biodiversity on the site/area. It is understood Ramsey Commissioners are in agreeable to adopt the public open space.

7.0 LEGAL AGREEMENT

7.1 A new Section 13 Legal Agreement (Deed of Variation) would be required to be undertaken to ensure the new area of open space hereby approved and the proposals within it are completed and maintained thereafter.

8.0 CONCLUSION

8.1 Overall, for the reasons indicated with this report it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan and the Ramsey Local Plan and have no adverse impacts upon public or private amenities and therefore it is recommended the application is approved.

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

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 2nd February 2022

Item 5.14

Proposal : Alterations and erection of extensions to provide Car Port and additional living accommodation to dwelling

Site Address : Cooil Ny Cronk
Ballure
Ramsey
Isle Of Man
IM7 1AD

Applicant : Mrs Anne Craine

Application No. : 21/01549/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.

Reason for approval:

It is considered the proposal would appear as a subordinate extension, well designed extensions which would respect the proportion, form and appearance of the existing property, while still allowing the main dwelling house being the main aspect within the site. It is considered the proposals would comply with HP15 and PC3/91 and would not harm the character and quality of the landscape or adversely affect the countryside and therefore comply with EP 1 and 2.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 SITE

1.1 The application site represents the residential curtilage of Cooil Ny Cronk which is an existing traditional Manx farmhouse style with three upper windows over a central doorway which would have been flanked with a window either side. However, in this case the window to the right of the door has been blocked up and the left is a more modern picture window, replacing the original sliding sash styled window. The upper three windows are no longer sliding sash windows but top opening casement windows (30/70 split). The detached dwelling is situated at the southern side of the A2 road. The site is located off a private road which is set above the A2. The property is adjacent to the Ballure Holiday Homes within Maughold.

2.0 PROPOSAL

2.1 This application seeks approval for the erection of a rear part single, part two storey extension. The extension would have a maximum depth of 7.5m and a width of 6.7m. The extension has a pitched roof, but included a glazed section at the ridge line. The works also involves the re-introduction of sliding sash windows to the front elevation back to the original style and size.

2.2 The works also include a car port to the front elevation which would be attached to the front elevation of the dwelling and the adjacent retaining wall which currently fronts the property.

3.0 DEPARTMENT POLICIES

3.1 The application site is within an area of High Landscape Value or Coastal Value and Scenic Significant and "woodland" under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area.

3.2 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:

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

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

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

3.5 Housing Policy 15 states: "The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)."

3.6 Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside

4.0 PLANNING HISTORY

4.1 There are no previous planning applications in association with the site.

5.0 REPRESENTATIONS

5.1 Highway Services have no objection (13.01.2022).

5.2 The Garff Commissioner's (13.01.2022) made the following comments: "The Commission considered this application carefully. They noted that the current cottage is a traditional Manx cottage but felt that the proposals retained features of the original. They also noted that the floor area of the extension was in the region of 85% and would therefore be contrary to the criteria set in Housing Policy 15, however they are aware that the Planning Officer may consider that the location of the property close to the holiday cottage development may be a factor in allowing relaxation of the 50% criteria. Members felt that significant visual intrusion would be limited due to the location of the property on a site that appears to be relatively concealed.

After considering the above and other relevant matters, the Commission resolved to reserve further comment and to leave the application to be determined by the Planning Committee."

5.3 No further comments had been received at the time of writing this report.

6.0 ASSESSMENT

6.1 The main issues are the potential visual impact of the development upon the landscape and individual dwelling.

Potential visual impact of the development upon the landscape and individual dwelling

6.2 Currently, the dwelling is very well screened from public views when travelling along the A2 Road; given the mature vegetation (trees/hedgerows etc) of the site and along the roadside. The dwelling is also positioned above the road level given the topography of the site which is set on a hillside.

6.3 The existing property is traditional in form and appearance, albeit the window fenestration to the front and rear are more modern alterations, which detract from the character and appearance of the original Manx farmhouse design. However, it is still considered given the form, proportion and retention of the two gable end chimney stacks, the property is still more traditional in appearance, rather than of poor form or non-traditional design. HP 15 requires consideration.

6.4 In terms of the size increase the proposed extensions would have a floor area of approximately 79sqm. The existing dwelling has a total floor area of approximately 100sqm and with the new extension would have a total floor area of approximately 178sqm, which equates to a percentage increase of approximately 78% which is above the generally permitted 50% threshold as stated within HP 15. Accordingly, an objection to could be made to the size proposed. However, it is noted the existing property is not especially large to begin with and the proposal resulting extension would result in three modestly sized bed

dwelling. Further, while not specifically laid out in the IOMSP, the proposal would be to retain the existing dwelling, rather than replacing it, which is beneficial from a historical point of view.

6.5 In terms of the proportion, scale and form of the proposal, the proposals are traditional in form, appearance. The single storey rear extension aspect is flat roofed, but is more contemporary in design and of a good quality in terms of finishes and overall appearance. The works to the rear of the property would likely be totally apparent from public views (A2).

6.6 It is considered the proposals would appear as a subordinate extension, while still allowing the main dwelling house being the main aspect within the site. The new windows to the front elevation would restore the original appearance of the property. The front car port is perhaps more unusual; however, given the proximity of the adjacent retaining wall which front the property, it is not considered this is unacceptable in this instance. On other sites this car port to the front of the dwelling would cause concern.

7.0 CONCLUSION

7.1 The majority if not all of the proposals would not be apparent from public views. It is considered the proposal would appear as a subordinate extension, well designed extensions which would respect the proportion, form and appearance of the existing property, while still allowing the main dwelling house being the main aspect within the site. It is considered the proposals would comply with HP15 and PC3/91 and would not harm the character and quality of the landscape or adversely affect the countryside and therefore comply with EP 1 and 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.