



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, 21st February 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

For information on how to view or register to speak please see 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 2nd February 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 **27th January 2022 to 14th February 2022.**

8. Any other business

9. Next meeting of the Planning Committee

Set for 14th March 2022.

PLANNING COMMITTEE Meeting, 21st 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 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 5.3 Public Open Space Auldyn Meadow Drive Auldyn Meadow Ramsey Isle Of Man IM8 2TR</p> <p>PA21/01122/B Recommendation : Permitted</p>	<p>Creation of fenced children's playground with play equipment</p>
<p>Item 5.4 Park House Isle Of Man Business Park Douglas Isle Of Man IM2 2SA</p> <p>PA21/01108/B Recommendation : Permitted</p>	<p>Extend second floor of existing office building to create additional staff amenity space and remove external porch</p>
<p>Item 5.5 27 Cannan Court Kirk Michael Isle Of Man IM6 1FA</p> <p>PA21/00717/B Recommendation : Permitted</p>	<p>Erection of a single storey extension to side elevation</p>
<p>Item 5.6 Kielthusthag Lodge Smeale Ramsey Isle Of Man IM7 3EB</p> <p>PA21/01503/C Recommendation : Permitted</p>	<p>Additional use of gardens as a wedding venue</p>
<p>Item 5.7 Villa Marina Colonnade Unit 1-3 Villa Marina Arcade Douglas Isle Of Man IM1 2HN</p> <p>PA21/00827/B Recommendation : Refused</p>	<p>Conversion from a retail/leisure to a restaurant (class 1.3)</p>

<p>Item 5.8 Flat 1 Harbour Lights Shore Road Peel Isle Of Man IM5 1AH</p> <p>PA21/01475/B Recommendation : Permitted</p>	<p>Installation of replacement window on Front Elevation. Alteration of apartment 1 (part Ground & First Floor) to create 2 No Permanent Apartments, with alteration of roof area to expand existing terrace</p>
<p>Item 5.9 High Tilt Goat Farm Douglas Road Kirk Michael Isle Of Man IM6 1AS</p> <p>PA21/01205/B Recommendation : Permitted</p>	<p>Erection of cheese production, butchery, and education unit (retrospective)</p>
<p>Item 5.10 Area Of Land Adjacent To Upper Howe Farm Old Castletown Road Douglas Isle Of Man</p> <p>PA21/01311/B Recommendation : Permitted</p>	<p>Installation of ground mounted solar array.</p>
<p>Item 5.11 Southwest Of Unit 298A Jurby Industrial Estate Jurby Isle Of Man IM7 3BD</p> <p>PA21/00322/B Recommendation : Permitted</p>	<p>Erection of a two storey self- storage facility with associated loading and unloading bays</p>
<p>Item 5.12 Shore Hotel River Wall Glen Road Laxey IM4 7DA</p> <p>PA21/01102/B Recommendation : Permitted</p>	<p>Strengthening of the existing river wall and construction of a glass flood wall along the edge of the river to provide flood protection</p>
<p>Item 5.13 Dragonfly Barn 3 Abbeylands Estate Scollag Road Abbeylands Isle Of Man IM4 5BX</p> <p>PA21/01235/B Recommendation : Permitted</p>	<p>Erection of replacement timber cabin</p>
<p>Item 5.14 Unit 3 Balthane Industrial Estate Ballasalla IM9 2AJ</p> <p>PA21/01285/C Recommendation : Permitted</p>	<p>Change of use of existing warehouse into a leisure facility</p>
<p>Item 5.15 Barony View Glen Mona Loop Road Glen Mona Ramsey Isle Of Man IM7 1HG</p> <p>PA21/00764/B Recommendation : Permitted</p>	<p>Alterations and erection of extension to main dwelling, including the conversion of existing garage/store for tourist accommodation (B&B) and demolition of existing stable building and replaced with a garage.</p>

Item 5.16 Water Gardens Jurby Coast Road Jurby West Isle Of Man IM7 3AS PA21/01290/B Recommendation : Permitted	Erection of proposed detached dwelling and integral garages
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PLANNING AUTHORITY AGENDA FOR 21st 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.

C 6. Prior to the occupation of the dwelling, full details of boundary treatment between the site and Jesswin shall be submitted to and approved in writing by the Department. The approved boundary treatment must be installed prior to occupation of the dwelling and retained as such thereafter.

Reason: to ensure suitable boundary treatment and to define the boundary line.

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.

0.0 PRE-AMBLE

0.1 The application was deferred for a site visit at the last Committee Meeting. Prior to the site visit the agent for the application provided an additional drawing showing the comparative height differences between Jesswin and the new proposed dwelling on plot 4, these heights had been had been verbally discussed in the initial Committee Meeting.

0.2 This height drawing was assigned to the file and hard copies taken to the site visit for the agent/applicant and a copy for the owner of Jesswin.

0.3 During the site visit the owner of Jesswin raised a query about the boundary line and boundary treatment at the rear of their dwelling. An email was received from the agent stating that screen planting had been allowed for on their side of the boundary, but that they would be happy to erect a new 6ft high close board timber fence on their side of the boundary with the screen planting installed inside the garden on Plot 4.

0.4 Minded of the comparative drawing received and the email from the agent, it is necessary to update the drawing numbers for the application and to include a condition requiring details of the proposed fence to be provided to the Dept and the need for its installation prior to occupation of the dwelling.

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 more so 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 21st February 2022

Item 5.2

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. The deposition by the public of materials into separate containers are not precluded.

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, lawned 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 to the use 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. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. Notwithstanding the information shown on the approved drawings all fencing should be paladin fencing. The fence shall be dark green in colour.

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 23. 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 24. Prior to the commencement of the development hereby approved, details of Staff Cycle storage and changing facilities, and staff 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.

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Department of Infrastructure (DOI) Flood Risk Management Division

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

DOI Waste Management

Planning Officer's Report

THE APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT

0.0 PREAMBLE

0.1 This application was considered by the committee on the 02.02.22 and deferred for a site visit.

0.2 At the 02.02.22 meeting, the Case Officer made the following amendments, which have now been reflected in this report.

- C3 add "the deposition by the public of materials into separate containers not precluded".
- C9 to "Within 3 months to the use" from "Within three months of the commencement of the development".
- C13 to be removed and C11 be retained.
- C23 to be amended by the inclusion that the fence should be dark green in colour in order to reduce the visual impact.
- C25 to be amended to include staff EV Charging points to make it clearer. Timing would however have to be ascertained on the details that would be submitted to the Department prior to commencement of the development. The reference to future installation of EV charging points (by the applicants and DOI Highways) cannot be included in C25 as a condition cannot be kept in perpetuity.

0.3 During the site visit, the occupant of Cronkbane House asked that a condition be included to specify that the colour of the building be 'Olive Green' to minimize the visual impact of the building when viewed from their property. However, it is considered that given the grey colour of other buildings in the vicinity, this is not necessary. Request was also made by this objector that another condition be included to stipulate that the excavated material be used to create a bund along the entire southern boundary of the application site to further serve as a screen to the development. However, it is considered that the proposed landscaping condition (as

amended) is sufficient, and it is noted that additional bunds in the area could have drainage implications for the adjoining sites.

0.4 The remainder of this report is unchanged. Any further representations received or any other information will be confirmed via verbal update to the committee.

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 Kewaique 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 be 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, noted here that issues related to dust, odour and noise, that arise during the operational phase of the development would be will 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

PLANNING AUTHORITY AGENDA FOR 21st February 2022

Item 5.3

Proposal : Creation of fenced children's playground with play equipment
Site Address : Public Open Space
Auldyn Meadow Drive
Auldyn Meadow
Ramsey
Isle Of Man
IM8 2TR
Applicant : Dandara Homes Limited
Application No. : [21/01122/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. All soft landscaping works (including tree planting) as shown on approved drawing Auld APL 58 REV b shall be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the play area, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 3. All hard landscaping works (including pathway) as shown on approved drawing Auld APL 58 REV b shall be completed prior to the occupation of the play area and retained thereafter. Further, the first 5m of any pathway hereby approved shall be finished in a non-gravel material finish.

Reason: To ensure the provision of an appropriate landscape/access.

Reason for approval:

It is considered that the proposal would not have significant adverse impacts upon public or private amenities and would comply with the relevant planning policies of The Isle of Man Strategic Plan and the Ramsey Local Plan Order 1998, and for the reasons set out in this report.

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 5 Auldyn Meadow Drive, Auldyn Meadow, Ramsey
The owners/occupiers of 18 Auldyn Meadow Drive, Auldyn Meadow, Ramsey
The owners/occupiers of 16 Auldyn Meadow Drive, Auldyn Meadow, Ramsey

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

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN THE LEVEL OF REPRESENTATIONS RECEIVED CONTRARY TO THE RECOMMENDATION

0.0 PREAMBLE

0.1 Members will be aware the planning application was previously deferred due to concerns of the pathways across the site and access onto a highway. Further to this the applicants have amended the scheme to provide to include a new path running from the north-western corner of the site to the south eastern corner of the site, both tying in with the existing footpaths within the estate. Further, additional tree planning is proposed around the edges of the play area and additional hedgerow planting along the northern and eastern boundary of the site.

1.0 THE APPLICATION SITE

1.1 The application site is a parcel of undeveloped land which was allocated as Public Open Space when Auldyn Meadow Drive was developed within Ramsey. The site is located in a central location within the Auldyn Meadow Drive area.

2.0 THE PROPOSAL

2.1 The application seeks approval for the installation of children's playground play equipment. The proposals includes the installation of six pieces of equipment, laying of Bark Mulch safety surface around the equipment, installation of a path linking the equipment to the adjoining public footpaths, Jacksons fencing around the play area and some ground works to create a level ground level for some of the equipment.

2.2 The applicants indicate that the approval of a previous planning application for 19 houses nearby (20/01367/B) required a children's play area to be provided (Section 13 Legal Agreement) within the overall housing estate. They indicate that the location and design of the playground has been agreed with Ramsey Town Commissioners as part of the S13 process.

3.0 PLANNING HISTORY

3.1 The following planning applications are considered of material relevance to the determination of the current application:

Application site

Removal of condition 1 of PA 11/00990/B relating to the provision of affordable housing in connection with the erection of 45 dwellings, associated highway and drainage infrastructure, public open space and landscaping (13/91519/C) - APPROVED

Erection of two detached dwellings and a terrace of four dwellings (revised dwelling types to those approved under PA 11/00990/B) - 13/00229/B - APPROVED

Erection of 45 dwellings with associated highway and drainage infrastructure, public open space and landscaping - 11/00990/B - APPROVED

Nearby site

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

4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site is within a wider area of land that is designated as proposed residential use under the Ramsey Local Plan Order 1998. In accordance with the local plan the West Ramsey Development Framework (WRDF) was written to provide an overall development framework for the development of the application site and surrounding land. Under this document the site is within an area designated as "medium/high density housing".

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 which was adopted by Tynwald and forms Government Policy contains a number of policies considered specifically material to the assessment of this current planning application:

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

- (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."

4.4 Recreation Policy 4 states: "Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport."

4.5 Paragraph A.6.3.1 of the IOMSP states: "It has been argued that access to large gardens and transport reduces the importance of the children's playing space standard in certain areas. Gardens of private dwellings need to be of a sufficient size to accommodate the day to day needs of very young children; however, as children grow older, the role of the private garden, irrespective of its size becomes less important as play space. Children need access to play areas,

where they can meet others of their own age and learn the important art of socialisation, which private gardens do not facilitate. Private gardens perform a multitude of other functions and are specifically excluded from the standard."

5.0 REPRESENTATIONS

5.1 Highway Services do not oppose (06.10.2021) and make the following comments:

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network efficiency and /or parking. Consideration should be given to pedestrian dropped crossings to readily facilitate connections for those on foot, bicycle parking and maintenance vehicle access."

5.1.1 Following the amendment drawings Highway Services make the following comments (28.01.2022);

"Highways Development Control notes the amendments uploaded on 20 January 2021 and welcomes the provision of connecting paths. These should be suitable for users of push and wheel chairs at a minimum of 1.2m wide and surfaced in a non-gravel material. Gravel should not be within 5m of the highway even for pedestrian use. Further modifications are necessary.

HDC is accepting of road side parking for maintenance purposes given the occasional use throughout a year.

There is no requirement for more speed reducing measures. These have been designed into the layout. Additionally, no road design can remove all risks, and there is a long standing principle that road users are responsible for their own safety and should have regard of conditions relating to the nature of the road, weather and traffic etc. when using a road."

5.2 Ramsey Commissioners raise no objection (21.10.2021).

5.3 The owners/occupiers of 5 Auldyn Meadow Drive, Auldyn Meadow, Ramsey have objected to the application for the following reasons (11.10.2021); I am strongly against a children's play area in front of my house it will attract young adults who I think will be using the play area as a drinking venue leaving their rubbish everywhere; and not only that the cars on this estate go far too fast and it's an accident waiting to happen

5.4 The owners/occupiers of 18 Auldyn Meadow Drive, Auldyn Meadow, Ramsey have objected to the application for the following reasons (11.10.2021); our bungalow will be right next to the site and we feel it will affect our privacy to our back garden and the front of our house; We feel it will attract more people to the area which will then cause more noise, litter and traffic etc.; We are also very concerned about teenagers loitering into unsociable hours; We have only just purchased our property (3 weeks ago) and nothing was said about planning for this park; and we feel that if this was mentioned it would of affected our decision into purchasing the property.

5.4.1 Further comments from the owners of 18 Auldyn Meadow Drive have been received (29.01.2022) commenting; We have already objected to the park with our concerns of litter (rodents), noise, parking, privacy and vandalism etc; where do you expect visitors to park as Cars and vans already park on the road side and up onto the pavement over here as it is; and a few weeks ago someone parked their car up onto the pavement across our driveway.

5.5 The owners/occupiers of 16 Auldyn Meadow Drive, Auldyn Meadow, Ramsey have objected to the application for the following reasons (11.10.2021); It was not on the plans when we purchased our property next to the grass field (it was listed to be an open public space) having planning permission already approved to build an extension on the side elevation to our property the proposed plans for the playground will have an effect on this and will spoil the

view; concerns me as the passing through traffic go at speed; concerns that it will attract unwanted nuisances from children / teenagers during the day time and late evenings; there is also no bins located in the area and this will impact of the cleanliness of the area and the area will become littered on; and I own two dogs who may become unsettled due to having a playground adjacent to our property.

5.6 Flood Management Division (DOI) do not object (31.01.2022).

6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application; (a) principle of development; (b) potential impact upon neighbouring amenities; (c) potential impact upon the visual amenities of the area; and (d) potential impact upon highway safety.

Principle of development

6.2 The land has been set aside for use as public open space and is annotated on the approved estate layout as "Public Open Space". Whether the open space is used as formal or informal space is a matter for the local authority who is responsible for the maintenance of the open space and how it is used. As many of the properties within the estate are suitable for occupation by families, the provision of formal play facilities such as are proposed here would appear to be appropriate. It should be noted that the majority of the site would still be retain as open grass/landscaped.

6.3 As indicated within the 'Planning Policy' section of this report, the site was allocated as public open space when the estate was developed. The site is also located within the housing estate and has good pedestrian links to and from the nearby residential properties (Auldyn Meadow Drive & Auldyn Walk) as well as the adjoining estate of Greenlands Avenue to the south of the site. It is worth noting that currently there is a lack of provision of children play facilities in this area of Ramsey.

6.4 Recreation Policy 4 clearly requires that open space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport. As outlined above the site would meet these requirements. Paragraph A.6.3.1 of the IOMSP indicates that; "...Children need access to play areas, where they can meet others of their own age and learn the important art of socialisation, which private gardens do not facilitate...".

6.5 Accordingly, it is considered the principle of developing this site for play equipment is acceptable. This is not an automatic reason to approve the application, as there are other material planning considerations which need to be determined.

Potential impact upon neighbouring amenities

6.6 A main issue with play equipment can be overlooking from the equipment towards and into neighbouring properties. In this case the Proludic J4930 multiple-play slide and Proludic J1610 climber arguably have the greatest potential for loss of privacy given children could stand/climb on these above ground level height. However, it is noted that the equipment would be located approximately 19.7m from Nr 18 (Proludic J4930 multiple-play slide - closes equipment to this property) and 21m to the gable of Nr 16 (Proludic J1610 climber). There is a Proludic J491 pod swing located closer (16.3m) to this property (Nr 16); however, it is unlikely this would cause greater level of potential overlooking compared to the Proludic J1610 climber. Overall, it is not considered the proposed equipment or use of the land as a children's play area would cause a significant impact to warrant a refusal on these grounds. New tree planting will also help in time to reduce the impact further.

6.7 In relation to other play equipment again it is considered to be appropriate, given their siting, size, and distance to neighbouring properties.

6.8 It is noted that concerns have been raised that the owner of 16 Auldyn Meadow Drive have raised concerns of their views from their approved extension (potential has now expired if not commenced) would be affected. It is noted that the approved plans had two high level windows at ground floor and a window at first floor which served a bedroom (secondary window). There is no right to a view in planning terms and therefore this is not a material planning matter which can be taken into account.

6.9 Concerns of anti-social behaviour have been raised and are understandable. However, the children's play area being located centrally within the housing development and being overlooked by a number of properties will help this become less likely. Anti-social behaviour generally occurs on sites which are not overlooked and are "out of sight". Furthermore there is a balance to be struck in providing for a children's play area which has clear social and health benefits for children versus the potential for antisocial behaviour, which can to a certain extent be controlled by other means, and it is concluded that the benefits of provision outweigh the disbenefits.

Potential impact upon the visual amenities of the area

6.10 The equipment will be apparent when travelling past the site. However, it is not considered the equipment proposed is especially obtrusive or of a great mass or size which would adversely affect the visual amenities of the street scene or the site to warrant a refusal. Further, it is not uncommon to find children play equipment within residential areas and therefore it is not considered to be out of keeping within this area.

Potential impact upon highway safety

6.11 Highway Services have raised no objection to the proposal. This proposal does not include any off road parking provision. Arguably, the site has very good pedestrian links and with no parking provided perhaps would persuade people to walk to the site, rather than travel by a car. This is the main purpose of having play areas within the centre of housing developments, as it within walkable distance of a number of properties will have no reliance of car travel. As outlined in Recreation Policy 4, Open Space provision should be "provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport". Given this site meets the above policy it would seem perverse to then seek parking provision for such provision.

6.12 New paths throughout the site and connecting to the existing highway (i.e. paths) will offer improved accessibility for all users within the estate, not just those using the play area. It is noted Highway Services have considered the amended plans and have raised no concerns.

7.0 CONCLUSION

7.1 Overall, it is considered that the proposal would have no significant adverse impacts upon public or private amenities and would comply with the relevant planning policies of The Isle of Man Strategic Plan 2016 and the Ramsey Local Plan Order 1998, and for the reasons set out in this report, 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 21st February 2022

Item 5.4

Proposal : Extend second floor of existing office building to create additional staff amenity space and remove external porch

Site Address : Park House
Isle Of Man Business Park
Douglas
Isle Of Man
IM2 2SA

Applicant : Lanz Limited

Application No. : [21/01108/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. Prior to the commencement of the development hereby approved, details of Staff Cycle Shelter (shown on Drw. No. 264/002 Rev A received 7 December 2021), and the changing facilities and locker areas (referred to in Agents Correspondence received 24 November 2021), shall be submitted to and approved in writing by the Department. Prior to the second floor accommodation being brought into use, the Staff Cycle storage, changing facilities and locker areas 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:

The proposal in terms of the principle of development, the visual impact of the proposal, and impacts on neighbouring amenity are aspects which raise no concern and on balance does not adversely impact upon the site and surroundings, and therefore accords with the relevant planning policies from the IOM Strategic Plan (2016).

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 mentioned in Article 4(2):

Saxman Limited trading as Newsbeat, Park House Annex, IOM Business Park;
Heron & Brearley, for Horse and Plough Public House, Isle Of Man Business Park, Braddan;

Park House Nursery Ltd, Isle of Man Business Park, Cooil Road;
Flat 1, Parkhouse Annex, Isle of Man Business Park;

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):

6 Ballacottier Meadow, Braddan;
8 Ballacottier Meadow, Braddan;
25 Ballacottier Meadow, Braddan;
12 Ballacottier Meadow, Braddan;
28 Ballacottier Meadow, Braddan;

as they 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

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE AS THERE ARE MORE THAN FIVE REPRESENTATIONS OBJECTING TO THE APPLICATION, AND THE APPLICATION HAS BEEN RECOMMENDED FOR APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site includes Park House (along with some 28 associated car parking spaces), which is a two-storey office building with floor space in the roof space and situated within the Isle of Man Business Park.

1.2 The building was originally built under the 1995 approval issued to the 'Business Park Service Centre', which included a public house, shop, nursery and showroom. Park House was essentially a site manager's building, but subsequently had this use varied to include offices uses in 2003, which was (and is) more in keeping with the overall approval of the Business Park as a whole: namely, corporate headquarters where there are no visiting members of the public.

2.0 THE PROPOSAL

2.1 Full planning approval is sought to extend second floor of existing office building to create additional staff amenity space and remove external porch. The proposed scheme would extend into the roof space and create 101sqm of additional floor space. This extension which would be no higher than the existing roof level would create a flat roofed extension that would raise the external walls to the current roof level. The extension would have sections of the external walls finished in natural stone cladding similar to the adjacent buildings, while other sections would have white render finish. Dark grey window and door frames would also be used. Dark grey fascia would be used around the flat roof. Large areas of glazing similar to (but higher) than those on the first floor would be installed on the new second floor extension.

2.2 Other works proposed include:

2.2.1 Removal of the existing external porch on the front elevation and the creation of a flat roofed open porch at the same position.

2.2.2 Installation of a cycle shelter on the North West boundary of the site. The shelter would be 2m wide and 4.6m long, and would be a Canterbury Cycle Shelter. No other details in terms of height, and type of roof cover have been indicated.

2.3 The applicant has provided supporting information which indicates that:

o The original Brief provided by Lanz Limited was to remodel the existing Second Floor level to create a breakout area for staff where they could eat, relax, and hold informal meetings and discussions; that use, being only for office staff working on the Ground and First floor levels, would not have created any additional parking requirement.

o The proposed office accommodation at Ground and First Floor levels has a total Gross Internal Area (GIA) of 423m² which, based on the parking standards for offices outside town centres in Appendix 7 of the Strategic Plan 2016 of one per 15m², generates a need for 28 parking spaces, which is the number of dedicated spaces provided for Park House within the existing parking arrangement.

o At the time of the original Brief it was understood that there was an additional 35 parking spaces shared with a number of the adjacent businesses on a 50/50 basis, which meant that Park House had the benefit of an additional 17.5 (say 17) parking spaces; as a consequence, and in order to retain the flexibility for possible future expansion of the business, it was considered prudent to apply for office use at Second Floor within this Planning Application, even though it would only be used as a staff breakout area for the foreseeable future. If the Second Floor was used as office space, because it has a GIA of 228m² it would require an additional 15 parking spaces, i.e. less than the 17 available.

o It is now accepted that the understanding of the status of the 35 parking spaces was incorrect and that they are not shared on a 50/50 basis but, rather, they are unallocated shared spaces for use by the various businesses in the vicinity - they cannot be allocated for use by any specific business, including that occupying Park House. Therefore, the Applicant wishes to revert to the original Brief and use the Second Floor as a staff breakout area as outlined above.

o Whilst the GIA of the Second Floor only increases from an existing area of 127m² to a proposed area of 228m², it is not just the additional area that is deemed necessary, but the increase in the amenity created for the occupants when using the breakout area, with improved views and levels of natural light over and above the existing.

o The Applicant is committed to introducing substantial financial incentives for staff to travel to work by means other than private car; it is impossible to assess how successful this will be but if the take-up by staff is sufficiently high, this could mean that the 28 parking spaces allocated to the building are more than adequate (i.e. not all used), which would leave the unallocated shared spaces entirely for the ad hoc use of the other businesses; that has not always been the situation with previous tenants of Park House, so would represent an immediate improvement over and above the same. At this stage, we have indicated a covered bicycle shelter for 14 bicycles but, if take-up of the scheme is large, then additional bicycle shelters will be introduced, subject to obtaining any necessary consents.

o Similarly, the intention will be to provide changing and locker areas within the staff breakout area at Second Floor, and that will be designed to accommodate the number of staff who partake in the scheme.

3.0 PLANNING POLICY

3.1 The site lies within an area zoned as 'Industrial' on the Area Plan for the East (Map 4 - Douglas), and the site is not within a Conservation Area. The site is not at risk from flooding nor

are there any Registered trees on the site. The site is also not within a Registered Tree Area. As such, the following Strategic Plan policies are considered relevant:

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

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

3.3 Business Policy 5:

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

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

3.4 Business Policy 7 states in part:

"New office floor space should be located within town and village centres on land which is zoned for the purpose on the appropriate area plan; exceptionally, permission may be given for new office space

- (a) on approved Business Parks for Corporate Headquarters which do not involve day to day callers."

3.5 Paragraphs 9.3.3 to 9.3.4 (In part):

"9.3.3 The Department has supported the location of offices in town and village centres for several reasons:

- (a) such centres are accessible to all members of the community, staff and visitors alike;
- (b) the activity and range of services contribute to the vitality and success of the centres; and
- (c) the investment in property can be used to renew the ageing fabric of our town centre buildings.

9.3.4 There are exceptions to this general approach:

- (a) Corporate Headquarters which do not attract day to day callers may usually be located on one of the Business Parks;

The Department therefore proposes that, with these exceptions, the established policy for the location of new office space should be continued".

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

3.6.1 Offices - 1 space for every 50 square metres of nett floor space.

3.6.2 The additional floor space proposed would nevertheless serve as additional amenity space provision to the existing office use and within an office building.

3.7 Strategic Policy 10 (In part): New development should be located and designed such as to promote a more integrated transport network with the aim to:

(a) minimise journeys, especially by private car;

3.8 Paragraph 11.5.3 of the Strategic Plan

The long term target is to reduce the level of car parking required for town centre developments and seek to develop more sustainable staff and visitor transport plans including improved public transport, staff buses, shared and pooled cars, cycling and walking. Consideration should be given to the provision of cycle parking for staff and customers in non-residential development and to the provision of secure cycle stores in apartments. In the shorter term, the Department proposes the following general policy in respect of parking provision.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Active Travel Strategy 2018 - 2021

4.1.1 "Overarching principles

3.1 The overarching principles for this strategy and the action plan are to:

o enable more active travel by creating a safe, convenient and effective active travel network for people to use; and

o encourage and promote a shift of choice to active travel modes for everyday functional trips".

4.2 A climate challenge mitigation strategy for the Isle of Man 2016 - 2020

4.2.1 "Part 2: Our approach to reducing emissions

Principles for reducing emissions

Eliminate energy demand i.e. design and construct buildings which don't require heating or cooling, use online services rather than travelling somewhere in person, walk or cycle instead of travelling by bus or car".

4.0 PLANNING HISTORY

4.1 The application has been the subject of the following applications which are considered relevant in the assessment and determination of the current application:

4.2 PA 00/00384/B for Extensions to office building - Permitted on Review.

4.3 PA 01/01752/B for Extension to office building (amendment to approved PA 00/00384) - Permitted.

4.4 PA 03/00917/C for Change of use of Park House from Business Park Service Centre Office to allow office based use in accordance with original Business Park - Permitted. The approval granted related to (a) the use of the office space in accordance with condition 4(d) of the approval granted in respect of PA89/4166, i.e. as the corporate headquarters of a single company which utilises the new information technologies and services other park users (but specifically excluding financial and professional services to visiting members of the public, including banks, building societies, estate agencies, and betting offices).

4.5 PA 09/01834/C for Variation of approved office use - Permitted. Condition 3 attached to the approval notice reads as follows:

"The approved use is restricted to a single company that offers financial or professional services or otherwise falls within Use Class 4 (Offices) of the Use Classes Order within the Town and Country Planning (Permitted Development) Order 2005."

These Use Classes are identical to those set out in the 2012 Town and Country Planning (Permitted Development) Order, and which were quoted in full in paragraph 2.4 above.

4.5 PA 17/00753/B for Conversion of ground floor of office building to create coffee shop, with retention of office use above - Permitted. Condition 2 of the approval states thus: "The approved use of the First Floor and Attic Floor of Park House, as shown on Drawing APL-01 (date-stamped as having been received 14th July 2017) shall be restricted to Use Class 4 of the Town and Country Planning (Permitted Development Order) 2012.

Reason: In order to control the use of the building in line with the Braddan Local Plan and Business Policy 7 of the Isle of Man Strategic Plan 2016".

5.0 REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 6 October 2021/13 December 2021.

5.2 Braddan Commissioners have made the following comments regarding the application in a letter dated 22 December 2021:

- o They note that the application related to "break out" space which did not appear to provide accommodation for extra staff which could lead to the need for additional parking.
- o They ask that a condition be included on any approval that, should the space be converted to offices with an opportunity for additional staff, a new application should be submitted.
- o They have no objection to the application.

5.3 The occupants of the under listed neighbouring properties object to the application and refer to the fact that only 28 parking provisions are allocated to the applicants, contest the previous assertion by the applicants that they had 47 parking spaces available to them, refer to pressure on parking spaces within the site and surrounding area, matters related to how planners would ensure the space is used for approved use, use of cycle to work and public transport, placement of yellow notice, restriction of parking time for the unallocated parking spaces on the broader site area, need for the Site plan to be altered to reflect the correct position with regard to ownership and shared use of parking spaces, the need for building height and mass to respect scale and character of locality, number of new staff to be served by Park House, limited number of toilet facilities within park house to cater for a large staff, and increased traffic to area. Reference is also made to other non-planning matters such as content of Deeds and Covenants.

- o Saxman Limited trading as Newsbeat, Park House Annex, IOM Business Park;
- o Heron & Brearley, for Horse and Plough Public House, Isle Of Man Business Park, Braddan;
- o Park House Nursery Ltd, Isle of Man Business Park, Cooil Road;
- o 6 Ballacottier Meadow, Braddan;
- o 8 Ballacottier Meadow, Braddan;
- o 25 Ballacottier Meadow, Braddan;
- o 12 Ballacottier Meadow, Braddan;
- o Flat 1, Parkhouse Annex, Isle of Man business park;
- o 28 Ballacottier Meadow, Braddan;

7.0 ASSESSMENT

7.1 Given the location of the site and nature of development proposed, the fundamental issues to consider in the assessment and determination of this planning application are:

- i. The Principle of the proposed development;
- ii. the impact of the proposed development on the character and appearance of the existing building and surrounding area; and
- iii. the impact of the proposal on parking and highway safety

7.2 Principle (BP 7 and Paragraphs 9.3.3 to 9.3.4)

7.2.1 In terms of the acceptability of the proposed extension to the existing building, it is noted that the existing building is situated within a business park where it has operated as an office building with the proposal not altering its established use; conditions that would ensure it continues to comply with the requirements of Business Policy 7 as it relates to Offices within Business Parks.

7.2.2 It is also considered that the proposed extension would improve the functionality of the building by providing additional amenity space in the form of a breakout area for staff where they could eat, relax, and hold informal meetings and discussions. Also proposed are segregated toilet facilities for men and women on this floor which would be an improvement over the existing where only a large shower room is provided. Whilst not shown on the plan, the applicant has also indicated that the intention is to provide changing and locker areas within the staff breakout area to accommodate the number of staff who partake in the cycle to work scheme; elements which will all help towards a more user friendly and efficient use of the second floor than is currently attainable.

7.2.3 Given the above, it is considered that the principle of the proposed scheme is acceptable and compliant with the requirements of Business Policy 7 and paragraphs 9.3.3 to 9.3.4 of the Strategic Plan.

7.3 Visual Impact (GP 2 (g))

7.3.1 In terms of the impacts on the existing building, it is considered that the proposal would involve replacing the existing hipped roof with a flat roof, it would be in keeping with the building as it would retain key features such as window type, stone and render finish, and alignment of fenestrations, and would give the building a more modern appeal. It is, therefore, considered that the proposed extension would not adversely affect the character and appearance of the existing building.

7.3.2 With regard to impacts on the character of the locality, it is noted that the roof changes would be at variance with the dominant hipped roofed finish for buildings within the immediate vicinity. Albeit, the proposed finish would not be at variance with the locality which has large flat roofed buildings (such as the Canada Life International Office complex, Zurich House, and Celton House) and pitch roofed buildings with large flat roofed elements such as the Dandara Group Head Office; buildings which are all within a 150m radius from Park House. Besides, it is not unusual to have flat roofed office buildings within business parks.

7.4 Impact on Neighbouring amenity (GP 2)

7.4.1 In terms of impacts on neighbouring amenity, it is considered that the extension on the second floor will introduce new fenestrations at second floor level with views to the neighbouring properties. However, it is considered that there is mutual overlooking of the spaces around buildings within this part of the business park at first floor and above first floor levels. It is also not uncommon to have mutual overlooking of buildings within industrial and office complexes as this serves to increase security of spaces around the buildings; given that it offers opportunities to create overlooked defensible spaces.

7.4.2 With regard to overbearing impacts and loss of light, it is considered that the compact layout of the immediate environment which has separating distances between buildings set at 9.4m at the highest (between Park House and Park House Nursery), with the other buildings

situated with no real separating distances would diminish any impacts in terms of loss of light or overbearing impacts. As well, the closest building to the application building, 'Caledonian Toyota' is situated to the south of the application building which would further serve to ameliorate any impacts with regard to loss of light and overshadowing, as the sun's orientation is east to west. It should also be noted here that the new flat roof would not be set higher than the existing ridge height, although it is acknowledged that the flat roof would cover areas that previously had no solid obstructions with the existing hipped roof.

7.4.3 Given the above, it is considered that any impacts in terms of overlooking, overbearing impacts, and loss of light would be minimal and not sufficient to warrant refusal of the scheme.

7.4.4 Other impacts on neighbours related to parking and highway concerns would be addressed within section 6.5 of this report which deals with parking and highway safety.

7.5 Parking and Highway Safety Impact (GP 2 (h & i), TP 7, STP 10 (a) and Paragraph 11.5.3).

7.5.1 In terms of the parking impacts associated with the proposed development, it is noted that the development would create 101sqm of nett floor space; a situation that would require the creation of two additional parking spaces as required by Appendix 7 of the Strategic Plan which stipulates 1 space for every 50 square metres of nett floor (office) space. On this issue, the applicants have argued that this requirement is only for increase in office space and that the additional area is for staff amenity. However, the Strategic Plan makes no demarcation between amenity spaces within an office but broadly recommends the parking for office development. Given that the development is within an established office development, it would therefore be appropriate to apply these requirement to the development.

7.5.2 In applying the rules for the additional parking requirements, it is considered that the Strategic Plan makes provisions for relaxing the rule where the development is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality (See A.7.6 Parking Standards (part d) of the Strategic Plan. In the case of the proposed scheme, it is considered that the development is within an established public transport corridor. Besides, the applicants have made provision for 14 covered cycle parking spaces within the site which would serve to provide a viable alternative to car use, and well within the core aims of the Strategic Plan, Active Travel Strategy and Climate Mitigation Strategy, and as such could be considered a more suitable alternative for the 2 parking spaces that would have been provided. Moreover, Highway Services have reviewed the scheme and indicated that they do not oppose the scheme as propose; a clear indication that they are satisfied with the scheme.

7.5.3 Whilst comments related to the number of new staff to be served by 'Park House' and the extension are noted, it should be considered here that consideration for parking provision is based on the floor area and not the number of staff using buildings. As noted in paragraph 7.5.2 above, what is proposed here would only require 2 additional parking spaces with the measures proposed by the applicant considered appropriate in this case.

7.5.3 Comments have also been made regarding difficulty of managing the use of the new amenity space within the building, with concerns that additional staff would place pressure on the unallocated spaces within the site. This also is not considered to be a concern as photographs provided by some of the commenters on the application indicate that there is restricted parking time for the unallocated parking spaces which would restrict them being used as staff parking in association with Park House, considering these unallocated parking spaces may only be used for a maximum of two hours at any given time.

7.5.4 Reference has also be made to the development increasing the number of visitors to the property and increasing the chances of dangerous parking, with its attendant impacts on the safety of residents, (although key reference from these commenters have been visitors to the adjacent buildings for food). Given that the approved office use of Park House is such that would not require frequent daily callers as the other buildings within the site such as the nursery and public house, it is not considered that this issue relates directly to Park House which does not involve a large number of daily visitors as asserted in these comments.

7.5.5 Based on the foregoing, it is considered that the proposed scheme would comply with the requirements of General Policy 2 (h & i), Transport Policy 7, Strategic Policy 10 (a) and Paragraph 11.5.3 of the Strategic Plan.

7.6 OTHER MATTERS

7.6.1 Yellow Notice:

7.6.1.1 Whilst comments have been received from the neighbouring properties that the yellow notice has not been placed at the right positions, the applicants have provided photographic evidence which show that the yellow notice has been placed in by the entrance of the building and in front of the car park (by the highway). As such, it is considered from the evidence provided that the scheme has been appropriately advertised.

7.6.2 Covenants and Deeds

7.6.2.1 The issues that border on Covenants or details contained within Deeds are civil legal issues that lie outside the scope of the planning application as land ownership is a civil matter and would hold no weight in the assessment of a planning application. Any determination under the Town and Country Planning Act 1999 can neither create nor detract from land ownerships, any right of way, or other civil legal rights and obligations as may exist between the parties. Considering these bear no weight in a planning decision, the application has been assessed excluding these issues.

8.0 CONCLUSION

8.1 For the reasons set out above, the proposal is considered to comply with the aforementioned policies of the Isle of Man Strategic Plan 2016 and the Area Plan for the East, and therefore recommended for an approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 21st February 2022

Item 5.5

Proposal : **Erection of a single storey extension to side elevation**
Site Address : **27 Cannan Court**
Kirk Michael
Isle Of Man
IM6 1FA
Applicant : **Ms Lindsay Reid**
Application No. : **21/00717/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 proposed toilet window as shown on drawing 02 Rev A shall be glazed with obscure glass to Pilkington Level 5 or equivalent and permanently retained as such thereafter.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

C 3. The development hereby approved shall not be occupied or operated until the driveway has been constructed in full accordance with the approved plan 01 Rev A, and shall thereafter be retained for parking purposes only.

Reason: In the interests of off road parking and highway safety.

Reason for approval:

A number of issues have been raised by neighbouring residents and the local commissioners in respect of matters which fall outside of the remit of planning such as construction works and associated construction traffic. In determining the material planning matters of the proposal the application is considered by reason of its siting, size, scale, design and material finish the proposal is considered to have an acceptable visual, amenity and highway safety impact so as to comply with General Policy 2 b, c, g, h and i and to meet 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):

- o 26 Cannan Court (19/07/2021)
- o 25 Cannan Court (18/07/2021, 08/12/2021, 15/12/2021 and 09/01/2022)
- o 27 Cannan Court (22/07/2021 and 08/12/2021)

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

It is recommended that the following organisation 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):

- o A representative of Kirk Michael Sheltered Housing Association

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 IS REFERRED TO THE PLANNING COMMITTEE AS THE OFFICER'S RECOMMENDATION IS CONTRARY TO WRITTEN SUBMISSIONS OF MEMBERS OF THE PUBLIC 3 OF WHICH WILL BE AFFORDED INTERESTED PERSON STATUS.

SITE

1.1 The application site represents the residential curtilage of 27 Cannan Court, Kirk Michael, a semi-detached bungalow located on at the northern end of Cannan Court at the end of the cul-de-sac. The bungalow is one of twelve forming part of the sheltered housing complex.

1.2 The dwelling sits on a triangular plot, there is a shared front facing gable with windows facing towards the road. The main front door is provided on the end gable elevation. There is an existing driveway running along the boundary with No. 26. This driveway turns at right angle to follow the line of the house. Set back towards the back of the house is a detached single garage.

1.3 The dwelling is finished in painted masonry render and has its main entrance on the south elevation. There is an existing flat roof conservatory on the rear elevation.

PROPOSAL

2.1 Approval is being sought for the demolition of the existing garage and the erection of an extension on the end gable. The extension is to measure 4950mm x 5625mm, with a smaller infill nearest the front to provide a front porch.

2.2 The extension is to be set down and back from the main house, with a central pitch measuring 4.2m and eaves 2.7m matching the main house.

2.3 The driveway is to be re-aligned to run along the length of the boundary rather than turn the corner. The overall proposed length of the driveway is approx. 14m

PLANNING HISTORY

3.1 There have been no applications for the dwelling since its original approval in the 90's.

PLANNING POLICY

4.1 The site lies within an area designated on the Kirk Michael Local Plan (1994) as 'Predominantly Residential' and the site is not within the Kirk Michael Conservation Area. Given the nature of the proposal it is relevant to have regard to General Policy 2 (b, c, g, h and i) which assess visual impact, impact on neighbouring properties and highway safety matters. The Residential Design Guide 2021 is also a material consideration which provides advice on the design of extensions to existing properties (Section 4.0) as well as how to assess the impact of such development on the general streetscene and on the living conditions of those in adjacent residential properties (Section 7.0).

REPRESENTATIONS

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

5.1 Kirk Michael Commissioners - objection (05/08/2021 and 04/02/2022) - concern for the quality of the environment given the elderly residents living in the sheltered housing complex. The estate was originally built to mirror each other and the proposal will be out of keeping with this. They further add that if approved a proviso is added stipulating that the property cannot be changed to a holiday home as the residents are all mid 70 years upwards. Concern also for the construction activity during the course of the works.

5.2 Department of Infrastructure Highway Services - No highways interest (08/07/2021 and 18/11/2021) - The minor widening of the driveway would be beneficial for car parking purposes. Separate legislation covers construction matters and a contractor would be expected to meet legal obligations and regulations for accessing and egressing a site, use of the public roads for parking, equipment and materials, and safe working on site.

5.3 There have been a number of objections received from neighbouring properties including:

- o 26 Cannan Court (19/07/2021)
- o 25 Cannan Court (18/07/2021, 08/12/2021, 15/12/2021 and 09/01/2022)
- o 27 Cannan Court (22/07/2021 and 08/12/2021)

5.3.1 One submission dated 18/07/2021 also included 5 further signatures from other properties in the street (No's 21, 23, 24, 28 and 30 Cannan Court) - although these petition signatures cannot be taken into account as objections need to be individually written correspondence from the owner/occupiers of different properties and not multiple copies of one letter or a single petition.

5.3.2 All the comments can be viewed online in full but are summarised as follows:

- o Issues with display of yellow and green notices
- o Concerns with construction vehicles blocking the road and driveways and obstructing private and emergency access vehicles.
- o Concerns with construction works impacting the safety of the elderly neighbouring residents, including potential disruption, noise and stress.
- o Concern with accuracy of the plans - kitchen door positioning shown wrong, no door shown for the existing conservatory, trees to the rear not shown and internal layout is wrong.
- o New utility room not near kitchen and all drains will have to be re-routed and WC/shower room access off garden room is not ideal.
- o Existing extractor and flu outlets will project into new garden room, and existing bathroom window will open into internal hall.
- o Both the gas and electricity meters are being moved although the application form states there are to be no alterations.
- o Driveway proposals will result in narrower drive with cars overhanging and obstructing access to No. 26.

- o Pertinent that manhole covers in driveway are not obstructed.
- o Property deeds restrict commercial vehicles from being parked outside properties

5.4 A representative of Kirk Michael Sheltered Housing Association (19/07/2021) objection - Extensions and external alterations will significantly alter the character and layout of Cannan Court and will not enhance the local environment with reference made to both Strategic Policies 3 and 4. The proposal does not have regard to the local character and if approved may lead to further applications and a cumulative alteration to what is generally a quiet and peaceful housing complex.

ASSESSMENT

6.1 There have been a number of comments received from neighbouring residents and the local commissioners raising some procedural matters, material planning considerations and some non-material planning considerations all of which will be addressed later in this report. The key planning issues relevant to a decision in this case would be whether there are any adverse visual impacts on the character or appearance of the dwelling or the surrounding streetscene (GP2 b, c, and g), whether there would be any adverse impacts on the amenity and living conditions of those in adjacent properties (GP2 c and g), and whether there would be any adverse impacts to highway safety (GP2 h and i).

Procedural Matters

6.2 It has been indicated by neighbours throughout the process that yellow and green notices for the planning application have not displayed properly or for the full length of time. On the contrary the applicant and agent state that the signs were erected and for the full periods of time with a bout of bad weather effecting the sign for a short period. The application has received a number of comments and objections since the first yellow notice, and on circulation of the revised plans and green notice further comments have been received. Those who had already commented would have also been notified by the Department as to the new plans and that new comments would be welcomed. Minded of the length of time, the comments received and that the application is to be determined by the Planning Committee is it not considered that there have been any shortcomings in the process of the application nor is anyone considered to be disadvantaged. It is considered that the application can progress to a recommendation accordingly.

Material and Non-Material Planning Considerations

6.3 Material planning considerations state which issues can be taken into account when a decision on a planning application is made. They aim to ensure that the decisions made are rational ones, based on assessment rather than personal opinion and bias. Examples of material planning considerations would be planning policy, previous planning appeals, loss of light, visual appearance or overshadowing. Non-material planning considerations are issues that are not relevant to the decision making process these may include matters controlled under building control or separate non-planning legislation such as drainage details, structural stability, fire precautions or matters covered by licences. Other non-materials considerations may be loss of property value, problems occurring during construction, land/boundary disputes or legal deeds of covenant.

6.4 A large proportion of comments received from neighbouring properties relate to non-material planning considerations such as construction work and construction traffic, extractor flues, pipe work, man holes and electrical/gas changes which are matters dealt with under separate building control legislation and licenses. Internal arrangements and layouts are not material as these can be changed without the need for planning approval. The comments do however raise material planning considerations in respect of the driveway proposals resulting in a narrower drive with cars potentially overhanging and obstructing access into No. 26. Kirk Michael Sheltered Housing Association also state that the works will significantly alter the

character of Cannan Court to the detriment of the local environment. These highway and visual issues are covered in more detail in the planning assessment below.

Planning Assessment

6.5 Aforementioned, the key planning issues in this case fall to the visual impact, neighbouring amenity impact and highway safety impact as a result of the proposed extension.

Visual impact

6.6 The extension follows the Residential Design Guide 2021 in being stepped back, stepped down and of a size and scale so as to be subordinate to the main house. The orientation of the main dwelling and the set-back position of the extension also limits its prominence from the streetscene. The extension will of course bring a visual change to the overall appearance of the dwelling especially when compared to its largely unchanged neighbours, however this is not considered to be an unacceptable visual change minded of the acceptable size, scale and siting, and its overall design and finish being in-keeping with the main house. The proposed extension is considered to have an acceptable visual impact on the existing dwelling and on the surrounding streetscene in line with General Policy 2 b, c, and g, and in turn Strategic Policies 3 and 4, and to meet with the principles of the Residential Design Guide 2021 (section 4.0).

Amenity Impact

6.7 The property likely to be most affected by the development is No. 26 Cannan Court. The position and orientation of these two dwellings around the turning circle for the small estate means that the distances between the properties increases the further back into the site you go. Nearest the front of the dwellings the gap is approx. 4.2m, between here is where the driveway for each dwelling runs. Towards the rear of the site the gap between the existing shed/garage to be demolished and No.26 nearest elevation is approx. 7m.

6.8 While there will be no changes to the gap at the front of the properties, there will be a reduction to 5m towards the rear, and yes these extension changes will be most notable from No. 26, however given the acceptable size, scale, set back position and given the driveway gap that will remain between the two properties the proposal is not considered to result in any overbearing or outlook impacts on the amenity or living conditions of No.26.

6.9 Siting and positioning of the front door and WC window are as such that they do not result in any adverse privacy or overlooking impacts beyond the existing arrangement as to raise any concern on amenity or living conditions of No. 26. A condition relating to obscure glazing of the WC window in line with DWG 02 Rev A shall be added for the avoidance of doubt.

6.10 Overall it is concluded that the proposal would have an acceptable impact on the living conditions and amenity of the neighbour so as to comply with General Policy 2 g and to meet with the principles of the Residential Design Guide 2021 (section 7.0).

Highway Safety Impact

6.11 Updated drawings for the application demonstrate that there are to be no changes to the first part of the existing driveway and so access to the dwelling from the cul-de-sac remains unaffected beyond the existing arrangement.

6.12 Where changes are proposed are further to the rear where the proposal will re-align the driveway along the boundary. As existing the right hand bend limits practical parking at the site, and it is felt that the proposed changes in this case will likely facilitate an improved arrangement with a more practical layout for parking off the road and meeting with the tests of General Policy 2 h and i and not to have an unacceptable effect on road safety or traffic flows in the area.

6.13 Planning assessment considers the long term impacts of a development on highway safety (in this case after the extension is completed/being lived in). While comments from neighbours raise concern for construction traffic, these concerns fall outside the remit of the planning decision and these shorter term construction matters usually covered by other legislation and licences where a contractor would be expected to meet legal obligations for access and egress of a site, the use of public roads for parking and storing any materials/equipment, and for safe working on site.

CONCLUSION

7.1 By reason of the siting, size, scale, design and material finish the proposal is considered to have an acceptable visual, amenity and highway safety impact so as to comply with General Policy 2 b, c, g, h and I and to meet with the general principles set out in the Residential Design Guide 2021.

7.2 A condition requiring the new toilet window to be installed in obscure glazing shall be added accordingly, along with a condition ensuring the driveway parking is completed in accordance with the drawing detail.

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 21st February 2022

Item 5.6

Proposal : Additional use of gardens as a wedding venue
Site Address : Kielthusthag Lodge
Smeale
Ramsey
Isle Of Man
IM7 3EB
Applicant : Mrs Madeline Simpson
Application No. : [21/01503/C](#)- 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. The use hereby permitted shall cease by the 01.04.2024

Reason: the development has been approved on a temporary basis to allow the impact on amenity and success of proposed mitigation measures to be gauged in light of events.

C 2. The measures to prevent on-street parking as set out in the approved details must be implemented in full at any time the wedding reception is in operation.

Reason: in the interests of local amenity and highway safety.

C 3. No helicopters, associated with the wedding venue, shall be permitted to land on the site, or elsewhere within the property (land edged in blue on the approved site plan).

Reason: in the interests of local amenity and the wellbeing of nearby livestock.

C 4. No more than 6 wedding reception events shall take place in any one calendar year, and no more than 1 event shall take place in any 4 week period.

Reason: in the interest of local amenity and wider ecology.

C 5. Marquees and temporary toilets may not be in place more than 1 day prior to and 1 day after an event.

Reason: in the interest of local amenity and wider landscape.

C 6. No lighting, associated with the use as wedding venue, shall be installed at the site unless in accordance with details which have first been approved in writing by the Department

Reason: in the interest of local amenity, wider landscape and ecology.

C 7. No guests shall be permitted to remain on the property after 23:59 on the day of an event.

Reason: in the interest of local amenity.

Reason for approval:

Although the proposal is not in accordance with policies in relation to land use or the pattern of development, it could provide a welcome additional wedding venue to the island and provide some level of support to other local businesses. There are concerns about impact on amenity and the potential for some level of control via conditions. DOI Highway services have not objected in terms of highway safety. Concerns in relation to the wider environment are not considered sufficient to warrant refusal.

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):

- Mull House
- Smeale Beg

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):

- Croit-ny-Bane Farm
- West Keilthustag Farm (Location Plan indicates adjoins blue line but more than 20m from redline boundary)

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

Planning Officer's Report

THE APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS A DEPARTURE FROM THE DEVELOPMENT PLAN AND THERE IS AN OBJECTION FROM THE LOCAL AUTHORITY BUT IT IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site is within the residential curtilage of Kielthustag Lodge.

1.2 The surrounding area is characterised by detached dwellings set back from the highway with landscaped areas. There is a mix of boundary treatments in the area comprising small low rise walls, areas of hedging and large belts of trees.

1.3 To the East of the site is Mull House (shared boundary which redline goes up to - building itself c10m from redline boundary). To the West of the site is Keilthustag Bungalow (small area of shared boundary to North but for the most part red line boundary separated from

this by Kielthustag Lodge itself and immediate garden, which are excluded from red-line boundary). To the South of the site is the road and to the other side of this Kielthustag. To the North of the redline boundary is the remainder of the garden of Kielthustag Lodge and, which borders what appears to be agricultural land

2.0 THE PROPOSAL

2.1 Proposed is the additional use of gardens as a wedding venue. The site and location plans show main house and Northern half of garden excluded from red-line boundary, driveway included. Marquee located to South West part of site, to North-East of drive way).

2.2 Application form indicates that:

- No Operational Development
- Use of Gardens between 6 and 12 times a year as wedding venue
- Current use is residential
- No changes to utilities, utilise etc. or removal of trees. Foul sewage to be disposed of via portaloos

2.3 Letter date stamped as having been received 06/12/21 indicates that:

- Surprise/concern over planning process - predominantly residential use will continue, no structures altered. Site is enclosed and not visible from road, with significant landscaping to boundaries shared with neighbouring residential properties and remaining boundary to fields
- Noted discussions with registry and may apply case by case for licences
- Care/pride taken in garden, visited wedding fair, suggestion not enough venues, given Covid more desire for outside venues - potential to support wider businesses
- 6-12 wedding per year, 2pm-midnight
- Marquee (erected day before and removed day after) providers maintain a presence to control noise levels/orderly passage to taxis/minibuses and adhere to time limits for finishing
- Had discussions re: insurance - lights reinstated down driveway and ponds
- Had also considered romantic place for proposals - tailored to each couple (3-4 hours, coupled with photo shoot)

2.4 Applicant's response to representations stamped as having been received 24/01/22 indicates that:

- No issues raised by some neighbours;
- Some concerns relate to drainage
- Willing to notify neighbours of planned events
- Some concerns not from immediate neighbours

2.5 Additional letter date stamped as having been received 24/01/22

- Additional detail on background to how the application came about;
- Indication that 30-120 guests are expected (have previously had parties with over 100 people)
- Condition will be that all guests arrive/depart by taxi or minibus, buses would come up driveway with lights on
- There is parking within the grounds on a two acre field (N.B. this appears to be outside the planning application boundary and so not applied for) or for about 40 cars within the red-line boundary but for so few events do not wish to offer parking
- Accept there will be extra noise but does not consider that music and conversation from 100 people, 6 times in a six month period is an unreasonable intrusion (notes potential for DJ or live music in evening and some music during day e.g. harpist or saxophonist)
- Details about potential for inclement weather
- Does not feel impact on wildlife - several miles from Ayres and noise levels not greater than private party

- Pollution - all waste contained in portaloos and rubbish removed by caterers/marquee owners
- Have visited neighbours to try to deal with any concerns

2.6 Additional letter date stamped as having been received 09/02/22 provides further responses to issues raised and proposes provision of security staff, notes variety of vehicles available to move guests (including double-decker buses), contact with fire services and provides example of proposed booking form.

3.0 PLANNING POLICY

3.1 The site lies within an area not zoned for development but as an, "Area of private woodland or parkland" and within an Area of High Landscape or Coastal Value and Scenic Significance and close to an area identified as being of Archaeological Interest on the 1982 Development Plan, North Map. The site is not within a Conservation Area nor a Flood Risk Zone.

3.1 The following Strategic Plan policies are considered relevant.

- o Strategic Policy 2 directs developments to existing towns and villages, together with the Settlement Hierarchy set out in Spatial Policies 1-5. Spatial Policy 5 and General Policy 3 seek to prevent development in the countryside other than in exceptional circumstances, none of which apply to the current proposal.
- o Paragraph 4.3.11 of the Strategic Plan states, "Merely arguing that a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development".
- o Strategic Policy 4 - protect landscape quality and nature conservation, no unacceptable disturbance. Environment Policy 1 seeks to protect the countryside and its ecology. Environment Policy 2 indicates that in Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) this will be the most important consideration. Environment Policies 4 - 6 protect ecology.
- o Strategic Policy 10 - minimise journeys, especially by private car and make best use of public transport and encourage pedestrian movement
- o Business Policy 1 seeks to promote the growth of employment opportunities throughout the Island
- o Environment Policy 22 seeks to protect the environment and amenity of nearby properties in terms of various issues including noise and light pollution
- o Transport Policy 1 directs new development to be, "located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes".
- o Transport 7 requires parking standards to be met in accordance with appendix 7, which sets out standards for various types of development and also circumstances in which standards may be relaxed (for example in town centres)
- o Community Policy 7 relates to designing out crime and Community Policy 11 to the prevention of outbreak and spread of fire

3.2 As General Policy 2 sets out general 'Development Control' criteria it is considered capable of being applied to this proposal. It states development will be supported if it is in accordance with the land use zoning provided that the development (in part)...

- ...
- "(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;
- ...
- (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 There are no previous planning applications for the application site that are considered materially relevant. It is noted that there have been a number of previous applications for people running businesses from residential properties, but these have been for minimal numbers of people and within existing settlements and are so quite different from what is proposed here. However the following application are noted.

4.2 20/00227/B was for, "Use of fields for equestrian purposes including the erection of temporary marquee annually from 1st April to 30th September at Ballacooiley, Dollagh, Ballaugh" and was approved subject to the following conditions:

"1. The marquee may be erected no earlier than 1st April in any year and retained until no later than 30th September in any year.

Reason: to clarify the extent of the approval in relation to the content of the application.

2. The marquee may be used only for catering and hospitality associated with the holding of polo events on the site as defined in red on plan reference 02. The site may not be used for these purposes for more than twelve days in total in any calendar year, of which no more than three days may be consecutive at any time.

Reason: to clarify the extent of the approval having regard to the application and to the provisions of the Town and Country Planning (Permitted Development)(Temporary Uses) Order 2015.

3. If the marquee is no longer required or used for its approved purpose it must be removed from the site.

Reason: in the interests of the character and appearance of the site and to prevent unwarranted structures remaining in areas not designated for development.

4. Prior to the erection of the marquee, an Event Management Plan shall be submitted to and approved in writing by the Department and the development shall be undertaken in accordance with this Plan. The Plan shall provide details of how events will be managed - specifically how vehicles will enter, park and leave the site and how this will be marshalled. The applicant is encouraged to include information to welcome car sharing and sustainable methods of travelling to the site.

Reason: to ensure free and safe use of the highway and to protect the living conditions of those in neighbouring properties".

4.3 The officer report stated,

"6.4 Given the distance between the polo field and the nearest house - Pear Tree Cottage - and the established vegetation between them, it is not considered that the polo will have any adverse impact on the living conditions of those in this property. Other dwellings are much further away. However, all of the dwellings in the immediate vicinity - Pear Tree Cottage, Riverside Cottage, Brookside, Thie Dollagh and Ballacooiley Cottage will all be affected by the additional traffic which will be generated by the proposed use. It is interesting to note that the polo has been carried out here for a season and there have been no complaints to the Planning and Building Control Directorate in respect of any breach of planning control nor, according to

the applicant, any complaints directly to them. It is not recommended that conditions are attached to constrain the hours of operation as the applicant could undertake the events without permission under the TUPDO. Also, it would be inappropriate for planning to seek to control noise levels as any amplified music or speaker systems would require approval through the Licensing system and a planning condition would duplicate this".

4.4 14/01308/B was for, "Creation of a working country estate involving the erection of a dwelling, new vehicular access, refurbishment and extension of existing buildings to provide tourist accommodation units, landscaping and creation of a destination venue with associated parking at Ardonan Farm, Ardonan Lane, Regaby, Ramsey". It was refused, in part due to,

"It has not been established by convincing evidence that nearby residents would be adequately protected from harm to their living conditions due to potential noise and general disturbance from activities associated with the destination venue. Consequently, that element of the proposed development is in potential conflict with Environment Policy 22 of the Isle of Man Strategic Plan which, amongst other matters, seeks to avoid unacceptable harm to the amenity of nearby properties in terms of matters including noise".

14/00223/C Variation of conditions 4 and 5 of PA 10/00838/B concerning the hours and frequency of use of seasonal marquee at Ballakaighen Farm, Onchan

Whitebridge Road officer report concluded, "7.1 Overall, it is considered the application is a very finely based decision. It is sometimes difficult to determine how a use would have an impact upon neighbouring amenities, when there are two sides to the argument. However, based on the evidence provided, especially the additional information in response to initial concerns, it is recommended for an approval, but only on the basis of a temporary two year period"

5.0 REPRESENTATIONS

5.1 The below sets out a summary, the full representations can be viewed on-line. The latest information from the applicant (including corrected site/location plans to move the driveway from the blue to red boundary) have been consulted on until the 18.02.2022 and so any representations received after the date of writing will be verbally updated to the committee meeting on the 21.02.22.

5.2 Andreas Commissioners commented (06/01/22) seeking more time to comment and (12/01/22) raising issues in relation to noise and disruption (for both neighbouring properties and the Ayres National Nature Reserve), lack of parking provision and potential for obstructions to the road (concern proposed control measures are idealistic) and potential for people to be walking along the unlit main road and also lack of contingency measures for bad weather.

5.3 DOI Highways asked for additional information (20/12/21) and then commented (28/01/22) that "Highways Development Control notes the amendments and additions uploaded on 25 and 26 January 2022. Given that the intention is for six weddings per year with guests bussed to site and on proviso that this can be restricted by condition to such, HDC raises no opposition. Should this not be the case please re-consult".

5.4 The owner/occupier of Mull House commented (05/01/22) and raised concerns in relation to parking/road safety, noise (up to midnight), potential impact of set up/put down days, waiting space for taxis/mini buses and road safety. They further comment (25/01/22) noting intention for 100 guests and expanding on their concerns, also indicating they do not recall notice being given before a family wedding in 2015.

5.5 The owner/occupier of Smeale Beg commented (06/01/22) raising concerns about noise and disruption (noting potential for helicopters), impact on wildlife (including nesting birds during summer months), noting previous experience with live bands and impact, road safety (especially when dark) and lack of parking/potential for road-side parking

5.6 The owner/occupier of Croit-ny-Bane Farm (South West of application site on other side of road - extent of land holding not clarified) commented (06/01/22) raising concerns in relation to impact on grazing cattle (in particular impact of helicopter), noise and impact (noting more likely to happen mainly in middle of year when warmer lighter and not be spread out across the year), lack of parking and clarity on how movement by bus would be enforced. They further commented (08/02/22) to confirm that their original objection remained unchanged.

The owner/occupier of West Keilthustag Farm (which adjoins garden) commented (11/01/22) that seems a good idea but concerned about direct/indirect impact on their lifestyle from that amount of activity - noise, litter, traffic/parking and drainage (from toilets)

7.0 ASSESSMENT

7.1 The key issues are considered to be:

- Principal of development;
- Impact on Residential Amenity (Noise and Traffic);
- Impact on Highway Safety
- Impact on the wider Environment (ecology and landscape)

7.2 Principle of development

7.2.1 The development is not on land allocated for development and not an exception allowed for in the countryside. Although it is within a residential curtilage, it is nor a residential use. The site is located outside of a settlement named within the settlement hierarchy and in a relatively remote part of the Island. It is considered that the development does not comply with the land use and spatial strategy elements of the plan.

7.2.2 However, given the relatively small scale/frequency of the proposal, that no built development is involved, that it is within a residential curtilage (and on a site with existing properties on both sides - and so arguably not in the open countryside), the potential for it to support other local businesses and the fact that the nature of the proposal necessitates a more rural local it is considered that on balance the location and land designation weigh against the proposal but are not sufficient in themselves to warrant refusal.

7.3 Impact on Residential Amenity (Noise and Traffic)

7.3.1 It is difficult to see how a gather of 100 people which runs to midnight and involves amplified music and then vehicular pick-up by multiple vehicles (potentially buses) could not have an impact on nearby residential amenity, even if the safeguards proposed are successful (and there are questions about the feasibility of these and, in planning terms, whether they could be enforced).

7.3.2 On the other hand, the baseline is residential curtilage where (within the bounds of not creating a statutory nuisance) private parties could be held. The question is therefore the extent to which the intensity of individual events and/or frequency of events would be increased by the proposal, and whether that net increase is unacceptable.

7.3.3 Certainly, conditions could be attached which restricted the total number of events in a year (e.g. no more than 6), the frequency of events (no more than 1 a month), the duration of events (no guests permitted to remain past midnight) and some of the impacts (no helicopters permitted to land and lighting in accordance with a lighting plan). Furthermore it may be

appropriate to allow a temporary approval to allow the impact of the use to be more accurately gauged.

7.4 Impact on Highway Safety

7.4.1 The concerns from the neighbouring properties are noted however the comments from DOI highways are also noted and relied upon.

7.5 Impact on the wider Environment (ecology and landscape)

7.5.1 The policy context and concerns raised are noted. Given the lack of built development, proposal for set/up and removal of portaloos/marquees the day before/after events, limited lighting and limited frequency and the limited visibility of the site (especially noting that in spring/summer, when events are most likely, vegetation is likely to be most established) it is not considered that there are concerns sufficient to justify a refusal.

Other Issues

No other concerns or impacts are identified with regards to other material considerations which would justify refusal.

8.0 CONCLUSION

8.1 Although the proposal is not in accordance with policies in relation to land use or the pattern of development, it could provide a welcome additional wedding venue to the island and provide some level of support to other local businesses. There are concerns about impact on amenity and the potential for some level of control via conditions. DOI Highway services have not objected in terms of highway safety. Concerns in relation to the wider environment are not considered sufficient to warrant refusal.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 21st February 2022

Item 5.7

Proposal : Conversion from a retail/leisure to a restaurant (class 1.3)
Site Address : Villa Marina Colonnade
Unit 1-3 Villa Marina Arcade
Douglas
Isle Of Man
IM1 2HN
Applicant : Dazan Ltd
Application No. : [21/00827/B](#)- click to view
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. This application would negatively impact the character and appearance of the Conservation Area due to its contemporary elements against the classic architectural reference of the colonnade. The enclosure would also disrupt the continuous appearance of the covered walkway, which would also negatively impact the character and appearance of the area but also diminish an important part of the existing public realm, which is protected by section 7.6 of the Area 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):

Owners/Occupiers of Unit 4 Villa Marina Arcade, Harris Promenade, Douglas;

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy

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 13 Victoria Terrace, Douglas;

Owners/Occupiers of 24 Alderley Close, Douglas;

Owners/Occupiers of Apartment 1 Hillary Wharf, South Quay, Douglas;

Owners/Occupiers of Claremount, Old Castletown Road, Douglas;

Owners/Occupiers of Furnlea, 2 Furman Close;

Owners/Occupiers of 16 Hampton Grove, Douglas;

Owners/Occupiers of Tree Tops, St Ninians Road, Douglas;

Owners/Occupiers of Fuchsia House, 6 Springfield Terrace, Douglas;

Owners/Occupiers of 34 Thorny Road, Douglas;

Owners/Occupiers of Isle of Man Victorian Society, 52 Alberta Drive, Onchan;
Owners/Occupiers of 49 Derby Square, Douglas;
Owners/Occupiers of 95 Malew Street, Castletown;
Owners/Occupiers of Traa Dy Liooar, 1556 Gulberry Place, The Villages, Florida, 32163, USA;
Owners/Occupiers of "Sonnish ny Marrey", 9 Victoria Park, Douglas.

as they 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.

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the commercial curtilage of Villa Marina Colonnade, 1-3 Harris Promenade, three single-storey units located on the south of Harris Promenade. It is close to Villa Arcade and the frontage is part of the Villa Marina Colonnade. The units are vacant at the moment.

1.2 The Colonnade forms part of the Villa Marina Complex, which includes the arcade. This development dates back to the early 20s century and has subsequently undergone renovation and improvements.

1.3 The Colonnade provides a covered walkway. It is open to the seaward facing side and supported by pairs Doric columns. It also provides shelter to the shop units, which face the inner side of the Colonnade.

2.0 THE PROPOSAL

2.1 The proposed is the change of use to a restaurant with a bar (Use Class 1.3).

2.2 The restaurant is planned to open between 9 a.m. and 1 a.m. everyday.

2.3 The proposal also includes alterations to the colonnade. These include the erection of two artificial plant wall with glazed double doors on each end of the unit and the installation of bi-fold doors right behind the columns across the three units. The bi-fold doors will have thin aluminium frame with glazing on top of the doors. There will be tables and chairs along the colonnade with a walkway left in the middle for both the restaurant users and the general public.

2.4 During a meeting with the applicant and the agent, it is indicated that the bi-fold door will be closed outside the operation hours of the restaurant (1 a.m. - 9 a.m.). The applicant has stated that this is to protect the equipment from anti-social behaviour or criminal damages.

2.5 There will also be commercial refrigerators placed on the outside of the rear elevation of the units.

3.0 Planning History

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

4.0 Planning Policy Site Specific

4.1 The site is within an area designated as Mixed Use (Villa Marina Gateway) in the Area Plan for the East. The site is also within a Proposed Comprehensive Treatment Area (Villiers).

Area Plan

4.2 The written statement of the Plan states: "In order to maintain and enhance the vitality and attractiveness of the area, there will be a presumption in favour of (i) the retention of cultural and entertainment venues, (ii) the establishment of new entertainment and leisure venues, plus supporting food and drink uses. Development which conflicts with these uses will generally not be supported."

4.3 Section 6.7 of the Statement defines public realm as: "publicly accessible areas between buildings; the streets, paths, squares and parks that people use and move through on a day-to-day basis."

4.4 Paragraph 6.7.2 states: New and redeveloped elements of public realm must be designed to reinforce or complement the distinctive character of the local area and to ensure that they are attractive, safe, accessible and well connected to their surroundings.

4.5 Urban Environment Proposal 2 states:
"All new development and regeneration proposals within the Comprehensive Treatment Areas and Douglas Town Centre must demonstrate design elements to provide and enhance areas of public realm through sensitive and context-specific design."

4.6 Paragraph 13.7.1 of states that within the area: "Re-development of the wider area would not be discounted, although where existing buildings are attractive and have a sound fabric, they should be incorporated into any wider scheme."

4.7 CTA Proposal 1 - The Villiers (Treatment Plan) states:
"Development of this area shall include office, leisure, retail, hotel, residential, entertainment venues, food and drink uses and public open space or a combination thereof; or the laying out of the site as public open space/town square in its entirety."

Planning Constraints

4.8 The site is within the Douglas Promenade Conservation Area.

4.9 The site is not overlapping with a public right of way and is just outside the flood risk area.

Strategic Policy

4.10 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

4.11 Strategic Policy 4 states:

"Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas and sites of archaeological interest."

4.12 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

4.13 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;
- (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;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them."

Visual Design

4.14 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." This is reiterated in CA/2 of the PPS 1/01.

Business

4.15 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

4.16 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."

4.17 Appendix 7.6 states that for town centre shops, there should be space for Space for service vehicle use.

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

Others

4.19 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."

4.20 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

4.21 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.

4.22 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".

Other Material Considerations

5.2 The Douglas Promenade Conservation Area Character Appraisal states (page 18) that "Structural problems with the original colonnade walkway have resulted in a replicate of the original design, set back from its original building line to enable better traffic circulation."

5.3 The appraisal also states that "The group of buildings which make up the frontage of Harris Promenade area unique and provide a rich and varied architectural statement, justly deserving Conservation Area Status."

5.4 Central Douglas Masterplan 2014 has project proposals for the area. The future role of the area was set as "Early evening hub". Short term project VM1 states: "The Villa Marina Arcade will focus on food and drink to support early evening activity and flexible letting to enable small boutique /craft workshop start -up business."

5.5 Short term project VM3 states: "Increase activity interface with the Colonnade and Villa Marina gardens." The explanatory notes states: "The complex offers little interaction with the Gardens, there is opportunity for activity to spill out into the Gardens, and for the Arcade to drive footfall through to the Garden space. This would be beneficial to both operators within the Arcade but also generate activity within the Garden space."

5.6 The site is not overlapping with any adopted highway (ownership/authority is not a material consideration).

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 object to this application (13.09.2021). The comment considers that the proposal does not respect the site or its surrounds, will have an adverse effect on the character of the area and will adversely affect the local residents and the character of the locality

6.2 DoI Highway Services does not oppose this application (11.08.2021). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 The Principal Registered Building Officer wrote in objection to this application (27/09/2021). The comments states that the colonnade was built as part of the Villa Marina

Amendment Bill of 1929. The proposal will "result in an intrusive visual disruption to the rhythm and appearance of the Colonnade." Therefore, it would be a negative visual impact upon the Conservation Area that will neither preserve nor enhance its character or appearance.

6.4 Department of Education, Sport and Culture wrote in as the owner of the site (20.09.2021). The comment states that a condition would be attached to any lease which states that the public thoroughfare is to be maintained through the colonnade at all times during the opening hours of the operation of the restaurant. The comment also request a planning condition of similar nature to be attached in event of an approval.

6.5 The owners/occupiers of the following properties (in no particular order) have written in to object this application (08.08.2021-28.09.2021).

- o Unit 4 Villa Marina Arcade, Harris Promenade, Douglas;
- o 13 Victoria Terrace, Douglas;
- o 24 Alderley Close, Douglas;
- o Apartment 1 Hillary Wharf, South Quay, Douglas;
- o Claremount, Old Castletown Road, Douglas;
- o Furnlea, 2 Furman Close;
- o 16 Hampton Grove, Douglas;
- o Tree Tops, St Ninians Road, Douglas;
- o Fuchsia House, 6 Springfield Terrace, Douglas;
- o 34 Thorny Road, Douglas;
- o Isle of Man Victorian Society, 52 Alberta Drive, Onchan;
- o SAVE Mann's Heritage, 49 Derby Square, Douglas;
- o no address;
- o Isle of Man Natural History and Antiquarian Society, 95 Malew Street, Castletown;
- o Traa Dy Liooar, 1556 Gulberry Place, The Villages, Florida, 32163, USA;
- o "Sonnish ny Marrey", 9 Victoria Park, Douglas.

6.6 The representations which include material planning considerations can be summarised (in no particular order) as the following:

- o existing appearance makes possible contribution to character of the area;
- o prevent the loss of public domain/space - formed due to public usage;
- o losing original fabric of the colonnade;
- o compromise public amenities;
- o unreasonably restriction on pedestrian movements;
- o distortion of the existing character with inappropriate material and design;
- o government designation for the usage of the area, as a material consideration, but has lower weight to the Strategic Plan and the Area Plan for the East.

6.7 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 request for its registered status, not proposal for its registration at the moment;
- o compliance with building control regulations, outside the responsibility of planning;
- o public usage/access - relates to ownership and right of access (since there is no right of way);
- o loss of a public footpath - the site is not part of an adopted highway;
- o alternative proposals of the design or usage of the site;
- o alternative proposals of the location of the proposal;
- o impact of customer behaviour, not related to crime or antisocial behaviour;
- o licensing requirement.

6.8 Along with these considerations, many comment also questioned the accuracy of the site notice and content of the application form.

7.0 ASSESSMENT

Point of Clarification

7.1 Highway Services has confirmed that the site DOES NOT overlap with either any adopted highway (referred to as public highways/road in many comments) nor a part of a public right of way. The legality of public usage/right of public usage of the colonnade part of the site is a civil matter and is not within the legal capability of planning. The legality of public usage/right of public usage of a site is also not a material consideration in a planning application, unless a public right of way is involved. However, the effect on public amenities of the colonnade part of the site has been used/could not be used by the public is still a material consideration and this will be elaborated later in the assessment.

7.2 Following 7.1, the placement of tables and chair in the colonnade part of the site can constitute a development and would require planning approval. It will be assessed as such.

Conservation Area Statutory Test

7.2 Before assessing elements of the proposal, as it is within a Conservation Area, a test should be applied to this proposal as mentioned in 5.1. This is whether the proposal would preserve or protect the character of the Conservation Area.

7.3 The change of use element does not affect the character of the Conservation Area.

7.4 The enclosure of part of the colonnade would change the appearance of the colonnade. These changes are twofold: first, the change from a semi-open walkway to a semi-closed restaurant; second, the change from a continuous covered walkway to a discontinued one with the contrast of the existing pillars against the bi-fold doors against the artificial plant wall. The latter has much more impact on the character and appearance of the Conservation Area. The former will be discussed later in the assessment as it is not particularly related to the character of the area.

7.5 The colonnade has a strong classic and neo-classic architectural reference as mentioned in the Character Appraisal. The proposed aluminium frame and large glazing are of a contemporary nature. The contrast between the two characters would further highlight the restaurant and create a breakage in the continuity of the colonnade. As a connection between the Gaiety Theatre and the Villa Marina Complex, the breakage would further isolate the complex and it is against the design intention of the colonnade, namely connecting the Theatre, the Garden and the Complex into one organic leisure unit. Therefore, it is considered that the impact on the character and appearance of the area is negative and the proposal fails to pass the test.

7.6 This is a considerable material consideration against the proposal. Generally, the application would be recommended for a refusal unless there are immense public benefit outweigh the negative impact on the character and appearance of the conservation area.

Elements of Assessment

7.5 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 public amenities.

Principle of the Development

7.7 The area is designated for mixed use. The written statement of the Area Plan, along with Masterplan, has also identified the area suitable for dining and drinking establishment. Therefore, the proposed land use is considered principally acceptable.

Character and Appearance of the Conservation Area

7.8 As mentioned in 7.5, it is considered that the proposal would negative impact the character and appearance of the Conservation Area.

Parking Provision

7.9 The site is located within a town centre location and there are spaces available along the promenade for the use of service vehicles. Therefore, it is considered that the impact on parking provision is acceptable.

Public Amenities

7.10 As mentioned in 7.1 and 7.4, the proposal would change this part of the colonnade from a semi-open walkway to a semi-closed restaurant. The colonnade has been used by the public for almost a century, according to Section 6.7 of the written statement of the Area Plan, it can be seen as a part of the public realm. Although the placement of tables and chairs would still allow a walkway being maintained between the tables, the mass of the tables combined with the occupation of patrons of the establishment would diminish the sense of public usage and therefore reducing an existing attractive part of the public realm, which is against Urban Environment Proposal 2 of the Area Plan.

Planning Balance Assessment

7.11 Although the reuse of the site is important for the economy and the vitality of Douglas town centre, it is considered that these are not enough benefit to outweigh the negative impact on the character and appearance of the Conservation Area and the diminishing effect on an important part of the public realm.

8.0 CONCLUSION

8.1 The proposal would negatively impact the character and appearance area due to its contemporary elements against the classic architectural reference of the colonnade. The enclosure would also disrupt the continuous appearance of the covered walkway, which would also negatively impact the character and appearance of the area but also diminish an important part of the existing public realm, which is protected by section 7.6 of the Area Plan.

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.

Item 5.8

Proposal : Installation of replacement window on Front Elevation, alteration of apartment 1 (part Ground & First Floor) to create 2 No Permanent Apartments, with alteration of roof area to expand existing terrace

Site Address : Flat 1 Harbour Lights
Shore Road
Peel
Isle Of Man
IM5 1AH

Applicant : Sunset Properties Ltd

Application No. : 21/01475/B- [click to view](#)

Planning Officer : Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

This application is considered to comply with General Policy 2, Environment Policy 35, Housing Policy 17 of the Strategic Plan, Planning Policy Statement 1/01 and Planning Circular 1/98.

Interested Person Status – Additional Persons

None

Planning Officer's Report

1.0 THE SITE

1.1 The site is the curtilage of Harbour Lights, Shore Road, Peel, a three-storey end-of-terrace detached property located on the east corner of Shore Road and Queen Street.

1.2 The ground floor is a restaurant. The first floor is a flat, with a kitchen and a utility area on the ground floor at the rear of the building. The second floor is also for flat use. The flats are accessible from the rear of the site. The first floor flat is vacant at the moment.

1.3 The main building has three-storey with four dormer windows on the roof on the front elevation. The rear elevation has a short roof and the elevation shows three storeys. There is a single-storey pitched-roof extension and a single-storey flat-roof extension on the rear elevation.

The flat roof is also being used as the landing for the external staircases that leads to the flats on the first and second floor. There is also a detached single-storey outbuilding on the rear boundary.

1.4 There are seven windows on the first floor of the front elevation. The six directly above the café are all sliding sash windows. The one on the east end is a top-hung casement window. It is also slightly bigger compared to the other windows.

2.0 THE PROPOSAL

2.1 The proposal is the conversion of the first floor flat into two flats.

2.2 The proposal includes the removal of the roofs of both extensions and replacing them with one flat roof and the installation of a glass balustrade on the rooftop, replacing the windows and the door on the flat-roof extension for a slightly shortened version with the same style. The new flat roof will be used as a landing for the staircases leading to the second floor, leading to the entrance of both new flats and used as a roof terrace.

2.3 The proposal also includes replacing a casement window on the first floor of the front elevation with a sliding sash one similar to the existing ones on the first floor. The proposal also includes the renovation of the existing steel staircases at the rear.

2.4 Proposed flat one will have the west portion of the first floor. It will have a living room/kitchen, a bedroom and a toilet with shower on the first floor and a bedroom with en-suite on the ground floor.

2.5 Proposed flat two will have the east portion of the first floor. It will have a living room/kitchen, a bedroom, a bathroom and a storage room on the first floor.

2.6 Two flats share the proposed rooftop as outdoor space.

3.0 PLANNING HISTORY

3.1 There are no previous applications considered materially relevant to this application.

4.0 PLANNING POLICY

Site Specific

4.1 The site is within an area designated as Mixed Use in the Peel Local Plan 1989.

4.2 In the written statement, the area is permitted to have residential flats above commercial premises (para. 9.11). "Particular attention will be paid to the design of replacement windows, doors and roofing materials which might detract from the area" (para. 9.3). "Each application will be examined on its merits and by adopting such a policy it is intended that investment in buildings (which might otherwise be uneconomic to repair or maintain) will be encouraged, particularly with regard to upper floors" (para.9.12).

4.3 The site is within the Peel Conservation Area. The site is surrounded by but not within any flood risk area.

Strategic Policy

4.4 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

4.5 Strategic Policy 4 states: "Proposals for development must: (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas and sites of archaeological interest."

4.6 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;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan."

Visual Design

4.7 Strategic Policy 3, Environment Policy 42 and Housing Policy 6 all focused on the visual design of developments, they state that the design should take account of the local materials, character and identity of its immediate locality, in terms of buildings and landscape features. Focused on landscaping.

4.8 Paragraph 4.3.11 of the Strategic Plan states: "a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development"

4.9 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." This is also reiterated in CA/2 of PPS 1/01.

Environment

4.10 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island." Then, Infrastructure Policy 5 particularly states that "Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources."

Housing

4.11 Housing Policy 17 states:

"The conversion of buildings into flats will generally be permitted in residential areas provided that:

- (a) adequate space can be provided for clothes-drying, refuse storage, general amenity, and, if practical, car-parking;
- (b) the flats created will have a pleasant clear outlook, particularly from the principal rooms and
- (c) if possible, this involves the creation of parking on site or as part of an overall traffic management strategy for the area."

Parking

4.12 Appendix 7.6 states typical residential dwelling should have "1 space for 1 bedroom; 2 spaces for 2 or more bedrooms." The appendix also states that these standards may be relaxed under certain circumstances, such as close to public transport routes.

Safety and Security

4.13 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."

PPS and NPD

4.14 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.

4.15 Planning Circular 1/98 - The Alteration and Replacement of Windows Set states:

Category b) Buildings in a Conservation Area "if the original windows are in place they should preferably be repaired. If repair is impracticable, replacement windows which would be readily visible from a public thoroughfare must have the same method of opening as the originals. Whatever the material used in their construction, the windows must have the same pattern and section of glazing bars and the same frame sections as the original windows. Windows not readily visible from a public thoroughfare must have the same or similar pattern of glazing bars as the originals, but not necessarily the original method of opening, whatever the material used in the construction."

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". This sets out the approach to be taken in determining planning applications, which includes giving great weight to the asset's conservation when considering the impact of a proposed development on the asset. Given that the site is within a Conservation Area, the above requirements apply and appropriate consideration will be given in section 7.

6.0 REPRESENTATIONS

6.1 Peel Commissioners opposes this application (19.01.2022). The comment states that "the access proposed uses the existing set of metal exterior stairs which are slippery when wet and are subject to movement when being used."

6.2 DoI Highway Services does not oppose this application (22.12.2021).

7.0 ASSESSMENT

Conservation Areas Statutory Test

7.1 Before assessing elements of the proposal, as it is within a Conservation Area, a test should be applied to this proposal as mentioned in 5.1. This is whether the proposal would preserve or protect the character of the Conservation Area.

7.2 The replacement sliding sash window is considered to enhance the character and appearance of the area.

7.3 The rear of the site looks really derelict at the moment. This is due to a combination of worn-out finishing on all elevations and the arrangement of the rear extension and staircases. The flat roof conversion will have a cleaner look than the existing roofscape on the rear elevation.

7.4 The terrace will be used as the entranceway to both flats and could also be used as an outdoor space for the flats so the installation of a balustrade is necessary for the safety of the users. The mass use of glass on the balustrade would allow vision to pass through it and stop at the rear elevation of the main dwelling. This is much better than any opaque material, which will highlight the existence of the balustrade.

7.5 This being said, this proposed terrace would still appear much more contemporary to its surroundings. Therefore, the terrace is still considered to have a negative impact on the character and appearance of the Conservation Area.

7.6 However, given its small size, its position, which is shielded by the main building when observed from the Shore Road, the one of the defining streetscene of the Conservation Area and given the renovation would provide a cleaner roofscape, its impact on the character and appearance of the Conservation Area is very limited and the improvements in relation to the front elevation are also noted.

7.7 On balance, it is considered that any impact on the Conservation Area is not so great as to prevent the consideration of planning balance.

Elements of Assessment

7.8 The key issues to consider are the principle of the development, its impact on the character and appearance of the Conservation Area, on the user's amenities, on neighbouring amenities, and parking provision.

Principle of the Development

7.9 Peel Local Plan 1989 designates the area as being mixed use and promotes the use of above-ground floor space as residential. Therefore, the proposal of Class 3.4 use is considered acceptable.

Visual Impact on the Conservation Area

7.10 As mentioned in 7.2-7.6, it is considered that the proposal would have a limited negative impact on the character and appearance of the Conservation Area.

User Amenities

7.11 There are two proposed flats. Flat 1 and 2 both have a living room on the front elevation. The front elevation is facing the Promenade, which is considered an excellent outlook. Therefore, the outlooks of the flats are considered acceptable.

7.12 The only available outdoor space for both flats would be the communal terrace. It can provide space for cloth drying but it might not be enough space for both flats to dry cloth at the same time. This also means there is no outdoor space for recreation when cloth drying is taking place.

7.13 There are spaces in the backyard, although narrow, that can accommodate bin storages.

Neighbouring Amenities

7.14 The proposal is within a mixed-use area and the proposed residential use will not generate more noise than existing business and residence nearby.

7.15 The proposed terrace have a wide outlook, which includes the front elevation of a few dwelling and the rear elevation of a few properties on Queen Street, the front seating area of a dinner and the front and side elevation of Marine Hotel. A site visit has confirmed that these sights are also available from on street level. Although an argument can be made the terrace would prolong the duration of observation compared to people walking by, it is not an unusual outlook for dwellings within a town centre. Therefore, it is considered that there is no overlooking concern.

Traffic and Parking

7.16 There is no off-road parking space allocated for this site. Whilst there is undoubtedly pressure on kerbside parking in the vicinity, the proposal would only increase the parking standard by two. The site is along a major bus route (Bus No.5), which means the parking standard can be relaxed according to Appendix 7.6 of the Strategic Plan. Its town centre location means daily trips can be taken without a car. In addition, Highway Services has confirmed that they have no objection. Therefore, it is considered that the impact on parking is acceptable.

Planning Balance Assessment

7.17 The proposal would renovate an existing derelict part of the Conservation Area and reuse town centre floor space, these benefits are considered to outweigh the limited negative visual impact on the Conservation Area and the additional pressure on parking. The amenities of the users are limited but not uncommon for a town centre dwelling. There is also no negative impact on neighbouring residential amenities. Therefore, the proposal is considered to add to the public interest and is acceptable.

Other

7.18 Safety usage of the staircases are regulated by Building Control and other authorities. Therefore, it is not a material planning consideration.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, Environment Policy 35, Housing Policy 17 of the Strategic Plan, Planning Policy Statement 1/01 and Planning Circular 1/98. 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 21st February 2022

Item 5.9

Proposal : Erection of cheese production, butchery, and education unit (retrospective)
Site Address : High Tilt Goat Farm
Douglas Road
Kirk Michael
Isle Of Man
IM6 1AS
Applicant : IOM Goats Limited
Application No. : [21/01205/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 buildings may only be used for agricultural purposes.

Reason: The countryside is protected from development and an exception is being made on the basis of agricultural need only.

C 2. The buildings hereby approved shall be removed and the ground restored to its former condition in the event that they are no longer used or required for agricultural purposes for a period longer than 12 months.

Reason: The buildings have been exceptionally approved solely to meet agricultural need and its subsequent retention would result in an unwarranted intrusion in the countryside.

Reason for approval:

The works are not considered to have an adverse impact on the surrounding countryside and create opportunities for the development of the farm business. The scheme is, therefore, considered to comply with the requirements of General Policy 3, Environment Policies 1 and 15 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL MAY BE CONSIDERED TO BE CONTRARY TO THE LAND USE DESIGNATION AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site represents part of the curtilage of an existing dwelling known as High Tilt situated on the north eastern side of the A3 Main Road as it approaches Douglas Road Corner on the TT Course in Kirk Michael. The property is set back some distance from the main highway and is accessed via a shared access lane with Lhergy Vreck Farm.

1.2 High Tilt is a modern bungalow with additional living space in the roof. The existing dwelling has two integrated garages on the northern most side along with two stables and an indoor pool. The property lies outside of Kirk Michael's Conservation Area.

1.3 The site which is the subject of the current application sits directly northeast of the main dwelling, with the shared access running along the southern boundary with field 234264 within which there is a large agricultural building situated directly east of the application site.

1.4 Within the broader site area marked in blue are goat grazing fields which form the bulk of the land demarcations within the other lands within the ownership of the applicant.

2.0 THE PROPOSAL

2.1 The proposal seeks planning approval for the erection of cheese production, butchery, and education unit (retrospective). The scheme which has been erected comprises:

2.2 The Cheese Production Shed / Education shed situated on the north-western end of the site. This building is 8.5m long, 6m wide and 4m high to the roof ridge. The building has Cedar cladding to external walls, green metal roof sheeting, and white UPVC doors and windows. The building is partitioned into three major units which consists of the public educational/activity space, the cheese manufacture and preparation section and the WC and cup boards.

2.3 The butchery unit which is a flat roofed that is 4.5m long, 2.4m wide and about 2.2m high. This building also has external finish similar to the larger building. This building is located on the south-western end of the site (situated almost equidistant from the access to the larger unit).

2.4 The applicant has provided the following additional information:

- i. The total floor space created for both buildings is 81sqm.
- ii. The Goat Farm operates 24-7 due to goat husbandry.
- iii. The cheese production and butchery operate generally between 7am to 9pm
- iv. These are all existing structures operated in association with the existing large unit approved under 17/00678/B.
- v. The produce from these facilities are sold from the farm shop, the approved mobile unit adjacent the main road (PA 19/01432/B) and local Manx artisan food markets Island wide and the IOM Food and Drink Festival.
- vi. In addition to these production facilities farming live activities are organised for local groups including WI, Guide Associations, Schools etc. to see the Goats / kidding, as well as the cheese / wool production. Also summer Goat Yoga is offered in the yard and a yearly Hospice Farm Open Day is carried out.
- vii. The site has ten parking spaces.

3.0 PLANNING POLICY

3.1 The site lies within an area not designated for any particular use on both the Kirk Michael Local Plan of 1994 and the 1982 Development Plan. The site is also located within an area of high landscape or coastal value and scenic significance (AHLV). The site is not within the Kirk Michael Conservation Area, or registered tree area, and there are no registered trees on site. This site is also not within an area prone to flood risks.

3.2 Given the above, there is a general presumption against development here as set out within the IOM Strategic Plan (Environment Policy 1 and General Policy 3). General Policy 3, however, sets out exceptions to this and includes:

"(f) building and engineering operations which are essential for the conduct of agriculture or forestry"

3.3 Environment Policy 1:

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

3.4 Environment Policy 15 provides further advice on agricultural development. It states:

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

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

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

3.5 Paragraph 7.13.1 (In part).

"A recent study on agricultural soils on the Isle of Man(1) revealed that the majority of the agricultural land on the Island (80.26%) fell within Class 3, based on the land use capability class system in England and Wales (classes range from Class 1 to 5, with Class 1 being the most versatile land). Class 3 land characteristics can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management. Only 4.87% of agricultural land falls within Classes 1 and 2. According to the agricultural land use capability map (figure 4 of the study), all of the Class 1/2 land of which Class 1 is the dominant class can be found in the south of the Island to the east of Ballasalla. New Area Plans will include a general presumption against the release of Class 1 and 2 agricultural land for development.

The highest level of protection will apply to the highest graded quality of land with Classes 1 and 2 soils being afforded most protection from development and being taken out of agricultural use. Where there is a proposal to develop land which is categorised in the Agricultural Soils of the Isle of Man report as being mixed Classes 2 and 3, those wishing to develop the land should ascertain which parts of the site represent higher grade of soil with these parts being avoided for development purposes".

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 The Town and Country Planning Act 1999, Section 45, defines;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".

5.0 PLANNING HISTORY

5.1 The farm site has been the subject of the following previous planning applications which are considered to be materially relevant to the current scheme:

5.2 PA 14/00236/B for Erection of nine livestock shelters - Approved. These the shelters were to be constructed of timber with metal sheet cladding and finished in a green colour, were erected to house goats on the farm.

5.3 PA 14/01230/B for Erection of an agricultural building - Approved. This building was proposed for field 234264 to support operations on the farm, by providing housing, finishing area and a general feed store.

5.4 PA 15/01299/B for Erection of an agricultural building (comprising amendments to PA 14/01230/B) - Approved. This altered the orientation of the building approved under PA 14/01230/B.

5.5 PA 19/01432/B for Erection of mobile kiosk for sale of farm produce - Approved. This enabled the sale of agricultural produce from the farm within the site.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose'. (8 November 2021/19 November 2021).

6.2 Michael Commissioners have not made any comments regarding the application, although they were consulted on 28 October 2021.

7.0 ASSESSMENT

7.1 While the Strategic Plan policies are clear that the countryside - in which this site technically sits - is to be protected for its own sake (EP1), there is also a clear exception that can be made where an essential agricultural need can be demonstrated (GP3(f)). In such cases, special consideration will still be needed with respect to the impact on the character and appearance of the countryside (EP 1). Finally, there is a need to ensure that new buildings are physically associated with existing building group where possible (EP15). The impact on soils would also be assessed within the context of the scheme.

7.2 Agricultural Need (EP 15 and GP3 f).

7.2.1 In the case of the current application, the planning history of the site, clearly indicates that the site has been in agricultural use for some time, considering approval has been granted for a number of agricultural buildings, to support the growth of the goat farm, as well as allowing the erection of a kiosk to facilitate the sale of agricultural produce from the farm. It is also noted that there is an existing agricultural building positioned directly east of the site of the buildings which are the subject of the current application which supports operations that the farms, and forms a farm yard enclosure with the current buildings.

7.2.2 In the case of the current buildings, it is noted that these would further support the operations of the farm and facilitate its delivery of produce to the Islands food market, in addition to offering opportunities for training on the site. Moreover, the actual net increase in floor space of the buildings which are the subject of the current application amounts to about 80sqm, which is fairly limited and should not create significant pressures on farm lands within the broader farm site. Given the above, it is considered that there is sufficient agricultural need for both buildings, and the requirements of GP 3 and EP 15 are met in the current case.

7.3 Visual Impact (EP 15 and EP1)

7.3.1 In terms of visual impacts, it is considered that the application site is located within the countryside which is not designated for any site specific development. It is therefore imperative that the proposed development does not harm the character and quality of the countryside and respects the visual amenity of the area.

7.3.2 The location of High Tilt is set within undulating land and the ridge height of the larger building is such that it would be concealed by the main dwelling situated west and the agricultural building situated directly east. The smaller building is also positioned within the farm yard and at a position where it would be unnoticed from positions outside the yard. It should also be emphasized here that there is mature landscaping around the entire northwest and west boundaries of this building group within the farm, as well as large sections of the south east boundary which further screens the buildings. Distant views of the larger building would be restrained from the Baltic Road located over 270+ metres to the east of the application site, given the slope banks along the road, and trees along field boundaries east of this building.

7.3.3 It is also vital to note that the buildings which are the subject of the current application form part of an existing group of buildings on this part of the farm, given they are sited next to the farmhouse and larger agricultural building and would be within a wider setting of agricultural buildings.

7.3.4 The buildings are typical modern agricultural building in terms of size, shape and use of materials and would not look out of place in the wider landscape which incorporates sustainability with the implementation of the solar panels. Whilst it would have been more appropriate for the smaller unit to have a pitch roof over to be in keeping with the site character, the flat roof would limit its visual impact from distant views. It is, therefore, considered that the location for the development is acceptable and is well screened from most public thoroughfares and is not considered to impact upon the appearance of the countryside or wider area.

7.4 Impact of High Quality Soils (Paragraph 7.13.1)

7.2.2 Another factor that bodes well for the proposed scheme is the fact that the Soil classification maps indicate this area to be Class 3, so while the proposal results in an increase in built footprint of about 80sqm on the site (which is currently situated within the farm yard) this farm area is not within a soil classification area with high protection values as indicated in paragraph 7.13.1 of the Strategic Plan. Besides, there still remains a notable area around the farm buildings which would be untouched by the proposed scheme and which is able to accommodate continued agricultural production on the farm.

8.0 RECOMMENDATION

8.1 Overall it is considered that the planning application is in accordance with General Policy 3, Environment Policy 1 and Environment Policy 15 of the Isle of Man Strategic Plan 2016 and as such is recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 21st February 2022

Item 5.10

Proposal : Installation of ground mounted solar array.
Site Address : Area Of Land Adjacent To
Upper Howe Farm
Old Castletown Road
Douglas
Isle Of Man
Applicant : Department of Home Affairs
Application No. : [21/01311/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. In the event that the panels hereby approved are no longer in use, they shall be removed from the site within 6 months of their last use.

Reason: In the interests of visual impact and protection of the countryside.

C 3. Prior to the commencement of the development hereby approved details shall be provided to the department including:

- an assessment of the current habitat of the application site;
- measures to implement the physical impact of the proposed installation on that habitat; and
- measures to manage the site, including the management/removal of gorse.

Reason: the site has been identified as being of sufficient value to be a Local Wildlife Site, the assessment of the site identifies gorse as being a particular concern the proposed development will not require the complete clearance of the site and so some habitat within the site can be retained and enhanced in accordance with Strategic Plan Environment Policies 4 and 5.

Reason for approval:

Overall, it is concluded that the planning application is in accordance with Environment Policy 22 and Energy Policy 4 of the Isle of Man Strategic Plan 2016, as well as wider Government climate change strategy, having no adverse impacts on private or public amenities.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is an area of land adjacent the DHA Tower and buildings which is situated about 143m northwest of Upper Howe Farm, Old Castletown Road, Douglas. The site slopes southwest wards towards the coastline. The site is covered in low level vegetation which rises to approximately 500mm on most parts of the site and surrounding area which undulates as it slopes southwards.

1.2 The site is visible from a number of public locations but from each of these at a fairly significant distance. The closest views of the site are achievable from the nearby Upper Howe Farm, to the southeast, but this as well as the entirety of the access track to the site (from Castletown Road) are within private ownership. Other distant public views can be found along the Old Castletown Road in the area of Quine's Hill and in and around the area of Kewaigue Hill/Cool Road roundabout (A5/A6).

1.3 Aside from the towers, the building associated with the DHA tower and the two satellite dishes are the most visible of the associated structures in the area. The associated buildings structures tend to be read against the low level vegetation that is found on the edges of the site.

1.4 The weather can also have a considerable difference in what can and can't be seen from the views outlined.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for the Installation of ground mounted solar array. The scheme would involve the installation of a total of 40 x 340Watt Panels (1650mm x 990mm), mounted into Renusol ConSole ballast system fixed to the ground. The solar would be split into four separate rows/blocks which when laid out would cover an area 18.4m x 8.4m. The solar panels will be angled at about 26 degrees on the support units and on frames. The highest part of the support base would be 0.5m above the ground level.

2.2 The proposed scheme would generate 13.68 KW of electricity and be situated to the North East of the Carnane Communications mast. Array strings will be laid on a hardcore base and removal of top vegetation will be kept to a minimum. Any organic material will be left on site to decompose naturally.

3.0 PLANNING POLICY

3.1 The site is located within an area zoned as 'Telecommunications Sites (Carnane & Crookall House TETRA sites)' on the Area Plan for the East (Map 4- Douglas), and the site is not within a Conservation Area. The site is not at risk from flooding nor are there any Registered trees on the site. The site is also not within a Registered Tree Area. As such, the following parts of the Strategic Plan are relevant:

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 The following parts of the Area Plan Written Statement are also considered relevant:

3.3.1 Paragraph 7.10.2:

"The transmitter site on the top of Carnane plays a vital role in the delivery of the wireless network. It is important that proposals do not compromise the developability of the site and providers have the confidence to invest in the network and deliver the goals set out in National Telecommunications Strategy".

3.3.2 Utilities Proposal 1 (Serviceability):

- a) All development must be connected to the appropriate service and utility.
- b) In order to achieve this, each service and utility required must be capable of receiving a new connection and sustaining it".

3.3.3 Utilities Proposal 3 - Electricity, Telecommunications and Gas which shall be taken to represent a policy statement on Utilities in the East (In part):

- o "The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to all premises.
- o Arrangements that support the generation or use of renewable energy at site level or neighbourhood level are encouraged".

3.3.4 Landscape Proposal 6 (Douglas Head) Douglas Headland states it, "is exposed and prominent from many viewpoints. This is considered an outstanding natural feature and one which should be conserved. In order to conserve this vista of seascape and coastal views, applications for planning approval for new development in this area will generally not be supported. It is acknowledged that maintenance and need for upkeep may lead some existing development to seek planning approval from time to time, such as the radio transmission/telecoms site at Carnane. In cases where new development is proposed, applications must demonstrate that it can be suitably integrated into the surrounding landscape setting through reasonable mitigation measures and include considering siting, colours, materials, finishes and the general scale".

3.4 In the assessment of 19/00129/B it was identified that the site is within a designated Wildlife Site. This is not a statutory designation, but is a site assessed for its value and given protection by the Manx Wildlife Trust, who were responsible for the designation in the first place on the basis of a clear understanding of the value of the site. This designation has not been reflected on the Area Plan for the East constraints map however, given the planning history of the site, the MWT were contacted to clarify whether the site was a Local Wildlife Site. Details of the site citation were provided by MWT (09.09.21). CABO were contacted to confirm why the site was not included in the Area Plan, and they responded (10.09.21) and noted that the MWT did not flag the site up to them as part of the area plan process but the omission from the plan should not prevent their consideration as part of planning applications.

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

3.5.1 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:

- (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;
- (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

3.5.2 Paragraph 12.2.8 of the Isle of Man Strategic Plan 2016 states, "The Department is fully supportive of the need to secure greater energy efficiency in new and existing development and has recently introduced additional energy efficiency requirements in the Building Regulations 2003. Energy efficiency and the use of renewable energy sources are covered in General Policy 2(m) of the Building Regulations. At the same time the Department recognizes that renewable energy sources can have adverse environmental impacts. The idea of a wind turbine Installation is currently being investigated and considered by the Manx Electricity Authority. Any feasible site is likely to be exposed and have considerable visual impact. There may also be other impacts such as noise. On a smaller scale, the popularity of domestic wind turbines has been increasing in recent years in response to rising energy prices and increasing awareness of climate change. Planning applications for domestic wind turbines are unlikely to require the submission of an Environmental Impact Assessment. The Department will assess any proposals for wind turbine installations by weighing the benefits of using such renewable energy sources against the environmental impact arising in any particular site. It is likely that the visual impact would be less detrimental on a coastal site than on a rural or upland one. Accordingly:

3.5.3 Environment Policy 22 of the Isle of Man Strategic Plan 2016 states: "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

- i) pollution of sea, surface water or groundwater;
- ii) emissions of airborne pollutants; and
- iii) vibration, odour, noise or light pollution."

3.5.4 Energy Policy 4 of the Isle of Man Strategic Plan 2016 states: "Development involving alternative sources of energy supply, including wind, water and tide power, and the use of solar panels, will be judged against the environmental objectives and policies set out in this Plan. Installations involving wind, water and tide power will require the submission of an EIA".

3.5.5 Appendix 5 of the Strategic Plan identifies developments where an EIA is required. It states in part:

- (c) Energy industry
 - i. Thermal power stations and other thermal installations
 - ii. Surface storage of natural gas

- iii. Underground storage of combustible gases
- iv. Surface storage of fossil fuels
- v. Industrial briquetting of coal and lignite
- vi. Installations for the harnessing of wind power for energy production

3.5.6 There is no reference made to the installation of solar panels within appendix 5. The scale is also not considered to be significant enough to warrant an EIA in any case, and the site is not a sensitive site as stated in paragraph 3.1 of this report.

3.5.7 Strategic Policy 1 states: "Development should make the best use of resources by:
(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
(c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.6 The Isle of Man Strategic Plan 2016 also contains the following policies that are considered specifically material to the assessment of this current planning application.

3.6.1 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, Community Policy 10, and Environment Policies 4 and 5 (which seeks Biodiversity Protection).

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Isle Of Man Future Energy Scenarios (2020):

4.1.1 In December 2020, the Isle of Man Government launched its Future Energy Scenarios Strategy to determine the pathways to meet the following:

4.1.2 Key Targets:

- o To ensure 75% of the island's electricity is generated from renewable sources by 2035 and to deliver net zero emissions by 2050.

5.0 PLANNING HISTORY

5.1 The current site of the proposed scheme itself has not been the subject of any previous application, though clearly the eastern section of the site has been subject to the following planning applications:

5.2 PA 16/00266/B for Erection of four satellite ground antennas with related buildings and security fencing - APPROVED

5.3 PA 17/00082/B for Erection of four satellite ground antennas with related buildings and security fencing (comprising amendments to PA 16/00266/B) - APPROVED

5.4 PA 19/00010/B for Extension of existing site including the erection of additional telecommunications equipment, erection of small office and welfare facility for maintenance staff, all with associated ground works, landscaping, fencing and video surveillance poles - APPROVED. This application addressed matters of ecology for the broader site area which is considered relevant to the current scheme.

5.5 The additional two adjacent sites have both been the subject of a number of applications over several decades for various telecommunications and other related equipment, with the most recent coming in 2008. None of these, though, is considered to be directly material to the assessment of the current proposal for satellite antennae.

5.6 The current scheme is expected to provide sustainable energy source for the above facilities which have been erected within the broader site area.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 13 December 2021.

6.2 Braddan Commissioners have stated that they have no objection to the application in a letter dated 19 November 2021.

6.3 No comments have been received from the neighbouring properties.

7.0 ASSESSMENT

7.1 In assessing the acceptability of the principle of the proposed development, it is considered that the site is within an area zoned for development, particular telecommunications uses and the proposed use would be broadly in keeping with the setting of the area, and its established use. As well, the installation of the solar panels at the site will accord with the general support given to the introduction of renewable and alternative energy sources as set out in the Strategic Plan, and is not required to provide an EIA.

7.2 Also relevant is the fact that there is established support for such schemes within the Area Plan for the East, particularly for utility sites such as the application site as has been articulated in Utilities Proposal 3 which weighs in favour of arrangements that support the generation or use of renewable energy at site level. Their introduction here is expected to help contribute to the overall operation and energy efficiency of the transmitter site on the top of Carnane which is considered to play a vital role in the delivery of the wireless network, and as such considered to be of strategic importance to the Island. In this respect the proposal is considered to comply with paragraph 12.2.8 and Energy Policy 4 of the Strategic Plan.

7.3 Equally, regard must be given to the reasonableness of the scale and siting of the proposed developments in view of their subsequent impacts, if any, on the surrounding area taking into account the existing built form that exists on site and vicinity. In this case, it is relevant to consider that the solar panels would be installed within an open part of the site and within close proximity to the existing infrastructure on site, while also having the most solar gain.

7.4 From public views, the solar panels would not be apparent, given the trees which run along large sections of the Old Castletown Road, the elevated nature of the site area which offers limited views to the site area (with the masts being the most apparent features from distant views attainable), and the shrubbery on large sections of the site. Additional information has also been provided by the applicants which provides details of the type of solar panels to be installed, their appearance, with photographs to show how they would appear in elevated positions. As such, the position of the solar panels on this open part of the site (which is surrounded by low shrubbery) would not spoil the character of the site and surrounding area. As such, it is considered that the scheme would comply with General Policy 2 (b, c, e, & f), and Strategic Policy 1.

7.5 In assessing the road safety impacts, a key concern associated with solar panels is the possibility of the solar panels causing glare for drivers using nearby highways. In the case of the current application, it is considered that that angle of inclination of the frames towards the coast, the elevation of the site which is well above the road level of Marine Drive (to which the

panels are inclined towards), as well as the intervening structures and building situated southwest of the location for the solar panels, would ensure that there would be no detrimental impacts in terms of reflections from the solar panels. It is also vital to note that DOI Highways have reviewed the scheme and raise no objection to the proposal.

7.6 As has been established in paragraph 3.4 of this report, the application site is an important wildlife site (although this is not reflected in the Area Plan for the reasons articulated in 3.4 above), and as such it would be vital to consider the possible impacts of the scheme on the ecology of the area. In terms of the impact on the biodiversity of the site, PA 19/00010/B references a report which was previously commissioned (2016) from the Manx Wildlife Trust. The case officer report for PA 19/00010/B states the following regarding the stated report: "Paragraph 6.20 (In part): The report identifies the heathland habitat as being fairly limited in quality here, although the potential (in respect of invertebrates and reptiles) is quite high", in that case it was concluded that the overall impact was not sufficient to warrant refusal, and there was some discussion of management and mitigation.

7.7 Whilst the current site is not directly within the site for PA 19/00010/B, it directly abuts this site and within the broader site area to which the study refers. Besides, the scale of the current scheme is considerably small in comparison to that which was considered acceptable under the above application in terms of impact on ecology. As such, it is considered that any impacts on ecology would be minimal and not sufficient to warrant refusal of the scheme. The proposal would, therefore, comply with Environment Policies 4 and 5, subject to a condition relating to the removal of the panels from the site should they no longer be required, within 6 months of their last use and a condition requiring further details to be provided of how the remainder of the site would be managed to minimise/mitigate any impact.

8.0 CONCLUSION

8.1 For the above reasons, it is concluded that the development proposed is acceptable when assessed against the relevant policies and the site context. It is recommended that the planning application be 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

PLANNING AUTHORITY AGENDA FOR 21st February 2022

Item 5.11

Proposal : **Erection of a two storey self- storage facility with associated loading and unloading bays**

Site Address : **Southwest Of Unit 298A
Jurby Industrial Estate
Jurby
Isle Of Man
IM7 3BD**

Applicant : **Mr Jason Elliott**

Application No. : **21/00322/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.

C 2. The proposed perimeter fencing and containers as shown on drawing referenced; 101-C, shall be coloured dark green and retained as such thereafter.

REASON: In the Interests of visual amenity

C 3. No items of machinery or any equipment or other goods shall be kept outside of any containers and all activities shall be undertaken within the containers as shown on drawing 101-C unless otherwise approved in writing by the Planning Authority.

REASON: To protect the neighbouring amenity

C 4. No site clearance, preparatory work or development shall take place until a native tree / hedging planting plan is submitted to and agreed in writing by the Department. Where applicable the plan 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 location, species, nursery specification and planting specification of each tree (or group of trees) and hedges 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; and
- (c) how they will be maintained until successfully established.

The tree and hedge planting shall take place as per the approved details and any trees or hedges 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

C 5. In the event that the containers hereby approved are not used or required for storage purposes for a period exceeding 12 months, the containers and fencing hereby approved shall be removed and the ground restored to its former condition within 18 months of its last use.

Reason: This approval has been exceptionally approved solely to meet the storage need and its subsequent retention if left abandoned could result in an unwarranted visual impact.

C 6. There shall be no retailing from the storage units.

Reason: For the avoidance of doubt, and to ensure the development takes place in accordance with the approved details.

C 7. The development hereby approved shall not commence until a scheme to improve water pressure/water supply for firefighting provision for Jurby has been completed and written confirmation has been provided by the Department.

Reason: To ensure there is adequate water for firefighting purposes.

C 8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to storage.

Reason: For the avoidance of doubt, to ensure the development takes place in accordance with the approved details and in the interest of the local amenity.

C 9. The development hereby approved shall not be occupied until such time as the associated access, parking and manoeuvring areas have been completed and set out as shown in the approved plans. Thereafter the parking spaces shall be kept free from obstruction and used only for the parking of vehicles.

REASON: In the interest of highway safety

C 10. No waste or any other such material shall be stored outside of the containers unless otherwise agreed in writing by the Planning Authority. Any request to the Planning Authority shall provide details of the receptacles in which the material is to be stored and the length of time the storage is required.

REASON: To protect the character and environment of the site and wider area.

Reason for approval:

The application is deemed to be in compliance with Business Policy 1; General Policy 2, Transport Policy 4/7; Strategic Policy 4b; Community Policy 10 of the IoM Strategic Plan 2016.

Interested Person Status – Additional Persons

It is recommended that DOI (Flood Risk), Manx Utilities and Home Affairs (Fire and Rescue) be afforded IPS as they have commented on material issues.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is the curtilage identified in red on the land adjacent to unit 273 on the Jurby industrial estate. This vacant plot of land sits within part of Jurby Industrial Estate sited on the south eastern side of the Ballamenagh Road, Jurby. The site comprises of a grassed area. The surrounding area is characterised by a mix of industrial buildings styles with no uniform design or appearance where the streetscene is of different sizes, layout, design and form.

2.0 THE PROPOSAL

2.1 Proposed is the creation of a two storey self-storage facility constructed from 66 shipping containers and associated loading and unloading bays. The site would measure a footprint of 44m x 28m that would include parking for 16 vehicles and vehicle manoeuvring with a dedicated area for loading and unloading. The perimeter of the site is proposed to be enclosed with industrial style fencing similar to that on the estate. Access will be controlled through one large automatic vehicular gate and pedestrian gate via a pin pad. Ivy screening is also proposed along three sides, to the north east, south east and south west elevations.

2.2 Operation of the units would be operated remotely with no permanent staff on site other than maintenance staff visiting. The proposal would create employment for 3 members of staff working from another location. The facility would comprise security cameras and low level 1200mm high bollard lightening posts with sensors.

2.3 The applicant would be renting the land from the Department of Infrastructure.

3.0 PLANNING POLICY

3.1 The application site is within an area designated as "Airfield" identified on the Isle of Man Development Plan Order 1982.

3.2 The site is not within a Conservation Area and given the nature of the application and the history of approvals for industrial development, it is appropriate to consider the following planning policies for the:

3.3 Isle of Man Strategic Plan 2016;

3.4 General Policy 2 (GP2) (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;
- (g) does not affect adversely the amenity of local residents or the character of the locality;

3.5 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."

3.6 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.

3.7 Business Policy 5

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

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

(b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;

and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.

3.8 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.

3.9 Transport Policy 7

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

3.10 Community Policy 10

Proposals for the layout and development of land will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes.

3.11 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.

4.0 PLANNING HISTORY

4.1 The application site has not been the subject of any previous planning applications that are considered specifically material to the assessment of this current planning application. However there have been other applications in the vicinity that are relevant in terms of water supply.

4.2 19/01102/B - Erection of an industrial building to provide four units with associated hard standing and 22 car parking spaces. This application also includes the installation of an underground rain water collection tank that can be "topped up" with an incoming water supply and solely utilised for firefighting.

4.3 20/01516/B - Erection of 21 dwellings with associated parking, landscaping, and amenities. This application also included the installation of a 150,000 litre water farm on the

industrial estate for firefighting as a short term solution and the longer term water infrastructure upgrade.

5.0 REPRESENTATIONS

5.1 Jurby Parish Commissioners have not commented at the time of writing.

5.2 Highways Services have commented (21/04/21) at length on the merits of the application and do not object.

5.3 DoI Floor Risk Management team commented (26/04/21) with No Flood Risk Management interest.

5.4 Fire and Rescue Service commented (13/04/21) to object to this application as the industrial estate is identified as having insufficient water supplies for the fire risk of the existing units, they recommend that the water infrastructure is reviewed and enhanced prior to any development in this area. Following wider discussions and consultations regarding firefighting in the area, a temporary solution has been found and the fire service do not object on the condition that either the water pressure or adequate firefighting provision or access to water are established. (10/02/22) withdrew their objection as other Government Departments are addressing the issue of water pressure and supply through a permanent solution.

5.5 MUA (water) has commented (11/05/21) in response to the comment above (5.4) from the fire and rescue service regarding the water pressure. They confirm there is adequate supply for firefighting capabilities (8l per second). As a backup approx. 400m away is to be built a 46,00 litre underground water tank that would enable a 400 gallon fire engine to refill 23 times over. "This will be available to fighting any fire in Jurby as per planning requirement for Application 19/01102/B".

5.6 DEFA's Eco-systems policy officer commented (30/04/21) the loss of grassland is limited value but does provide for foraging for wildlife; advises that ivy screening will appear out of character with the area and instead recommends the planting of a Hawthorn hedge / screen in lieu would be preferable.

6.0 ASSESSMENT

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

- (i) principle of development (BP1)
- (ii) visual impact of the proposed (Gp2b,c, EP42)
- (iii) impact on the neighbouring amenity (Gp2g)
- (iv) highway safety (TP4,7)
- (v) bio diversity (SP4b)
- (vi) fire safety (CP10)

6.2 (i) Principle

The starting point here is the land use designation, whilst zoned as an airfield, over the years has developed into an industrial estate with various sized buildings and uses within. The broad principle of using this part of the site for storage could fit within the definition of industrial. As the area is widely accepted as an industrial estate and reflective of the current uses, we can refer to the Town and Country Planning (Use Classes) Order 2019 where at Part 2 (page 6) it lists those types of industrial categories of; Office (2.1) Light industry and Research and Development (2.2) General Industrial (2.3) and at 2.4 notes storage and distribution. This understanding of 'use' categories for industrial ensures the proposed used of storage broadly fits within uses on industrial settings and given the employment opportunities it creates would be in accordance with BP1.

6.3 Given the broad acceptance of the principle of use on this site, the proposal would not be considered to be in conflict with adjoining business uses but the inclusion of a condition to ensure there is no retailing from the containers / site would be appropriate given Business Policy 5 seeks to limit retail from industrial sites. In this case given the ability for the public to rent the containers for different users of the self-storage an appropriately worded condition would help avoid any ambiguity and seeks to protect the vitality and viability of the appropriate town centre shopping areas. Also a further condition can be included to seek the removal of the containers if they are no longer required for the intended purpose and the land restored to its existing grass land appearance.

6.4 (ii) visual impact

The proposal is unique as it does not proposed a permanent building but a series of shipping containers linked together and stacked two high with interlinking walkways serving each container. The height of these would be no higher than the eaves level of the adjacent building to the north of the site. The access and parking area would be enclosed with security / industrial fencing and automated gates to the northern aspect of the site. Given the appearance of the finish of a container "crinkled" profile, this would be similar to that of an industrial type cladding evidenced on some of the existing buildings on the estate. If all the containers are of the same colour as shown on the drawings (a condition can be added to ensure this) this would give a unified appearance. On balance whilst the appearance would be different to the surrounding buildings, containers and industrial sites are intrinsically linked by their uses and the appearance and proposed use would not be seen as an incongruous feature on the industrial landscape.

6.5 As part of the proposal is an element of planting (addressed in para.6.8 -Bio diversity) to the north and east elevation would add an element of screening to the lower proportions of the containers when viewed from the internal access road and would help soften the visual appearance. This landscaping can be further bolstered with an appropriate worded condition to ensure it is implemented prior to the use and retained in perpetuity. Considering the above this aspect of the proposal would be appropriate for the setting of the area and does not adversely affect the character of the overall site and read in accordance with GP2b,c and EP42.

6.6 (iii) Neighbouring amenity

As the site has evolved into an industrial estate, the proposed storage facility would be acceptable within the streetscene of buildings here. The proposal and its use for storage would not be considered to have any adverse impact on the use of the neighbouring building uses and would be served with its own access of the internal link road. Given the nature of the proposal is envisaged to be low key in visitor volumes so would not have a detrimental impact on the existing businesses on the estate. The proposal would be seen as being compatible with the other uses of the industrial type buildings and would be in compliance with GP2g.

6.7 (iv) Highways Services

Highway Services have considered the merits of the proposed use, access to and from the site from the highway, as well as parking and manoeuvrability within the site. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be considered to align with the principles of TP 4 & 7 with no highways safety implications.

6.8 (vi) Biodiversity

Part of the proposal is to introduce an element of landscaping to help screen the lower proportion of the site to the north and east elevations. The comments from the Eco-systems policy officer are noted and the suggestion to replace the ivy screening with a hawthorn hedge would be preferable. To ensure compliance with Strategic Policy 4 where it seeks to protect or enhance the nature conservation and landscape quality of urban and rural areas, the suitability of planting that can provide an enhancement that can only be supported to offset the loss of

grassland. This can be further secured with a landscaping condition to ensure not only is local hedging planted but its retention is maintained and retained.

6.9 (v) Fire Safety

The main concern and delay regarding this application arose from the initial objection from the Fire and Rescue Services regarding the availability of water and pressure to enable firefighting on site and within the wider Jurby industrial estate. This has inherently had a knock on effect for many applications within the Jurby catchment area. The initial advice from the MUA (water) commenting that there is sufficient water pressure and further capacity in the supply of water is encouraging. However the comments from the Fire Service and their opinion would be aligned with Community Policy 10 and unless a solution can be found the proposal would be contrary to CP10 and a strong enough reason to refuse on this basis alone.

6.10 Following a number of meeting and discussions with different Government Departments a proactive solution and compromise was reached that satisfies the concerns of the fire service which also relates to a number of planning applications in the Jurby area. A shorter to medium term resolution is what has now been submitted as part of this application which is to install six water tanks which will hold a total of 150,000 litres of water for firefighting purposes within the Jurby Industrial Estate. This will enable fire engines being able to refill their water tanks quickly and within Jurby Village. Any approval of this application should include a condition which requires these six tanks to be installed and completed prior to any works commencing on the rest of the development. The same issues applies for another planning application in the Jurby area referenced; 21/00408/B - Variation of conditions 1 & 2 of PA 18/00763/A, Approval in principle for the construction of five dwellings addressing means of access, to extend the period of permission by two years. Approved.

6.11 Isle of Man Fire & Rescue Service has since withdrawn (by email 10/02/22) their objection subject to the above provision being provided by other Government Departments and the application conditioned accordingly to ensure those provisions for fire fighting area available. Accordingly, the proposal would comply with Community Policy 10 & 11.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the planning application would be appropriate for the character of the area is read in accordance with the aforementioned planning policies of the Isle of Man Strategic Plan 2016.

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 21st February 2022

Item 5.12

Proposal : **Strengthening of the existing river wall and construction of a glass flood wall along the edge of the river to provide flood protection**

Site Address : **Shore Hotel River Wall
Glen Road
Laxey
IM4 7DA**

Applicant : **Department Of Infrastructure**

Application No. : **21/01102/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.

C 2. Prior to the commencement of works on site, a 'development within 9 meters of a watercourse form' a written method statement and ecological impact assessment should be submitted to and approved in writing by the Department. All works in the river bed and the vicinity of the river 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. The exposed section of concrete walling indicated as stone cladding shall be installed on both sides of the wall and retained as such thereafter.

REASON: In the interest of visual amenity of the Conservation Area.

Reason for approval:

The application would not harm the use and enjoyment of neighbouring properties or considered to harm the watercourse or that of the Laxey Conservation area has been designed to comply with Strategic Policy 4, General Policy 2 and Environment Policy 7, 22 and 35 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 6(4):

Glen View, South Cape, Laxey

as they 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

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 identified in red is the section of river that starts at the new bridge opposite the shore hotel and runs upstream for 60m length to the south of the river and parallel with the pub car park. The applicant notes; "Sections of the existing retaining walls are constructed of mixed materials. Several sections of the walls have been identified as needing urgent attention in recent assessments carried out by the Department". At present there is no walling adjacent to the shore hotel and is only a post and wire with

1.2 This application is an extension of previous permission for flood defences along Laxey River that started at the woollen mills and extends downstream. Further details of previous approved applications are noted in the planning history below.

1.3 The previous planning permissions are currently in different stages of fruition as certain works to the river are only allowed outside of the spawning season.

2.0 THE PROPOSAL

2.1 Proposed is a series of flood protection measures to the area adjacent to the shore hotel for a length of 60m. This will broadly see the strengthening of the existing river wall and construction of a glazed area (1.1m high from existing ground level) along the river edge that will be integral to the flood protection along this side of the river. Part of the existing concrete tow to the eastern part of the river wall is to remain as is.

2.2 To the west of the site adjacent to the carpark, is an earth bund that would provide additional flood protection. The agent notes; "the entire point of the earth bund is to provide flood protection to the Shore Hotel and car park area in the event of extreme river levels overtopping the river bank upstream of the new wall. This area would act as a temporary attenuation area until the river levels subsided and would then drain back into the river. I would also point out that the possibility of this actually happening is extremely unlikely. The original concrete ramp has been softened to become integral with the earth bund but still has a concrete surface to allow vehicle access".

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area designated as 'predominately residential' on Map 7 in the Area Plan for the East December 2020.

The Area Plan for the East Written Statement

3.2 Within the accompanying written statement, Glen Road Laxey does not generally feature, Laxey River is noted amongst other rivers for populations of spawning salmon and sea-trout. With regard to flooding and erosion in section 5.20.1 refers to the 2016 National Strategy on

Sea Defences and Coastal Erosion Evidence report which identified areas at risk of fluvial, surface water and coastal flooding within this, Laxey, amongst other areas was identified "as being at high risk both now and in the future and require urgent consideration, further investigation and potential intervention to reduce the evident risk". Section 5.20.2 notes the impact of flooding, weather and the flood risk when allocating land for future development and "flood risk acting as a critical constraint in the Site Assessment Framework used to assess proposed sites". Section 5.20.3 identifies that Flood risk maps have been produced by the MUA and their data used to identify flood risk areas.

3.3 Natural Environment Recommendation 3

The Department supports further consideration and investigation of the impacts of coastal, fluvial and surface water flooding and coastal erosion on key economic, infrastructure, environmental and social receptors. The ongoing work of the Flooding Advisory Group is recognised as part of this, as well as the findings and recommendations set out in the Laxey Flood Independent Review Report. The following, including the areas of Douglas (comprising Douglas Bay, Douglas Harbour, Glass/Douglas/Dhoo/Middle River Confluence, River Glass and Upper Dhoo) and Laxey, are all identified as being at high risk both now and in the future.

3.4 With regard to the Historic Built environment, in section 6.8 talks about safeguarding the local character local character, particularly those features which fundamentally define the historic built environment in the East. Part of section 6.8.3 provides helpful guidance; "Existing and new development can exist side by side, even with some visual differences presented by old and new building styles. New development should not seek to mimic existing development but be of its own time".

3.5 Urban Environment Proposal 3

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

3.6 With regard to Tourism in the east in section 10.2.1, only the Laxey wheel and the Great Laxey Mines Railway are noted.

Conservation Area Designation

3.7 The length of the application site is also identified as being within the Laxey Conservation Area 1990.

Strategic Plan 2016

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

3.9 Strategic Policy 4

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

3.10 General Policy 2 (GP2) (in part)

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

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

3.11 Environment Policy 7

Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

- (a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- (b) details of pollution and alleviation measures must be submitted;
- (c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- (d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

3.12 Environment Policy 22

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

3.13 Environmental 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.

3.14 Other material Considerations;

- o Laxey Flood Alleviation Scheme Feasibility Study 2020
- o Laxey Flood of 1st October 2019 Independent Review Final Report (Arup report)
- o Laxey Floor Modelling 2017
- o National Strategy on Sea Defences, Flooding and coastal Erosion 2016
- o Isle of Man Surface water flood map 2014
- o Isle of Man Flooding and Wave Overtopping Study 2014
- o Flood Risk to Coastal Towns 2012

4.0 PLANNING HISTORY

4.1 It is pertinent to consider previous approved planning applications to Laxey River and flood defences:

4.2 20/01385/B - Construction of reinforced concrete wall with stone cladding for the purpose of providing flood protection. This Section of wall ran from the Laxey Woollen Mill to No.4 Victoria Terrace.

4.3 21/00298/B - Construction of flood protection walls. This section of walling runs from rear of 4 Victoria Terrace and extends down the river for approx. 240m to the rear of Figtree cottage.

4.4 21/00300/B - Alterations to substructure of existing weir and re-grading of river channel incorporating a rock ramp to control flow and stabilisation of existing river banks. This section was to the north of Victoria Terrace on Glen Road Laxey.

4.5 21/00875/B - Construction of reinforced concrete wall with stone cladding, blockwork rendered masonry walls and soil embankments for the purpose of providing flood protection. 'Amulree' and Adjacent Car Park, Tennis And Basketball Courts, Glen Road. Laxey. APPROVED.

5.0 REPRESENTATIONS (in brief, full statements can be read online) STATUTORY CONSULTATIONS

5.1 Garff Parish Commissioners commented (12/10/21 & 01/11/21) on the proposals visual impact and appropriateness for the Conservation Area, Following liaison with the Commissioners, they seek to approve the application subject to a condition in place that details the final design of the wall and agreed prior to implementation.

5.2 Highways Services have commented (06/10/21) and do not object.

5.3 DEFA Inland Fisheries have commented (14/10/21) any works to the watercourse bank and channel are restricted to a period July to September (inclusive) to avoid spawning fish. Also, the works will need to be carried out in accordance with an agreed method statement, in advance of works starting to minimise disturbance to fish within the river.

5.4 DEFA Ecosystem policy officer commented (20/10/21) on the Statement of Case, and the commissioned Ecological Impact Assessment, that has been discussed with the applicant (DOI). They do not believe an EIA is required for these works and would be in line with the method statements agreed with Inland fisheries.

5.5 DoI Flood risk management (04/10/21) Do not oppose.

NEIGHBOURING COMMENTS

5.5 2 Glen View, South Cape commented (31/10/21) on the commissioners comments, the appropriateness of concrete material is not fitting for a Conservation Area that is dominated by Manx Stone, Unscaled drawings in the statement of case (full scaled plans are available online) Designers have ignored the west of the site that will continue to flood by the construction of the bund and ramp.

6.0 ASSESSMENT

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

- (i) Justification for the works (EP7a,b;)
- (ii) Impact on the neighbouring properties (GP2g ; EP22)
- (iii) Any adverse harm to the watercourse or (EP7c,d;GP2d)
- (iv) Visual impact on the wider streetscene and Laxey Conservation Area (SP4; EP35;GP2b&c)

6.2 Justification

The starting point is the recommendations that were derived from the Arup report which has enabled JBA consulting to carry out surface water modelling and identify flood risk reduction opportunities possible within the Laxey Area. Of the 50 options for river, tidal and surface water flood risk alleviation, one of the options and the subject of this application is a new retaining wall between the Laxey River and Glen Road. This is further emphasised in the latest report (Laxey Flood Alleviation Scheme Feasibility Study 2020) at paragraph 6.1 titled; Long list of options - Fluvial and tidal referenced; (noted below in 6.3) This is also featured in paragraph

6.2.2 MER Weir and Glen Road Walls on page 35/36 where the table and pictogram shows the location of the works".

6.3 There is a wider government initiative to progress mitigating measures to offset flooding under the 'Programme for Government for a Sustainable Island' where it says; " Continue to invest in sea defences and in reducing flooding and coastal erosion risks for those areas identified as high risk in our national strategy". Laxey River has been identified as being high risk and the requirement for these works has been identified within the latest report from JBA consulting and previous studies, as noted above, which has been sufficiently documented and justified. Of all the works shortlisted, and the subject of this application, are seen as one of the most fundamental aspects to implement the necessary safeguards. As such the department is satisfied there is sufficient need for the principle of the works and as no evidence or conflicting professional hydrological reports to the contrary are published, the application would be in accordance with Environment Policy 7 (a,b).

6.4 Neighbours

The scope of works that would offer residents greater protection from flooding would be considered to be relatively non-contentious in the respect to the visual impacts on the neighbouring properties and would not be considered to be detrimental to their amenity. The immediate residents of Glen Road have not commented on the application, possibly as they are to benefit the most from the works and this would offer the added protection from flooding over the years safeguarding their properties. This aspect would be read in accordance with GP2g & EP22.

6.5 Watercourse

The scope of works will see this part of the river boundary wall being transformed as previously noted in section 2.0 of this report. Importantly the comments from the inland fisheries are helpful and the applicant and their appointed contractors would be required to liaise with them for the production of a full method statement/ risk assessment of all the activities involved for works to replace the walling prior to the works commencing on site. On balance, the proposed scale of the works whilst would be initially invasive to this section of river and the boundary wall can be undertaken in a safe and appropriate manner to protect the quality of the local environment and would not adversely harm the water course, and would be compliant with GP2d and EP7c,d. This aspect can be controlled through an appropriately worded conditioned to ensure adequate safeguards are in place during the construction works and also bird nesting boxes for grey wagtails are included in the scheme as per the comments from the Eco-systems policy officer.

6.6 Visual Impact

The proposed replacement wall is partially visible from the side of the river where there is a public footpath No.415 which runs from the Shore Hotel to the Commissioners offices (approx. 1km in length). Equally from the other side of the river, along glen road the glazed wall will be visible against the backdrop of the shore hotel. Whilst the proposed wall would be visible and the drawings indicate that stone cladding is to be used for the majority of its length, this is considered to give a uniform appearance and is welcomed and can be conditioned to ensure its retention is retained in perpetuity. This is the same method of cladding utilised on previous schemes as noted in the planning history.

6.7 The proposed appearance of the glass wall with stone cladding would be sympathetic to the surroundings as too would the creation of an earth mound to the west of the site and would be appropriate for the area without being detrimental to the wider Conservation Area. Any visual impact or loss of historic walling that is being replaced or bolstered is deemed to be minimal with any harm being outweighed by the benefits of flood protection to the existing

dwellings and their residents and is sufficiently justified as noted above. This aspect would comply with Sp4, EP35 and GP2b&c.

7.0 CONCLUSION

7.1 The application has been considered and on balance would be appropriate for the area and would not harm the use and enjoyment of neighbouring properties or considered to harm the watercourse or that of the Laxey Conservation area has been designed to comply with Strategic Policy 4, General Policy 2 and Environment Policy 7, 22 and 35 of the Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.13

Proposal : **Erection of replacement timber cabin**
Site Address : **Dragonfly Barn**
 3 Abbeylands Estate
 Scollag Road
 Abbeylands
 Isle Of Man
 IM4 5BX
Applicant : **Mrs Karen Halsall**
Application No. : **21/01235/B- click to view**
Senior Planning **Mr Jason Singleton**
Officer :

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 timber cabin would be considered appropriate when read within the context of the area in terms of its height and design which would be subservient to the scale and character of the dwellinghouse, with no detrimental visual impact in accordance with Ep1 and HP15

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT COULD BE TECHNICALLY CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site is the residential curtilage of 3 Abbey Lands Estate, Scollag Road, Abbeylands. The property is part of a wider two storey building which is part of the barn and stable block conversion. Planning consent was initially granted under 08/00926/B for; 'Alterations and extensions to existing range of barns to form eight dwellings with garaging,

parking and stables'. Since converting to apartments there have been a number of additions from the new dwelling owners as detailed below.

1.2 The gardens are located to the front of the property and the private internal access road, the existing shed sits within a recess and landscaped around screening its presence from the highway/road.

2.0 THE PROPOSAL

2.1 Proposed is the replacement of a timber shed/ cabin. The proposed shed would overlap the existing footprint to measure 5.0m wide and 5.0m deep with a mono pitched roof and timber cladding to the rear and sides. The front elevation facing the dwelling house would feature bi-fold doors and a doorway into a store. The height of the proposal would be 2.6 at the lowest and 2.8 at the highest nearest the dwelling. The existing shed is approx. 5.0m wide and 2.5m deep with a mono-pitched roof.

3.0 PLANNING POLICY

3.1 The application site is within an area recognised as being within an area of white land or land not zoned for development on The Area Plan for the East. There are no policies within the written statement that accompanies the Local Plan that are considered specifically material to the assessment of this planning application. The site is not within a conservation area or identified of 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 Whilst there is a presumption against development here as set out in General Policy 3 and Environment Policy 1, there is also Strategic Plan support for certain types of works and extension and alterations to existing residential properties in the countryside, notably that set out in Housing Policy 15.

4.0 PLANNING HISTORY

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

5.0 REPRESENTATIONS

5.1 Onchan Commissioners (17.11.21) does not object

5.2 Highways Services do not object (No Highways Interest) 08.11.21

6.0 ASSESSMENT

(i) visual impact of the proposed development;

6.1 (i) Visual impact

The proposed installation of a shed or replacement timber cabin, would sit within the applicants residential curtilage in a landscaped area that conceals the current shed when viewing the front elevation of the converted barn. The proposed size of the timber cabin would be larger in footprint than the existing but not in height or width, which helps keeps the overall profile low and no greater of a visual impact (if viewable) than the existing. The proposed timber cabin would be considered appropriate when read within the context of the area in terms of its finish, height and design which would be subservient to the scale and character of the dwelling house.

6.2 There are no immediate neighbours that would be inconvenienced or would be susceptible to any overlooking or loss of privacy. This aspect is deemed to be an acceptable form of development that is proportionate to the dwelling house without affecting the overall appearance and complies with the spirit of Housing Policy 15.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposals would be an appropriate form of development that does not harm the use and enjoyment of neighbouring properties and has been designed to comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016.

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 5.14

Proposal : Change of use of existing warehouse into a leisure facility
Site Address : Unit 3
Balthane Industrial Estate
Ballasalla
IM9 2AJ
Applicant : Mr Nigel Thijs
Application No. : 21/01285/C- click to view
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to a leisure and recreational use.

REASON In the interest to protect the character and uses of the neighbouring Industrial Units.

Reason for approval:

Whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit. The change of use is not considered to be unacceptable or to adversely impact generally on amenity of the area. Highway issues are also expected to be minimal given the location and the availability of parking either at the site or in nearby area. For these reasons the application and proposal is considered to be acceptable.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The application site is curtilage of Unit 3 Balthane Industrial Estate. The units sits to the central part of the industrial estate. The unit would measure a footprint of 14m x 12m and is broadly open plan.

2.0 THE PROPOSAL

2.1 Proposed is a change of use of the warehouse to house a virtual reality arena for a gaming experience.

2.2 The applicant notes; "Various sites have been considered for this new venture and this site is considered the most suitable. Whilst this is zoned primarily as an industrial area it should be noted that there have been recent approvals given within this estate for leisure facilities and therefore it is felt this would add to the existing range of activities within the estate".

2.3 The proposed use would be mainly for small group's larger parties and opening between 5pm and 10pm weekdays and 10am till 10pm weekends and bank holidays, and if there is demand between 10am and 10pm during the week in holiday periods. There would be a maximum of three staff and parking within the existing compound, any overspill would be within the wider estate. It is envisage to only provide tea, coffee and packaged snacks (chocolate, crisps, sweets) for those playing in the building.

3.0 PLANNING POLICY

3.1 The application site is designated as; Industrial/Business Park on the Area Plan for the South Map 4, Ballasalla.

3.2 The site is not within a Conservation Area, there are no registered trees on site nor is it within an area of flood risk. It is appropriate to consider the following planning policies from the Isle of Man Strategic Plan 2016;

3.3 Business Policy 1 - creation of employment opportunities
Business Policy 5 - no retail and only storage and distribution on industrial sites

3.4 General Policy 2 (GP2) (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;
- (g) does not affect adversely the amenity of local residents or the character of the
- (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 and
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan.

3.5 Whilst there are no specific policies which support the provision of new recreation or sporting facilities, Chapter 10 of the Strategic Plan does acknowledge the positive impact they have on the quality of Island life; 'The quality of life on the Island and the quality of our environment are improved by attractive open space and by facilities for recreation and other community purposes...the Strategic Plan needs to facilitate sport and recreation opportunities' (paragraphs 10.1.1 and 10.3.3). The Chapter goes on: 'New community facilities should be

located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings'.

4.0 PLANNING HISTORY

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

4.2 Other applications within Balthane of relevance are as follows, all approved:

- 20/00671/B - Conversion ground floor storage and first floor fitness studio
- 20/00304/C - conversion from general industrial to leisure
- 18/00799/B - conversion of unit to dog day care facility
- 18/00127/B - conversion of unit to dog grooming facility
- 16/01177/B - conversion of unit to motorcycle repairs and sales
- 15/00665/C - use of premises as plumber's merchants and bathroom sales
- 15/00156/C - use of office as hair salon
- 14/01382/B - use of premises as dog grooming facility
- 12/01610/C - conversion of unit to cafe
- 11/00870/C - use of premises for the repair and sale of motorcycles
- 10/01179/C - use of unit as a fitness centre.

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

- 5.1 Malew Parish Commissioners has not commented at the time of writing.
- 5.2 Highways Services do not object (No Highways Interest) 03/12/21 -09/12/.21

6.0 ASSESSMENT

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

- (i) Principle (Gp2 Bp1,5)
- (ii) Visual Impact on the character of the area (Gp2b,c,g)
- (iii) Highway Safety (GP2 h&i)

(i) Principle

6.2 Whilst the site is not designated for recreation or leisure purposes, the proposed use does not easily fit into existing allocations and indeed the existing and approved leisure, recreational or fitness facilities. On the Island, such uses are now found in a variety of areas including industrial estates. As it has been demonstrated and noted in para. 4.2 of this report, there are many examples of sports and recreation facilities located in industrial areas around the Island but particularly those noted on this same industrial estate. The proposed use being for virtual reality gaming would be contained within the building and the use would not be out of keeping within the Industrial estate and would of a small enough scale to not be detrimental to the overall land use designation. It is further noted there are no material alterations to the building only the change of use.

(ii) Visual Impact

6.3 Whilst not in full accordance with the Development Plan, when assessed again the broader principles of General Policy 2 and Business Policy 1 a change of use to a recreational use would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses of the Balthane Industrial Estate. Given the ability to alter the use within Class 4.4 of the 2019 Use Class Order, of those uses listed (assembly and leisure) few of those would cause a conflict of use on this estate, however it could place additional pressure on parking in the area. In this case it would be appropriate to limit the use of the proposal by a condition to that as per the application and prevent any subsequent change of uses without seeking planning consent.

(iii) Highway Safety

6.4 This site is close to a bus network and within walking distance of a concentration of population. The estate generates a variety of different users to the business in the estate and this traffic is generally day time and week day traffic and as such there is likely to be capacity on the roadways and adjacent parking areas to accommodate any vehicles which cannot be accommodated on the site such that there will not be an adverse impact on the highway network in the vicinity of the site. Accordingly, it is likely the peak uses of the site will be when the adjacent units are not operational.

6.5 Highway Services have considered the merits of the proposal, access to and from the site from the highway, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be aligned with the principles of GP2 (h&i).

RECOMMENDATION

7.1 For the above reasons, whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit. The change of use is not considered to be unacceptable or to adversely impact generally on amenity of the area. Highway issues are also expected to be minimal given the location and the availability of parking either at the site or in nearby area. For these reasons the application and proposal 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 21st February 2022

Item 5.15

Proposal : Alterations and erection of extension to main dwelling, including the conversion of existing garage/store for tourist accommodation (B&B) and demolition of existing stable building and replaced with a garage.

Site Address : Barony View
Glen Mona Loop Road
Glen Mona
Ramsey
Isle Of Man
IM7 1HG

Applicant : Mr James & Mrs Laurie Royston

Application No. : [21/00764/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.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 4. For the avoidance of doubt no more than 3 bedrooms within in the single dwelling (Barony View) shall be used by guests at any one time as permitted by Class 3 of the Town and Country (Change of Use) (Development)(No.2) Order 2019.

Reason: To ensure only 3 bedrooms are used for B&B purposes at any one time.

C 5. The living accommodation within the lower ground floor/basement hereby approved shall only be used in association with the main dwelling house "Barony View" and for purposes

incidental to the use of main dwelling house "Barony View" as a single dwelling, and only in accordance with the internal layout shown on plan 03 REV A received on the 19th November 2021.

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

C 6. Prior to the occupation of the dwelling all external finishes as approved under Condition 2 shall be fully completed and retained thereafter.

Reason: The finishes of the building are a significant reason to why the application has been deemed acceptable and any change could result in a significant adverse visual impact to the countryside/landscape setting contrary to the IOMSP.

Reason for approval:

It is considered the proposal would not have any unacceptable impacts upon public or private amenities, would not adversely affect the countryside and would result in a betterment in terms of quality, finishes and design over the existing dwelling which is of poor form. It is considered that this proposal would result in an overall improvement and comply with Housing Policy 16 of the Isle Of Man Strategic Plan 2016. Further, the proposal would not harm the character and quality of the landscape or adversely affect the countryside and therefore comply with Environment Policy 1 and 2 of the Isle Of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED 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 Barony View, Glen Mona Loop Road, Glen Mona, Ramsey which is a modern part single, part two storey dwelling located to the eastern side of the Glen Mona Loop Road and Manx Railway Line, which runs along the western boundary of the site. The site is located on a hillside and therefore from the front elevation the dwelling appears single storey in height whereas to the rear it is a two storey dwelling, given the topography of the land. The curtilage of the site is characterised as mature substantial landscaping, especially to the boundaries of the site. Due to this, the dwelling from the Glen Mona Loop Road is not apparent. Distance partial views of the site/dwelling are achieved from the northeast of the site, from the Rhenab Road.

2.0 PROPOSAL

2.1 This application seeks approval for the alterations and erection of extension to main dwelling, including the conversion of existing garage/store for tourist accommodation (B&B) and demolition of existing stable building and replaced with a garage.

2.2 The substantial works involve the additional storey to the main dwelling house (i.e. two storey to front elevation and three storey to rear elevation) and to changes all the external finishes and roof finish to the dwelling.

3.0 POLICIES

3.1 The application site is within an area of High Landscape Value or Coastal Value and Scenic Significant under the Isle of Man Development Plan Order 1982. 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 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 16 states: "The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public."

3.6 Class 3 of the Town and Country (Change of Use) (Development)(No.2) Order 2019;

"Class 3 - Guest houses and taking in guests

The change of use from a use falling within use classes 3.1 (Hotels and guest house), 3.3 (Dwellinghouses) or 3.5 (Houses in multiple occupation) to a use falling within 3.3 (Dwellinghouses), or a combined use as 3.1 and 3.3.

Conditions

1 A change of use from use class 3.1 to 3.3 is not approved if the building in question is in an area which is not indicated in a development plan as an area of residential use or predominantly residential use.

2 The change of use to a combined use of use classes 3.1 and 3.3 is not approved if more than 3 bedrooms in the building may be used by guests."

4.0 PLANNING HISTORY

4.1 The previous planning applications are considered relevant in the determination of this application;

4.2 Extension to form double garage and workshop - 87/00377/B - APPROVED

4.3 Erection of domestic stable block - 88/01422/B - APPROVED

5.0 REPRESENTATIONS

5.1 Highway Services have no objection (16.07.2021, 22.11.21 & 03.12.2021).

5.2 The Garff Commissioner's made the following comments:

03.08.2021

"Concern was expressed with the increase in height caused by the proposed development. Members noted that this would likely cause visual intrusion from the Rhenab/Port Cornaa Road areas where there was public access. Other concerns were raised with the design which was generally felt to be 'ugly' and inappropriate for the location. The overall consensus was that the design was inappropriate. Several Members advised that an alternative design should be considered. There was no objection to the proposal to use the dwelling for tourist accommodation, and this aspect of the proposal was supported."

24.11.2021

"The Commissioners note the revised plans submitted against the following application:

21/00764/B Barony View Glen Mona Loop Road Glen Mona Maughold, Alterations, erection of extension and conversion of existing garaging, stables and store to provide two tourist accommodation units.

The amendments have been considered and the Commissioners wish to reiterate their previously submitted comments dated 3rd August 2021; the Commission remains opposed to the increase in height and the design of the building which they feel is particularly incongruous in this area of high landscape value.

The Commission thanks the Planning Authority for the opportunity to comment on these amendments."

Glen Mona Loop Road
Rhenab Road.

6.0 ASSESSMENT

6.1 The main issues are the potential visual impact of the development upon the landscape and use of the dwelling for B&B purposes.

POTENTIAL VISUAL IMPACT OF THE DEVELOPMENT UPON THE LANDSCAPE

6.2 The main tests when considering the impact is HP16 which indicates that the extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public. The existing dwelling is non-traditional in appearance. Further, any development in the countryside must not adversely affect the countryside (EP1) and must not harm the character and quality of the landscape (EP2).

6.3 There are two main areas where there is the potential to view the property and the proposed works, these being from the Glen Mona Loop Road and the Rhenab Road.

6.4 From the Glen Mona Loop Road the existing dwelling is very well screened from public views given the mature vegetation (trees/hedgerows etc) within the site and along the roadside and the topography of the site, with the road level being approximately above the roof ridge of

the existing dwelling. While the proposal will increase the height of the dwelling by a storey, it is not considered from these views (Glen Mona Loop Road) the visual impact will be significant. However, with an additional storey, there is the likelihood of the proposal being more apparent.

6.5 Regarding views from the Rhenab Road, arguable these views are the aspect that could have the greatest impact, where the dwelling could be most apparent. The existing dwelling can be seen from some points (albeit limited) along this road. The white/cream painted render is the aspects which initially draws the eye to the dwelling. From these views the dwelling would be three storeys in height. Accordingly, comments received from the Commissioners are understandable and the Department needs to be comfortable that the proposals would accord with policy.

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

6.7 This proposals seeks to be approved on this basis, that while it is larger than the existing, the new finishes and design would be an improvement and reduce the visual impact of the dwelling. It is noted as with most painted rendered properties in the countryside, these are generally the properties which draw the eye the most, compared to stone/dark coloured dwellings which blend into the landscape more. This is apparent to the application site (and neighbouring dwellings) and nearby Manx barns (adjacent to Ballashologue House) which are located along Main Road (southwest of site); where the Manx stone helps blend the substantial barns into the landscape. The properties most apparent in the area; irrespective of size, are those with painted render.

6.8 The proposed scheme includes a number of finishes, all dark in colour, which include; the lower ground floor with a grey render; the upper ground floor deeply scorched timber/stained black timber and the first floor and roof finishes in a Zinc standing seam cladding. The finishes are also of a high quality. These finishes are hoped to reduce the starkness of the existing paint render while also bringing the property to modern standards in terms of eco efficient but also design. The existing dwelling is "of its day", but it is in need of clear modernisation and improvement, which it is considered the overall proposal would achieve.

6.9 The applicants (letter to Commissioner's) in support of the scheme indicated that;

"...When our architect showed us the initial plans, we couldn't have wished for more. We felt it would sit perfectly in the surroundings, and complimented the landscape as it uses materials traditionally used in agricultural buildings such as timber and metal cladding, but also the large areas of glass will act to reflect the surrounding landscape and allow the building to blend in to the scenery. We also noticed use of similar materials in recent home improvements, such as the extension to a house on the Ballaragh Road.

We believe our proposal offers a fresh-looking property that not only complies with, but will exceed the latest building regulations. Our previous home incorporated modern environmentally friendly technology such as solar panels, increased insulation and a heat pump and we plan to include these and many other green credentials in both the build and the daily operation in Barony View."

6.10 The works proposed would result in a dwelling which is larger/taller and greater in mass and would increase the impact of the building as viewed by the public and therefore potential contrary to HP16; however, it is considered these aspect of the works would be a betterment to the existing dwelling and the visual appearance of the area/countryside. If is where proposed to add an additional storey to the existing dwelling but continue the same form/finish/design of the existing dwelling on a similar scale, then it is likely objections would be made from the Department. However, this is not the case.

6.11 Furthermore, in terms of Environment Policy 1 and 2; it is considered the works would not adversely affect the countryside or harm the character and quality of the landscape. As outlined previously, it is considered the works would be an improvement over the current situation, and while the proposed works would increase the mass/size of the property, the finishes and overall design improvements would be a betterment and help reduce the visual appearance of the dwelling in the countryside/landscape.

6.12 It is considered the double garage proposed (same finishes as main dwelling) would appear as a subordinate to the main dwelling and given its location and surrounding landscape would not be especially apparent from any public views. This aspect of the proposal raises no concerns.

USE OF THE DWELLING FOR B&B PURPOSES

6.13 The existing garage/workshop to the lower ground floor is proposed to be converted to accommodate three bedrooms, breakfast/dining room and games room, which are also internally connected to the main dwelling via an internal staircase. As outlined within the Policy section of this report, under Class 3 of the Town and Country (Change of Use) (Development)(No.2) Order 2019, a homeowner can use up to 3 bedrooms for guest to stay. It is the applicants wish to operate a 3 bed B&B from the proposed accommodation. There are no concerns with this use on this site, although a number of conditions will be recommended to ensure the use of the accommodation does not become an additional dwelling as this would be contrary to the Development Plan.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal wouldn't not have any significant impacts upon public or private amenities, would not adversely affect the countryside or harm the character and quality of the landscape and would result in a betterment in terms of quality and design over the existing dwelling and would therefore comply with Environment Policy 1 & 2 and Housing Policy 16 of the Isle Of Man Strategic Plan 2016.

7.2 It is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

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

(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

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

Item 5.16

Proposal : **Erection of proposed detached dwelling and integral garages**
Site Address : **Water Gardens**
 Jurby Coast Road
 Jurby West
 Isle Of Man
 IM7 3AS
Applicant : **Mr Darren Hind**
Application No. : **21/01290/B**- click to view
Principal Planner : **Mr Chris Balmer**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

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

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

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

C 4. 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 proposal for a single dwelling on this site would meet the tests of "previously-developed land" and with the careful design dwelling proposed result in a significantly improvement to the environmental and landscape and a more sustainable form of development complying with General Policy 3, Environment Policy 1 & 2 and Transport Policy 4 & 7 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 SITE

1.1 The application site forms part of the existing curtilage of Jurby Water Gardens which is located along the north western side of the Jurby Coast Road with the settlement of Jurby located to the northeast of the site.

1.2 The site is heavily developed which includes large single storey green houses, polytunnels, sheds, ponds, large expanse of gravel area for parking spaces/turning facilities. In terms of area the site equates to 3060sqm and the total area covered by buildings is 800sq m (main greenhouse makes up 720sq m) and the hardstanding area makes up a further 912sq m of the total. The highest ridge level- 103.940. There is also wind break fencing to the north of the site.

1.3 There is an existing access which is 6.5m wide which accesses directly onto the Jurby Coast Road.

2.0 PROPOSAL

2.1 The application seeks erection of proposed detached dwelling and integral garages. The proposed dwelling has a total floor area of 517sqm, a gravel driveway of 297sqm and highest ridge level of 104.350. The dwelling would be single storey in height with a total of three shallow pitched roof sections which are connected together with flat roofed elements forming a "U-shaped" building, with a central courtyard area.

2.2 The dwelling is contemporary in overall design and is finished in a mixture of render (lower walls) and upper section finishes in a metal standing seam cladding (dark grey in colour) to the main parts of the dwelling. The front integral garage would be finished in natural cedar timber cladding laid (left to weather natural) vertically with an open joint detail. The pitched roofs would also be finished in a metal standing seam cladding and the flat roofs finishes with a green roof system.

2.3 The existing access is to be retain.

2.4 The existing gravel front parking area is to be reduced in size with an increase in front gardens to the property.

3.0 DEPARTMENT POLICIES

3.1 The application site is within an area to which the Isle of Man Planning Scheme (Development Plan) Order 1982 still applies. The application site is not designated for development within the 1982 Order. The site is not within a Conservation Area but is within an area of High Landscape Value or Coastal Value and Scenic Significance.

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 Spatial Policy 5 states: "New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3."

3.4 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."

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

3.6 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 in exceptional cases, which includes, "(c) previously developed land which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment".

3.7 Housing Policy 4: "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."

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

3.9 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.

The current standards are set out in Appendix 7."

3.10 As General Policy 2 sets out general 'Development Control' criteria it is considered capable of being applied to this proposal.

4.0 PLANNING HISTORY

4.1 The previous planning application is considered relevant in the assessment and determination of this application;

4.2 Approval in principle for the erection of a detached dwelling, addressing means of access - 18/01283/A - APPROVED (05.03.2019 - now expired) with the following relevant condition;

"C 4. The new dwelling must be single storey.

Reason: To ensure the visual impact of the development has a reduced impact to the landscape and the wider environment."

5.0 REPRESENTATIONS

5.1 Highways Services comment (03.12.2021);

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that Highway Licences may be necessary for use of the highway."

6.0 ASSESSMENT

6.1 Fundamentally, in terms of planning policy there is a long established presumption against new residential development in the countryside. As identified earlier within the planning policy section of this report, this presumption against is set out in four different ways. Firstly, the application site is not zoned for residential development under the IOM Development Plan 1982 and therefore Environment Policy 1 requires consideration. This policy indicates that the countryside and its ecology will be protected for its own sake, 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. Secondly, General Policy 3 of the Isle of Man Strategic Plan, states that in such areas new dwellings will generally not be permitted. Thirdly, the site is not identified in an adopted Area Plan as being within a town, village, or within a sustainable urban extension and therefore contrary to the exceptions indicated in Housing Policy 4. Fourthly, the site is zoned within an area of High Landscape or Coastal Value and Scenic Significance and therefore Environment Policy 2 requires consideration. This policy indicates that 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.

6.2 The proposed dwelling does not serve a viable agricultural holding nor replaces an existing dwelling and therefore there are no special circumstances to warrant the setting aside of the presumption against development. The development proposed by this planning application could be considered to be contrary to the current policies of the Department.

6.3 However, General Policy 3 paragraph (C) would have been suggested by the applicants as why the proposal would fit planning policy. This section of GP3 indicates that; "previously developed land which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in

improvements to the landscape or wider environment;". Further, under Appendix 1 of the Isle of Man Strategic Plan the term is defined as:-

"Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.
- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."

6.4 It is considered the site and associated buildings, structure, signage and large hardstanding's would all meet the definition of "previously-developed land" and therefore the principle of a dwelling on this site is considered acceptable. This was also concluded with the previously approved application (18/01283/A) on the site and there are no material planning matters which would result in a different conclusion now. Accordingly, in terms of the principle of a dwelling on this site in accordance with GP3, it is once again considered acceptable.

6.5 In term of redundancy the previous applicants (operated the water gardens) had provided a statement in their submission where they had indicated that they owned and operated the water gardens since 1993. However, in recent years business has fallen due to market changes and shopping habits. Due to this and also health reasons and reaching retirement age they decided to sell the business as a going concern. They advertised the business with Hilton Smythe Commercial Estate Agents on 7/9/16 for a year as well as advertising on the IOM and in UK with not one enquiry of interest. After the 12 month marketing contract finished, they advertised it in all the local newspapers and internet sites for a period of another year with little or no success. However, since this time they have been advised that the building is no longer fit for purpose and due to health reasons, they decided to close the business. Again, it would appear clear that the previous applicants/owners had tried for a number of years to sell the business without success. Further, the buildings within the site are not conducive for other uses, i.e. compared to an industrial building which could be used for a variety of uses. Furthermore, the site is not in a particularly sustainable location, being within the countryside. It is likely that if the application for a water garden was being proposed today, on this site, there would be likely to be concerns of its location and it not being within a sustainable location, closer to large settlements. Accordingly, replacing it with a single dwelling, which in turn will likely reduce the amount of visitors/staff going to and from the site, would be more sustainable.

6.6 The next fundamental issue is whether the proposed redevelopment would reduce the impact of the current situation on the landscape or the wider environment and would result in improvements to the landscape or wider environment.

6.7 Firstly, the proposed dwelling is sited on the majority of the existing footprint of the greenhouse/poly tunnel/areas of hardstanding. Further the main part of the dwelling is set further away from the Jurby Coast Road than the existing development on the site. It is also noted that the amount of existing built development on the site (total 800sqm - the greenhouse

makes up 720sqm) is proposed to be reduced, with the dwelling equating to 517sqm in size. The hardstanding fronting the site is also being reduced. All these factors help reducing the impacts of the current situation.

6.8 The overall, design of the dwelling being single storey in height and with shallow pitched roofed sections over individual sections of the dwelling which are all interconnected with large sections of flat roofed section (green roofs) all help with the mass/scale of the building being a low level form of development on the site. The finishes/colour of the materials used to the external finishes would also help reduce the visual impact compared to the glazed greenhouse and other associated buildings on the site.

6.9 It is noted that the height of some of the pitched roofs are slightly above the height of the existing green house (approximately by 41cm) and therefore there may be concern that this increased height would go against the aims of GP3. However, as mentioned the overall design approach, in terms of the roof design helps reduce the overall massing of the building on the site. The flat roof elements have a height of 3m which is 0.94m below the height of the green house and therefore a large proportion of the dwelling is lower than the greenhouse.

6.10 Overall, from a visual point of view the impact in some ways it is likely to be similar to the existing built development on the site. The existing having a larger footprint and greater depth within the site and other associated buildings/structures on the site; compared to the proposed dwelling which has a smaller overall footprint and depth, but overall larger in width (albeit similar to greenhouse and poly tunnel in width) and is slightly taller in parts than the existing greenhouse; albeit lower in others. However; what is clear is the design and quality of the proposed dwelling which is considered to be a vast improvement over the existing situation, which is not attractive and is on the verge of being an eyesore to the landscape /countryside.

6.11 The proposed dwelling (as is the existing buildings on site) will be visible from the Coast Road; however, its design, scale, form, finishes and overall design approach would result in significant visual improvement to the site, the landscape setting and the countryside compared to the existing situation.

6.12 The purposes of the "Previously Development Land" policy is considered to relate to this situation, where historically development has occurred on a site which has become redundant and now is adversely affecting the countryside (EP1) and harming the character and quality of the landscape (EP2). It is considered the proposed scheme would meet the aims of the policy as it would reduce the impact of the current situation on the landscape and the wider environment; and also would result in improvements to the landscape and wider environment, all to the benefit of public views of the site in the area.

6.13 The comments from Highway Services are noted; the site and its recent commercial use would likely have generated substantially more traffic than a single dwelling. No alterations are being proposed to this existing access. Accordingly, given less vehicles would be utilising this existing access, it is reasonable to consider the proposal represents an improvement to highway safety. The site can also easily provide adequate parking (2 spaces) and turning facilities. Accordingly, from these respects the proposal is considered acceptable.

6.14 It is also not considered the proposal would have any significant impacts upon public or private amenities to warrant a refusal.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal for a single dwelling on this site would meet the tests of "previously-developed land" and with the careful design dwelling proposed result in a significantly improvement to the environmental and landscape and a more sustainable form of

development complying with General Policy 3, Environment Policy 1 & 2 and Transport Policy 4 & 7 of the Isle of Man Strategic Plan 2016.

7.2 It is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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