



**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, 14th March 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

**Please note that participants are able to attend this meeting virtually via Microsoft Teams. Parties may contact DEFA Planning & Building Control on 685950 in order to register for the meeting invitation link. Further information on how to view the meeting virtually or speak via that medium please see 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://www.gov.im/planningcommittee)**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 21<sup>st</sup> February 2022.

**4. Any matters arising**

**4.1 PA21/00731/B**

To note that a correction notice was issued regarding a typographical error in c4 of the decision, the correction notice being issued subsequent to the conclusion of the Planning Committee meeting of 21<sup>st</sup> February 2022.

**5. To consider and determine Planning Applications**

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

**6. Site Visits**

To agree dates for site visits if necessary.

**7. Section 13 Agreements**

To note any applications where Section 13 Agreements have been concluded since the last sitting.

**8. Any other business**

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

Set for 28<sup>th</sup> March 2022.

**PLANNING COMMITTEE Meeting, 14th March 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b> 27 Cannan Court Kirk Michael Isle Of Man IM6 1FA</p> <p><b>PA21/00717/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a single storey extension to side elevation</p>
<p><b>Item 5.2</b> Park House Isle Of Man Business Park Douglas Isle Of Man IM2 2SA</p> <p><b>PA21/01108/B</b> <b>Recommendation : Permitted</b></p>	<p>Extend second floor of existing office building to create additional staff amenity space and remove external porch</p>
<p><b>Item 5.3</b> Barony View Glen Mona Loop Road Glen Mona Ramsey Isle Of Man IM7 1HG</p> <p><b>PA21/00764/B</b> <b>Recommendation : Permitted</b></p>	<p>Alterations and erection of extension to main dwelling, including the conversion of existing garage/store for tourist accommodation (B&amp;B) and demolition of existing stable building and replaced with a garage.</p>
<p><b>Item 5.4</b> Shore Hotel River Wall Glen Road Laxey IM4 7DA</p> <p><b>PA21/01102/B</b> <b>Recommendation : Permitted</b></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><b>Item 5.5</b> Field No.210401 Ballagarraghyn Bretney Road Jurby Isle Of Man</p> <p><b>PA21/00278/B</b> <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>Erection of 23 dwellings with associated access, parking, open space and landscaping</p>
<p><b>Item 5.6</b> Plot Rear Of Sundown And East Of 129 Dreeym Beary Douglas Isle Of Man IM2 5LE</p> <p><b>PA21/00840/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a detached dwelling with integral garage</p>
<p><b>Item 5.7</b> Ballakermeen High School St Catherines Drive Douglas Isle Of Man IM1 4BE</p> <p><b>PA21/01353/B</b> <b>Recommendation : Permitted</b></p>	<p>Temporary erection of 150 bell tents for camping during TT period, between the following dates: 27th May - 14th June 2022, 26th May - 13th June 2023, 31st May - 18th June 2024 &amp; 30th May - 17th June 2025.</p>

<p><b>Item 5.8</b> Ballamoar Farm Doarlish Ard Foxdale Isle Of Man IM4 3BH</p> <p><b>PA21/00904/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion of barn to provide garaging, storage, space for the running of a business and ancillary living accommodation</p>
<p><b>Item 5.9</b> The Salvation Army Douglas Corps Ballacottier Crescent Isle Of Man Business Park Braddan IM2 2QZ</p> <p><b>PA21/01486/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a multipurpose hall, entrance canopy over the existing entrance, replacement of existing roof tiles with artificial slates and creation of new car parking</p>
<p><b>Item 5.10</b> Former B C S House Peel Road Braddan Douglas Isle Of Man IM4 4LE</p> <p><b>PA21/01565/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion of offices to create a fitness and wellbeing centre</p>
<p><b>Item 5.11</b> B C S House Peel Road Braddan Douglas Isle Of Man IM4 4LE</p> <p><b>PA21/01568/D</b> <b>Recommendation : Permitted</b></p>	<p>Installation of illuminated signage</p>
<p><b>Item 5.12</b> 2 Brighton Terrace Douglas Isle Of Man IM1 4AP</p> <p><b>PA22/00054/B</b> <b>Recommendation : Permitted</b></p>	<p>Replacement of front sash windows to pvc and replacement window arches (retrospective).</p>
<p><b>Item 5.13</b> Former Prison Site Victoria Road Douglas Isle Of Man</p> <p><b>PA22/00102/B</b> <b>Recommendation : Permitted</b></p>	<p>Creation of temporary tourist accommodation units and associated facilities for the 2022 TT period</p>
<p><b>Item 5.14</b> Former Prison Site Victoria Road Douglas Isle Of Man</p> <p><b>PA22/00103/B</b> <b>Recommendation : Permitted</b></p>	<p>Creation of temporary tourist accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period</p>
<p><b>Item 5.15</b> King Edward Bay Golf Club Groudle Road Onchan Isle Of Man IM3 2JR</p> <p><b>PA22/00144/B</b> <b>Recommendation : Permitted</b></p>	<p>Alterations, erection of extension and creation of a café (class 1.3)</p>

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.1

**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**

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### **Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The 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.

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### **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).

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

#### 0.0 PREAMBLE

0.1 This application was deferred from 21.02.22 for a site visit.

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 Polices 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 14th March 2022

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### Item 5.2

**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

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. Prior to the 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).

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### **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

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## **Planning Officer's Report**

### 0.0 PREAMBLE

0.1 This application was deferred from 21.02.22 for a site visit.

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 423m<sup>2</sup> which, based on the parking standards for offices outside town centres in Appendix 7 of the Strategic Plan 2016 of one per 15m<sup>2</sup>, 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 228m<sup>2</sup> 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 127m<sup>2</sup> to a proposed area of 228m<sup>2</sup>, 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 requirements 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 proposed; 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 14th March 2022

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### Item 5.3

**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

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. 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 and non-reflective glazing to the eastern elevation, 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.

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

None

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

0.0 PREAMBLE

0.1 This application was deferred from 21.02.22 for a site visit.

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 Ballasholague 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.

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.4

**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**

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### **Recommended Conditions and Notes for Approval**

#### **C : Conditions for approval**

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

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

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

C 2. Prior to the 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.

C 4. Prior to the commencement of the development hereby approved, details shall be submitted to, and approved in writing by the Department which set out details of the type of glass or barrier to be used.

Reason: to ensure that the details are appropriate to reduce the risk of bird strike.

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

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## **Planning Officer's Report**

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

### 0.0 PRE-AMBLE

0.1 Following the officers presentation to committee on the 21/02/22, the applicants submitted amended plans at the meeting to satisfy the commissioners concerns that included; the widening of the ramp from 2.5m to 3m, the utilisation of glass walling in lieu of interim pillars; and the ratio of 50/50 split for glazing to walling.

0.2 The chair requested the matter to be deferred until the next committee of the 14th March to allow all parties to consider the amended drawings as some members were online and not able to view those plans. The amended plans listed below were uploaded onto the digital planning file following the committee presentation for all parties / stakeholders to view.

0.3 The amended drawing received on the 21/02/22 are referenced;

102\_C - Details of Proposed works

101\_B - Site Plan

100\_B - Location Plan

0.4 The owner/occupier of 2 Glen View, South Cape, Laxey made further comment (01.03.22), which raises the concerns about the points as summarised below:

- impact of proposed works on flooding elsewhere, lack of information and suggested only part of works should be implemented;
- proposed materials and impact on Conservation Area and impact of glass on wildlife;
- isolated area of fencing on top of bund; and
- inaccuracies in report about location of development and unauthorised works.

0.5 In response to the above, the concerns noted, although some matters not agreed with. The recommendation amended to add condition re: glass and wildlife (C4). In addition to the above condition, the plans to be referenced on the decision notice have been updated. The report below is otherwise unchanged.

### 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 CONSULATIONS

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 condition 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.

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.5

**Proposal :** **Erection of 23 dwellings with associated access, parking, open space and landscaping**  
**Site Address :** **Field No.210401**  
**Ballagarraghyn**  
**Bretney Road**  
**Jurby**  
**Isle Of Man**  
**Applicant :** **Hartford Homes Ltd**  
**Application No. :** **21/00278/B- [click to view](#)**  
**Principal Planner :** **Mr Chris Balmer**

**RECOMMENDATION:** **To APPROVE the application subject to a legal agreement**

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

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

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

C 2. The development hereby approved shall not commence until a scheme to improve water pressure/water for firefighting provision for Jurby has been completed and written confirmation of this has been agreed with the Department.

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

C 3. Prior to the commencement of the construction of any of the dwellings hereby approved, the visibility splay(s) identified on drawing ITB15436-GA-006 REV C; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. No dwelling shall be occupied until the estate road from the junction of the adopted highway to the access of that dwelling has been constructed at least to base course level and lighting has been provided.

Reason: In the interest of Highway Safety and provide access to each dwelling.

C 5. Prior to the occupation of any dwelling 2 car parking spaces associated with that dwelling as shown on approved drawing 01 REV D shall be provided and retained as such thereafter.

Reason: To ensure that the car parking standards are met in the interests of highway safety.

C 6. All planting, seeding or turfing comprised in the approved details of landscaping (drawings 01 REV D & 02 REV B) must be carried out in the first planting and seeding

seasons following the completion of the development or the occupation of the dwelling/s, 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 and fences/walls shall be completed in full accordance with the approved details (drawings 01 REV D & 06 REV E) prior to the first occupation of the dwelling/s hereby permitted.

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

C 7. No retained tree shall be cut down, uprooted, destroyed or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars. In the event that trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase due to events outside the applicants control, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

C 8. Prior to the commencement of the development hereby approved, the protection measures detailed in the drawing entitled Outline Tree Protection EAST (ref TPW-280221), submitted in support of the application, shall be fully installed and implemented and retained for the duration of the construction process, unless stated otherwise.

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 9. Within the Construction Exclusion Zone (CEZ) identified on the drawing entitled Outline Tree Protection EAST (ref TPW-280221), 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. The CEZ implemented in accordance with this condition shall be maintained in position until the development is complete.

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 10. The mitigation for common lizards, as detailed in section 2.2 of the 'Technical Notes: Ecological Impact and Common Lizards Mitigation' dated March 2021.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 11. The mitigation for nesting birds, as detailed in the table at 5.1 of the preliminary ecological appraisal dated January 2021 shall be full adhered to.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 12. Prior to the commencement of the development hereby approved, details of the proposed lizard hibernaculum as shown in the Detailed Landscape proposals shall be submitted to and approved in writing, including timescale for its construction and for seeding of the surrounding area. The hibernaculum shall be constructed in accordance with the approved details and retained as such thereafter.

Reason: To ensure that adequate ecological mitigation and enhancement is provided and maintained.

C 13. The erection of bee, bird and bat bricks on every property, as is shown in the Proposed Site Plan (04 REV D) shall be completed prior to the occupation of the dwelling and retained thereafter.

Reason: To ensure that adequate ecological mitigation and enhancement is provided and maintained.

C 14. Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the Department which set out the long term maintenance and management of the open space and landscaped areas, taking into account the Preliminary

Ecological Appraisal dated January 2021, Technical Note: Habitat' dated February 2021 and Notes: Ecological Impact and Common Lizards Mitigation' dated March 2021 (including provision for the area shown on the Detailed Landscape Proposals as "Species Rich Grassland/Wildflower Seeded Areas" which contains the hibernaculum to be cut in early September and again in winter, on a rotational basis to maintain structural diversity for lizards and suitable habitat year-round). The site shall be maintained in accordance with the approved details.

Reason: To ensure that adequate ecological mitigation and enhancement is provided and maintained.

Reason for approval:

The principle of the development is in accordance with the land use designation and the wider policy framework which supports investment in this area. It is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 1, 2, 5 & 10, Spatial Policy 3, General Policy 2, Environment Policy 4, 5 & 42, Housing Policy 1, 4, 5 & 6, Recreation Policy 3, 4 & 5, Community Policy 10 & 11, Transport Policy 1, 2, 4, 5, 6 & 7, Energy Policy 5 of the IOM Strategic Plan 2016 and Residential Design Guide 2021.

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

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:

Isle of Man Fire & Rescue Service  
Public Estates and Housing Division (DOI)  
Manx National Heritage  
Manx Utilities

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

Goldies Loughan, Jurby East 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; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS REQUIRED FOR AFFORDABLE HOUSING AND PUBLIC OPEN SPACE

#### 1.0 THE APPLICATION SITE

1.1 The application site comprises a parcel of undeveloped land within Field No.210401 which is located on the southern side of the Bretney Road (B3) which is east of The Bretney housing estate and Jurby Village. To the west of the site is Ballagarraghy Farm. To the south of the site are agricultural fields. The general character of the site is flat land, triangular in shape and made up of grassland. The boundaries of the site are generally made up of Manx sod banks with gorse planting above at a height of approximately 1.5m to 2m+. Views into the site from the Bretney Road are generally screened due to the above landscape features.

#### 2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of 23 dwellings, 6 of which are affordable housing, with associated access, parking, open space and landscaping. The site equates to 13.4 dwellings per hectare. There are a mixture of housing types ranging from semi-detached bungalows, two storey terraces, two storey semi-detached and two storey detached properties. The properties are sited along the eastern and southern boundaries of the site with the majority of properties facing a central public open space which also fronts onto the Bretney Road. The site is approximately 150m from the bus stop to the west, located adjacent to Bretney Close. The site is approximately 150 m from the bus stop to the west, located adjacent to Bretney Close. A total of 2,892 square metres of Public Open Space has been provided for on the site, split between two main areas. These will fulfil a variety of functions, including formal open space, children's play space and amenity land.

2.2 The proposed dwellings would be accessed via a new vehicular access directly off the Bretney Road along the northern boundary of the site. Large sections of the existing roadside Manx sod bank is proposed to be removed/lowered to allow the construction of the access and provision of the visibility splays in each direction along the Bretney Road.

2.3 Part of the application submission includes a masterplan which demonstrates how the land to the east and south east could be development for additional housing. The land in question also includes the demolition of Ballagarraghyn Farm holding. This Masterplan area would utilise the same access and estate road that is current being considered. However, this master plan is only indicative and is not for consideration at this stage. The land in question also includes the demolition of Ballagarraghyn Farm holding.

#### 3.0 PLANNING HISTORY

3.1 There are no previous planning applications which are considered relevant in association with this site. There are two planning applications with Jurby Village which are considered relevant in the determination of this application-

3.2 Erection of 21 dwellings with associated parking, landscaping, and amenities - 20/01516/B - Bretney Infill Housing Development/Parade Grounds - APPROVED 04.11.2021.

3.3 Variation of conditions 1 and 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 - Part Field 214287, The Threshold - 21/00408/B - APPROVED

3.4 Approval in principle for the construction of five dwellings addressing means of access - Part Field 214287, The Threshold - 18/00763/A - APPROVED

#### 4.0 PLANNING POLICY

##### 4.1 Site Designation

4.1.1 In terms of local plan policy, the application site falls within an area designated as 'Proposed Residential' under the IOM Development Order 1982. The site is not within an area designated as 'Areas of High Landscaped or Costal Value and Scenic Significance'. The site is not within a Conservation Area. The land to the east, south east, south and southwest is all designated as 'Proposed Residential' under the IOM Development Order 1982.

##### 4.2 Strategic Plan

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

4.2.2 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.'

4.2.3 Strategic Policy 2 states- 'New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3.'

4.2.4 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.'

4.2.5 Strategic Policy 10 states- '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;  
(b) make best use of public transport;  
(c) not adversely affect highway safety for all users, and  
(d) encourage pedestrian movement'

4.2.6 Spatial Policy 3- 'The following villages are identified as Service Villages

- o Laxey
- o Jurby
- o Andreas



- o Kirk Michael
- o St Johns
- o Foxdale
- o Port St Mary
- o Ballasalla
- o Union Mills

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

4.2.7 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.'

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

4.2.9 Environment Policy 4 states- 'Development will not be permitted which would adversely affect-

- (a) species and habitats of international importance-
    - (i) protected species of international importance or their habitats; or
    - (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.
  - (b) species and habitats of national importance-
    - (i) protected species of national importance or their habitats;
    - (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest;
- or

(iii) Marine Nature Reserves; or

(iv) National Trust Land.

(c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward.'

4.2.10 Environment Policy 5 states- 'In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed and/or Planning Agreements sought to-

(a) minimise disturbance;

(b) conserve and manage its ecological interest as far as possible; and

(c) where damage is unavoidable, provide new or replacement habitats so that the loss to the total ecological resource is mitigated.'

4.2.11 Environment Policy 42 states- '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.'

4.2.12 Housing Policy 1 states- 'The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016.'

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

(a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;

(b) conversion of redundant rural buildings in accordance with Housing Policy 11; and

(c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14.'

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

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

4.2.16 Recreation Policy 2 states- 'Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.'

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

4.2.18 Recreation Policy 4- 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.

4.2.19 Community Policy 10 states- '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.'

4.2.20 Community Policy 11 states- 'The design and use of all new buildings and of extensions to existing buildings must, as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.'

4.2.21 Transport Policy 1 states- 'New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.'

4.2.22 Transport Policy 2 states- 'The layout of development should, where appropriate, make provision for new bus, pedestrian and cycle routes, including linking into existing systems.'

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

4.2.24 Transport Policy 5 states- 'Any improvements to the Island's highway network, including the provision of new roads, footpaths, and cycle routes, should be undertaken in accordance with the environmental objectives of this plan.'

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

4.2.26 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.'

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

#### 4.3 RESIDENTIAL DESIGN GUIDE 2021

4.3.1 The design guide sets out various elements that relate to new houses and are relevant to this application.

#### 4.4 AREA PLAN FOR THE NORTH AND WEST - PRELIMINARY PUBLICITY

4.4.1 The Cabinet Office has undertaken a Preliminary Publicity which outline matters that the Cabinet Office would like to address in detail within the Area Plan and gives individuals the opportunity to comment at an early stage on these outline matters.

Part of this the Cabinet Office has produce a Housing Need study which provides evidence of the housing need within the north and west of the Island between 2011 and 2035. This concludes that-

9.1 Housing need for the North and West from 2011 to 2026 will be based on the Strategic Plan 2016, but will take into account the population projection modelling and consequences for housing need revealed by the 2016 Interim Census.

9.2 It is recognised that it takes time to process new Census data and make new projections, and whilst the 2021 Census is imminent, population projection findings will not be available until Spring/Summer 2022. The Plan can progress on data available now; it is important to put potential sites through an assessment process, examining them at public inquiry where necessary with a plan to be able to bring sites forward via a methodology.

9.3 The updated housing need data suggests that 950 new residential units between 2011 and 2026 are required.

9.4 The evidence suggests that when taking 2016 Census into account, housing need has been met in the North and West. However, strategic reserves may need to be identified to build in flexibility to meet the need identified within the Strategic Plan. If appropriate, these figures will be reviewed in the light of the 2021 Census figures, prior to the Public Inquiry for the Area Plan for the North and West.

9.5 It is accepted that migration is increasing albeit affected in the short term by Covid-19 restrictions. Ongoing monitoring of migration will continue and greater insight will be revealed by the 2021 Census and as lockdown restrictions are eased.

9.6 The questioning of housing need figures in the Statutory Development Plan following the publication of new survey data is accepted in the normal process of delivering a new area plan. New data will naturally bring into question statutory housing need figures, and presents an opportunity for a 'sense check' approach.

9.7 The North and West Plan will be drafted to be in conformity with the Strategic Plan. Whilst there may not be housing need in the immediate future, there could be in the years ahead which will be planned-in using Strategic Reserve sites.

9.8 The Strategic Plan is due to be reviewed - starting in 2022 but will not be brought before Tynwald until 2023. Housing need for the North and West set out in this Plan (along with the East and South) will be the basis for an All Island Plan. 19 9.3 Finally, when preparing the Draft Area Plan for the North and West, the Strategic Plan figures 2016 will be relied upon but a system of phasing sites will be deployed through the use of Development Briefs and if where necessary, the use of Strategic Reserves. A methodology for release will be included in the Plan for when 'need' is evident and all of the necessary infrastructure is in place.'

#### 4.5 Island Strategic Plan North Western Sector Written Statement - Planning Circular 11/91.

4.5.1 Further details of this will be explained within the assessment section of this report.

#### 4.6 Jurby Village Study

4.6.1 This study was prepared following the Island Strategic Plan Sector E Plan and Written Statement which was adopted by the Department as a Planning Circular 11/91 (in 1991 no longer in force had a limited timescale). This document sought that a further detailed study be undertaken to identify whether it is acceptable and desirable to consolidate or expand the villages and hamlets (including Jurby). Jurby was the first selected to have such a detailed plan be prepared.

4.6.2 This report goes into detail regarding what areas of Jurby should and shouldn't be development and in what order. The Recommendation section of this report (paragraph 2.30) indicated that Area 1 (which incorporates part of the application site (20/01516/B) which the Department of Infrastructure recently gain approval for 21 dwellings and community facilities) should be developed first ahead of Area 2 (forms part of application site and surround fields) which is land which is to the east of the site/Bretney Estate and currently designated for Residential Use under the IOM Development Plan Order 1982.  
Innovative development scheme to reinvigorate Jurby - 2019 - DOI

#### 4.7 Innovative development scheme to reinvigorate Jurby – 2019 – DOI

4.7.1 The three-year scheme was included as part of this year's package of Budget announcements approved by Tynwald, following successful engagement with residents and the local authority. More than £800,000 was spent on phase one of the project during the year 2019/20.

4.7.2 Work is planned to start later this year on improving Jurby Business Park through landscaping and tree-planting, and the installation of improved signage and modern lighting infrastructure. A planning application for the construction of four new industrial units is expected to be submitted soon (has since been approved), and the site will be designed to accommodate further expansion in the future.

4.7.3 The focus of the second phase of the project, with a budget of approximately £1,050,000 will shift to the north of Ballameanagh Road, on land between Jurby Medical Centre and the Bretney Estate. While the above works do not specifically involve the application site, it gives a clear indication of the IOM Government for continued re-development of Jurby.

#### 4.8 Department of Local Government and the Environment - Study of Jurby 2003

##### 4.8 UNESCO Biosphere Isle of Man

4.9.1 UNESCO Biosphere Isle of Man is all about keeping the Isle of Man a special place to live, work and visit. The Isle of Man is the first entire Island Nation in the world to receive this designation.

4.9.2 The UNESCO Biosphere Isle of Man project does not seek to prevent any specific actions, but to promote enjoying and celebrating the Isle of Man to the full, making it an even better place to be and promoting engagement.

4.9.3 The scope of the UNESCO Biosphere Isle of Man Pledge is deliberately broad and inclusive but the context of the Pledge principles are set out below.

- o 'Protecting our natural resources - this could relate to anything you're trying to do better that will impact positively on our natural resources, from managing water use to planting trees.

- o Developing our economy in a sustainable way - doing business responsibly, balancing the need for growth with respect for our natural, social and cultural environment. Responsible businesses tend to be more resilient, contributing to a diverse economy which is more sustainable than a 'monoculture' economy.

- o Supporting and promoting our cultural heritage - for example, staff involvement in, or corporate sponsorship of, cultural events and groups.

- o Making our environmental impact positive wherever possible - closely related to the first principle of protecting our natural resources, this could include anything from energy saving and waste management measures to support of local environmental projects.

- o Engaging with the local community - through environmental, social or community groups, whichever fit best with your business. You'll find a wide range of groups listed under 'Who is involved?' on the Environmental/Cultural, Community and Educational pages.

- o Promoting our outstanding living landscapes through active involvement with Biosphere Isle of Man - being an ambassador for the project and advertising the fact that you support it, thereby encouraging others to get involved.'

4.9.4 The Biosphere Reserves are about achieving a good working balance between people and nature' and the Accreditation reflects how the Isle of Man manages its environment, community and economy, acknowledging that all three components are necessary to achieve a sustainable situation.

4.9.5 The Biosphere related guidance, as summarised below, is not formal planning policy but the designation is capable of being a material consideration.'

## 5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services - Planning Applications. Further, the application has been re-advertised a number of occasions in response to issues raised and therefore there are multiple comments from various representations.

5.1 Jurby Commissioners make initially commented (26.07.2021);

'Jurby Parish Commissioners have, at this time, no further comments to make regarding the amended plans of the above planning application.'

5.1.2 Jurby Parish Commissioners considered that application again (26.08.2021) following amended plans and made the following comments-

'The Commissioners considered the amended plans and agreed to support the comments made by the previous Board that the development should only commence once an adequate water supply is provided to the area. The Board also expressed continuing concern over speed on the Bretney Road. While acknowledging the work undertaken by the developer to improve visibility where the estate road joins the Bretney Road, the Board felt that more needed to be done by the DoI to design out excessive speed on the Bretney Road.'

5.2 Highway Services made the initial summarised comments (29.04.2021)-

'...Conclusion-

For the most part, the 23 unit proposal is satisfactory in highway terms with opportunities to improve mode choice for more Active Travel, there is adequate car parking and limited impact on the adjoining road network. Refinements would be beneficial to the proposed footway vehicle crossovers on the western side of the proposed traditional street, provision of a designated path to the shared surface street, and adjustment to the width of the proposed footway along Bretney Road to 2m. Future phases would require separate evaluation.

Recommendation- Additional information and revisions'

5.2.1 Highway Service final comments are (03.08.2021)-

'Accordingly, Highway Services raise no opposition to this proposal subject to conditions to cover access, visibility splays, off-site highway works, street layout, on-plot pedestrian and vehicle areas, including bicycle and car parking...'

5.3 DOI Drainage initially sought a deferral pending further information with regard to the highway drainage arrangements for the development (13.08.2021). Following additional plans and discussions, DOI Drainage are now satisfied with the proposal (18.02.2022).

5.4 Department of Infrastructure (DOI) Flood Risk Management Division do not object (07.06.2021).

5.5 Isle of Man Fire and Rescue Service objected to the application on the following grounds (30.03.2021)-

'A Fire Safety Department wish to object to this application as the industrial estate and surrounding areas have been identified as having insufficient water supplies to deal effectively with a large fire. The introduction of a further development would put more strain on the current infrastructure, potentially reducing available water supplies further. We would

recommend that the water infrastructure is reviewed and enhanced prior to any further development in this area.'

5.5.1 Following these comments and a number of discussions within the relevant Government Departments (i.e. DOI, Manx Utilities and Fire Service etc) a scheme is understood to being prepared to install a new water main from Sulby to the site. While this is not definite at this time, the Department has been told it is likely to happen. Accordingly, the IOM Fire and Rescue Service have made the following comments (13.12.2021); 'Following a meeting between Manx Utilities, Treasury and the Isle of Man Fire and Rescue Service on the 22nd November 2021 it was agreed in principle that the issues related to firefighting water would be addressed by the upgrading of part of the water main and a service reservoir being installed at Jurby.

On this basis this department is willing to withdraw its objections to this development. Any future decisions would be based on the progress made with the above works.'

5.6 The Ecosystem Policy Team (DEFA) makes the following summarised comments. Detailed/full comments can be viewed on line (04.05.2021)-

'The Ecosystem Policy Team can confirm that a suitable level of assessment has been undertaken by the Manx Wildlife Trust in the Preliminary Ecological Appraisal dated January 2021 and 'Technical Notes- Ecological Impact and Common Lizards Mitigation' dated March 2021. We can also confirm that, although not undertaken in the optimum time of May/June, based on previous habitat assessments and aerial photographs, we are happy with the findings of the habitat survey as presented in the 'Technical Note- Habitat' dated February 2021, by the Manx Wildlife Trust. Most of the MWTs mitigation and enhancement recommendations have been suitably incorporated into the landscape proposals and site plan, including retention of native vegetation, additionally native planting, provision of common lizard hibernaculum, provision of artificial nest and roosting opportunities, etc.'

If approved the Ecosystem Policy Team seek conditions to be attached for the mitigation for Common lizards; the mitigation for nesting birds; the erection of bee, bird and bat bricks on every property and the planting plan and creation of species rich grassland areas.

5.7 Public Estates and Housing Division (DOI) comment (09.04.2021);

'Current data drawn from Housing Division records for Ramsey and the North indicates that there are 83 persons on the general public sector waiting list for affordable housing to rent. There are 5 persons on the Active first-time buyers register seeking to purchase a first home in Ramsey within the next year, and 41 on the Total first-time buyer register. These figures are not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The department would therefore request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide affordable housing, based upon the usual calculation of 25% of the number of units approved within the application. The Department can confirm that the Proposed Site Plan indicates that six 2B dwellings have been identified by the applicant as being the Affordable Housing provision for this development which equates to 26% of the total number of dwellings proposed.'

5.8 The Senior Arboricultural Officer (DEFA) comments (22.04.2021); The only significant trees on the site are on in the north-eastern corner of field 210401 and the tree protection plan, drawing TPE-280221(East), shows that protection measures will be in place to protect these trees. Recommends 3 conditions to secure tree protection and retaining of trees.

5.9 Manx National Heritage makes the following summarised comments (20.07.2021);

There are a number of significant trees involved in this application which are situated in the north-eastern corner of field 210401 and the tree protection plan, drawing TPE-280221(East), shows that protection measures will be in place to protect these trees; a qualified Arboriculturalist be engaged to oversee that the protection measures are carried out; presence of Common lizards on site and the need for mitigation which the applicant has addressed in the design; mitigation for nesting birds and a mechanism for securing the long-term management are supported by MNH.

5.10 Manx Utilities - Strategic Projects and Planning Engineer made the following comments (21.04.2021)-

'Manx Utilities' Hydraulic Model of Jurby has indicated there is sufficient water supplies for firefighting capabilities for this proposed domestic housing planning application. 8 litres per second is available from the water mains and fire hydrants that will serve the development. Note- This has been modelled against peak potable water demand for the entire Jurby zone.

As back up to the new development, only 750m away situated in the commercial zone of Jurby Industrial Estate, we understand there is shortly to be built a 46,000 litre underground water tank capable of re-filling a 400gallon fire engine water tank 23 times over. This will be available to fighting any fire in Jurby as per planning requirement for Application 19/01102/B. May we respectfully also remind that, under the Water Act, the Authority have no statutory obligation to provide fire fighting flow. Nevertheless, additional hydraulic modelling has been carried out confirming there is existing spare capacity in the current infrastructure for further domestic housing development in Jurby along with the subsequent 8l/s fire fighting flow needed to protect, before major capital reinforcement of the water mains network is necessary.'

5.11 The owner/occupiers of Goldies Loughan, Jurby East have objected to the application (24.12.2021) which can be summarised as;

- o we have recently purchased Goldies Loughan which lies approximately 440m to the east of this application site;
- o property as it lies within relatively undeveloped open countryside where we believed development is generally discouraged;
- o We are aware of the Isle of Man Planning Scheme (Development Plan) Order 1982 and its designation of the application site, together with significant additional land to the south, for Proposed Residential development;
- o the Area Plan for the North and West which has very recently been published by Cabinet Office who are currently the Government Department responsible for development plan making. We understand that the weight to be afforded to these various documents is different in that whilst the 1982 Plan was the only one to be adopted by Tynwald, giving it the highest level of importance, its age and the issue of public statements of Government policy since then reduce its weight and we would suggest that its relevance is highly compromised and should not be relied upon here;
- o We also find it unfortunate that this land, which was designated for development almost forty years ago has only this year been the subject of an application for development and was submitted on 16.03.21 only one month prior to the issue by Cabinet Office of their Main Consultation Document Paper No.1 PP1 (consultation period given as 16.04.21 to 25.06.21) and of course the application could not have taken into account these findings;
- o The Main Consultation Document Paper No. PP1 is clear that there is currently no need for further land to be released for housing as the current approvals in the north will provide sufficiently for the housing need stated in the Strategic Plan.
- o There is therefore no need for the development of this site at the present time.
- o In our view, the development of a greenfield site such as this should not be sanctioned if there is no need for the housing and it is important to note that if this is approved, there will be little, if anything to justify refusal of the development of the significant additional land which was designated for development in 1982.



- o The Main Consultation Document reiterates the Strategic Plan focus for development to be Ramsey in the North and that Jurby is lower in the hierarchy and a Service Village where 'Area Plans will define the development boundaries of such villages so as to maintain and where appropriate increase employment opportunities. Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing'.
- o We think it is important that since the 1982 Plan, the documents and Government policy that has emerged would suggest that the development of this application site and the land alongside it, should not be developed, either at all or certainly not before other more suitable land has been developed and it is important to remember that in 1982 the land use designations were not based upon any stated, published population or housing projections;
- o We would suggest that the development of this land and that alongside it, as shown in the 1982 Plan is now at odds with current Government planning policy;
- o In recent years, the focus on the need to promote brownfield rather than greenfield development has become more important for example in the Select Committee whose instruction was to investigate the options available to encourage and prioritise the development to unoccupied or previously developed urban sites ahead of building on green fields in the Manx countryside (2018) which also refers to Strategic Policy 1 of the Strategic Plan which requires that development should make the best use of resources by optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings and Strategic Policy which requires that development is primarily located within existing towns and villages or where appropriate in sustainable urban extensions;
- o We are unaware of any Government document which determines that in this case an urban extension as is proposed here, is 'appropriate';
- o As a demonstration of how little weight the 1982 Plan has had in relatively recent (post 1982) decision-making, one needs only to look at the approvals which have been granted on land designated as 'Airfield' and which are in no way connected with any airfield past or present;
- o It is clear from this application as well as other recent applications for development in this area, that water supplies are a critical issue and we await learning whether and how this is capable of resolution;
- o We are not at all sure that the area edged blue in the masterplan is designated for development on the 1982 Plan. Without direct connectivity to the centre of the village, this development will become visually, physically and functionally disparate from it and the village facilities will be much less likely to benefit from the increased footfall; and
- o We consider the development of this land, whilst in accordance with the Development Plan of almost 40 years ago, to go against more current Government planning policy and to represent poor planning where the residents would not physically or functionally be part of the village and where such development could prejudice the development of more suitable land which is previously developed and where such development, if genuinely required, would visually and practically be part of the village and improve the current situation, something the proposed development could not be said to do.

## 6.0 ASSESSMENT

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) the potential impact upon the visual amenities of the area;
- (c) potential impact upon neighbouring amenities;
- (d) potential impact upon highway safety;
- (e) potential drainage/flooding issues;
- (f) affordable housing provision;
- (g) open space provision;
- (h) fire provision; and
- (i) ecology.

PRINCIPLE OF DEVELOPMENT (Strategic Policy 1, 2, 5, Spatial Policy 3, General Policy 2 and 3, Environment Policy 43, Housing Policy 1, 4 and 6, Business Policy 9 and 10, Recreation Policy 2, 3, 4 and 5, Community Policy 1, 2, 10 and 11)

6.1.1 The first and main issue relating to this application is the principle of residential development on this site. The site is designated as 'Areas of Predominately Residential Use - Proposed' under the IOM Development Plan 1982. Accordingly, from this respect the principle of developing this site is acceptable.

6.1.2 In terms of planning policy the next relevant document is the Island Strategic Plan North Western Sector Written Statement - Planning Circular 11/91. This plan had a lifetime of 5 years and has now expired (approx. 1996). However, this gives a basis for the proposal for additional development within Jurby and lays out policies which refer to such development. Policy NW/RES/P6 of the Circular stated--

'Jurby has previously been suggested as a growth area with development including substantial new housing, a high tech science/business park and leisure facilities. Any such development will clearly require study in depth into such matters as services infrastructure, landscaping, education, health and community facilities in addition to retail and employment opportunities. The policy should therefore only be promoted after consideration of the foregoing factors.'

6.1.3 Whilst this plan no longer has any formal policy status, it shows that the Department for many years has an ongoing plan for Jurby to be regenerated.

6.1.4 Following the North Western Sector Written Statement a study was undertaken in 1996 by the Planning Department as part of the process to establish a Local Plan for the area. The plan was never adopted. In 2002 the Council of Ministers instructed the Department of Local Government and the Environment to progress a study of Jurby with a view to putting in place a new firm plan for the regeneration of the area. The plan was published in 2003 following consultation with many interest parties including the local community. This report indicated the Department's desire to build new homes, major infrastructure improvements (improvements to highway through Jurby industrial estate have recent been completed) and building improvements, all to improve the appearance for existing and new business. The scale of this development was greater than what is currently proposed and encompassed the majority of the land in and around the Parade Grounds. Following this in recent year the owners of the site (DOI) have gain planning approval for 21 dwellings and Community Hub facilities - 20/01516/B - Bretney Infill Housing Development/Parade Grounds - (APPROVED 04.11.2021).

6.1.5 Since 2003 the Isle of Man Strategic Plan has been adopted by the Department and subsequently approved by Tynwald July 2007. The settlement of Jurby is classed as a 'Service Village' within Spatial Policy 3 of the Strategic Plan. The policy states that-- 'Area Plans will define the development boundaries of such villages so as to maintain and where appropriate increase employment opportunities. Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing.'

6.1.6 It is also significant to consider that the settlement of Jurby is also highlighted as a 'Major Employment Area' for the Island on the key Diagram and therefore in accordance with the Strategic Aim further residential development as proposed would be in accordance with the aim which states--

'To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving,

protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage.'

6.1.7 The site is considered given its close proximity to existing residential properties, shops, school, the Jurby Industrial Estate and public transport links, it is located within a sustainable location.

6.1.8 It is noted that the Preliminary Publicity for the Area Plan for the North and West of the island has recently commenced. This initial document (pre-draft plan is prepared) comments that housing need has been met in the North and West and therefore no further allocation is required for additional housing. The Preliminary Publicity does comment that strategic reserves may need to be identified to build in flexibility to meet the need identified within the Strategic Plan. If appropriate, these figures will be reviewed in the light of the 2021 Census figures, prior to the Public Inquiry for the Area Plan for the North and West (planned to be adopted by Tynwald in 2023). As the Area Plan for the North and West is at its infancy; in terms of the process it is required to adhere to, it therefore has very little material planning weight attached to it; albeit it does have some.

6.1.9 Overall, it is considered the principle of developing this site as residential is acceptable given the adopted planning policy which is in force today. This is not an automatic reason to approve the application as other matters outlined previously need to be addressed also.

#### THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA (General Policy 2, Environment Policy 2 and Residential Design Guide)

6.2 In terms of the potential impacts upon the visual amenities of the area, clearly the works will be noticeable from a variety of surrounding public views from around the site, namely from the north along the Bretney Road when immediately travelling past the site, distant views from The Threshold to the south of the site and from the west of the site from limited section of The Bretney housing estate of across a number of fields from the Parade Ground Area. The area is flat with little in the way of significantly tall landscaping. The site is characterised as an agricultural field. Currently views of this field are fairly well screened by the existing sod bank with gorse above. However, to create the access to the site and the required visibility splays, large sections of the development will be clear to see when passing the site from the Bretney Road.

6.2.1 When travelling along the Bretney Road the new development will appear as the start/continuation (depending on which direction travelling from) of the settlement of Jurby with The Bretney housing estate immediately to the west of the site. Accordingly, while the works will transform the site from agricultural to residential development it is not considered the works from the Bretney Road as being isolated form of development. It should be noted that the land to the south of the site (all the way to The Threshold housing estate and Jurby School) is also designated for residential development. Furthermore, a small section of views of the site are apparent from The Threshold housing estate. Views from this location, again will appear as extension of the existing Jurby settlement, namely the continuation of the Bretney Estate and again this is similar when viewing from the Parade Ground area/informal and formal footpaths)

6.2.3 The proposed buildings are no taller than two storeys, with the majority being two storeys in height, but four of the properties being single storey. There are 2, 3 and 4 bed roomed dwellings. The proposed 23 plots have a variety of housing types, being made up of detached, semi-detached and terraced, with the majority of dwellings have a slightly different design approach.

6.2.4 The applicants in terms of the design of the development have stated- 'The Design Statement that accompanies the proposals provides an analysis of the design philosophy of the scheme. This demonstrates that the rationale behind the proposed layout has been driven by a number of key influences on the site. These include being about to maintain significant planted boundaries to retain habitats and landscape quality; providing a central open green around which the development is focussed, providing amenity, outlook and landscape benefits for residents and the wider area. Careful layout has also provided for possible future connection opportunities to surrounding areas should the development be expanded at an appropriate time in the future.

The development has used a range of different house types, including small terraces, semi-detached and detached properties, as well as bungalows. The result is a streetscape which provides variety and interest. Dwellings will be of a traditional style with rendered finishes and will be designed to high design standards with low maintenance and longevity in mind.

The development has been designed as a low-density development, well suited to the edge of settlement location. Large areas of open landscaping have been included, meaning the overall housing density across the site is approximately 13.4 dwellings per hectare.'

6.2.5 Further they comment;

'The proposed layout has been focussed around the central area of open space, providing an attractive and open vista for future residents. A total of 2892 square metres of Public Open Space has been provided for on the site, split between two main areas. These will fulfil a variety of functions, including formal open space, play space and amenity land, as required by relevant policies.

Pedestrian enhancements will be provided for through the extension of the highways footpath along the frontage of the site. This will allow safe and easy access on foot to the neighbouring housing estate, bus stop and connections to the wider village and areas beyond. A new vehicular access will be created from the Bretney Road, into the application site. The junction has been designed to meet current highway safety standards, including maximising visibility in each direction. The existing speed limit signage will be re-positioned with the agreement of the Department of Infrastructure to the east of the application site, slowing vehicular speeds and improving road safety for cars and pedestrians.'

6.2.6 Accordingly, whilst there will be undeniable change in terms of visual amenities of the area (i.e. agricultural field to a residential development); it is considered given the land use designation which has accepted development on this site, the design of the proposals would be acceptable for the reasons indicated and would result in a pleasant place to view from outside the site and live and therefore comply with General Policy 2 of the Isle of Man Strategic Plan 2016 and the Residential Design Guide 2021.

POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES (General Policy 2 and Residential Design Guide)

6.3.1 Given the size of the site and number of dwellings, all properties adjacent to the site will be impacted by the development. Any development would have an impact; the issue to consider is whether the proposed development would significantly impacts upon the amenities of the neighbouring properties. Generally the main issue relate to overlooking resulting in a loss of privacy, overbearing impact upon outlooks and/or loss of light.

6.3.2 In terms of overlooking the Residential Design Guide 2021 which the department utilises indicates that 20 metres taken between direct facing windows, generally two storey properties. Generally is a good indication of the likely impact. In this case all the proposed dwellings are greater than 20 metres from neighbouring existing properties (60+ metres away) which are Nrs 9, 10, 15, 16, 17, 18, 19 and 20 Bretney Close to the wets of the site. There is no concern of overlooking.

6.3.3 Again in terms of distance the proposed dwellings from neighbouring properties, scale and height of new dwellings and their design, it is not considered the proposed dwelling would give rise to any significant adverse impacts upon the amenities of the existing residents to warrant a refusal.

6.3.4 Overall, whilst the proposed development will have an impacts upon existing neighbouring properties, it is considered for the reasons given the proposed development would not having an significant impacts upon the residential amenities of the neighbouring properties and therefore comply with General Policy 2 of the IOMSP and the Residential Design Guide 2021.

#### POTENTIAL IMPACT UPON HIGHWAY SAFETY/PARKING PROVISION (Transport Policy 1, 2, 4, 5, 6 and 7 and General Policy 2)

6.4.1 Highway Services have considered the application in terms of the impact upon highway safety for all road users, parking provision and internal access within the site. They have raised no objection subject to conditions.

6.4.2 Each of the proposed dwellings would have least two off road parking spaces, some fronting and some to the side a of the properties. Landscaping is also proposed between properties to try break up the parking spaces rather than the space fronting all the properties which can cause adverse visual impacts in the street scene. Therefore the parking provision for the development complies with the relevant IOMSP Parking Standards.

#### POTENTIAL DRAINAGE/FLOODING CONCERNS (Environment Policy 13)

6.5.1 The Flood Maps show a small isolated area of surface water flooding along the eastern boundary of the site within the site. No dwelling would be affected. There is no Tidal or River Flooding of this site. The Flood Risk Management raise no objection to the application. Further DOI Drainage have considered the application and following additional information raise no objection.

#### AFFORDABLE HOUSING PROVISION (Housing Policy 5)

6.6.1 Housing Policy 5 of the Strategic Plan indicates that the Planning Authority will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more. Given submission proposed 23 dwellings this equates to 5.75 affordable dwellings. The applicants are proposing 6 Affordable dwellings onsite which equates to 26% of the total number of dwellings proposed. It is therefore considered the proposal would comply with Housing Policy 5.

#### OPEN SPACE PROVISION (Recreation Policy 2, 3, 4 and 5)

6.7.1 The proposal is [roviding 2,892 square metres of public open space ( formal 1,261 sq m, amenity 430 sq m and children 718 sq m) within the site. The requirements is 1824 sq m, so there is an over provision of 1068sqm. The main body of open space, which includes the children's play area is located central of the housing estate with the majority of the properties facing this area.

6.7.2 The children's play area is more suited to younger children (given a nearby larger play area within Jurby Village has play equipment for older children) which includes a variety of play equipment; namely, earth mound with tunnel, stepping boulders, balancing tree trunks,

sand pits, raised planters for community planting and seating area. The whole area will be secured by a 1.2m black railing fence.

6.7.3 Overall, it is considered the proposal would provide the appropriate level of Public Open Space and would be well designed and laid out within the housing development and therefore comply with Recreation Policy 3.

#### FIRE PROVISION (Community Policy 10 and 11)

6.8.1 As outlined within the initial objection by Isle of Man Fire and Rescue Service there were significant concerns in relation to inadequate supplies of water for fire-fighting purposes. Accordingly, over a number of months discussion have been on-going within various Government Departments (i.e. DOI, Manx Utilities and Fire Service etc) and a scheme is understood to be prepared to install a new water main from Sulby to Jurby. While this is not definite at this time, the Department has been told it is likely to happen. Accordingly, the Isle of Man Fire and Rescue Service has withdrawn their objection subject to the above provision being provided. No objection has been received from Highway Services or the Fire and Rescue Service in relation to access of fire apparatus etc. Accordingly, the proposal would comply with Community Policy 10 and 11 subject to a Grampian style condition being attached to any approval which indicates that no development may commence until the proposed new water main works to improve the water network are completed.

Potential Ecology Impact - (Strategic Policy 4, General Policy 2, Environment Policy 4 and Environment Policy 5)

6.9.1 The Ecosystem Policy Team has confirmed that a suitable level of assessment has been undertaken by the Manx Wildlife Trust in the Preliminary Ecological Appraisal on the site. Further they comment that most of the MWTs mitigation and enhancement recommendations have been suitably incorporated into the landscape proposals and site plan, including retention of native vegetation, additionally native planting, provision of common lizard hibernaculum, provision of artificial nest and roosting opportunities, etc. They seek a condition be attached which seeks the relevant recommendations outline within the Preliminary Ecological Appraisal and the proposed submission are undertaken. It should be noted the Conditions suggested by the Eco system Policy Team will require the Section 13 Legal Agreement to include how the maintenance of some of the area of interest will be maintained rather than a condition.

6.9.2 The applicants in terms of energy efficiency (Environment Policy 5) have stated- 'In terms of resources, the site is located adjacent to a sustainable existing settlement and will form an urban extension to the village of Jurby. This will ensure that the development will make the optimal use of existing infrastructure and services and reduce the need to travel. The applicants are also committed to sustainable design and construction techniques as described in the Design Statement. This includes providing levels of insulation which exceed Building Regulation requirements; the use of water saving dual flush toilets; electric vehicle charging points, use of sustainably sourced materials and recycling of waste where possible, as well as the inclusion of solar water heating systems.'

6.9.3 Accordingly, the proposal complies with Strategic Policy 4, General Policy 2 and Environment Policy 4 and 5.

#### 7.0 SECTION 13 LEGAL AGREEMENT

7.1 The applicants have agreed that 6 affordable units will be provided onsite which is considered appropriate to DOI Estates and Housing and the Department. Further, following discussions with the Jurby Parish Commissioner's and the applicants the Commissioners are happy with the adoption of the Children's Play Area and Public Open Space, once such works

have been completed by the Developer. The Section 13 Legal Agreement for the Public Open Space will also need to ensure the longer term maintenance of the ecological mitigation measures.

## 8.0 CONCLUSION

8.1 Overall, it is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 1, 2, 5 and 10, Spatial Policy 3, General Policy 2, Environment Policy 4, 5 and 42, Housing Policy 1, 4, 5 and 6, Recreation Policy 3, 4 and 5, Community Policy 10 and 11, Transport Policy 1, 2, 4, 5, 6 and 7, Energy Policy 5 of the IOM Strategic Plan 2016 and Residential Design Guide 2021.

8.1.1 It is recommended that the planning application be approved for the reasons given within this report and subject to the conditions listed and a Section 13 Legal Agreement.

## 9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine-

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

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

**Item 5.6**

**Proposal :** **Erection of a detached dwelling with integral garage**  
**Site Address :** **Plot Rear Of Sundown And East Of 129**  
**Dreeym Beary**  
**Douglas**  
**Isle Of Man**  
**IM2 5LE**  
**Applicant :** **Mr Luke Roberts & Miss Francesca Glover**  
**Application No. :** **21/00840/B- click to view**  
**Planning Officer :** **Mr Peiran Shen**

**RECOMMENDATION:** **To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The front boundary planting scheme should be completed according to drawing no. 03 Rev B date stamped as having been received on the 13th September within the first planting season following the completion of the development.

Reason: In the interests of environment and amenity.

C 3. The driveway drainage details should be completed according to drawing no. 03 Rev B date stamped as having been received on the 13th September prior to occupation and retained thereafter.

Reason: In the interests of safety and amenity

Reason for approval:

The proposal is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan and the Residential Design Guide.

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**Interested Person Status – Additional Persons**

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:

DoI Highway Drainage



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

Owners/Occupiers of Ty-siriol, Tromode Park, Douglas,  
Owners/Occupiers of Sundown, Tromode Park Douglas,  
Owners/Occupiers of Applegarth, Tromode Park, Douglas.

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

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

#### 1.0 THE SITE

1.1 The application site is the curtilage of the Plot Rear of Sundown and East of 129 Dreeym Beary, Douglas, a vacant site on the northeast of Dreeym Beary.

1.2 The site is part of four plots in a row on the northeast of Dreeym Beary and south of dwellings on Tromode Park. Dreeym Beary has a section that slopes up a hill and a section that is relatively level on top of the hill. The application site is the on the latter section. Tromode Park is on a slightly higher level to the top level of Dreeym Beary. Both are connected to Slieau Dhoo on the southeast end.

1.2 The existing dwellings on the higher level section of Dreeym Beary are bungalows or dormer bungalows. The existing dwellings on the south west of Tromode Park are mostly bungalows or dormer bungalows. The dwellings on the hill section of Dreeym Beary are mostly two-storey detached dwellings.

#### 2.0 THE PROPOSAL

2.1 The proposed work is the erection of a dormer bungalow, albeit a projecting gable on the front elevation is two storeys. The total height would be approx. 7.7m. The height from the ground to the eaves is approx. 2.33m. The height of the ground floor is approx. 2.7m and the height of the first floor is approx. 5m.

#### Impression

2.2 The dormer bungalow consists of a pitched roof two-storey main dwelling, a pitched roof front projection, two pitched-roof dormers on the front elevation, three pitched-roof dormers on the rear elevation and a near-flat-roof single-storey rear projection.

#### Layout

2.3 The dwelling will have a porch, lounge, a dining room, a kitchen, a utility room, a study and a sunroom (rear extension) on the ground floor. It will have three bedrooms with en-suite, a lounge and an office on the first floor. The dwelling also has an integrated single garage.

#### Design

2.4 The dwelling will have natural stone cladding at the bottom of the elevations and white painted smooth render finishing for the rest. It will also have concrete roof tiles. The elevations of the dormer will be cladded with horizontal panels.

#### Fenestration

2.5 There are five windows on the front elevation of the main dwelling: two on the ground floor, one on the first floor and one on each dormer. There is also an entrance door and a garage door.

2.6 There are seven windows on the rear elevation of the main dwelling: four on the ground floor and one on each dormer. There is also a bi-fold door.

2.7 There are five windows on the southeast elevation: three on the ground floor and two on the first floor. There are two windows on the first floor of northwest elevation.

#### Site

2.8 The dwelling is set back from the road. There will be hedges planted on the front boundary. The front garden will mostly be paved hardstanding with a grassed area at the west corner of the site.

2.9 The proposal also includes reducing the level of the site. This means reducing the existing level for approx. 2m at the highest point. The dwelling will sit approximately 1m above the road instead of around approx. 2.7m if the site level is untreated. The volume of extraction is approx. 925 cubic metres.

#### 3.0 PLANNING HISTORY

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

#### 4.0 PLANNING POLICY

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

4.2 No known planning constraints overlaps with the site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered materially relevant to the assessment of this current planning application:

#### Principle of Development

4.4 General Policy 1 states:

"The determination of matters under Part 2 (Development Control) and Part 3 (Special Controls) of the 1999 Town and Country Planning Act shall have regard to the provisions of the Development Plan and all other material considerations."

4.5 Strategic Policy 1 states that development should make the best use of resources, including sites themselves as well as existing and planned infrastructures.

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

4.7 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;
- (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."

#### Visual Design

4.8 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.

#### Environment

4.9 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."

#### Traffic

4.10 Strategic Policy 10 states that 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;
- (b) Make best use of public transport;
- (c) Not adversely affect highway safety for all users, and
- (d) Encourage pedestrian movement."

This is then reiterated by Transport Policy 1 and Transport Policy 6.

#### Parking

4.11 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."

4.12 Appendix 7.6 states that for typical residential development, there should be 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

#### 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 There is no relevant Planning Policy Statement or National Policy Directive that applies to this application.

## 5.0 OTHER MATERIAL CONSIDERATIONS

### Strategy and Guidance

5.1 The Residential Design Guide (July 2021) guides the design of new houses and extensions to an existing property, as well as how to assess the impact of such development on the living conditions of those in adjacent residential property.

5.2 RDG 2.0 sets out key considerations regarding achieving sustainable development both in the design and the physical construction process.

5.3 RDG 3.0 sets out key considerations regarding design issues for new homes.

5.4 RDG 3.1.3 states:

"It is important that the design of new residential developments, including their scale (including height), form, layout/orientation, and detailed design (including the materials used) is informed by and respects both the nature of the development site and the character of the neighbouring buildings and surrounding area."

5.5 RDG 5 sets out key considerations regarding architectural details. These include window details and external finishing. The general idea is that development should fit in with the street scene and the building itself.

5.6 RDG 6 "The Wider Site" sets out some key considerations regarding boundary treatment, trees, the driveway, and front garden.

5.7 RDG 7 sets out key considerations regarding the impact on neighbouring properties. These include the potential loss of light/overshadowing, overbearing impact upon outlook and overlooking resulting in a loss of privacy.

## 6.0 REPRESENTATIONS

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

6.1 Douglas Borough Council has no objection to this application (29.07.2021).

6.2 DoI Highway Services does not oppose this application (15.09.2021) after revised access was provided.

6.3 DoI Highway Service Drainage does not oppose this application (12.10.2021) after drainage details for the front hardstanding was provided.

6.4 DEFA Ecosystem Policy Officer recommend replacing proposed hedges with non-invasive species and take due diligence for the potential birds nest within the existing hedges during their removal. (Further to this initial response, the applicant has amended the proposed planting to native species).

6.5 Development Manager Minerals and Properties wrote in (21.02.2022) confirming that no valuable mineral extraction and a mining licence is no required.

6.6 Owners/Occupiers of Ty-siriol, Sundown and Applegarth, Tromode Park have written in objection to this application (10.08.2021 - 16.08.2021). The representations which include material planning considerations can be summarised (in no particular order) as the following:

- o not in keep with the character of the area, in height, mass and footprint;
- o setting precedence;
- o lack of level detail for the proposed dwelling;
- o error in plans;
- o overlooking and the loss of privacy;
- o overbearing;
- o limited outlook.

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 deeds;
- o view.

6.8 The applicant wrote in response to the comments and the revision request by the case officer (18/10/2021). The response states that similar styles of housing do exist near the site and the design is in keeping with the character of the area. The response then states that the proposed and existing hedges would reduce overlooking and impact on the street scene. The response points out that the rear elevation of Ty-siriol, Sundown and Applegarth, Tromode Park are all over 20m away from the proposed dwelling so there is no concern for overlooking.

## 7.0 ASSESSMENT

7.1 The main considerations for this application are the principle of the application, its impact on the house itself, on the character and street-scene of the area, on parking and neighbouring amenities.

### Principle of the Development

7.2 The site is within an area designated as predominantly residential. Therefore, the proposal land use of residential is principally acceptable.

### Design of the House Itself

7.3 Although the main body of the dwelling could be described as being a bungalow with a dormer on the top, given that the roof space is almost twice the height than that of the body of the building it would also be reasonable to say that it is not an entirely accurate description and it would be better to view the plans to gain an understanding of the design of the property, rather than to try to describe it. The "top-heavy" appearance is not common for a typical one-and-half-storey dormer bungalow. However, this feature alone is not considered enough to recommend refusal.

7.4 Unusual as it maybe, the level of the roof ridge will appears similar to that of the dwelling on the southeast due to the reduction in site level, meaning the appearance of the house will not immediately stand out in the street scene.

7.5 The front gable has a roof lower than the main dwelling and it projects slightly beyond the front elevation of the main dwelling. This provides both a horizontal and a vertical setback and help break the front section into smaller masses.

7.6 The front elevation uses a combination of natural stone cladding, paint render, PVC cladding panels and concrete tiles. While keeping some modern features, the material also injects some contemporary elements to contrast the age of the build compared to neighbouring properties. Therefore, the design and materials used are considered to be acceptable.

### Character and Streetscene

7.7 The site is next to a vacant plot on each side. However, on the opposite of the road is a dormer bungalow and all existing dwellings to the southeast are either dormers or dormer bungalows. Therefore, the form of the proposed dwelling is considered acceptable.

7.8 Although the proposal would be visible from Tromode Park, given the reduced level the proposal will be sitting on, the visible height from the roadside of Tromode Park would only be about half-a-storey, this is considered to be acceptable.

#### Traffic and Parking

7.9 As there is no objection from Highway Services, it is considered that there is no unduly negative impact on traffic efficiency or highway safety.

7.10 The proposal provides two parking spaces and an additional one from the garage space, complying with the requirement in Transport Policy 7. Therefore, it is considered that the impact on parking provision is acceptable.

#### Neighbouring Amenities

7.11 The proposal passes the "45 Degree Approach" as there are no dwelling on each side and passes the "25 Degree Check". Therefore, it is considered that there is no concern for overshadowing or overbearing.

7.12 Given the presence of a vacant plot on either side, there would be no overlooking from the side windows to existing properties. The proposed side windows are in the main either secondary windows or windows to non-habitable rooms. The only one of main concern is that of the dining room which faces the side boundary. When the neighbouring plots are developed the outlook from this window (and the others) will be comprised to a certain extent; however the design of this new building must take into account that the plots either side will be developed. It cannot be used as a reason to attempt refusal of the development of those plots in future.

7.13 The windows on the rear elevations are over 20m from the closest property, the Sundown. Therefore, it is considered that there is no overlooking concern for the rear elevation.

#### Other

7.14 As there is no objection from Highway Drainage, the drainage solution for the front garden is considered acceptable.

7.15 As Ecosystem Policy Team accepted the alternative planting, it is considered that there is no adverse impact on the environment or biodiversity.

7.16 As Development Manager Minerals and Properties confirming that the levelling activities does not mount to mining practise, it is considered that there is no mining concern for the levelling activities.

## 8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan and the Residential Design Guide. 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 which the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

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 14th March 2022

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### Item 5.7

**Proposal :** Temporary erection of 150 bell tents for camping during TT period, between the following dates: 27th May - 14th June 2022, 26th May - 13th June 2023, 31st May - 18th June 2024 & 30th May - 17th June 2025.

**Site Address :** Ballakermeen High School  
St Catherines Drive  
Douglas  
Isle Of Man  
IM1 4BE

**Applicant :** Mr Nathan Bruce

**Application No. :** 21/01353/B- [click to view](#)

**Planning Officer :** Mr Peiran Shen

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

C 1. The use hereby approved shall only be undertaken on the following dates:

- o 27th May - 14th June 2022,
- o 26th May - 13th June 2023,
- o 31st May - 18th June 2024, and
- o 30th May - 17th June 2025.

Reason: The application is for the use of the site for the upcoming four years of TT motorcycling events only (2022 included) and the assessment has been made on this temporary basis. While provision should be made for setting up and dismantling the camp site, the site should not be used for camping outside those times reasonably associated with these race periods.

C 2. There shall be a maximum of 150 tents pitched within the site during the approved period of operation.

Reason: In the interests of public and private amenity.

C 3. The vehicular access onto St. Catherine's Drive at the southwest corner of the site shall be used for vehicular exit only and shall not be used for vehicular entry. There shall be no means of vehicular access directly onto Westbourne Drive to the east.

Reason: In the interests of highway safety.

C 4. The parking area, as shown on the location plan, shall not be used other than for the parking of vehicles in connection with the school and camping use hereby approved.

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



Reason for approval:

The proposal is considered to comply with Strategic Policy 8, General Policy 2, and Transport Policy 7 of the Strategic Plan.

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

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:

Manx Utilities

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

VISIT ISLE OF MAN

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

#### 1.0 THE SITE

1.1 The site is the Ballakermeen High School, St Catherine's Drive, Douglas, a high school within a predominantly residential area of the town. The school is also accessible through Westminster Drive.

1.2 The main school building sits towards Westminster Drive, with a large grassed sports field area on the southeast of the main building. To the south corner of the field, there are four existing single-storey outdoor classrooms.

1.3 The southwest and southeast boundary is screened by tall hedges.

#### 2.0 THE PROPOSAL

2.1 The proposal is the erection of a maximum number of 150 luxury bell tents on the playing field for camping during each TT period from 2022-2025. This also means a temporary change of use from childcare and education (use class 4.2) to campsite (sui generis).

2.2 The specific dates for each year would be:

- o 27th May - 14th June 2022,
- o 26th May - 13th June 2023,
- o 31st May - 18th June 2024,
- o 30th May - 17th June 2025.

2.3 There will be a circle of tents around the playfield boundary and groups of 12 tents in the middle of the playfield.

2.4 Toilet, security and shower facility will be located within the main building of the high school.

2.5 Each tent will accommodate between 1 and 4 people. Previous applications have outlined what the tents come equipped with, including tea light chandeliers (LED or candle),

hand loomed Indian block colour rugs, Jute door mats, luxury inflatable beds, a mirror, bamboo centre pole, low level Indian tables, fire extinguisher and various samples to enhance the guest's experience. There would also be various bedding packages where customers can order Egyptian cotton linen with bath towels and 13.5 tog duvets with mattress toppers.

2.6 Similarly, previous applications have outlined that there will be manned security for the duration of the use and CCTV will be used throughout the day and night. The applicant's traffic officers will be responsible for enforcing the one way traffic system into and out of the site. Out of hours noise will be policed by the applicant. The school's car parking facilities would be used for parking and campers would also have use of the school canteen, toilet and shower block, swimming pool and gym.

2.7 Neither of the information in the above two paragraphs has been provided on this occasion but in view of the fact that the applicant is the same for all three applications it is reasonable to expect that the same particulars will apply on this occasion. It should be noted that Planning cannot enforce the quality of accommodation, or the proposed security or highway management measures.

### 3.0 Planning History

3.1 Temporary change of use from school grounds to a campsite of a maximum of 150 bell tents for the periods 27th May to 15th June 2017, 26th May to 14th June 2018, 25th May to 12th June 2019 and 30th May to 17th June 2020 was APPROVED under PA 16/01200/C. The current application is basically identical except for the dates seeking approval for. The condition attached to this approval were:

1. The use hereby approved shall only be undertaken on the following dates:
  - o 27th May to 15th June 2017;
  - o 26th May to 14th June 2018;
  - o 25th May to 12th June 2019, and
  - o 30th May to 17th June 2020.

Reason: The application is for the use of the site for the upcoming four years of TT motorcycling events only and the assessment has been made on this temporary basis. While provision should be made for setting up and dismantling the camp site, the site should not be used for camping outside those times reasonably associated with these race periods.

2. There shall be a maximum of 150 tents pitched within the site during the approved period of operation. These 150 tents shall be pitched only on the locations shown on the submitted aerial photograph entitled "Isle of Man TT" at a scale of 1:500.

Reason: In the interests of public and private amenity.

3. The vehicular access onto St. Catherine's Drive at the southwest corner of the site shall be used for vehicular exit only and shall not be used for vehicular entry. There shall be no means of vehicular access directly onto Westbourne Drive to the east.

Reason: In the interests of highway safety.

4. The parking area, as shown on the site location plan (scale 1:1250), date-stamped as having been received on 24th October 2016, shall not be used other than for the parking of vehicles in connection with the school and camping use hereby approved.

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

3.2 PA 14/00921/C sought and gained planning approval for the temporary change of use of the school grounds in connection with the 2015 TT races; this followed an approval the previous year under PAs 13/00367/C and then 13/91219/C and - as noted - 15/01045/C for the same thing in 2013, 2014 and 2015 respectively. Both sought specified periods for the change of use, and both were approved subject to a more or less identical set of conditions.

3.3 These conditions are identical to those attached to the 2014 planning approval, with the exception that the tent pitches controlled in Condition 2 increased in number from 122 to 150 between 2014 and 2015 respectively. The number was limited to 60 by a condition attached to the 2013 approval.

#### 4.0 Planning Policy Site Specific

4.1 The site is within an area designated as Buildings or Land for Civic, Cultural or Other Use (Secondary School) in the Area Plan for the East.

4.2 Section 10.5 of the written statement of the Area Plan states one of the desired outcomes is:

"To support camping in the East, but only where tented sites and seasonal accommodation would occupy suitable sites, ensuring that proper access, safety and sanitation can be achieved along with reasonable amenity for all."

4.3 No planning restraint overlaps with this site.

#### 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:

#### Principle of Developments

4.5 General Policy 1 states:

"The determination of matters under Part 2 (Development Control) and Part 3 (Special Controls) of the 1999 Town and Country Planning Act shall have regard to the provisions of the Development Plan and all other material considerations."

4.6 Strategic Policy 1 states that development should make the best use of resources, including sites themselves as well as existing and planned infrastructures.

4.7 Strategic Policy 2 and Spatial Policy 3 echo each other, stating that new development should be located primarily within existing defined settlements or sustainable urban extensions. "Development will be permitted in the countryside only in the exceptional circumstances."

4.8 Strategic Policy 8 states:

"Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests and where they enable enjoyment of our natural and manmade attractions."

4.9 Strategic Policy 10 states:

"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;
- (b) make best use of public transport;
- (c) not adversely affect highway safety for all users, and

(d) encourage pedestrian movement."

4.10 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;

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

#### Environment

4.11 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."

4.12 Environment Policy 22 states:

"Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

iii) vibration, odour, noise or light pollution."

#### Transport and Parking

4.13 Transport Policy 1 states:

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

4.14 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."

#### Tourism

4.15 Paragraph 9.5.3 states:

"It is important that a balance be struck between the needs of tourism and the protection of these assets, and that tourism development should be sustainable in accordance with the objectives of this plan."

4.16 Business Policy 11 states:

"Tourism development must be in accordance with the sustainable development objectives of this plan."

#### Safety and Security

4.17 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

4.18 There is no relevant Planning Policy Statement or National Policy Directive that applies to this application.

#### 5.0 OTHER MATERIAL CONSIDERATIONS

##### Legislation

5.1 There is no legislation materially relevant to this application.

##### Strategy and Guidance

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

##### Other Material Considerations

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

#### 6.0 REPRESENTATION

6.1 Douglas Borough Council has no objection to this applicant after a traffic management statement was provided.

6.2 DoI Highway Services does not oppose this application (08.02.2022) after a traffic management statement was provided.

6.3 Manx Utilities has no objection to this application (03.02.2022).

6.4 The Head of Visit Isle of Man wrote in confirming the history and importance of the site use as a temporary campsite (01.12.2021). The comment states: "The Department for Enterprise, Visit Agency has records to show that this site has been registered as a temporary campsite providing tourist accommodation since 2014. The temporary campsite provides bell tent style accommodation of scale for visitors during the TT period, where capacity across permanent registered accommodation businesses is often limited at the peak of the festival."

#### 7.0 ASSESSMENT

##### Elements of Assessment

7.1 The key considerations in the determination of the application are the principle of development, its impact on the occupants' living amenities, on traffic parking provision and on the amenities of the neighbours.

##### Principle of the Development

7.2 The Strategic Plan contains no specific policies which relate to camp sites or the use of any other land for camping uses but, as (a) the site is situated in Douglas, the Island's principal settlement, and is an accessible and sustainable location, and (b) the use of the site for camping for a short period of time in association with the TT motorcycling events has been accepted on four previous occasions, it would be inappropriate to object to the principle of this proposal.

##### Occupants' Amenities

7.3 The campsite is only for visitors around the TT race period. This means erection of permeant amenity facilities is not practical or economically feasible. However, based in a secondary school, there are existing facilities ready to be adapted for the use of the campsite.

In addition, the application shows the provision of flushing toilet and showering facility. There is also room for security and a car park. Alongside the accommodation, it is considered that the site has sufficient provision of amenities to function as a campsite for a short period of time.

#### Traffic and Parking

7.4 In terms of the highway safety impact, the school will largely be closed while the camping takes place and so usual school traffic will be substituted to a degree by the traffic generated by the camp site. The previous vehicular access arrangements to the site should be maintained (i.e. two-way traffic at the south end of Westminster Drive and exit only onto Catherine's Drive). As with the previous schemes there should be no access onto the narrow lane off Westbourne Drive and again this should be controlled by condition.

#### Neighbouring Amenities

7.5 This application proposes to retain the number of tents previously approved at 150, as well as for this approval to run for four years. The consideration here is whether or not the additional years for which approval is sought would be harmful or not.

7.6 There is no record of complaints to the department for the duration of the campsite, nor any objection received on the current application. Therefore, it is concluded that the application is acceptable and should be approved for the four year period sought.

#### Planning Balance Assessment

7.7 While the impacts of the campsite are considered acceptable, it is important to acknowledge that being within a predominantly residential area, the campsite will still cause some disturbance to the nearby residents regardless of how well managed are the site and the traffic around the site.

7.8 However, as one of the biggest economic contributor as well as a key part of the nation's branding, the balance for the department is to help secure a successful event, improve visitors' experience while respect the daily lives of the Islands residents. It is the proper management of the campsite use in addition to the cooperation of the nearby residents that made this recommendation for approval possible.

#### 8.0 CONCLUSION

8.1 The proposal is considered to comply with Strategic Policy 8, General Policy 2, and Transport Policy 7 of the Strategic Plan. 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 14th March 2022

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### Item 5.8

**Proposal :** Conversion of barn to provide garaging, storage, space for the running of a business and ancillary living accommodation

**Site Address :** Ballamoar Farm  
Doarlish Ard  
Foxdale  
Isle Of Man  
IM4 3BH

**Applicant :** Mr Tim & Mrs Justine Shepherd

**Application No. :** 21/00904/B- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. The garage hereby approved shall at all times be made available for use by 'Ballamoar Farm' as a dwellinghouse.

Reason: The application has been assessed on this specific basis as a required garage space for use by the main house.

C 3. The living accommodation in the garage outbuilding hereby approved shall be used only for purposes incidental to the enjoyment of 'Ballamoar Farm' as a dwellinghouse. No separate curtilage shall be formed and the residential annexe shall at no time be used as an independent dwellinghouse.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area contrary to relevant Policies in the Strategic Plan 2016 and its use as an independent residential unit would not comply with the Strategic Plan 2016 policies regarding new residential development in the countryside.

C 4. There shall be no more than 10 tutoring customers to the site per week.

Reason: In the interest of highway safety and minded of the sustainability objectives of the IOM Strategic Plan 2016.

C 5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the office space hereby approved shall only be used as a home office and for home tutoring and for no other purposes in Class 1.2 or 1.4 of the Order at any time.



Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

C 6. 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 development shall be undertaken in accordance with Class 16 Fences, walls or gates of Schedule 1 of the Order at any time.

Reason: To control future development on the site and prevent any separation of the site.

Reason for approval:

Subject to suitably worded conditions relating to the use of the home office, restricting callers to the site, ensuring that the garage remains for use by the main house, and that the ancillary accommodation remains for uses incidental to the main house only and not subdivided or separated at any time, that the proposal is considered to be acceptable and would comply with Strategic Policy 1, Environment Policy 1 and Business Policy 1 and would meet with the principles of Environment Policy 16 and Housing Policy 11.

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

None

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

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL MAY BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The application site represents the residential curtilage of Ballamoar Farm, Doarlish Ard, Foxdale an existing detached traditional styled dwelling situated west of the main A3 road running through Foxdale and south of Lower Gleneedle. The dwelling is not visible from the A3 but can be seen from the end of the access road (which also serves a number of neighbouring dwellings), from public footpath No. 433 which runs south of the site and joining with the main road in the centre of the village and from the adjacent side of the Foxdale valley and at junctions with Kionslieau Hill and Mines Road.

1.2 Opposite the dwelling and on the south side of the driveway hardstanding sits an existing brick built agricultural building finished with a sheet metal roof.

1.3 The building measures approx. 18m long x 9m wide and around 2.4m to eaves and 4.2m central ridge.

1.4 Information submitted with the application indicates it is currently used by the occupants of the main house for additional general domestic storage/garaging.

#### 2.0 THE PROPOSAL

2.1 The current application seeks approval for the conversion of the outbuilding to provide a mixed use building comprising domestic storage and garaging, the creation of a home office and the creation of a self-contained one bedroomed living space.

2.2 Application details indicate that the home office is to provide space for the applicant to run their home tutoring business with both online and face to face clients calling at the site.

2.3 The living accommodation is to be for used by the applicant's elderly parents.

2.4 The conversion works also comprise a number of external alterations to facilitate the changes, these works include the installation of new windows and doors, installation of external insulation and timber cladding system and a new metal profile roof system. A raised deck is also proposed around the building.

2.5 The gable end of the building nearest the main house is to house the garaging and storage and is to be installed with large access door opening onto a hardstanding area linked to the main driveway.

### 3.0 PLANNING HISTORY

3.1 The main house has been subject to four previous applications for alterations and extensions including changes to a utility and front porch area, and the addition of a sunroom. None of these are considered materially relevant to the current application and there have been no applications made since 2013.

### 4.0 PLANNING STATUS

4.1 The application site is not designated for development on the 1982 Development Order Plan and Foxdale Local Plan. The site is not recognised as being at any flood risk nor is it within a Conservation Area. Given the location of the site and the nature of the works proposed including change of use to an educational tutoring space and a living unit it is necessary to have regard to the those policies of the Strategic Plan 2016 that seek to direct new development to existing town centres or to land designated for such purposes in line with the spatial hierarchy (Strategic Policies 2, 6 and 9 and Spatial Policy 3), making best use of underused buildings, that proposals make a positive contribution to their setting and environment and by integrating with existing infrastructure network links (Strategic Policies 1, 5 and 10), that conversions to existing rural buildings meet with the exceptional development criteria (Housing Policy 11) and that the countryside is protected for its own sake (Environment Policy 1).

4.2 Strategic Policy 1 - development should be located to make best use of previously developed land, redundant and underused buildings, utilising existing infrastructure and taking into account landscaping and amenity standards;

4.3 Strategic Policy 2 - focus new development in existing settlements or in appropriate extensions. Only allowed in countryside if complies with GP3;

4.4 Strategic Policy 5: development should be designed to make a positive contribution to the Island and should be provided with a design statement

4.5 Strategic Policy 6: Major employment-generating development should be located in existing centres on land zoned for such purposes.

4.7 Strategic Policy 9 - new retail and office development must be on land designated for such use and in town/village centres whilst taking into consideration Business Policies 7 and

8, with exception to neighbourhood shops and those instances referenced in Business Policy 5.

4.8 Strategic Policy 10: Development should promote a more integrated transport network; minimising journeys, especially by private car; make best use of public transport; not adversely affect highway safety for all users, and encourage pedestrian movement.

4.9 Spatial Policy 3: identifies Foxdale as a Service Village and outlines that area plans will define village boundaries so as to maintain appropriate employment and housing, the latter housing which is to be provided based on local need.

4.10 Environment Policy 1: The countryside will be protected for its own sake. Countryside is all land outside the settlements or which is not designated. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need.

4.11 General Policy 3: Exceptions to development in the countryside including agricultural workers dwellings, agricultural or forestry development, conversion of rural buildings, redevelopment of previously developed land, replacement dwellings, development essential for mineral workings, development of overriding national need and buildings for the interpretation of the countryside, wildlife or heritage.

4.12 Environment Policy 16: The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use but only where considered original use is redundant, it's structurally capable of renovation and of notable interest to warrant conversion, is large enough to form a satisfactory dwelling and would not be incompatible with adjacent uses and that it can be provided with necessary services.

4.13 Housing Policy 11: Conversion of existing rural buildings into dwellings may be permitted, but only where; they're original use is redundant, it's structurally capable of renovation and of notable interest to warrant conversion, is large enough to form a satisfactory dwelling and would not be incompatible with adjacent uses and that it can be provided with necessary services.

4.14 Business Policy 7: Offices should be located within town and village centres on land designated, only exceptionally will permission be given on approved Business Parks for Corporate Headquarters where there are no day to day callers; or in buildings of special interest where office use represents the only or most appropriate way of securing future use, renovation and maintenance.

4.15 Business Policy 8: New office buildings should respect the scale and character of adjoining and nearby buildings and should be provided with suitable parking provision.

## 5.0 REPRESENTATIONS

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

5.1 Patrick Commissioners - confirmed NO OBJECTION to original scheme (date stamped 17/09/2021) and no further comments to make on the recirculation of the revised red line plans (20/12/2021)

5.2 The Department of Infrastructure Highway Services - do not oppose (26/08/23021 and 16/11/2021).

## 6.0 ASSESSMENT

6.1 The application seeks approval for the conversion and alteration of an existing underused outbuilding into a building comprising a mix of uses including a garage and storage area for use by the main house, a small home office with additional use as a home tutoring business and the creation of a small living unit for relatives. The assessment of such a proposal falls to its acceptability in principle not only in terms of its re-use for garaging for the main house but also its home business use and ancillary accommodation, and whether or not the physical works would have an acceptable visual and amenity impact.

6.2 Policies against which the principle should be assessed make it quite clear that any new development particularly offices or residential development should be directed to land designated for such uses and should be within those existing settlement boundaries listed in Appendix 3 and the spatial hierarchy. It also states that only existing rural buildings of that are of special interest should be converted for alternative uses.

6.3 The site is not designated for any use and falls outside of the centre of Foxdale. The building is an old brick built structure and perhaps not of any immediate or identified special interest to necessarily warrant its retention or conversion. It is explained in supporting statements that the use of the outbuilding became redundant when the farm ceased its agricultural activities over 20 years ago, and since then the building has been used by the main house for general domestic storage and garaging/gardening equipment.

6.4 It is perhaps necessary to breakdown the proposal in to three elements, the conversion to garage, the change of use to a home office and tutoring business with calling customers, and the creation of ancillary living accommodation. On the simple understanding of the proposal and the test of the key policies particularly Housing Policy 11 and Environment Policy 16 only buildings of sufficient interest should be considered for conversion but this building is not of any indicated merit. The proposal would also focus new development outside of existing settlements within the countryside contrary to Strategic Policies 2 and 9 and Business policy 7.

6.5 That aside what we have in this situation is an existing building which is partially redundant since the cessation of the wider farm operations and a proposal which now seeks to make best use of this underused building in line with Strategic Policy 1. The proposal includes some upgrading works to the external skin of the building but does not seek to increase its overall footprint, height, massing or size and so it's not considered that there will be any physical or visual increases so as to adversely harm the overall character and appearance of the countryside landscape in line with Environment Policy 1. Given that the starting situation is perhaps not of special interest means that the modifications to the external skin would also reasonably fit within the tolerances of HP11 and EP16 for re-use in as much as its meets the test of the other parts in being capable of renovation without any extension, would form part of and compatible with the main house and could be provided with the necessary services.

6.6 Of late, there has been increased applications for garages associated with existing dwellings having ancillary and incidental living accommodation above, the proposal is perhaps akin to these although all on one level. Given the situation being the garage for use by the main house and the living space ancillary to this that a condition could be reasonably imposed which would safeguard no separate use, separation or selling off of the ancillary annex.

6.7 EP16 includes within its scope for re-use of existing buildings for small scale commercial uses so long as these do not cause implications in terms of traffic generation or result in a dispersal of activity on such a scale so as to prejudice vitality and viability of town or village centres. A home office used only by the home owner would not result in any traffic

increases and would not require planning approval. In the case of this application however, the applicant is now seeking to have some face to face teaching with the potential of 5 -10 people calling to the site per week. The site is not within a sustainable location nor is there any public transport in the immediate vicinity, having callers to the site would go against the sustainable objective of the Strategic Plan but on the contrary if the applicant were to call to the homes of those students it would similarly be just as unsustainable and so perhaps no worse a situation. In an ideal scenario the applicant would rent a town centre space to offer the face to face teaching facility, but given the small scale being only for 5-10 people this probability is unlikely. Therefore there needs to be a balance in what level of coming and going to the site is acceptable. Over the course of a week the coming and going of up to 10 students would likely be negligible on the wider highway network, and given the position of the dwelling at the end of the road, set back from the neighbours and provided with sufficient driveway space for parking and turning that the proposed home tutoring business with the potential for face to face teaching for no more than 10 people per week would be acceptable in this case and a suitably worded condition will be added to address this.

## 7.0 CONCLUSION

7.1 The site is located within the countryside and not designed for development. The Strategic Plan makes it clear that development in the countryside is not generally permitted (with exception to those in GP3). However the matter of fact in this case is that the existing building is already there and has overtime become redundant for agricultural use and is now used as general storage of gardening equipment for the main house. The detached outbuilding is demonstrated to be structurally sound and capable of renovation with no extension and with relatively minor modification to the external skin and so is not expected to adversely impact the wider visual quality of the landscape or countryside character in line with EP1, HP11 and EP16. The proposal would also make best use of a currently under used building in line with Strategic Policy 1.

7.2 The proposal is to include an ancillary living unit and this is only considered acceptable is used in conjunction within the main house and would not be supported if it was to be occupied independently. Conditions will be added to control this.

7.3 The site is provided with off road parking areas which can accommodate additional vehicles, although the location of the property is somewhat unsustainable, the applicant visiting other properties would likely result in similar level of unsustainable impact, and minded of the limited number of callers to the site being no more than 10 per week that on balance the business element of the proposal is considered acceptable and a suitably worded condition will be added in this respect too.

7.4 For the reasons as stated above it is considered that the proposal is within the bounds of acceptability subject to suitably worded conditions restricting the use of the home office and callers to the site, ensuring that the garage remains for use by the main house, and that the ancillary accommodation remains for uses incidental to the main house and cannot at any time be subdivided or separated and must remain as one planning unit only.

## 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 14th March 2022

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### Item 5.9

**Proposal :** **Erection of a multipurpose hall, entrance canopy over the existing entrance, replacement of existing roof tiles with artificial slates and creation of new car parking**

**Site Address :** **The Salvation Army Douglas Corps  
Ballacottier Crescent  
Isle Of Man Business Park  
Braddan  
IM2 2QZ**

**Applicant :** **The Salvation Army**

**Application No. :** **21/01486/B- [click to view](#)**

**Head of  
Development  
Management :** **Mr S Butler**

**RECOMMENDATION: To APPROVE the application**

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### **Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The use hereby approved shall only be in accordance with the Floor Plans shown on plan 2016\_102 A and with sections 3 and 4 of the Planning Statement.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the proposal.

C 3. The development hereby approved shall not be brought into use unless the site has been laid out in accordance with drawing no. 2016\_101 A (unless required otherwise by other conditions attached to this approval) and the site shall be retained as such thereafter.

Reason: To ensure sufficient parking and manoeuvring space is provided.

C 4. The development hereby approved shall not be brought into use unless measures are in place to prevent water from flowing out onto or damaging the public road.

Reason: to avoid highways drainage issues.

C 5. The development hereby approved shall not be brought into use until the Air Source Heat Pumps and Solar Panels have been provided in accordance with the approved details.

Reason: to ensure the development is carried out in accordance with the approved details.

C 6. Prior to the commencement of the development hereby permitted, details of the landscaping to the North of the site (proposed hedge) shall be submitted to and approved in writing by the Department. The details shall include: species; size; numbers; planting method and timing; and maintenance method. Any plant that is shown for retention on the approved site plan (2016-101 A) or planted in accordance with the approved landscaping details and dies within 5 years of the development having been completed shall be replaced in accordance with details which have first been approved in writing by the Department.

Reason: to ensure that the landscaping shown for retention is retained, and that the additional proposed landscaping is suitably carried out.

Reason for approval:

The proposal does not comply with the existing land use designation of the Area Plan, but is an extension of an existing recently approved use within the same red-line boundary and will provide significant wider community benefits. Consultees have raised no concerns, subject to conditions. The design and site layout are considered to be acceptable.

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

None

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

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS IT IS A DEPARTURE FROM THE DEVELOPMENT PLAN BUT RECOMMENDED FOR APPROVAL

#### 1.0 SITE

1.1 The application site is located within the Isle of Man Business Park, Braddan. It comprises a detached two storey building (painted render, hipped roof) used as the Salvation Army Headquarters. The site has 24 existing parking spaces, 3 for wheelchair users. There is a secure compound (previously used for parking/washing ambulances). There is a bus stop outside the site.

#### 2.0 PROPOSAL

2.1 Seeks Full planning approval for:

- Erection of a new multipurpose hall, wind lobby, WCs, kitchen and new entrance canopy over the existing entrance.
- Replacement of the existing roof tiles with artificial slates.
- Creation of new car parking (24 existing parking spaces, 37 proposed)
- Existing and proposed use is, "The Salvation Army Headquarters"
- No creation of additional industrial, residential, retail or office floor space
- No changes to site level or services.

2.2 Planning Statement sets out:

- Introduction to requirements for site and planning history;
- Background to the Salvation Army's work
- Need for a single location (operating from separate sites not logistically or financially possible)
- Background to procurement of the site (and other discounted sites) - issues including size, alternative uses and lack of parking
- Application Site and current uses (including frequency and attendance numbers)



- Details of proposed development (see below)
- Planning History
- Planning Considerations - Strategic Plan and Area Plan
- Assessment of the Proposals (see below)
- Parking Assessment

2.3 The content of the Planning Statement sets out details of the proposal, which includes:

- Need for space for Sunday worship and other large services and events (including potential to expand)
- Events will include Sunday worship, drop-in service, evening youth group, weddings and funerals and existing activities will continue and potentially expand - Debt advice service, Chaplaincy, Parent and toddler group (expanded), Lunch Club (expanded), Messy Church (expanded), CAMEO, Bible study and prayer groups, Band and choir practice and Christmas appeal collection and distribution
- Above requires a new multi-purpose hall to the East of existing building - A large new kitchen, to the north of the existing building, will serve both the hall and the extended community lounge. New WCs and a shower room and changing cubicle will be provided between the community lounge and the new hall.
- A new entrance and foyer will be formed between the new and existing buildings, while the existing entrance will be retained and will receive a new canopy. The rest of the existing building will remain substantially unchanged, with the exception of the addition of PV roof panels for electricity generation, replacement of the roof tiles, and upgrading the roof insulation to current standards.
- The Commanding Officers are to be relocated to the ground floor and the current Commanding Officers' room on the first floor is to become a prayer room. The debt advice office and interview room will remain in the same location, and are to be merged into one large room.
- Arrangements are in place with Isle of Man Civil Defence for the building to be used as an emergency rest centre (ERC) in the event of a civil emergency. Such circumstances could include natural disasters, industrial accidents or civil unrest. The building would be used to provide temporary accommodation or shelter for displaced people, for up to two nights, until the Government or local authority are able to take over their care. The SADC has actively engaged with local authorities regarding their requirements in this regard.

2.4 The content of the Planning statement sets out the applicant's agent's assessment of the proposals, which includes:

- Proposal is an expansion of existing use which it is desirable to deliver from one location
- Location is central, but easier and more convenient to reach for people living outside Douglas than the town centre
- The office element of the existing use complies with the Business Park designation
- Proposals will bring more people to site, explains how site is accessible by non-car means and notes that some users will have to use car (e.g. less able), within the 2.5mile radius of Douglas referenced in Active Travel Strategy and that many using the site will live close by.
- Impact on town centres is offset by lack of town centre sites and alternative being to not have the facility
- Impact on wider business park in terms of traffic will not be detrimental
- Details of parking provision to be provided (including bike parking, EVCP not considered necessary but passive provision proposed)
- Design approach - describes context and challenge of something not out of place in business park but also suitably warm and welcoming as a Church and also that meets the operational requirements for the building (in terms of height, plant etc.)

- Landscaping Proposals - notes existing planting provides a lot of open space but is considered of poor landscape value, notes much of landscaping is lost to parking not buildings and proposals to add hedge to Northern Boundary
- Notes how sustainability issues have been considered

2.5 The South Elevation (the most prominent from public view) would see the addition of solar panels to the existing building, the construction of a new single storey, flat-roof extension providing a an entrance to the front and linking to the new Church Hall element which would appear two storey externally with predominantly glazing and a pitched roof. The North elevation would be seen from the car park of an adjacent site and would see the rear of the proposed extension, which is a much more functional elevation within no openings and high level fencing to screen the plant. This is proposed to be partially broken up with a new hedge. The East elevation potentially visible from the road (at an angle) sees much more solid to walling, with some high level windows and a door. The Western elevation (screened by existing buildings) would see the existing building, and being this elements of the new hall can be seen including windows and the plant fencing. The roof is to be standing seam metal roof sheet, the walls painted render, the windows aluminium frame double glazed and the plant screen PPC aluminium louvered plant screen doors.

### 3.0 DEVELOPMENT PLAN POLICIES

3.1 The site is allocated as Industrial within the Area Plan for the East (2020). The site is not within 9m of watercourse or in flood risk area or Conservation Area. There are trees on site within 15m.

3.2 Employment Proposal 1 states, "The development of existing industrial land, including the following sites, will be supported for the following uses only: manufacturing; warehousing and distribution; office accommodation (subject to compliance with Strategic Plan Business Policy 7); or retail outlets (subject to compliance with Strategic Plan Business Policy 5)".

3.3 The Strategic Plan contains a number of relevant policies:

- Strategic Policy 5 promotes buildings being design to make a positive contribution to the environment

Strategic Policy 10 indicates development should seek to minimise journeys, especially by private car and make best use of public transport.

General Policy 2 sets out normal 'Development Control' considerations

- Business Policy 7 directs office floor space towards town centres other than Corporate Headquarters which do not involve day to day callers on Business Parks
- Community Policy 2 directs community facilities to sites which are accessible to non-car users
- Transport Policy 7 sets out parking standards

3.4 In relation to Civic and Community Facilities, the Strategic Plan states,

"10.5.1 Community facilities are those services or facilities that provide for the needs of the Island population. As such, they should be appropriate to the needs of the Island's population and be located as to be easily accessible. Community facilities include community centres, medical facilities, places of worship, schools, nurseries, library services and premises which provide an element of care for those sectors of the community that are in need of this.

10.5.2 It is not for the Strategic Plan to address or determine the needs for community facilities, but to address the land use issues arising from such proposals. Where there are known site requirements these will be safeguarded in the relevant Area Plans for that area. Proposals for such uses will therefore be assessed against general criteria based policies.

10.5.3 It is one of Government's general policies to promote equity and equality of access to education, health, community and recreation facilities, services and the wider environment for all sectors of the community".

3.5 There are a number of policies within the plan which support elements of Sustainable Construction other and are arguably applicable to any proposal for a building -

- o General Policy 2(d) - incorporates existing landscape features (m) - designing out crime (n), reducing energy consumption
- o Community Policy 7 - designing out crime
- o Community Policy 11 - prevention of outbreak and spread of fire
- o Infrastructure Policy 5 - water conservation and management measures
- o Energy Policy 5 - Energy Impact Assessment (over 5 dwellings/100 sqm commercial development)

#### 4.0 PLANNING HISTORY

4.1 The site was approved under 05/02094/B for, "Erection of HQ building for British Red Cross (IOM Branch) with associated parking and landscaping". The proposed use on the application form was "headquarters building".

4.2 PA 19/01422/C for, "Change of use of existing storage area, drivers mess and managers office to additional offices, lounge and general purpose room" was approved on 20.02.2020, subject to a condition that, "The use hereby approved shall only be in accordance with the details set out in the Supporting Sheet and Floor Plans date stamped as having been received 20.12.19. Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the proposal".

4.3 PA 20/01217/C, for the Change of use from office to Salvation Army Headquarters was approved on 14.12.2020 subject to conditions:

C1 - 4 Years commencement

C2. The use hereby approved shall only be in accordance with the Floor Plans date stamped as having been received 14.10.20.

Reason: The development hereby approved is only acceptable in this location because of the special circumstances of the proposal.

C3. The development hereby approved shall not be used unless provision is in place for bicycle parking for at least 8 bicycles in accordance with details which have first been approved in writing by the Department.

Reason: to ensure adequate provision is made for bicycle parking.

C4. The proposed uses as Lunch Club, CAMEO, Parent and Toddler Group and Messy Church shall only take place once a week as set out in paragraph 3.1 of the Supporting Statement date stamped received 14 October 2020.

Reason: The uses are not considered to strictly accord with the land use designation and are only considered acceptable on the terms proposed in the application and as part of the overall Salvation Army HQ as an exceptional use.

#### 5.0 CONSULTATIONS

5.1 Braddan Commissioners (22/12/21) - no objection

5.2 DOI Highway Services (21/12/21) states the proposal is acceptable from the viewpoint of Highways Development Control and does not raise significant road safety or network functionality issues. Accordingly, HDC raises no opposition subject to a condition for the layout to accord with Drawing No. 2016\_101 rev A. The consultation responses gives detail consideration to the overall approach for all modes of transport and accommodation for Sunday services. They note there is no specific standard for the proposed but estimate 29 would be required and note 37 are proposed. They also note surface water drainage should

be installed where necessary to prevent water from flowing out onto or damaging the public road. They confirm on 07.01.22 no amendment to comments.

5.3 DEFA (Ecology) (24/12/21) state no objection to the proposals (including trees to be removed, have limited ecological value and they welcome the addition of a new boundary hedge). Note no details have yet been provided about the hedging species which are to be used and so request a condition to ensure appropriate species are used (the response sets suggests species to use and some to avoid).

5.4 DEFA (Forestry) (06/02/22) - No objection - all 10 trees marked for removal appear to have been fairly recently planted, none of the trees make a significant contribution to the landscape and all are below the size which would require a license to be sought under the Tree Preservation Act for their removal.

## 6.0 ASSESSMENT

6.1 The key issues are considered to be:

- Principle of Use;
- Impact on Visual Amenity (in terms of existing building, site and wider area);
- Transport;
- Environmental Impact; and
- Procedural Matters.

### 6.2 Principle

6.2.1 Although the office element of the use (in isolation) might comply with the Development Plan allocation, as a whole the proposal would be a Departure from an only recently approved plan, and that areas have been allocated for mixed use development whereas the proposal site has been clearly allocated as industrial. However, in response to this the applicants have provided information as to why the uses should all be located on one site, the suitability of the proposed location and have provided some information on alternative sites and why they have been discounted.

6.2.2 The Business Park was based partly on the premise that the operations would not attract day-to-day callers and the proposal is very much the opposite of that. However, given the assessment in terms of transport and the advice from DOI Highways this is not considered in itself to be grounds for refusal.

6.2.3 The area plan proposes urban extensions into the countryside to the South of Coil Road given the demand for industrial land in this area. However, the planning history of the site is noted and that as this was not previously used for industrial purposes, there is arguably no net loss of available industrial land.

6.2.4 It is therefore considered that on balance and when considered in totality, the proposal is acceptable.

### 6.3 Impact on Visual Amenity (in terms of existing building, site and wider area)

6.3.1 The design approach taken is to try to balance the nature of the site and the proposed use. Often extensions should be subordinate to the main building, but this is not proposed here. Although attached to the existing building, the use of a smaller entrance area provides a visual break between the two and the design of the new hall has enough of the design elements of the existing to tie-in whilst also having some more distinct elements (the amount of glazing to the front elevation).

6.3.2 There is some concern about the side and rear elevations (solid to window ratio, plant area etc.) but the use of plant screening and hedging, together with the reduced prominence of these elevations and the nature of the surrounding area mean that they would not justify refusal.

6.3.3 Overall it is considered the design approach is acceptable.

#### 6.4 Transport

6.4.1 The comments from DOI Highways are noted and relied upon.

#### 6.5 Environmental Impact

6.5.1 There is the potential concern of development outside of town centres, however the approach taken to promote non-car transport and the response from highways are noted.

6.5.2 The impacts in terms of loss of existing landscaping are noted, and there is some concern about the overall loss of landscaping and increasing element of built development. However, the comments from DEFA Forestry and Ecology, and the overall wider benefits of the site are noted. Overall it is not considered that the loss of existing landscaping is a reason for refusal. The proposed hedging could be conditioned if the development is approved.

6.5.3 The inclusion within the scheme of measures such as ASHP/Solar panels are noted.

#### 6.6 Procedural Matters

6.6.1 Because the redline boundary on the current application is the same as PA 20/01217/C, that it is a physical alteration and extension of the building and the detail within the Planning Statement the current application, if approved, will in effect be a stand-alone approval with its own conditions. Therefore, if approved, equivalent to the above should be attached which cover both the existing building and the extension.

#### 7.0 CONCLUSION

7.1 The proposal does not comply with the existing land use designation of the Area Plan, but is an extension of an existing recently approved use within the same red-line boundary and will provide significant wider community benefits. Consultees have raised no concerns, subject to conditions. The design and site layout are considered to be acceptable. It is recommended that the application is approved subject to conditions which both reflect the previous conditions and also key elements of the new proposal.

#### 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.

**Item 5.10**

**Proposal :** Conversion of offices to create a fitness and wellbeing centre

**Site Address :** Former B C S House  
Peel Road  
Braddan  
Douglas  
Isle Of Man  
IM4 4LE

**Applicant :** Black (Isle Of Man) Limited

**Application No. :** 21/01565/B- [click to view](#)

**Enforcement/Planning Assistant :** Ms Charlotte Gatt

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The parking and accesses as shown on drawing No. 101, titled: Proposed Site Plan, recorded as being electronically received by the Department on 31st December 2021, shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety and in accordance with General Policy 2 of the Isle of Man Strategic Plan.

C 3. Prior to the commencement of development a scheme for the soft landscaping of the road frontage shall be submitted to an approved in writing by the Department. The scheme shall take account of the three trees in the current landscaping strip, including their removal and/or replacement if necessary/appropriate. All proposals shall be carried out in accordance with the approved planting scheme. 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.

Reason for approval:

The proposal would make good use of an existing unoccupied building in accordance with the Strategic Aims and Strategic Policy 1. It is also considered that there are sufficient provisions for access and parking and that the proposed use will not have an adverse impact on the operation of any other uses in the estate. The application will provide facilities which are generally encouraged in the Strategic Plan and the proposal is therefore supported.

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

None

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE LAND USE DESIGNATION IN THE AREA PLAN FOR THE EAST AND IS RECOMMENDED FOR APPROVAL.

#### 1.0 THE SITE

1.1 The application site is the curtilage of BCS House, situated between Braddan Church and the Snugborough Trading Estate. The site has a frontage to Main Road, Union Mills, with its existing vehicular entrance situated towards the southern end. This two storey flat roofed building which is finished in painted spar dash render with contrasting colours for various sections of the elevation currently serves as an office building within the site.

1.2 The site is part of a broader site area marked in blue which is presently utilised as a builder's yard with general building materials stored in the open and site protection fencing.

1.3 To the north east of the site is the River Dhoo with a band of mature trees following the river on each side of the banks. The nearest residential properties are located to the south of the application site (Ballafletcher Cottage) and to the North east of the River Dhoo of; River Vale and River Walk and the public right of way No.360 / Heritage Trail.

1.4 Vehicular access into the site is via an access shared with the industrial land to the rear and below the application site.

#### 2.0 THE PROPOSAL

2.1 Planning approval is sought for the conversion of the current use of the building as commercial offices (Class 2.1) to a fitness and wellbeing centre, which is considered to be sui generis.

2.2 The planning statement details the current business with a description of the services that are offered of which would be relocating into this on single unit.

2.3 The works would involve:

2.3.1 Internal alterations - some walls would be removed in order to create larger areas for use as a gym work out studio and therapy suite. The reception would remain in the same position at ground floor level, but alterations would be made to incorporate immediate access to the WC and an additional unisex accessible WC.



2.3.2 The alterations would also see suitable changing areas and toilets, as well as areas for lockers, vending machines, storage and a private treatment suite.

2.3.3 Externally there is the provision for 18 parking spaces, including a disabled parking bay located adjacent to a new ramped access.

2.3.4 To the rear of the property an Armco barrier is to be installed for protection for the parking vehicles and safety between the variations of levels on the site.

2.3.5 There is also the provision for cycle store rails to be installed to the rear of the property for the storage of bikes.

### 3.0 PLANNING POLICY

3.1 In terms of local plan policy this site is designated as Industrial on the Area Plan for the East 2020 Map 8 (Strang). Part of the site is considered to have low likelihood of surface water flooding as indicated on the Isle of Man Indicative Flood Maps and the site is not within a Conservation Area.

3.2 The proposed use of the building as both a fitness centre and wellbeing/therapy centre is considered to be sui generis, that is, not falling within any of the Departments use classes.

3.3 As such, there is no policy guidance on the conversion of modern buildings and it is therefore considered relevant to consider whether the existing use is redundant and whether the proposed use is acceptable, taking into account other Strategic Plan policies (below) and any impact on the surrounding area. In this respect, the Strategic Plan urges that development should make the best use of resources through the optimisation of the use of previously-developed land, redundant buildings and unused and under-used land and buildings (Strategic Policy 1 - SP1). It also requires that development is primarily within our towns, villages and settlements (Strategic Policy 2 - SP2) and new development should be located and designed such as to promoted an integrated transport network and to minimise journeys by private car, make the best use of public transport, not adversely affect highway safety for all users and encourage pedestrian movement (Strategic Policy 10 - SP10).

3.4 General Policy 2 (GP2) applies to development which is in accordance with the land-use zoning and with other policies of this Strategic Plan; such development will normally be permitted, provided that it:-

(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;

3.5 Business Policy 1 (BP1) states that 'the growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan'.

3.6 Business Policy 5 states that 'On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution' and it makes particular reference to retailing.

### 3.7 Environment Policy 22 (in part)

Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:  
...iii) vibration, odour, noise or light pollution.

#### 3.7.1 Paragraph 7.17.2:

In addition to the above, changes in the activities associated with the current permitted use of land or a building, which in themselves do not constitute development and therefore do not require planning permission, can have an adverse impact on adjacent properties by virtue of noise, light or general disturbance. For example the addition of security lighting on a property may cause light pollution affecting adjacent properties and the wider area. The introduction of new activities into established parks and recreation areas can have an impact on neighbours. In such cases the Department would advocate the person or organisation considering the change to give careful consideration to the potential impact of such activity in terms of location, siting and design.

3.8 Adequate car parking must be provided in accordance with Transport Policy 7 and the road network serving the site must be capable of accommodating the traffic associated with the proposed development (Transport Policy 4).

## 4.0 PLANNING HISTORY

4.1 The application site has been the subject of a number of previous planning applications of which some could be considered to be particularly relevant in the determination of the current application.

4.2 There is an application currently with the Department; 21/01568/D for the installation of illuminated signage, which runs concurrently with this application.

4.3 In 2021 planning application 20/01471/B for the installation of cladding and external lighting was approved.

4.4 In 2020 planning approval was granted for the erection of 17 general industrial units with associated parking and drainage, and alterations to vehicular access under 19/01448/B.

4.5 13/00386/B - Erection of seventeen general industrial units with associated external works including storm and foul drainage systems, to include modifications to site entrance off Peel Road - approved at appeal 16.12.2013.

## 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 have commented:

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

parking are to be provided within the site layout approved and commenced under PA 19/01448/B. Electric vehicle charging points should be considered" and confirm that they 'Do not oppose' in the letter dated 20th January 2022.

5.2 Braddan Commissioners have indicated that they have no objection to the application in a letter dated 24th January 2022.

5.3 DEFA's Senior Arboricultural Officer has made the following comments on the 26th January 2022 -

"There are 3 trees on the north western corner of the plot: 2 ash and 1 hawthorn. On the tree removal plan submitted under application 19/01448/B (drawing TR-18220-R1), 2 of these trees were shown as being retained, but I now believe the position of these trees wasn't plotted accurately.

The attached annotated photo, taken today, show that the trees are further south (closer to the building) than the plan represents. It is likely that any redevelopment/refurbishment of the existing building is likely to require these trees to be removed.

As they are poor quality specimens I would not object to the removal of these trees, but I recommend that you seek additional details of the mitigation planting shown on the proposed site plan (drawing 101), so that a roadside hedge is reinstated. It would be acceptable to request these through a condition in the event that the application is approved."

5.4 The Applicant's Consultant responded to the comments from DEFA's Arboricultural Officer on 10th February 2022 with the following -

"We accept that these three trees are not shown on the submitted plans, although they should have been, and it was not our intention to remove them as part of the reinforcement of the roadside boundary which, as you will have read in the Planning Statement, is actually important for those using the building (paragraph 4.7 of the Planning Statement). However, looking at them again, following your comments, it would be useful for us if the application could be considered as if these trees were to be removed and we will be happy to accept a condition which requires the provision of a fully detailed landscaping plan for this frontage including confirmation as to whether the trees are to be retained and if not, what will be planted in their place along with the other trees and shrubs to be introduced, prior to the commencement of works."

## 6.0 ASSESSMENT

The principle of development

6.1 The area is designated as 'Industrial'. The Strategic Plan 2016 defines general industrial as separate from light industrial, as an industrial building in which 'the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, or undue generation of traffic or parking of vehicles'. Business Policy 5 states that 'On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution' and it makes particular reference to retailing.

6.2 Therefore there is an emphasis in the plan to protect the existing use based on the avoidance of losing commercial, economically beneficial development; creating uses that will prejudice other areas of a similar use i.e. retail that will detract from the main shopping areas/town centre; and creating inappropriate uses in areas that will be impacted by the new use i.e. where it would impact neighbouring sites in terms of the abovementioned amenities. It is noted that the existing permitted use does not fall within that of the developmental plan.

6.3 However the proposed use for a fitness AND wellbeing/therapy centre is considered to be sui generis, that is, not falling within any of the Department's Use Classes; there is no policy indicating where such a use should take place. Therefore is a balance required to accommodate new businesses such as this as this is a growing market and there have been a number of similar businesses that have sought planning approval. The Department is responsible for considering the relevant issues/impacts and make recommendations that will impact future decisions. It is considered that businesses such as this would be more appropriate located in a sustainable location i.e. in a town with good transport links, includes sufficient parking and considering the associated impacts in terms of noise and/or smell, away from residential properties. Therefore on balance this seems like a good location and the principle for the change of use is acceptable, subject to the considerations below.

#### Character and appearance

6.4 There are no proposed physical changes and therefore the change of use would not unacceptably harm the characteristics of the existing building or the character of its surroundings.

#### Impact on neighbours

6.5 In terms of the potential impacts to the neighbouring residents, the closest property is Ballafletcher Cottage, which is around 20m away and then there are Hilburn and Ivy Dene, both of which are over 60m away and separated from the site by a busy road. Considering the new use of the building and potential hours for opening, it seems unlikely that this use would have an unacceptable impact on the above properties. There is a builders' yard to the rear of the application site, which could be described as a noise sensitive use, and this is considered to be acceptable in terms of amenity to neighbours.

#### Parking and highway safety

6.6 Drawing No. 101, titled Proposed Site Plan outlines the justifications for the car parking spaces and confirms that a minimum of 16 spaces would be required in line with Appendix 7 of the Isle of Man strategic plan as measured by net floor area. If measured by gross floor, a requirement of 20.35 spaces would be required, thus making the proposed use 2.35 parking spaces short of what is required. This in itself would not warrant a refusal of this application. Highways have accepted the parking arrangements and find it to have no significant negative impact upon highway safety, network functionality.

#### Removal of Trees

6.7 Three trees are proposed to be removed as part of the overall scheme and the recommendation from the Arboricultural Officer is that mitigation planting should be provided for, the agent for the applicant has confirmed they would be happy for a condition requiring landscaping for the frontage to include the possible removal of the trees in question.

## 7.0 CONCLUSION

7.1 Whilst the land is not designated for the proposed use, the current lawful use of the building is not in line with the land designation and it is considered given the size of the building, that there would not be an unacceptable loss of employment land as a result of the proposed change of use.

7.2 The proposal would make good use of an existing unoccupied building in accordance with the Strategic Aim and Strategic Policy 1. It is also considered that there are sufficient provisions for access and parking and that the proposed use will not have an adverse impact on the operation of any other uses in the estate. The application will provide facilities which are generally encouraged in the Strategic Plan and the proposal is therefore supported.

7.3 It is not considered necessary to attach conditions which control hours of opening as the times of operation are likely to contrast with those of the units operating nearby and where there would be no adverse impact on those operations if the hours of operation were not controlled. There are no residential properties in immediate proximity to the site or access that would have amenities effected.

#### 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 in Article 4(2) who should be given Interested Person Status

**Item 5.11**

**Proposal :** Installation of illuminated signage  
**Site Address :** B C S House  
Peel Road  
Braddan  
Douglas  
Isle Of Man  
IM4 4LE  
**Applicant :** Black (Isle Of Man) Limited  
**Application No. :** 21/01568/D- click to view  
**Enforcement/Planning Assistant :** Ms Charlotte Gatt

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. The advertisement(s) hereby granted consent shall be begun before the expiration of four years from the date of this notice.

Reason: To avoid the accumulation of unimplemented advertisement consents.

Reason for approval:

The application complies with the Advertisement Regulations 2013 and General Policies 6 and 7 of the IOM Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THE APPLICATION IS TO BE CONSIDERED BY COMMITTEE AT THE REQUEST OF THE DIRECTOR (SISTER APPLICATION TO 21/01565/B)

**1.0 THE APPLICATION SITE**

1.1 The application site relates to the former BCS House, Peel Road, Braddan, an existing office building located on the north eastern side of the A1 Peel Road close to its junction with Saddle Road leading to Vicarage Road.

**2.0 THE PROPOSAL**

2.1 The current application seeks approval for the erection of advertisement in the form of one first floor 2150mm x 2150mm white backed all weather GRP which will be fixed to the new cladding on MF framework to project 65mm. The sign will be over lit with LED light fitting.

### 3.0 PLANNING HISTORY

3.1 There is a current planning application which is pending consideration for the site, considered relevant in the assessment and determination of this application:

- o 21/01565/B - Conversion of offices to create a fitness and wellbeing centre.

### 4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site is located within an area designated as being in an area of "Predominantly Shopping" use under the Douglas Central Local Plan, 1998 and 'mixed use' on The Area Plan for the East (draft).

4.2 The Control of Advertisements Regulations 2013 makes clear that the only considerations which can be applied to applications made under them are in the interests of amenity and public safety. In the case of amenity, such things as the general characteristics of the area need to be taken into account along with the presence of any features of historic, architectural, cultural or similar interest and the public safety should consider the safety of any person using a road, railway, tramway, harbour or aerodrome including the obscuration of any traffic sign or similar.

4.3 In addition to The Control of Advertisements Regulations 2013 we may also consider General Policies 6 and 7 of the Isle of Man Strategic Plan 2016 which state:

4.4 General Policy 6:

"Within our towns and villages, the display of external advertisements will be permitted on the site or building to which they relate provided they:

- (a) are of a high standard of design and materials and relate well to the building and site on which they are to be displayed;
- (b) are in keeping with and do not detract from the surrounding area; and
- (c) are located so as not to cause a highway safety hazard."

4.5 General Policy 7:

Within our towns and villages, the display of external advertisements on sites or buildings other than those to which they relate will not generally be permitted.

### 5.0 REPRESENTATIONS

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

5.1 Braddan Commissioners - no objection (24.01.22).

5.2 Department of Infrastructure Highway Services - Do not oppose - "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking" (20.01.2022)

### 6.0 ASSESSMENT

6.1 The proposed signage relates to the building which it is to be fixed, and is not considered to be so out of keeping or at odds to the general character location of the site. The proposed white backed signage is not considered to result in any new visual or amenity impacts beyond that which would generally be expected within an industrial location and the advertisement is not expected to cause any new highway safety issues in the area.

### 7.0 CONCLUSION

7.1 The application is considered to comply with the Advertisement Regulations 2013 and General Policies 6 and 7 of the IOM Strategic Plan 2016.

### 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Control of Advertisements) Regulations 2013 (As Amended), the following persons are automatically interested persons:

- o The applicant, or if there is one, the applicant's agent;
- o Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material;
- o The local authority in whose district the land the subject of the application is situated.
- o the Highways, Ports and Railways divisions of the Department of Infrastructure.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than those explicitly listed above) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.



**Item 5.12**

**Proposal :** Replacement of front sash windows to pvc and replacement window arches (retrospective).  
**Site Address :** 2 Brighton Terrace  
Douglas  
Isle Of Man  
IM1 4AP  
**Applicant :** Mr Leon Dawson  
**Application No. :** 22/00054/B- click to view  
**Enforcement/Planning Assistant :** Ms Charlotte Gatt

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

Reason for approval:

Overall, on the basis that 12 out of 14 properties along this terrace have uPVC casement windows installed; but also given the character, appearance and uniformity of the terrace still have other original features still in place; it is considered while the application cannot be argued to preserve or enhance the individual property, the works would have a more unified window design as the majority of the terrace, but also as the main overall character of the terrace would not be significantly affected. It is concluded the works would have a natural impact and therefore recommend the application be approved.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THE APPLICATION IS TO BE CONSIDERED BY PLANNING COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN

THE APPLICATION SITE

1.1 The application site is within the residential curtilage of 2 Brighton Terrace which is a two and a half storey, terraced dwelling sited on the southern side of the highway and within the Woodbourne Road Conservation Area. The properties to south of the highway include groups of dwellings built in different time periods that feature along the terrace. The properties either side of the application site (east and west) are of a similar style and appearance, with small front facing gables, castellated bay window at ground floor and decorative masonry window surrounds. All of the properties along this row have a low level wall with railings above.

1.2 The existing windows are non-traditional, uPVC framed casement windows and are proportioned so that the openings are at the bottom of the windows. The front door appears to be original and is made from painted timber. Only one other property in the terrace has its original timber sliding sash windows and there is a mixture of non-traditional opening styles. Those that have changed the windows to uPVC and generally are proportioned to have a 50-50 split.

#### THE PROPOSAL

2.1 Full planning approval is sought for the installation of replacement windows (retrospectively) to front elevation of the property. The submitted photographs show uPVC casement windows with a 50-50 split frame have been installed. The first floor and gable windows are bottom opening casements, and in the bay on the ground floor the windows are top hung casement windows.

2.2 The applicant also proposes to replace the decorative masonry window surrounds, like-for-like.

#### PLANNING HISTORY

3.1 PA00/01198/B for the installation of replacement windows to rear of dwelling and replacement rooflight - permitted (31.10.2000).

#### PLANNING POLICY

In terms of local plan policy, the application site is in an area zoned as "predominantly residential" under the Area Plan for the East 2020. As previously mentioned, the application site is within the Woodbourne Road Conservation Area. In determining the proposal regard shall be given to both Planning Circular 1/98 and Environment Policy 35 of the Strategic Plan in understanding whether the works preserve or enhance the character of the existing building and the wider Conservation Area and having regard to the special character of the area.

#### 4.2 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."

4.3 Planning Circular 1/98 sets out and provides guidance policies in respect of the alteration or replacement of windows in Conservation Areas and states:

"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 original method of opening, whatever the material used in the construction."

#### REPRESENTATIONS

5.1 Douglas Borough Council stated that they had no objection, received on 25th January 2022.

5.2 Department of Infrastructure Highways Division have stated there is No Highways interest in the application on 27th January 2022.

## ASSESSMENT

### 6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are whether the windows preserve or enhance the character or appearance of the Douglas (Woodbourne Road) Conservation Area. It is pertinent to consider this application against Environment Policy 35 and Planning Circular 1/98.

6.2 The Department has a duty to determine whether such proposals are in keeping with not only the individual building, but the special character and quality of the area as a whole. With this in mind it is very relevant to consider Environment Policy 35 of the Isle of Man Strategic Plan 2016. This policy indicates that development within Conservation Areas will only be permitted if they would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.

6.3 Alterations to the front elevation are the most important, being the elevation which is most publically viewable. All of the original timber window frames are proposed to be replaced with uPVC casement. Accordingly, in the majority of cases, such proposal would be refused as the works would neither preserve nor enhance as uPVC casement windows are generally have thick frames compared to the thinner sliding sash frames. The method of opening when open also detracts from the original style which is clear from the properties which have made these changes already.

6.4 However, in this case there are perhaps other material planning considerations to take into account; namely the nearby application 156 Woodbourne Road (16/00613/B) which was approved at appeal and the existing character and appearance of the existing street of dwellings which this site forms part of.

6.5 In relation to the nearby (Nr 156) application (16/00613/B), the original windows at first and second floor were timber sliding sash (50/50 split), while the ground floor three bay window where each a single panel of glass (i.e. with no horizontal bar 50/50 split). It was proposed to replace these windows with uPVC top hung casement windows, with a 50/50 split style. The Department refused this application for the reasons indicated within section 4.3 of this report.

6.6 However, the Independent Inspector made the following comments:  
"At present, the bay window at No 152 Woodbourne Road is conspicuously different from all the other fenestration in the front elevation of this terrace, in that the central transoms (which otherwise unify the appearance of these properties) are missing. I consider that this detracts from the character and appearance of this part of the Conservation Area. The proposed development would rectify this, by reinstating the missing central transoms. In my view, that would help restore the unified appearance of the terrace, thereby enhancing the character of the Conservation Area.

I recognise the importance of Planning Circular 1/98 in seeking to preserve the original fenestration in Conservation Areas; and in requiring that, where the installation of replacement windows is necessary, the original method of opening should be retained. Doubtless when this terrace was built, each of its opening windows would have had a sliding sash mechanism. However, today, fewer than 30% of the opening windows in the front elevation of the terrace have sliding sashes. All the remainder appear to have top-hung uPVC casements. I think it unlikely that sliding sashes will be restored in these properties.

I do not know the planning history of the existing replacement windows in this terrace, but I have seen no evidence to suggest that enforcement action has been taken against any breaches of planning control. I can well understand that the Appellant would feel aggrieved at being denied the opportunity to modernise his house in the same way that neighbouring houses have been modernised.

The windows now proposed would be similar to those in most of the adjacent houses, contributing positively to the unified design of the properties in this terrace, and the appearance of the Conservation Area. With windows open, the terrace must now look significantly different to the way in which it would have appeared when built in the 1890s. But I do not accept that the installation of top-hung casement windows at the appeal premises would detract from the appearance of this part of Conservation Area, which is already characterised by fenestration of the type proposed. In the circumstances, I consider that the appeal should be allowed; and that planning approval should be granted, subject to the standard condition that the authorised development begin within four years."

6.7 As outlined by the Inspector; "I think it unlikely that sliding sashes will be restored in these properties" which is likely with current planning policies as they are.

6.8 There is also a further argument in favour of the proposal, and that being the windows are not the only feature which adds to the main characteristics of the properties in the Conservation Area. In this case the Victorian Terrace have a number of other features which add to the character and appearance of the street scene, such as; bay windows at ground floor, regular window sizes, decorative mouldings around the window heads, tooting detailing around the eaves of the bay windows, decorative barge boards, decorative ridge tiles, chimney stacks and pots and ornate ironwork railings on the boundary wall. These features and the overall style, proportion and form also give a uniformity of the terrace which still exists today, irrespective of the changes of the majority of the windows.

## 7.0 CONCLUSION

7.1 Overall, on the basis that 4 out of 5 properties on this particular terrace, as well as more than 10 other properties within the wider street scene have uPVC casement windows installed; but also given the character, appearance and uniformity of the terrace still have other original features still in place; it is considered while the application cannot be argued to preserve or enhance the individual property, the works would have a more unified window design as the majority of the terrace, but also as the main overall character of the terrace would not be significantly affected. It is concluded the works would have a neutral impact and therefore recommend the application be approved.

7.2 When making this recommendation, the Department is mindful that such decision could be seen to have an acceptance of allowing perhaps inappropriate development which would neither preserve or enhance the Conservation Area, especially in relation to replacement windows. However, as with all applications, each have to be considered on its own merit and second it is considered the two site specific reasons indicated previously are sufficient to ensure the policies which seek appropriate development in Conservation Areas/replacement window design are not undermined.

## INTERESTED PERSON STATUS

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

- o The applicant, or if there is one, the applicant's agent;
- o The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;

- o Highway Services of the Department of Infrastructure, and
- o The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.13

**Proposal :** Creation of temporary tourist accommodation units and associated facilities for the 2022 TT period

**Site Address :** Former Prison Site  
Victoria Road  
Douglas  
Isle Of Man

**Applicant :** Department Of Enterprise

**Application No. :** 22/00102/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

C 1. The temporary building/s hereby approved on this site shall not be in situ before the 18th May 2022 and shall be removed from the site by the 17th June 2022. The use hereby approved shall not be in operation before the 27th May 2022 or after the 12th June 2022. The site shall be restored to its former condition within 4 days of the temporary building/s being removed.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the TT event only and for a period of one year as proposed by the application.

C 2. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show highway visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. The visibility splays as approved must be provided prior to first use of the development, and maintained as such unobstructed whilst the site is in use, with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety.

C 3. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show the car park laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m. The car park must be marked out in accordance with the approved plan prior to first use of the development.

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway, and to ensure adequate manoeuvring space is available for vehicles and servicing.

#### Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016.

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

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

Flood Management Division (DOI)

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

HIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

#### 1.0 THE APPLICATION SITE

1.1 The application site is the curtilage of the former prison site along Victoria Road in Douglas. The prison has been demolished in recent years and is now cleared.

#### 2.0 THE PROPOSAL

2.1 The submitted application seeks planning approvals for the creation of temporary tourist accommodation units and associated facilities for the 2022 TT period. The works include the installation of 168 tourist living accommodation units and associated facilities for the 2022 TT period which this year runs from the 27th May 2022 till 12th June 2022, with a set up period of 8 days and 4 days to remove from site. The units are proposed to be used at the Glastonbury Music Festival on the 24th June.

2.2 The 168 tourist units, which have the appearance of a portacabin buildings, which would be positioned in 6 parallel rows (generally 30 in each row) within the upper to central part of the site. Each unit would provide two single beds and a bathroom. The clients for this accommodation will be a mix of corporate guests of sponsors, European visitors and short stayers, who will predominantly be flying to the event.

2.3 The proposal includes the erection of a marquee building, which would be used to serve guests a continental style breakfast. Tea and coffee refreshments would also be provided. There will be no retail or alcohol sales and no music/performance events on the site.

2.4 The applicants anticipate that very few guests will have their own transport: the corporate guests profile indicates they will be transported by sponsor's vehicles or utilise either taxi or minibus arrangements to site. Notwithstanding this, there is provision for 10 cars and motorcycles within the existing hardstanding area adjacent to the entrance of the site.

2.5 The application is identical to those approved previously (see planning history).

#### 3.0 PLANNING HISTORY

3.1 The previous planning application on this site which is considered relevant to the determination of this application:

3.2 Creation of temporary tourist accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period - 22/00103/B - PENDING CONSIDERATION

3.3 Creation of temporary tourist accommodation units and associated facilities for the 2020 festival of motorcycling (21.08.20 - 06.09.20 inclusive) - 20/00255/B - APPROVED

3.4 Installation of 150 tourist living accommodation units and associated facilities for the 2019 TT period - 18/01346/B - APPROVED subject to the following conditions:

"C 1 The temporary building/s hereby approved on this site shall not be in situ before the 16th May 2019 and not in operation till the 24th May 2019 and until the 9th June 2019. The site shall be restored to its former condition within 4 days of the temporary building/s being removed after the event.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the TT events only and for a period of one year as proposed by the application.

C 2 Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show highway visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. The visibility splays as approved must be provided prior to first use of the development, and permanently maintained as such unobstructed thereafter with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety

C 3 Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show the car park laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m. The car park must be marked out in accordance with the approved plan prior to first use of the development.

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway, and to ensure adequate manoeuvring space is available for vehicles and servicing."

#### 4.0 PLANNING POLICY

4.1 The application site is within an area designated as "predominantly residential" under the Area Plan for the East 2021. The site is not within a Conservation Area.

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan contains four policies that are relevant to the assessment of this current planning application. The planning application should be assessed against both General Policies 2 and 3: while the latter refers only to land not zoned for any development, some of the general principles of General Policy 2 with respect to the character of the area and impact upon highway safety.

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 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (a) essential housing for agricultural workers who have to live close to their place of work (Housing Policies 7, 8, 9 and 10)
- (b) conversion of redundant rural buildings which are of architectural, historical, or social value and interest (Housing Policy 11)
- (c) previously developed land which contains a significant amount of buildings where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environmental and where the development proposed would result in improvements to the landscape or wider environment
- (d) the replacement of existing rural dwellings (Housing Policies 12, 13 and 14)
- (e) location-dependant development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

4.5 Business Policy 11 states: "Tourism development must be in accordance with the sustainable development objectives of this plan; policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings would be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted."

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

## 5.0 REPRESENTATIONS

5.1 Douglas Borough Council does not oppose (04.02.2022).

5.2 Highway Services comment (03.02.2022):

"After reviewing this Application, Highway Services finds it to have no significant negative impact upon highway safety, network functionality and /or parking given previous planning approvals arrangements for travel to and from site are predominately non car based negating the need for a car parking plan. Consideration should be given to repeating condition 3 of

PA18/01346/B on visibility, ground reinstatement at end of period, and restricting use to the 2022 TT and Grand Prix periods as well as to cover the duration for erection, dismantling and any reinstatement necessary. Highway licences may be necessary for advance signing on the highway."

5.3 Flood Management Division do not object (31.01.2022).

## 6.0 ASSESSMENT

6.1 There are no specific policies in the Development Plan which relate to camping/temporary unit uses. The application therefore needs to be judged on its own merits, having regard to the visual impact of the proposed temporary accommodation, the impact upon highway safety, and finally the impact upon neighbouring properties.

### VISUAL IMPACT OF THE PROPOSED TEMPORARY ACCOMMODATION

6.2 The site located on a corner plot would result in the proposed development being clearly visible from Victoria Road, Victoria Avenue and Upper Dukes Road. The proposed temporary buildings are not of architectural quality; they essentially appear as rows of portacabins. They are purely 'function of form'. If this application was proposing the units on a permanent basis, then it would be strongly resisted as they are not an appropriate form of development within the area. However, being operational for 16 days only (total time including installation, operation and takedown is 28 days) it is considered; similar to the Snoozebox application (similar unit/use that operated on Nobles Park), it is considered the very temporary needs for this proposal, outweigh the visual harm it would cause.

### THE IMPACT UPON HIGHWAY SAFETY

6.3 The site is situated within Douglas and is on a main bus route for public transport into Douglas as well as good connections throughout the Island. The site is also within close proximity to the Grandstand/ TT course making it a logical location for the proposed use. As highlighted by the applicants the likely occupants would not necessarily have their own vehicles, relying on sponsors' vehicles/taxis/mini buses. Further, the proximity to the Grandstand and Douglas Town Centre also helps reduce the reliance on private vehicles; as such areas are also within walking distance. A condition should be attached which requires a plan being submitted (as previously attached) showing the required visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. These can be provided, albeit will require the lowering of a section of stone walling, which is also considered acceptable. It does not appear these were undertaken and therefore the previous operation of the site in 2019 could be considered to be used unlawfully as they failed to meet the required conditions.

6.4 Highway Services previously also sought outline two conditions relating to the car parking being laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m and also restricting the tourist units to be used only for TT. In terms of the first condition initially it was considered this may not be necessary as this is a one off event and second as the majority of vehicles likely to be parking on the site are motorbikes. However, the applicants have advised that there will be a maximum of 40 motorcycles and 20 cars. It would appear the majority of cars/vans would be associated with the servicing of the site (food deliveries, cleaning, laundry & refuse) and therefore the setting out of the spaces would as Highway Services previously indicate "maximise the number of parking spaces that could be accommodated". Accordingly, the condition should be attached. In terms of the condition relating to use, Condition 1 of the approval would essentially control this again.

### IMPACT UPON NEIGHBOURING PROPERTIES

6.5 Clearly the proposal will have an impact upon neighbouring amenities, namely people coming and going from the site throughout the day and night. The proposal would appear to

be trying to resolve the potential impact with the position of the units away from residential properties to the southwest of the site and ensuring that no alcohol/music is provided within the marquee building. Further, comfort is had that it is not envisaged that large amount of vehicles would come and go from the site for the above reasons previously stated. The applicants have also indicated that the site would be manned by a site manager, located on site in a temporary office, supplemented by security and housekeeping staff who will service all rooms within an onsite collection of laundry and refuse.

6.6 Weight is also attached to no objections being received from neighbouring residents (even after the site has operated once before) and also given the temporary nature of the proposal which would be operated for 16 days only. It should be remembered that the planning system cannot control how a site is managed, and nor can it control how people behave or the hours of the day that people would come and go from the site. It is true; however, that it is clearly in the operator's interest to ensure the site is properly managed.

## 7.0 CONCLUSION

7.1 Due to the reasons stated, it is concluded the proposal would be acceptable for a temporary period only and would not significant affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016 and therefore the application is recommend for an approval.

## 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.14

**Proposal :** Creation of temporary tourist accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period

**Site Address :** Former Prison Site  
Victoria Road  
Douglas  
Isle Of Man

**Applicant :** Department Of Enterprise

**Application No. :** 22/00103/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

C 1. The temporary building/s hereby approved on this site shall not be in situ before the 11th August 2022 and shall be removed from the site by the 2nd September 2022. The use hereby approved shall not be in operation before the 20th August 2022 or after the 29th August 2022. The site shall be restored to its former condition within 4 days of the temporary building/s being removed.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the 2022 Classic TT and Grand Prix event only and for a period of one year as proposed by the application.

C 2. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show highway visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. The visibility splays as approved must be provided prior to first use of the development, and maintained as such unobstructed whilst the site is in use, with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety.

C 3. Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show the car park laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m. The car park must be marked out in accordance with the approved plan prior to first use of the development.

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway, and to ensure adequate manoeuvring space is available for vehicles and servicing.

Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016.

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

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

Flood Management Division (DOI)

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

#### 1.0 THE APPLICATION SITE

1.1 The application site is the curtilage of the former prison site along Victoria Road in Douglas. The prison has been demolished in recent years and is now cleared.

#### 2.0 THE PROPOSAL

2.1 The submitted application seeks planning approvals for the Creation of temporary tourist accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period. The works include the installation of 168 tourist living accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period which this year runs from the 20th August 2022 till 29th August 2022, with a set up period of 8 days and 4 days to remove from site.

2.2 The 168 tourist units, which have the appearance of a portacabin buildings, which would be positioned in 6 parallel rows (generally 30 in each row) within the upper to central part of the site. Each unit would provide two single beds and a bathroom. The clients for this accommodation will be a mix of corporate guests of sponsors, European visitors and short stayers, who will predominantly be flying to the event.

2.3 The proposal includes the erection of a marquee building, which would be used to serve guest a continental style breakfast. Tea and coffee refreshments would also be provided. There will be no retail or alcohol sales and no music/performance events on the site.

2.4 The applicants anticipate that very few guests will have their own transport: the corporate guests profile indicates they will be transported by sponsor's vehicles or utilise either taxi or minibus arrangements to site. Notwithstanding this, there is provision for 10 cars and motorcycles within the existing hardstanding area adjacent to the entrance of the site.

2.5 The application is identical to those approved previously (see planning history).

#### 3.0 PLANNING HISTORY

3.1 The previous planning application on this site which is considered relevant to the determination of this application:

3.2 Creation of temporary tourist accommodation units and associated facilities for the 2022 TT period - 22/00102/B - PENDING CONSIDERATION

3.3 Creation of temporary tourist accommodation units and associated facilities for the 2020 festival of motorcycling (21.08.20 - 06.09.20 inclusive) - 20/00255/B - APPROVED

3.4 Installation of 150 tourist living accommodation units and associated facilities for the 2019 TT period - 18/01346/B - APPROVED subject to the following conditions:

"C 1 The temporary building/s hereby approved on this site shall not be in situ before the 16th May 2019 and not in operation till the 24th May 2019 and until the 9th June 2019 (). The site shall be restored to its former condition within 4 days of the temporary building/s being removed after the event.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the TT events only and for a period of one year as proposed by the application.

C 2 Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show highway visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. The visibility splays as approved must be provided prior to first use of the development, and permanently maintained as such unobstructed thereafter with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety

C 3 Prior to the commencement of the development, a plan must be submitted to and approved in writing by the Department to show the car park laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m. The car park must be marked out in accordance with the approved plan prior to first use of the development.

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway, and to ensure adequate manoeuvring space is available for vehicles and servicing."

#### 4.0 PLANNING POLICY

4.1 The application site is within an area designated as "predominantly residential" under the Area Plan for the East 2021. The site is not within a Conservation Area.

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan contains four policies that are relevant to the assessment of this current planning application. The planning application should be assessed against both General Policies 2 and 3: while the latter refers only to land not zoned for any development, some of the general principles of General Policy 2 with respect to the character of the area and impact upon highway safety.

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 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (a) essential housing for agricultural workers who have to live close to their place of work (Housing Policies 7, 8, 9 and 10)
- (b) conversion of redundant rural buildings which are of architectural, historical, or social value and interest (Housing Policy 11)
- (c) previously developed land which contains a significant amount of buildings where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environmental and where the development proposed would result in improvements to the landscape or wider environment
- (d) the replacement of existing rural dwellings (Housing Policies 12, 13 and 14)
- (e) location-dependant development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

4.5 Business Policy 11 states: "Tourism development must be in accordance with the sustainable development objectives of this plan; policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings would be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted."

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

## 5.0 REPRESENTATIONS

5.1 Douglas Borough Council does not oppose (04.02.2022).

5.2 Highway Services comment (03.02.2022):

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking given previous planning approvals arrangements for travel to and from site are predominately non car based negating the need for a car parking plan. Consideration should be given to repeating condition 3 of PA18/01346/B on visibility, ground reinstatement at end of period, and restricting use to the 2022 TT and Grand Prix periods as well as to cover the duration for

erection, dismantling and any reinstatement necessary. Highway licences may be necessary for advance signing on the highway."

5.3 Flood Management Division do not object (31.01.2022).

## 6.0 ASSESSMENT

6.1 There are no specific policies in the Development Plan which relate to camping/temporary unit uses. The application therefore needs to be judged on its own merits, having regard to the visual impact of the proposed temporary accommodation, the impact upon highway safety, and finally the impact upon neighbouring properties.

### VISUAL IMPACT OF THE PROPOSED TEMPORARY ACCOMMODATION

6.2 The site located on a corner plot would result in the proposed development being clearly visible from Victoria Road, Victoria Avenue and Upper Dukes Road. The proposed temporary buildings are not of architectural quality; they essentially appear as rows of portacabins. They are purely 'function of form'. If this application was proposing the units on a permanent basis, then it would be strongly resisted as they are not an appropriate form of development within the area. However, being operational for 9 days only (total time including installation, operation and takedown is 21 days) it is considered; similar to the Snoozebox application (similar unit/use that operated on Nobles Park), it is considered the very temporary needs for this proposal, outweigh the visual harm it would cause.

### THE IMPACT UPON HIGHWAY SAFETY

6.3 The site is situated within Douglas and is on a main bus route for public transport into Douglas as well as good connections throughout the Island. The site is also within close proximity to the Grandstand/ TT course making it a logical location for the proposed use. As highlighted by the applicants the likely occupants would not necessarily have their own vehicles, relying on sponsors' vehicles/taxis/mini buses. Further, the proximity to the Grandstand and Douglas Town Centre also helps reduce the reliance on private vehicles; as such areas are also within walking distance. A condition should be attached which requires a plan being submitted (as previously attached) showing the required visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. These can be provided, albeit will require the lowering of a section of stone walling, which is also considered acceptable. It does not appear these were undertaken and therefore the previous operation of the site in 2019 could be considered to be used unlawfully as they failed to meet the required conditions.

6.4 Highway Services previously also sought outline two conditions relating to the car parking being laid out with spaces of at least 2.5m x 5m in size with a minimum car park aisle width of 6m and also restricting the tourist units to be used only for TT. In terms of the first condition initially it was considered this may not be necessary as this is a one off event and second as the majority of vehicles likely to be parking on the site are motorbikes. However, the applicants have advised that there will be a maximum of 40 motorcycles and 20 cars. It would appear the majority of cars/vans would be associated with the servicing of the site (food deliveries, cleaning, laundry & refuse) and therefore the setting out of the spaces would as Highway Services previously indicate "maximise the number of parking spaces that could be accommodated". Accordingly, the condition should be attached. In terms of the condition relating to use, Condition 1 of the approval would essentially control this again.

### IMPACT UPON NEIGHBOURING PROPERTIES

6.5 Clearly the proposal will have an impact upon neighbouring amenities, namely people coming and going from the site throughout the day and night. The proposal would appear to be trying to resolve the potential impact with the position of the units away from residential properties to the southwest of the site and ensuring that no alcohol/music is provided within



the marquee building. Further, comfort is had that it is not envisaged that large amount of vehicles would come and go from the site for the above reasons previously stated. The applicants have also indicated that the site would be manned by a site manager, located on site in a temporary office, supplemented by security and housekeeping staff who will service all rooms within an onsite collection of laundry and refuse.

6.6 Weight is also attached to no objections being received from neighbouring residents (even after the site has operated once before) and also given the temporary nature of the proposal which would be operated for 9 days only. It should be remembered that the planning system cannot control how a site is managed, and nor can it control how people behave or the hours of the day that people would come and go from the site. It is true; however, that it is clearly in the operator's interest to ensure the site is properly managed.

## 7.0 CONCLUSION

7.1 Due to the reasons stated, it is concluded the proposal would be acceptable for a temporary period only and would not significant affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016 and therefore the application is recommend for an approval.

## 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 14th March 2022

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### Item 5.15

**Proposal :** Alterations, erection of extension and creation of a café (class 1.3)  
**Site Address :** King Edward Bay Golf Club  
Groudle Road  
Onchan  
Isle Of Man  
IM3 2JR  
**Applicant :** Golf & Leisure Limited  
**Application No. :** 22/00144/B- [click to view](#)  
**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. For the avoidance of doubt the approval hereby given allows for the additional use of the existing pro golf shop to be used as a café (class 1.3).

Reason: To allow the building to be used as a golf pro shop and a café as proposed.

Reason for approval:

It is concluded that the planning application would have no significant impacts upon public or private amenities and therefore accords with the provisions set out in General Policy 2 of the Isle of Man Strategic Plan 2016 & Environment Policy 22.

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

None

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

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

1.0 THE APPLICATION SITE

1.1 The site is the King Edward Bay Golf Club, Groudle Road, Onchan. The site consists of a large golf course to the east of Onchan between the Groudle Road and King Edward Road. There is a large clubhouse building on the northeast part of the site set up from the Groudle Road by approximately 50 metres, in a prominent area overlooking the course and residential area to the east. At the rear of the incorporated restaurant part of the building there is a patio area with pitched roofed smoking shelter, facing out towards the course.

## 2.0 THE PROPOSAL

2.1 The planning application seeks approval for alterations, erection of extension and creation of a café (class 1.3). The works include a modest single storey infill extension between the existing pro shop and the main clubhouse building.

2.2 In terms of the reasoning for the proposal the applicants have stated;  
"There are two primary reasons for the proposals.

Firstly, the creation of a golfers' lounge at Ground Floor, would ensure that the majority of golfing-related activities, and certainly those that are undertaken most frequently, would be on the same level; the existing golfers' lounge at First Floor would be retained for use as a Committee Room. This would create much greater levels of accessibility for day-to-day golfing, and an advantageous level of separation between the golfing and Spa functions.

Secondly, the intention is to create a golfers' café within the existing Pro Shop, to increase the income, and therefore the viability, of the Golf Club, both by having an income producing facility, and by enhancing new member recruitment and existing member retention through the creation of a social hub, in combination with the attached golfers' lounge."

2.3 In terms of opening hours and staff level the applicants comment;

"I have also had a response from our Client regarding staffing levels and opening hours. With regard to the former, there will be two members of staff generally, with a third member of staff being utilised during peak or busy times, such as Club Nights or Scratch Competitions. Opening hours are to be 8.30am until 4.30pm every day, but occasionally extended to 10.00pm when there is a Club Night or Scratch Competition during the longer days; this would be on an 'as needs' basis but it is considered that that requirement will not occur more than two nights a week from May to September inclusive."

## 3.0 PLANNING HISTORY

3.1 There are a number of previous applications associated with the site; however, only the following are considered material in the assessment of this application;

3.2 Alterations and extension to existing restaurant and smoking area - 19/00321/B APPROVED

3.3 Change of use of existing vacant residential apartment to use as gymnasium in support of other leisure facilities - 17/00384/B - APPROVED

3.4 Erection of extension to beauty therapy rooms and creation of private and sheltered garden area - 16/01394/B - APPROVED

3.5 Change of use of existing function room area to provide beauty therapy rooms - 16/01033/C - APPROVED

3.6 Erection of a single storey open fronted building to provide a six bay golf driving range with associated facilities - 16/00565/B - APPROVED

#### 4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site is within an area recognised as being within "Golf Course - Open Space" use under the Area Plan for the East 2020. The site is not within a Conservation Area.

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains two policies that is considered specifically relevant 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 Environment Policy 22 states: "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

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

4.5 Business Policy 10 states: "Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5."

#### 5.0 REPRESENTATIONS

5.1 Onchan Commissioner do not object (24.02.2022).

5.2 Highway Services have no objection (18.02.2022).

## 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) the potential impact upon the visual amenities of the area; (c) potential impact upon neighbouring amenities; and (d) potential impact upon highway safety.

### PRINCIPLE OF DEVELOPMENT

6.2 As indicated previously, the site is designated as "Golf Course" under the Area Plan for the East. Accordingly, given the proposal is for a café it could be considered the proposed use to not fit with this land use designation. It should be noted that the existing single storey part of the building which currently accommodates the golf pro shop, is the area of the proposed café. It should be noted that the pro golf shop would still operate in the same space, albeit the upkeep costs would be shared between the two uses.

6.3 The small infill extension would accommodate a golfer's lounge. This raise no concerns in terms of use.

6.4 There could also be some concern that the golf club house was losing the "golfing" aspect in terms of the amount of floor space taken up by other non-golfing uses i.e. the spa. However, on this point the applicants have helpfully addressed this issue by stating:

"Currently, in terms of overall use, the Spa occupies just over 32% of the total Gross Internal Area of the building, with the remaining 68% accommodating the restaurant, gymnasium, and golfing facilities, all of which were already existing when the Spa was created, except the gymnasium which is located where the an apartment was sited. These proposals would represent a net gain in the golfing facilities and, therefore, an increase in the proportion of the building that is used for that purpose. As can be seen on the submitted drawings, the proposed golfers' lounge can be accommodated by utilising (with a modest extension to) a substantially under-utilised Store Room; this layout will also allow the introduction of a fully-accessible toilet facility between the golfers' lounge and café. For the avoidance of doubt, the Pro Shop would continue to be operated from the café area, but the overhead of running that element would be shared with the café and therefore further increase the viability of the overall Golf Club."

6.5 With the above comments in mind, it is considered the café will not result in the loss of the "golfing" usage and has the potential to increase person/s to the site who are perhaps non-golfers and potential encourage them to take the sport up. If anything, it will likely help the golf course in terms of financial viability, given golf as a generally sport on the IOM has seen a reduction in membership, which in turs has put some golf courses in jeopardy (some have closed).

6.6 Overall, whilst it could be considered the additional café use does not fall under the land use definition of "golf course", given it is a duel usage (pro shop) and its relatively small scale compared to the rest of the building, the proposal is really ancillary to the main club house. Therefore the principle of the development is acceptable.

### THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA

6.7 The Golf Course site is within a very prominent location and views can be achieved from various distant locations within Onchan Village; to the north across the Groudle Glen Valley and from views approaching the site from the Groudle Road. Accordingly, given this and the land use designation it is essential any new development would be appropriate and would not adversely affect the area.

6.8 The proposed extension is an infill development and single storey, therefore the works from distance views would largely go unnoticed and in fact when seen (golf car park), the works would represent an enhancement over the existing situation given the finishes of the external finished (dark grey vertical cladding) and more appropriate window details, all of which will add additional architectural interest to the building.

#### POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.9 The physical works given their size and distance from neighbouring properties will have no impact to residential properties in the area. The proposal will encourage additional person/s to visit the site; however, a small scale café as proposed, is not considered to result in significant number of person/s to an extent which would adversely affect neighbouring amenities, namely additional traffic coming and going.

#### POTENTIAL IMPACT UPON HIGHWAY SAFETY

6.10 Highway Services have considered the application and have no objection. Accordingly, given no objection being received it is considered the proposal would not result in an adverse impact upon highway safety to the highway network. There is sufficient onsite parking to accommodate visitors.

#### 7.0 CONCLUSION

7.1 Overall it is concluded that the planning application would have no significant impacts upon public or private amenities and therefore accords with the provisions set out in General Policy 2 of the Isle of Man Strategic Plan 2016 & Environment Policy 22 and as such the planning application 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.